TABLE OF CONTENTS

Regular Session - 1997
(1-8-97 through 6-12-97)

1997 Cover Page i
1997 Officers of the Legislature ii
1997 Legislative Members iii
1997 Rules of the Legislature 1-85
1997 Legislative Journal 1-2762
1997 Chronology Cover Page 2763
1997 Chronology of Bills 2765
1997 Chronology of Resolutions Referred to Committee 3029
1997 Introducers of Bills and Resolutions Referred to Committee
  By Senators 3045
  By Committees 3146
1997 Bills and Resolutions Heard by Committees 3149
1997 Summary of Legislation 3154
1997 General Index 3161
1997 Subject Index
  to Bills and Resolutions Referred to Committee 1-158
1997 Section Index 1-36
1997 Subject Index to Resolutions 1-39

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume 1

NINETY-FIFTH LEGISLATURE
FIRST SESSION

1997

Convened January 8, 1997 Adjourned June 12, 1997

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

OFFICERS OF THE LEGISLATURE

Kim M. Robak (Lt. Governor), President	Lincoln
Ron Withem, Speaker	Papillion
Patrick J. O'Donnell, Clerk	Lincoln
Richard Brown, Assistant Clerk	Lincoln
Harland Johnson, Chaplain Coordinator	Lincoln
Lynne Haas, Sergeant at Arms	Lincoln

EXECUTIVE BOARD

George Coordsen, Hebron	Chairperson
Floyd P. Vrtiska, Table Rock	Vice Chairperson
Curt Bromm, Wahoo	Member at Large
Ernie Chambers, Omaha	Member at Large
Pat Engel, South Sioux City	Member at Large
Douglas A. Kristensen, Minden	Member at Large
Janis McKenzie, Harvard	Member at Large
Dwite A. Pedersen, Elkhorn	Member at Large
Ron Withem, Papillion	Speaker
Roger R. Wehrbein, Plattsmouth	Ex Officio Member

REVISOR OF STATUTES

Joanne Pepperl

FISCAL ANALYST

Michael Calvert

OMBUDSMAN

Marshall Lux

RESEARCH

Cynthia Johnson

JOURNAL CLERKS/INDEX CLERK

Vicki Buck
Carol Koranda
Willa Lanik
Peggy Sieck
Joan Vanderford

LEGISLATURE

MEMBERS

Dist.	Name	Address	Occupation	Counties
1	Floyd P. Vrtiska	Table Rock	Semi-retired Farmer	Gage*, Johnson, Nemaha, Otoe*, Pawnee, Richardson
2	Roger R. Wehrbein	Plattsmouth	Farmer/Feeder	Cass, Otoe*
3	Jon Bruning	Omaha	Lawyer	Sarpy*
4	Kermit A. Brashear	Omaha	Lawyer	Douglas*
5	Donald G. Preister	Omaha	Joy Creations Greeting Card Manufacturer	Douglas*, Sarpy*
6	Pam Brown	Omaha	Consultant	Douglas*
7	John Hilgert	Omaha		Douglas*
8	Eric J. Will	Omaha	Senator	Douglas*
9	Shelley Kiel	Omaha	Small Business Owner/ FlatWorld	Douglas*
10	Deborah S. Suttle	Omaha	Community Activist	Douglas*
11	Ernie Chambers	Omaha	Defender of the Downtrodden	Douglas*
12	Chris Abboud	Omaha	Attorney	Douglas*
13	Daniel C. Lynch	Omaha	Insurance	Douglas*
14	Ron Withem	Papillion	Executive Director, Mechanical Contractors Association	Sarpy*
15	Ray Janssen	Nickerson	Grocer	Dodge*
16	C. N. "Bud" Robinson	Blair	Educator and Businessman	Burt*, Cuming*, Washington
17	Pat Engel	South Sioux City	State Farm Insurance Agent	Burt*, Cuming*, Dakota, Dixon*, Thurston, Wayne*

Dist.	Name	Address	Occupation	Counties
18	Stan Schellpeper	Stanton	Farmer	Cedar, Dixon*, Knox*, Pierce, Stanton, Wayne*
19	Gene Tyson	Norfolk	Retired	Madison
20	Jim Jensen	Omaha	Contractor	Douglas*
21	Carol Hudkins	Malcolm	Farmer	Douglas*, Lancaster*, Saunders*
22	Jennie Robak	Columbus	Federal Emergency Management Agency (FEMA)	Boone*, Nance, Platte*
23	Curt Bromm	Wahoo	Attorney	Butler, Colfax, Cuming*, Dodge*, Platte*, Polk*, Saunders*
24	Elaine Stuhr	Bradshaw	Farmer	Polk*, Seward, York
25	Jerome Warner	Waverly	Livestock/Farming	Lancaster*
25	Ronald E. Raikes	Lincoln	Farmer	Lancaster*
26	Don Wesely	Lincoln	Senior Research Associate-Aliant Communications	Lancaster*
27	DiAnna R. Schimek	Lincoln		Lancaster*
28	Chris Beutler	Lincoln	Attorney, Businessman	Lancaster*
29	LaVon Crosby	Lincoln		Lancaster*
30	David I. Maurstad	Beatrice	Insurance Agent	Gage*, Jefferson*, Lancaster*, Saline*
31	Kate Witek	Omaha	State Senator	Douglas*
32	George Coordsen	Hebron	Farmer	Fillmore, Jefferson*, Nuckolls*, Saline*, Thayer
33	Ardyce Bohlke	Hastings		Adams, Hall*
34	Janis McKenzie	Harvard	Education Consultant	Clay, Hall*, Hamilton, Merrick
35	Chris Peterson	Grand Island		Hall*
36	Jim D. Cudaback	Riverdale	Property Manager	Buffalo*, Dawson, Sherman*

Dist.	Name	Address	Occupation	Counties
37	Douglas A. Kristensen	Minden	Attorney	Buffalo*, Kearney
38	Ed Schrock	Elm Creek	Farmer	Franklin, Furnas*, Gosper, Harlan, Nuckolls*, Phelps, Webster
39	Dwite A. Pedersen	Elkhorn	Private Practice Substance Abuse and Gambling Counselor	Douglas*, Sarpy*
40	Merton L. Dierks	Ewing	Rancher/Veterinarian	Antelope, Boyd, Holt, Knox*
41	Jerry Schmitt	Ord		Boone*, Custer*, Garfield, Greeley, Hall*, Howard, Sherman*, Valley, Wheeler
42	Donald W. Pederson	North Platte	Attorney	Lincoln
43	Jim Jones	Eddyville	Rancher	Blaine, Brown, Cherry, Custer*, Grant, Hooker, Keya Paha, Logan, Loup, McPherson, Rock, Sheridan*, Thomas
44	W. Owen Elmer	Indianola	State Senator	Chase, Dundy, Frontier, Furnas*, Hayes, Hitchcock, Perkins, Red Willow
45	D. Paul Hartnett	Bellevue	College Professor	Sarpy*
46	David M. Landis	Lincoln	College Instructor	Lancaster*
47	Gerald E. Matzke	Sidney	Lawyer	Arthur, Cheyenne, Deuel, Garden, Keith, Kimball, Morrill
48	Joyce Hillman	Gering		Scotts Bluff*
49	Bob Wickersham	Harrison	Attorney	Banner, Box Butte, Dawes, Scotts Bluff*, Sheridan*, Sioux

Clerk

Patrick J. O'Donnell . . . . . Lincoln

RULES

# of the

NEBRASKA

UNICAMERAL

LEGISLATURE

Published by

Patrick J. O'Donnell
Clerk of the Legislature
Lincoln, Nebraska 68509

Adopted January 18, 1996

Printed with soy ink on recycled paper.

03-01-12-96

RULES OF THE NEBRASKA UNICAMERAL

TABLE OF CONTENTS

RULE 1--OFFICERS AND EMPLOYEES 1

RULE 2--RULES OF PROCEDURE 9

RULE 3--COMMITTEES 13

RULE 4--RESOLUTIONS 27

RULE 5--BILLS--GENERAL PROVISIONS 31

RULE 6--BILLS--STAGES OF CONSIDERATION 39

RULE 7--PROCEEDINGS AND MOTIONS 47

RULE 8--APPROPRIATIONS PROCESS 55

RULE 9--SPECIAL SESSIONS 57

RULE 10--ELECTION CONTESTS AND QUALIFICATIONS CHALLENGES 59

MOTIONS 63

INDEX TOPICS 64

INDEX 65

RULE 1--OFFICERS AND EMPLOYEES

A. Election of Officers

Section 1. Officers to Be Elected. (a) At the commencement of each regular session in odd-numbered years the Legislature shall nominate from the floor and elect by secret ballot the following officers:

Speaker
Chairperson of Committee on Committees
Chairperson of Executive Board
Vice Chairperson of Executive Board
6 Members of Executive Board (See footnote)

Before the ballot is taken each person so nominated may make a public statement to the Legislature indicating what the Legislature may expect from him or her in the area of the responsibility of such office. The officers so elected shall hold such office for a period of two years.

The Legislature elects two from Legislative Districts 1, 2, 15, 16, 21, 23 through 30, 32, 34, 35, and 46; two from Legislative Districts 3 through 14, 20, 31, 39, and 45; and two from Legislative Districts 17 through 19, 22, 33, 36 through 38, 40 through 44, and 47 through 49. Speaker is member of Board; Chairperson of Appropriations is nonvoting member. RRS 50-401.01.

(b) In the event a vacancy occurs on the Executive Board, the following shall apply:

(i) The Vice Chairperson shall serve as acting Chairperson upon the resignation or death of the Chairperson until the commencing of the next regular session of the Legislature, at which time the Legislature shall nominate from the floor and elect by secret ballot a Chairperson of the Executive Board for the balance of the original term.

(ii) Upon the resignation or death of the Speaker, during the interim, said position shall remain vacant until the next regular session or special session the Legislature convenes, at which time a Speaker shall be nominated from the floor and elected by secret ballot for the balance of the original term.

Upon the resignation or death of the Speaker during the session, a Speaker shall immediately be nominated from the floor and elected by secret ballot for the balance of the term.

(iii) In the event there is a vacancy of the Vice Chairperson of the Executive Board during the interim, said vacancy shall be filled pursuant to Rule 3, Section 7(c) until the commencing of the next regular session of the Legislature at which time the Legislature shall nominate from the floor and elect by secret ballot a Vice Chairperson of the Executive Board for the balance of the original term.

(iv) During session, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Legislature. The individual so selected shall serve for the balance of the original term.

During the interim, a vacancy among the remaining six members of the Executive Board shall be filled by a majority vote of all members of the respective caucus from which the vacancy occurred, subject to approval of the Executive Board. The individual so selected shall serve for the balance of the original term.

Sec. 2. Officers to Be Approved. In addition, the Legislature shall advise and consent to the recommendations of the Executive Board of the Legislative Council for the following officers:

Chief Clerk of the Legislature
Assistant Clerk of the Legislature
Sergeant at Arms
Chaplain Coordinator

Officers and employees recommended by the Executive Board. RRS 50-111.

Sec. 3. Voting on and Removal of Officers. (a) A majority vote of the elected members shall be required for the election of all officers of the Legislature. All officers shall hold their office until a successor is chosen or they are removed.

(b) Any officer of the Legislature may be recalled upon a two-thirds majority vote of the members elected to the Legislature provided no such recall shall be voted on until five legislative days after the motion to do so is placed in the Journal. The vacancy thus created shall be filled by a majority vote of the members.

Sec. 4. Officer's Oath. Each permanent officer shall take an oath to support the Constitution of the United States, and the constitution of the State of Nebraska, and to discharge faithfully the duties of his or her office according to the best of his or her ability.

B. Presiding Officer

Sec. 5. President of the Legislature. The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he or she may preside.

Prohibited from presiding when acting as Governor. Const. Art. III, Sec. 10.
Duties and powers. RRS 50-113.

Sec. 6. Presiding Officer, Order in Designating. In the absence of both the Lieutenant Governor and the Speaker, the order of the presiding officer of the Legislature shall be as follows:

Chairperson of the Legislative Council
Chairperson of Committee on Committees
Chairperson of Committee on Judiciary
Chairperson of Committee on Government, Military and Veterans Affairs
Chairperson of Committee on Appropriations
Chairperson of Committee on Revenue
Chairperson of Committee on Education
Chairperson of Committee on Banking, Commerce and Insurance
Chairperson of Committee on Natural Resources
Chairperson of Committee on Agriculture
Chairperson of Committee on Health and Human Services
Chairperson of Committee on General Affairs
Chairperson of Committee on Business and Labor
Chairperson of Committee on Urban Affairs
Chairperson of Committee on Transportation

Sec. 7. Powers of Presiding Officer, Restrictions. All the powers herein conferred on the President shall be exercised by the presiding officer, except the authority to sign bills or resolutions passed by the Legislature.

Const. Art. III, Sec. 14.
Addressing the chair. Rule 2, Section 7.
Duties. RRS 50-113.

Sec. 8. Alternate Presiding Officers. The President may name any member to perform the duties of the presiding officer, but such delegation shall not extend beyond adjournment.

Sec. 9. Convening of Legislature, Quorum. The President shall take the chair each legislative day at the hour to which the Legislature shall have adjourned at the last sitting. He or she shall call the Legislature to order, and a quorum being present, shall proceed in the manner and order prescribed by these Rules. A majority of the members elected to the Legislature shall constitute a quorum.

Const. Art. III, Sec. 10.

Sec. 10. Absence of Quorum. If the President finds that a number less than a quorum is present, he or she shall so state, and a majority of the members present, if five in number, may compel the presence of all members subject to a call of the house.

Sec. 11. Order and Decorum. The President shall preserve order and decorum, and in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared.

Consent to enter chamber. Rule 2, Section 3.

Sec. 12. Overrule Ruling of the Chair. The President may speak to a point of order in preference to members, and shall decide the questions or order, subject to a challenge to the Legislature by any member, on which challenge no member may speak more than once, unless by leave of the Legislature. In the event of a challenge to a ruling of the chair, the ruling shall be restated and the question shall be phrased: "Shall the Chair be overruled?" A majority of those present shall be required to overrule the chair.

Sec. 13. Signing of Bills and Resolutions. The President shall sign, in the presence of the Legislature, while the same is in session and capable of transacting business, all bills and resolutions passed by the Legislature. All writs, warrants, and subpoenas issued by order of the Legislature shall be under his or her hand and seal, and attested to by the Clerk.

Only Lieutenant Governor or Speaker may sign bills. Const. Art. III, Sec. 14.

Sec. 14. Lieutenant Governor Voting, When. The Lieutenant Governor, when presiding, shall vote only when the Legislature is equally divided.

Const. Art. III, Sec. 10.

C. Speaker

Sec. 15. Speaker, Presiding, Privilege. The Speaker shall preside over the Legislature at such times and circumstances as is above set forth. He or she shall be privileged to speak at any stage of proceedings at any time incident to the duties and responsibilities of his or her office.

Distribution of material by Clerk. Rule 2, Section 3g.
Excuse attendance at committee hearing. Rule 2, Section 4.
Power to refer bill back to committee. Rule 6, Section 3g.
Signing of bills. Const. Art. III, Sec. 14.

Sec. 16. Report Order of Bills. (a) The Speaker, with the approval of the Executive Board, shall report to the Legislature the order in which bills and resolutions shall be considered on General File. The Speaker's orders, as approved, are final unless changed by a three-fifths vote of the elected members of the Legislature. General appropriation bills shall be given precedence over all other bills.

(b) The Speaker may, when sound judgment would so dictate, postpone the scheduled reconvening of the Legislature for up to forty-eight hours when (1) an emergency exists due to adverse weather or other causes, or (2) a quorum cannot be assembled within one half hour after the time to which the Legislature was to have convened.

(c) The Speaker shall prepare a daily legislative agenda and shall make every effort possible to deliver the agenda to the members of the Legislature not less than one day prior to the day for which the agenda was prepared.

Sec. 17. Speaker's Major Proposals. The Speaker shall be authorized to:
(a) Designate up to five bills, or resolutions proposing to amend the Constitution, as major proposals during each legislative session. Determinations made by the Speaker pursuant to this subsection shall be limited to bills or resolutions previously designated as a senator priority and approved by a vote of two-thirds of the Executive Board.

(b) Require each committee to which a major proposal has been referred to:

(1) hold a public hearing by a date certain as agreed to by the Speaker and committee chairperson.

(2) take action, including voting to advance the measure with or without amendments to the full Legislature, voting to indefinitely postpone the measure, or taking a vote on the measure that does not result in the measure's advancement or indefinite postponement. Committee action as defined above must be taken by a date certain as determined by the Speaker and committee chairperson.

(c) Determine the scheduling of the proposal and the order of amendments and motions to be considered.

D. Clerk of the Legislature

Sec. 18. Duties, Journal, Report on Employees. (a) The Clerk of the Legislature shall attend sessions, call the roll, and keep journal of proceedings.

(b) The Clerk of the Legislature shall print no paper or document, except bills and the daily Journal, unless authorized by a majority vote of the elected members of the Legislature, or by the Executive Board.

Preprinting of bills. Rule 5, Section 3.

(c) The Clerk of the Legislature shall have general charge, except as may be provided by law or by rule, of such parts of the Capitol and its passages as are or may be set apart for the use of the Legislature and its officers and employees.

(d) No communications or letters shall be read by the Clerk of the Legislature unless authorized by the Speaker or the Executive Board Chairperson.

General duties. RRS 50-114.
Distribute material, when authorized. Rule 2, Section 3g.
Fiscal notes, attach to bills. Rule 5, Section 6d.

Sec. 19. Journal, Governor's Messages, Amendments. (a) The Clerk shall prepare a daily Journal of the proceedings of the Legislature, which shall be printed and placed each day upon the desks of the members, and the presiding officer shall call in the regular order of business for corrections thereof. After corrections, if any are made, the Journal shall stand approved without motion.

Order of business. Rule 7, Section 1b.

(b) The Clerk shall enter in the daily Journal messages of the Governor in full, titles of bills, every vote, including the yeas and nays, and a brief statement of the contents of each resolution, petition, memorial, or other paper presented for the consideration of the Legislature.

Constitutional amendment, print in full. Const. Art. XVI, Sec. 1.

(c) The hour at which the Legislature adjourns shall be entered in the daily Journal.

(d) All amendments for which a vote is taken shall be entered in the daily Journal.

(e) All amendments and motions filed with the Clerk prior to the day a bill or resolution is considered shall be recorded in the daily Journal with the name of the introducer or introducers. The text of any amendment whose length is no more than ten pages shall be printed in the daily Journal. All amendments which are approximately ten pages or more shall be noted in the daily Journal as on file in the bill room or the Clerk's office.

(f) Additional copies of the daily Journal, to be mailed at the Clerk's direction, shall be supplied for the use of each member in such manner as shall be provided by the Legislature.

(g) The bound Journal of the session shall be prepared from the corrected daily Journal.

(h) A verbatim record of all debate and questions on all bills and resolutions, and amendments offered thereto, shall be made, transcribed, and preserved under the direction of the Clerk.

(i) A list of lobbyists who are registered shall be set forth in the Journal.

On registration of lobbyists. RRS 49-1480 through 49-1492.

Sec. 20. Assistant Clerk, Duties. The Assistant Clerk shall, in the absence of the Clerk, be authorized to exercise all the duties herein prescribed for the Clerk of the Legislature, including the signing of those papers which may require the signature of the Clerk of the Legislature.

RRS 50-115.

E. Other Offices

Sec. 21. Sergeant at Arms. (a) The Sergeant at Arms shall attend the Legislature during its sittings, to execute the commands of the Legislature from time to time, together with all such processes issued by authority thereof as shall be directed to him or her by the presiding officer, and shall enforce strictly the rules as they relate to privileges of the legislative chamber.

RRS 50-116.

(b) The Assistant Sergeant at Arms shall assist the Sergeant at Arms and in the absence of the latter, shall perform all of the duties herein prescribed for the Sergeant at Arms.

(c) Such other security guards as may be necessary shall be under the direction of the Speaker.

Compel attendance. Rule 2, Section 4.

Sec. 22. Chaplain Coordinator. The Chaplain Coordinator shall work in conjunction with organized Nebraska groups of Clergy to arrange for prayer at the beginning of each day of the legislative session.

Sec. 23. Other Employees, Hiring of. The Executive Board of the Legislative Council shall hire all employees of the Legislature except those subject to the procedure in Rule 1, Section 2. The salaries of permanent employees shall be determined by the Executive Board subject to the limits of the appropriation bill.

RRS 50-112.

RULE 2--RULES OF PROCEDURE

Section 1. Rules, Matters Not Covered. (a) These rules shall be adopted at the commencement of each regular session and, as amended from time to time, shall govern the Legislature for a period of one year. In all matters not covered herein, the Legislature shall decide as to the procedure to be followed, the same to require the concurrence of a majority of the elected members.

(b) In the absence of a controlling rule to cover a specific situation and in the absence of controlling custom, usage, and/or precedent, the presiding officer may utilize Mason's Manual of Legislative Procedure as authority.

Overruling the chair. Rule 1, Section 12.
Presiding officer, duties. RRS 50-113.

Sec. 2. Rules, Suspension, Amendment. These rules may only be suspended by a three-fifths majority of the elected members by a machine vote, and such a motion shall not be amendable or divisible. These rules may be amended by a three-fifths majority vote of the members elected; Provided, any proposed amendment must first be referred to the Committee on Rules for consideration and report.

Sec. 3. Chamber, Guests, Distributions of Material. (a) The legislative chamber shall consist of the entire floor of the legislative chamber including the space under the balcony on either side adjacent thereto, or any other space designated by the Legislature or the Executive Board thereof.

(b) No person shall be admitted to the floor of the Legislature, as described in this rule, except the following:

(i) Members of the Legislature and their immediate families.
(ii) Officers and employees of the Legislature.
(iii) Reporters of regularly accredited newspapers and broadcasting stations.

(c) With the permission of the chair, members may invite guests to the legislative chamber to sit in those specially designated areas located in the rear of the chamber. When exercising this privilege, members should be sensitive to the matter under discussion on the floor and not have guests seated within the chamber who have a direct interest in the matter being discussed.

Any member may object to the presence of a guest within the chamber on the grounds that the guest has an interest in the matter being debated. If the chair concurs with this judgment, the guest shall be asked to leave the chamber.

No registered lobbyist shall be admitted to the chamber.

(d) The Governor, state officers, former legislators, and other distinguished visitors may be admitted to the floor upon permission from the chair.

State officials appearing before committees. Rule 3, Section 14.

(e) No one shall be permitted to be seated beside members of the Legislature except members of their immediate families upon permission from the chair. When bills are being read on Final Reading, no one other than members of the Legislature shall be permitted on the floor of the Legislature, except for employees of the Clerk of the Legislature's office or as provided in Section 3(h) of this rule.

(f) No person, other than those hereinbefore excepted, shall be admitted to the members' cloak room or post office, unless accompanied by a member.

(g) No printed or written material of any nature may be placed on the desks of the members or distributed to them in the legislative chamber, unless such material clearly indicates on its face the person responsible for its distribution. The distribution must be approved by at least one member of the Legislature. The Speaker may authorize the Clerk to distribute material prepared by state agencies.

(h) Members shall remain in their seats during the Final Reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, officers and employees of the Legislature shall be permitted on the floor of the Legislature and members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.

(i) No individual, other than a senator or officer of the Legislature, shall be allowed to address the Legislature except from the podium.

(j) The smoking of any tobacco product by any member or any other individual within the Legislative Chamber is prohibited. The Senate Lounge (Room 2026) shall be a designated smoking area.

(k) The use of any mobile, portable, or wireless communication device that emits an audible signal, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in the Chamber while the Legislature is in session.

Sec. 4. Attendance at Sessions. (a) Every member shall be present within the legislative chamber during the meetings of the Legislature and shall attend the regular meeting of the standing committee of which he or she is a member, unless excused by the Legislature, the Speaker, or the committee chairperson. Members who have been excused by the Legislature or the Speaker shall notify their committee chairperson that they will be absent.

(b) The presence of any member may be compelled, if necessary, by sending the Sergeant at Arms, or such other person or persons as the membership present may authorize, at the expense of such absent member, unless such excuse for nonattendance is made as the Legislature may judge sufficient, and in that case the expense shall be paid out of the contingent fund.

Sec. 5. Absent Members, Explanation of Vote. Members who are shown as excused and not voting may have inserted into the Journal how he or she would have voted had he or she been present.

Sec. 6. Expulsion of Members. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense.

Const. Art. III, Sec. 10.

Sec. 7. Senator Desiring to Speak. (a) When a member desires to speak in debate or to deliver any matter to the Legislature, he or she shall rise from his or her seat and respectfully address himself or herself to "Mr. or Madame President." A member shall speak only when recognized and shall confine his or her remarks to the question before the Legislature.

(b) No member shall interrupt the business of the Legislature nor speak to another who has the floor, except when he or she may yield to a question. No guest will be introduced during the legislative session except dignitaries and such dignitaries shall only be introduced by the presiding officer, provided that the presiding officer can announce the presence of visiting groups or organizations at his or her discretion. Those individuals and groups not introduced may be inserted in the Journal by request. No member shall use profane or abusive language when speaking to or about another member.

Sec. 8. Transgression of Rules, Call Member to Order. If any member, in speaking or otherwise, transgresses the Rules of the Legislature, the presiding officer shall, or any member may, call such member to order, in which case he or she shall immediately sit down, unless permitted on motion of another member to explain, and the Legislature shall, if appealed to, decide the case without debate. If the decision be in favor of the member called to order, he or she shall be at liberty to proceed, but not otherwise, and if the case requires it, he or she shall be liable to censure or such punishment as the Legislature may deem proper.

Sec. 9. Words Excepted To. If a member is called to order for words spoken in debate, the member calling him or her to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the Legislature, but he or she shall not be held to answer, nor be subject to the censure of the Legislature therefore, if further debate or other business shall have intervened.

Sec. 10. Time Limit on Speaking. Each member shall be allowed to speak up to three times for not more than five minutes on each occasion, upon any one question in deliberation during the legislative day, without leave of the Legislature, unless he or she be the mover, proposer, or introducer of the matter pending in which case he or she shall be permitted to speak in reply, but not until every other member choosing to speak shall have spoken. Provided, however, the mover, proposer, or introducer of the matter pending may speak for ten minutes when he or she first presents the matter to the Legislature.

Sec. 11. Personal Privilege. Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually. They shall have precedence over all other questions except motions to adjourn. Personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature. All questions of privilege shall be channeled through the presiding officer, who shall determine their order of consideration.

RULE 3--COMMITTEES

Section 1. Committees in General. (a) Each committee of the Legislature is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Legislature, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, and to take such testimony, as it deems advisable. Each committee may make investigation into any matter within its jurisdiction, may report such hearings as may be had by it, and may present to the Legislature for its consideration any final reports and recommendations for action resulting from such investigations.

(b) A committee's subject-matter jurisdiction extends to all matters specified in the act creating the committee, or to all matters reasonably comprehended in the name of the committee. A committee's particular jurisdiction extends to any bill, resolution, or other measure referred to it by the Legislature, until final report of the measure has been made by the committee to the Legislature. A committee's particular jurisdiction shall also include review of the budgets of agencies, boards, and commissions reasonably encompassed in its subject matter jurisdiction.

(c) No committee may exercise any of the above mentioned powers in a manner contrary to the Rules of the Legislature or in a manner which exceeds the scope of the act defining the purpose of the committee.

(d) A committee may adopt the Model Committee Rules (Appendix A to Rule 3) as the rules to be used in governing the committee's activities.

Model Committee Rules-Appendix A on file in the Clerk's office.

Sec. 2. Appointment of Committees. (a) At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and three from District Number 1 consisting of legislative districts Numbers 1 through 3, 21, 25 through 29, 39, 45, and 46; three from District Number 2 consisting of legislative districts Numbers 4 through 14, 20, and 31; three from District Number 3 consisting of legislative districts Numbers 15 through 19, 22 through 24, 30, 32, 34, and 40; and three from District Number 4 consisting of legislative districts Numbers 33, 35 through 38, 41 through 44, and 47 through 49.

(b) After the selection of the Appropriations Committee pursuant to Rule 3, Section 2(c), and immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on

Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. Once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to Committee for further action.

(c) The Executive Board shall convene and be responsible for selecting three members from each Executive Board district as noted in Rule 1, Section 1(a) for appointment to the Appropriations Committee. The Chairperson of the Appropriations Committee elected pursuant to Rule 3, Section 7 shall be included in the three members chosen from that specific district.

(d) The membership of all standing and select committees shall be appointed at the beginning of each session beginning in odd-numbered years and shall continue until the regular session in the next subsequent odd-numbered year.

(e) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Committee on Committees unless it is a member of the Appropriations Committee whose vacancy shall be elected by the Executive Board pursuant to Rule 3, Section 2(c) unless otherwise provided for by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 3. Standing Committees. (a) The standing committees of the Legislature shall be as follows:

Agriculture	8 members
Appropriations	9 members
Banking, Commerce and Insurance	8 members
Business and Labor	7 members
Education	8 members
General Affairs	8 members
Government, Military and Veterans Affairs	8 members
Health and Human Services	7 members
Judiciary	8 members
Natural Resources	8 members
Nebraska Retirement Systems	6 members

Revenue	8 members
Transportation	8 members
Urban Affairs	7 members

(b) The Speaker shall not be a regular member of a standing committee.

Sec. 4. Select Committees. (a) The select committees of the Legislature shall be as follows:

Committee on Committees	13 members
Enrollment and Review	1 member
Reference	9 members
Rules	6 members

(b) The Speaker of the Legislature shall serve as one of the six members and shall be an ex officio member of the Rules Committee. Select committees shall be subject to the same procedural rules as standing committees insofar as they are applicable. In addition, the following provisions shall apply:

(c) Committee on Committees.

(i) The Committee on Committees shall have authority to call before it a committee chairperson and discuss the workload of said committee. It shall hear and dispose of all written complaints filed with said committee by a senator against any committee chairperson. The Committee on Committees shall conduct said hearing in accordance with its own rules.

(d) Enrollment and Review.

(i) The Chairperson of Enrollment and Review shall report bills which have been engrossed for Final Reading and passage. In the absence of the Chairperson, the Vice Chairperson of the Judiciary Committee shall assume the duties of the Chairperson of the Enrollment and Review Committee.

(ii) The bill drafting service shall have supervision of and provide legal services for Enrollment and Review Committee.

(iii) The Chairperson of Enrollment and Review shall have authority, without being required to include the same specifically in his or her reports and recommendations to the Legislature, in accord with accepted usage:

(A) To correct the spelling of words, to correct erroneous division and hyphenation of words, to capitalize or decapitalize words, to convert masculine or feminine referents to neutral gender when appropriate, and to change numbers from words to figures or from figures to words, in new and independent acts, in the new matter of amendatory acts, in standing committee reports, and in General File, Select File, and specific amendments.

(B) To underscore or remove underscoring, as the case requires, in standing committee reports and in General File, Select File, and specific amendments.

(C) When an amendment to add the emergency clause, the severability clause, or provide an operative date is adopted on Select File which does not spell out the standard clause or section and make the necessary change in the title, the Chairperson of Enrollment and Review shall also have the authority to add to the engrossed bill the standard clause or section, assigning to it the appropriate section number, and make the necessary change in the title as a matter of course without including such action in his or her reports and recommendations to the Legislature or making any special record thereof.

(D) To add and/or delete names of introducers to reflect action on the bill while the bill remains in the possession of the Legislature at any stage of consideration.

(E) To reflect votes on Final Reading as they may occur pursuant to Rule 6, Section 10 and Rule 6, Section 15.

(e) Reference Committee.

(i) The Executive Board shall constitute the Reference Committee. The Reference Committee shall review each bill and resolution and either refer the matter to the appropriate committee or to General File. The appropriate committee is that committee which has subject-matter jurisdiction over the issue or which has traditionally handled the issue.

(ii) All nominations made to the Legislature by the Governor, requiring confirmation by the Legislature shall be referred to the appropriate standing committee and the same procedure shall be followed as governs the handling of other matters before standing committees, unless the Legislature shall otherwise direct by unanimous vote.

(iii) The Clerk of the Legislature's office shall be responsible for the collection of pertinent information on gubernatorial appointments. That information will be distributed to the appropriate standing committee prior to the time of the confirmation hearing. The Clerk's office shall be the "depository" for background information on the individual, a statement of financial interests if applicable, and other biographical information that the committee chair feels is appropriate for the committee to have before it during the confirmation process.

(iv) The committees to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting the confirmation hearing. The appearance of the appointee may be waived for good cause shown by a majority vote of the members assigned to the committee conducting the hearing.

The committee shall prepare a report either approving or rejecting the appointment. Said report shall be filed with the Clerk of the Legislature.

The Legislature shall then have the opportunity to accept or reject the report of the committee.

(v) Any appointment letter received by the Clerk of the Legislature during the last eight calendar days of any regular legislative session shall not be acted upon. Acknowledgement of receipt of the appointment shall be deferred until the next regular or special session of the Legislature.

(f) Rules Committee.

All proposed rules changes shall be set for public hearing within five legislative days after their referral to the committee. The hearing shall take place within fifteen legislative days after the referral, and the committee shall take final action on the proposal within ten legislative days after the hearing.

(g) Investigating Committees.

The Committee on Committees may appoint other select committees when authorized by the Legislature. No investigating committee of the Legislature shall be created except by resolution which shall set forth, with supporting statements, the reasons for and the purposes of the investigation, and no committee thus established shall function except during the interim between legislative sessions.

Sec. 5. Special Committees. (a) Special committees shall include all authorized committees other than standing and select committees. Unless otherwise specifically provided, special committees shall not have jurisdiction over legislative bills, but shall be subject to the same procedural rules as standing committees, insofar as they are applicable.

(b) The special committees authorized by statute as of January 1, 1980 are as follows:

Building Maintenance. RRS 81-185	6 members
Education Commission of the States. RRS 79-2504	3 members
Executive Board of the Legislative Council. RRS 50-401.01	9 members
Intergovernmental Cooperation. RRS 81-816	5 members
Legislative Program Evaluation. RRS 50-1204	5 members

(c) The following special provisions shall be in force with regard to the following special committees:

(i) Intergovernmental Cooperation Committee.

In addition to the members of the Intergovernmental Cooperation Committee chosen in accordance with Section 81-816, the Executive Board may appoint temporary members to serve on such assignments as the chairperson shall direct.

Sec. 6. Meeting Times. (a) After consultation with the Speaker, the Committee on Committees shall publish a schedule of standing committee meetings, in such manner as to avoid, as far as possible, conflicts in the assignment of members to committees. Standing committees shall meet at 1:30 p.m. on weekdays, unless otherwise approved by the Legislature, except for the Nebraska Retirement Systems Committee, which shall meet as called by the chairperson.

(b) A standing committee deciding not to hold meetings on the appointed day must receive permission from the Reference Committee.

(c) Any legislative committee shall be subject to the call of its chairperson or to the call of a majority of its members, in accordance with the notice and procedural requirements set forth in its committee rules.

Sec. 7. Chairperson, Vice Chairperson. (a) The chairperson of each standing and select committee shall be selected by secret ballot on the floor of the Legislature.

(b) The chairperson of a special committee shall be selected in the manner provided by the act authorizing the committee, or if not specified, by the Executive Board.

(c) Each committee shall elect from its membership a vice chairperson to serve in the absence of the chairperson.

Sec. 8. Committee Quorum. A majority of the members of a committee shall constitute a quorum. A quorum must be present for the transaction of any committee business except a public hearing.

Sec. 9. Quorum at Committee Hearings. A quorum of committee members should be maintained throughout all committee hearings.

Sec. 10. Conduct During Committee Hearing. (a) No member, staff, media representative, or individual shall smoke or otherwise consume tobacco products during a committee hearing or while the committee conducts an executive session within the hearing room assigned to that committee for such purpose, unless the committee by a vote of the majority, with all the members present, taken at least once a session, decides otherwise.

(b) The use of any mobile, portable, or wireless communication device, other than those authorized by the Legislative Council or used by licensed medical persons on duty, is prohibited in legislative hearing rooms during a meeting of a legislative committee.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such vacancy be filled by the Committee on Committees unless such vacancy is on the Appropriations Committee in which case the vacancy shall be filled by the Executive Board pursuant to Rule 3, Section 2(c).

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees, or in the case of the Appropriations Committee, the Executive Board, for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature.

(b) The chairperson of each committee shall set for hearing all bills and resolutions referred to the committee, except as provided for in Rule 1, Section 17.

Sec. 13. Public Hearing, Notice. Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days' notice, after the bill or pronouncement of the appointee shall have been printed, by publication in the Legislative Journal. No bill or resolution having been set for public hearing shall be withdrawn nor the hearing cancelled within seven calendar days of the date set for said public hearing.

Sec. 14. State Officials Appearing Before Committees. State officials and department heads or their designees and state employees are encouraged to appear before any legislative committee to comment upon bills having an impact on the operations of the administrative agency or department for which they work.

Sec. 15. Executive Sessions and Closed Meetings. (a) Executive session shall mean any meeting or portion of a meeting which is closed to the general public, and the proceedings of which are not electronically recorded and transcribed, unless the committee so provides, but the records of which shall be available for public inspection. Executive sessions shall be open to members of the news media who may report on action taken and on all discussions in executive session.

(b) All other meetings of a committee shall be public unless the committee, by a majority vote of all of its members, determines that a meeting should not be open to the public, including members of the news media, in a particular instance, due to rare and extraordinary circumstances. The meeting shall be reconvened in open session before any formal action may be taken.

Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. Such action shall be taken at regularly scheduled meetings only.

(b) A report on a bill or resolution must be made to the Legislature within eight calendar days after the committee has taken final action upon the particular measure. Final action shall mean an affirmative vote of a majority of the committee members to advance a bill to General File with or without committee amendments or an affirmative vote of a majority of the committee members to indefinitely postpone the bill. A committee may reconsider any final action prior to the committee making a report on the bill or resolution to the Legislature, provided the reconsideration takes place within eight calendar days of the final action.

(c) No bill shall be reported by the committee to be placed on General File unless the amendments, if any, are approved as to form and draftsmanship by the Bill Drafter.

Sec. 17. Indefinitely Postponed Bills. If the committee action on a bill be to postpone indefinitely, the bill shall stand indefinitely postponed; except that such bill may be placed on General File or referred back to the committee by a three-fifths vote of the elected members upon motion made within three legislative days after the committee makes its report to the Legislature, or by a two-thirds vote of the elected members upon motion made more than three legislative days after such committee report. Not more than one bill shall be raised from committee on any one motion. A motion to raise cannot be amended to include any other bill or subject matter. A motion to raise must be disposed of by the Legislature within five legislative days after the motion is available for consideration or it shall be deemed defeated.

Sec. 18. Committee Statement. (a) The chairperson of each committee with the assistance of the legislative staff shall, when reporting a bill, submit with such bill a committee statement which shall contain, but need not be limited to, the following information:

(1) the one-line title and number of the bill;
(2) a roll call vote of final committee action taken on the bill;
(3) the date of the public hearing on the bill;
(4) a list of all individuals testifying for and against the bill and any organization they represent;
(5) a summary of the bill's purpose and a description of all major provisions for change in the bill as written and as amended by the committee;
(6) if committee amendments are to be introduced, a copy of the amendments and an explanation thereof.

(b) A copy of the proposed statement shall be distributed to each committee member within five days after final action on the bill has been taken by the committee. A minority or concurring statement bearing the signature or signatures of its proponents and setting forth objections to the bill, to proposed amendments, or to the majority statement may be filed by its author(s) with the Clerk of the Legislature at any time prior to the first hearing of the bill on General File.

(c) A copy of the committee statement and any minority statements submitted shall be distributed to each senator after filing with the Clerk of the Legislature. Copies of such statements shall be made available to the public.

Sec. 19. Request From Committee, Bills Held. (a) Except for the general appropriation bills necessary for the support of the state government for the biennium, the Legislature may, by vote of a majority of the elected members, request a status report from any committee at any time after said committee shall have been in possession of a bill or resolution for twenty legislative days.

(b) Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

(c) Any time any member attempts to take a bill from committee to be placed on General File, the bill shall stand indefinitely postponed and shall not be subject to reconsideration if the motion fails to receive a majority vote of the members elected to the Legislature. The introducer of the bill must concur with any motion offered under this rule.

Sec. 20. Subpoena Procedure. It is within the inherent power of any legislative committee to gather information pursuant to its regular functions, and to conduct investigations of matters within its subject-matter jurisdiction.

A committee's power of subpoena should not be exercised unless the committee has determined that no other method of securing the desired information would be successful or practicable, and that the matter is of primary importance to the welfare of the State of Nebraska.

A committee of the Legislature conducting an investigation and gathering information, whether pursuant to legislative direction or pursuant to its regular functions of oversight and bill preparation, shall observe the following procedures in addition to regular committee procedures whenever subpoenas are issued:

(A) Issuance of Subpoenas.

(i) A committee may, by a majority vote of all of its members taken at a meeting properly called, issue a subpoena requiring a person to appear before the committee and be examined in reference to any matter within the scope of the inquiry or investigation being conducted by the committee, but only when the committee has received prior approval by a majority vote of the Executive Board to issue subpoenas in connection with the specific inquiry or investigation in question.

(ii) The committee may, in the same manner, issue a subpoena or subpoena duces tecum requiring any person to appear before the committee and bring with him or her any books, papers, or other documents pertinent thereto.

(iii) While the Legislature is in session, a committee deciding to issue subpoenas must promptly report each issuance to the Legislature. A record shall be made in the Journal reflecting the date the subpoena was issued, to whom it was issued, for what purpose it was issued, and the date on which testimony or production of documents is to take place. Under extraordinary circumstances, the identity of the person subpoenaed may be withheld from publication if necessary to protect the safety of an individual or the confidentiality of the matters to be heard.

(iv) A person subpoenaed to attend a hearing of a committee shall receive the same fees and allowances as a person subpoenaed to give testimony in an action pending in a court of record.

(B) Notice to Witnesses.

(i) Service of a subpoena requiring the attendance of a person at a hearing of a committee shall be made in the manner provided by law for the service of subpoenas in civil actions at least seven days prior to the date of the hearing unless a shorter period of time is authorized by a majority vote of all of the members of the committee in a particular instance when, in their opinion, the giving of seven days' notice is not practicable; but if a shorter period of time is authorized, the person subpoenaed shall be given reasonable notice of the hearing, consistent with the particular circumstances involved.

(ii) Any person who is served with a subpoena to attend a hearing of a committee shall also be served with a copy of the act defining the purpose of the committee, a copy of the rules under which the committee functions, a general statement informing him or her of the subject matter of the committee's investigation or inquiry, and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(C) Conduct of the Hearing.

(i) No committee which has issued a subpoena directing a witness to appear at a hearing shall question the witness unless a quorum is present throughout the questioning.

(ii) The hearing shall be public unless the committee, by a majority vote of all of its members, determines that a hearing should not be open to the public in a particular instance, due to rare and extraordinary circumstances consistent with Legislative Rule 3, Section 15(b) regarding closed meetings.

(iii) The chairperson of the committee shall preside at all hearings and shall conduct the examination of witnesses himself or herself or supervise the examination by other members of the committee. The committee may, by a majority vote of all its members, authorize the questioning of a witness by the committee's counsel or by special counsel.

(D) Right to Counsel and Submission of Questions.

(i) Every witness at the hearing may be accompanied by counsel of his or her own choosing, who may advise the witness of his or her rights, subject to reasonable limitations which the committee may prescribe to prevent obstruction of or interference with the orderly conduct of the hearing.

(ii) Any witness at the hearing, or a witness' counsel, may submit to the committee proposed questions to be asked of the witness or any other witness relevant to the matters upon which there has been any questioning or submission of evidence, and the committee shall ask such of the questions as it deems appropriate and relevant to the subject matter of the hearing.

(E) Testimony.

(i) The committee shall cause a verbatim record to be made of all proceedings in which testimony or other evidence is demanded or offered, which record shall include rulings of the chair, questions of the committee and its counsel, the testimony or responses of witnesses, sworn written statements submitted to the committee and read into the record, and such other matters as the committee or its chair may direct.

(ii) All testimony given or offered at the hearing shall be under oath or affirmation if the witness has been subpoenaed, and in other cases if a majority of the committee members present at the hearing so decide.

(iii) The presiding member at the hearing may direct a witness to answer any relevant question or furnish any relevant book, paper, or other document, the production of which has been required by subpoena duces tecum. Unless the direction is overruled by a majority vote of the committee members present, disobedience shall constitute a contempt.

(iv) A witness at the hearing or his or her counsel, with the consent of a majority of the committee's members present at the hearing, may file with the committee for incorporation into the record of the hearing sworn written statements relevant to the purpose, subject matter, and scope of the committee's investigation or inquiry.

(v) Testimony and other evidence given or offered at a hearing closed to the public shall not be made public unless authorized by a majority vote of all of the members of the committee, which authorization shall also specify the form and manner in which the testimony or other evidence may be released.

(vi) A witness at a closed hearing, upon request and at his or her own expense, shall be furnished a transcript of his or her testimony at the hearing.

(F) Interested Persons.

(i) Any person whose name is mentioned or who is otherwise identified during the hearing and who, in the opinion of the committee, may be adversely affected thereby, may, upon his or her request or upon the request of any member of the committee, appear personally before the committee and testify in his or her own behalf, or, with the committee's consent, may file a sworn written statement of facts or other documentary evidence for incorporation into the record thereof.

(ii) Upon the consent of a majority of its members, a committee may invite any other person to appear at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No invitation to appear, and no request to appear, appearance, or submission of evidence shall limit in any way the committee's power of subpoena.

(iii) Any person who appears before a committee pursuant to this section shall have all the rights, privileges, and responsibilities of a witness provided to all other witnesses.

(G) Contempt.

A person shall be in contempt if he or she:

(i) Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

(ii) Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed by or on behalf of a committee; or

(iii) Commits any other act or offense against a committee which, if committed against the Legislature, would constitute a contempt.

The chairperson of a committee may apply to the Legislature or, during the interim, to the district court of any county to compel obedience by proceedings for contempt.

(H) Penalties.

(i) A person guilty of contempt under the provision of these rules shall be subject to punishment pursuant to RRS 50-105 and 50-106 during the session, or to RRS 50-407 when the Legislature is not in session.

(ii) If a committee fails in any material respect to comply with the requirements of these rules, any person subject to a subpoena or a subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(iii) Any member or employee of the Legislature, other than the witness concerned or his or her counsel who knowingly violates subsections of these rules concerning the publication of testimony taken at a closed hearing, shall be in contempt of the Legislature or, if a member of the Legislature, shall be subject to sanction or suspension according to the statutes governing the Legislature. The Speaker on his or her own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure may institute proceedings for the determination of the issue and for the imposition of penalties provided herein. Nothing in this subsection shall limit any power which the Legislature may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

(I) Limitation of Rules.

Nothing contained in this section shall be construed to limit or prohibit the acquisition of evidence or information by any committee by any lawful means not provided for herein.

RULE 4–RESOLUTIONS

Section 1. Identification. A resolution shall be designated as Legislative Resolution _____. All resolutions shall be numbered consecutively for each Legislature. All resolutions shall be introduced and read by the Clerk upon introduction and shall be printed in the Legislative Journal.

73-74 Attorney General Opinion No. 13--Resolutions must be printed and read before a vote is taken.

Sec. 2. When Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Const. Art. III, Secs. 13, 14; Art. IV, Sec. 15; Art. XVI, Sec. 1.
Cannot appropriate funds by resolution. Const. Art. III, Sec. 25.

Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results. (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd number years and the 50th legislative day in even number years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the highest prioritized interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject matter jurisdiction.

(d) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the Legislative Research Division, and the chairpersons of the standing committees involved with the select interim committee.

(e) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(f) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(g) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(h) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Nine copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the Legislative Research Division, and copies of such studies will be indexed and filed with the Legislative Reference Library.

RRS 50-404.

Sec. 4. Enrollment and Review, Amended Resolutions. All resolutions, if amended, shall pass through the process of Enrollment and Review in the regular course of their consideration.

Sec. 5. Vote Required for Adoption. All resolutions shall be adopted, individually or in groups as determined by the Speaker, by an affirmative vote of a majority of the members present and voting except for those specified in Section 2; Provided, upon the request by any member prior to the commencement of the vote, a resolution shall require an affirmative vote of a majority of the elected members. Resolutions specified in Section 2 shall be considered and adopted in the same manner as bills.

RRS 85-404, 85-408.

Sec. 6. Resolutions, Lay Over Requirement. Resolutions shall lay over for consideration at least one legislative day after introduction.

Sec. 7. Engrossed Resolutions. Only those resolutions specified in Sections 2 and 3 of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Const. Art. III, Sec. 14.

Sec. 8. Reference to Committee. Resolutions other than those covered by Sections 2 and 3 of this rule shall upon the recommendation of the Speaker of the Legislature be referred to the Reference Committee for referencing to the appropriate committee.

Sec. 9. Reviving Resolution Killed by Committee. If the standing committee report on a resolution be to postpone indefinitely, the resolution shall stand indefinitely postponed; Provided, that such resolution may be considered by the members of the Legislature if a majority vote of the elected members so direct, provided the motion is made within three legislative days after the committee makes its report to the Legislature. A motion to raise cannot be amended to include any other resolution or subject matter. The provisions of this section shall not apply to resolutions considered as bills pursuant to Rule 4, Section 2.

Sec. 10. Committee Statement. A committee, when reporting out a resolution, shall attach thereto a statement setting forth what is sought to be accomplished and the committee vote. The statement shall be set out in full in the Journal.

RULE 5--BILLS--GENERAL PROVISIONS

Section 1. Drafting of Bills. The Bill Drafter shall prepare all bills and amendments in proper form when requested by members of the Legislature, newly elected members of the Legislature, or heads of executive departments. No bills or major amendments shall be introduced or considered unless the same has been approved as to form and draftsmanship by the Bill Drafter. In order to shorten the length of sections, the Bill Drafter shall, in the drafting of new sections, make each paragraph a separate section except when to do so would be contrary to sound bill drafting practice. The Bill Drafter shall make available a continuing compilation of sections to which amendments are proposed so as to reduce unnecessary duplication of bills. This section index of bills drafted shall be available to all senators, newly elected senators, and other persons entitled to have bills drafted. After January 1 of each year no bill shall be drafted by the Bill Drafter unless requested or authorized by a member of the Legislature.

Sec. 2. Content and Form of Bills. (a) A bill shall be designated as Legislative Bill _____.

Style of bill. Const. Art. III, Sec. 13.

(b) No bill shall contain more than one subject and the same shall be clearly expressed in the title. No law shall be amended, unless the new act contains the section or sections as amended, and the section or sections so amended shall be repealed.

Const. Art. III, Sec. 13.

(c) An amendatory bill or constitutional provision shall be so prepared and printed as to show the new matter proposed, old matter to be retained, and old matter to be omitted from the statutes or constitution.

(d) Appropriations bills and "A" bills shall contain the following elements:
(1) the phrase "there is hereby appropriated";
(2) a specific fund type shall be identified and the fund shall be appropriated;
(3) the amount to be appropriated from such fund shall be identified;
(4) a specific budget program or a specific statement reflecting the purpose for expending such funds shall be identified; and
(5) the time period during which such funds shall be expended shall be identified.

RRS 49-804.

Sec. 3. Revisor Correctional Bills, Preprinting. (a) Preceding each legislative session, the Chairperson or any member of the Executive Board of the Legislative Council, or if the Executive Board so requests, the senator who, in the preceding session served as Chairperson of the Judiciary Committee, shall sign as introducer the Revisor of Statutes' correctional bills. The Clerk of the Legislature shall number these bills consecutively beginning with number 1 and shall show the committee reference to be General File. The Clerk of the Legislature shall have these bills printed before the convening of the next regular session.

(b) In addition to causing to be printed the revisor bills, the Clerk shall number and cause to be printed all bills delivered to him or her by the Executive Board, provided said Board has referred said bills to a standing committee. No bill so printed shall be withdrawn until after the Legislature convenes.

Sec. 4. Introducers Signing Bills. (a) Members shall introduce only such bills as they are willing to endorse and support personally. The last name and district shall be used, unless an initial or name is necessary to identify the introducer. Any member may request to have his or her name added as cointroducer of a bill but only if the principal introducer has concurred, in writing, to that request.

(b) A standing committee or special committee may introduce a bill for any purpose, including at the request of another senator, provided said bill receives the endorsement of a majority of the committee members whose names shall be on the bill.

(c) No bill shall be introduced after the tenth legislative day of any session, except:

1. "A" bills, appropriation bills, and bills introduced at the request of the Governor may be introduced at any time;
2. A standing committee or special committee may request that the Legislature consider introduction of a bill. A vote of three-fifths of the elected members of the Legislature shall be required for such bill to be introduced, and a copy of the statement of intent for such bill must be placed on each member's desk before introduction of the bill is voted upon.

(d) Individual members shall not be limited as to bill introduction. Each committee shall be limited to 8 bills each session. Bills introduced as a result of an interim study of the Legislative Council shall be included within the limitations prescribed by this section. Special committees created as a result of an interim study resolution and as authorized by the Executive Board shall be considered as separate committees for purposes of the limitations prescribed by this section. Bills introduced under Rule 5, Section 3(a) and bills introduced at the request of the Governor will not be included in the limitation.

(e) The introducers of all bills must submit a statement of intent for each bill to the appropriate committee chairperson at least 24 hours prior to the bill's hearing. The statement of intent should discuss clearly and completely the purposes and effects of the bill.

Sec. 5. Scheduling of Bills, Priority Bills. (a) Each senator may designate one bill as a priority bill. Such priority bill need not be the designator's bill, but the principal introducer must concur with the designation as a priority bill and with the withdrawal of the designation once made.

(b) Each chairperson of those committees which are authorized to hold public hearings on bills may designate as priority bills two of the bills referenced to that committee and on which the committee has held a public hearing.

(c) The Speaker may designate up to 25 additional priority bills.

(d) Priority bill designations may be made at any time prior to the annual designation deadline which shall be set each year by the Speaker. The designation deadline shall be prior to the 45th legislative day in the ninety day session and prior to the 30th legislative day in the sixty day session.

(e) A senator or committee may withdraw a priority designation at any time, but will not be allowed to designate another bill as a priority bill in its place. The Speaker may withdraw a priority designation made by the Speaker.

(f) All committees shall schedule priority bills for public hearing ahead of all unscheduled, nonpriority bills unless the person or committee making the priority designation shall otherwise agree.

(g) All bills not designated as priority bills shall be heard on General File in the order in which they are reported to the floor by the committees, unless the introducer of the bill and the Speaker agree to delay the hearing of a particular bill. This provision shall not be construed to prevent the Speaker from placing bills reported out of committee with two or less dissenting votes on a consent calendar. Any bill placed on consent calendar shall be removed at the written request of three or more senators.

(h) Priority bills shall generally be considered ahead of all other bills at each stage of debate, except as provided for in Rule 1, Section 17. Priority bills requiring the expenditure of appropriated funds shall be held on Final Reading until such time as the annual appropriations bills have been passed. A priority bill which fails to advance after two votes on General File, or after one vote on Select File, shall return to nonpriority status.

(i) No priority bill designated under this rule shall have priority over appropriations bills.

Sec. 6. Fiscal Analyst. (a) A copy of every bill introduced shall be transmitted by the Clerk to the Legislative Fiscal Analyst. The Legislative Fiscal Analyst shall review each bill and make an estimate of the anticipated change in state, county, or municipal expenditures or revenue under the provisions of the bill. The Legislative Fiscal Analyst shall prepare a statement to be known as a fiscal note to be attached to each bill prior to its public hearing by a committee, or its first consideration on General File if the bill is referred directly to General File. The fiscal note shall set forth the fiscal impact of the bill and the governmental subdivision affected by the fiscal impact as determined by the Legislative Fiscal Analyst. No bill which has a fiscal impact shall be heard by a committee or considered on General File unless the fiscal note is attached.

(b) In determining the fiscal impact of any bill, the Legislative Fiscal Analyst shall request the appropriate department or other entity of state government or subdivision thereof, or appropriate association which will be affected by the bill, to prepare the fiscal note within five calendar days.

(c) The Legislative Fiscal Analyst shall review the fiscal note so prepared and shall also request a review of such fiscal note by the Budget Division of the Department of Administrative Services. The statement by the Budget Division of the Department of Administrative Services shall be attached to and become a part of the fiscal note. The Legislative Fiscal Analyst shall include in the fiscal note any exceptions to the conclusions of the department or other entity and of the Budget Division of the Department of Administrative Services.

(d) The fiscal note shall be delivered by the Legislative Fiscal Analyst to the Clerk at least twenty-four hours prior to the public hearing on the bill or, in the event the bill is referred directly to General File, twenty-four hours prior to the first consideration of the bill on General File. The Clerk shall present the fiscal note to the principal introducer. If extenuating circumstances prevent the Legislative Fiscal Analyst from meeting this deadline, he or she shall present to the principal introducer an unofficial summary of all available fiscal information on the bill by this deadline and deliver to the Clerk the fiscal note when it is available. The Clerk shall attach the fiscal note to the bill and to all copies prepared for members.

(e) When amendments to a bill are adopted by the Legislature and such amendments would change the fiscal impact of the bill, the appropriate changes shall be made in the fiscal note each time the bill is advanced to Enrollment and Review or upon the written request of a member of the Legislature.

(f) When any bill proposes adoption of a new program or change of an existing program either of which would require an appropriation to implement in the ensuing fiscal year, an appropriation bill for the purposes of funding the provisions of such bill shall be prepared from the information contained in the fiscal note. Such appropriation bill shall be prepared at the direction of the Chairperson of the Appropriations Committee. Such bill shall be placed on General File and considered as introduced by the introducer of the original bill or by the committee which offered the amendments creating the expenditure, and shall bear the number of the original bill with the letter "A" added, and shall accompany the original bill through all stages of the legislative process. All bills for which an "A" bill is prepared shall be bracketed on Final Reading until the "A" bill is advanced to Final Reading.

(g) The authorization bill shall first be considered and if it should be passed on Final Reading then the "A" bill shall be read and voted on for final passage.

(h) The fiscal note shall be factual in nature, as brief and concise as may be, and shall, if possible, provide a reliable estimate in dollars and, in addition, it shall include both the immediate effect and, if determinable or reasonably foreseeable, the long range effect of the measure. If, after investigation, it is determined that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given.

(i) No comment or opinion shall be included in the fiscal note with regard to the merits of the measure for which the note is prepared, however, technical or mechanical defects may be noted.

(j) The subject matter of bills submitted to boards, commissions, departments, agencies, or other entities of the state by the Fiscal Analyst shall be kept in strict confidence by said agencies and by the office of Fiscal Analyst together with the content of the fiscal note itself and no information relating thereto shall be divulged by any official or employee prior to its introduction in the Legislature.

(k) To implement the provisions of and assure compliance with Art. III, Sec. 22 of the Nebraska Constitution (deficiency appropriations), and Art. IV, Sec. 7 of the Nebraska Constitution (appropriations in excess of Governor's request), the Appropriations Committee shall advise the Legislature of the number of votes required to assure passage of the same.

For creation of position. RRS 50-418.
For duties of position. RRS 50-419.

Sec. 7. Governor's Budget Bill. The budget bill prepared by the Governor shall be shown as introduced by the Speaker of the Legislature at the request of the Governor.

Governor's budget message. Const. Art. IV, Sec. 7.

Sec. 8. Reading Title of Bills, Printing. Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member, and the bill and all amendments thereto shall be printed and read at large before the vote is taken upon its final passage.

Const. Art. III, Sec. 14.

Sec. 9. Engrossment of Bills. All bills, before being advanced to Final Reading and passage, shall be engrossed, and copies thereof showing new and stricken matter shall be made available to members.

Sec. 10. Expenditure of Legislative Funds. Those expenditures on which the Legislature votes shall require the approval of the majority of the elected members.

Sec. 11. Withdrawal of Bills. No bill, having been introduced, may be withdrawn except upon motion of the first introducer with the consent of his or her cointroducers. Such motion, when made, shall not be considered prior to the next succeeding legislative day, and, for its adoption, shall require the affirmative vote of a majority of those voting upon the question.

Withdrawal of bills set for hearing. Rule 3, Section 13.

Sec. 12. Division of Bills, Prohibited. No bill shall be divided into two or more bills.

Sec. 13. Holding of Bills. Unless otherwise disposed of, all bills on which no final action has been taken by the time of adjournment of the regular session in odd-numbered years shall be held over for consideration at the regular session convening in even-numbered years.

Sec. 14. Public Retirement Plans and Actuarial Studies (a) Commencing with the 1997 legislative session, any bill proposing a structural change which impacts the benefits or funding status provided under a public retirement plan, or any bill proposing the creation of a new public retirement plan, shall be introduced only during the first ten days of a 90 day session.

(b) No bill for which an actuarial study is necessary to determine the cost of such proposed changes shall be enacted until an actuarial study has been conducted and the results reported to the Legislature.

(c) (i) The Nebraska Retirement Systems Committee may introduce amendments to an appropriations bill to fund actuarial studies for only those retirement systems which are or would be administered by the state. If such amendments are enacted, the results of the actuarial studies shall be reported to the Legislature by November 15 of that calendar year.

(ii) Actuarial studies required for changes to other public systems under the jurisdiction of the Nebraska Retirement Systems Committee but not administered by the state shall not be funded by the state.

RULE 6--BILLS--STAGES OF CONSIDERATION

Section 1. Introduction of Bills. Starting with regular sessions in odd-numbered years, bills shall be numbered consecutively starting with the number 1. Bills introduced in regular sessions in even-numbered years shall start with the number following the number of the last bill introduced in the preceding regular session of an odd-numbered year, (bills introduced in any special session shall start with the number 1) and shall be numbered consecutively as read by the Clerk. After introduction, bills requiring reference shall be delivered to the Reference Committee.

Sec. 2. Objection to Reference of Bills. (a) Any member may object to the reference of any bill or other proposition, and correction in case of error in reference may be made by the Legislature by unanimous consent, or by the vote of a majority of the elected members.

(b) Those bills and resolutions placed on General File by the Reference Committee will be bracketed for five calendar days, and if one senator requests a public hearing on one or more of these matters, they will then be referred to a committee. Bills on General File for which public hearings have not been requested will be handled as all bills on General File.

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. A bill will not be read section by section unless requested by a member of the Legislature.

(b) Each section shall be open to amendment. The amendments, if any, recommended by standing committees, shall first be considered. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto, after which he or she may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17.

(c) Bills shall be listed and considered on General File in the order in which they shall be reported from the standing committees, except as modified by the Speaker; Provided, that any bill that comes up for debate for a second time, with the introducer present, shall be placed by the Clerk at the bottom of General File if said introducer asked for further time, unless otherwise directed by the Speaker.

Speaker determine order of bills. Rule 1, Section 16.

(d) During consideration of bills on either General or Select File, any member may move that the bill be passed over once and if the motion is carried by a majority of those voting, the bill shall be passed over and shall retain its place on the file.

(e) At any stage of consideration of a bill, a motion to bracket or to bracket to a day certain or to unbracket shall, if made by the primary introducer of the bill, require a majority of those voting. If made by other than the primary introducer, there shall then be required a majority vote of the elected membership. In any event, such motions shall alternatively be passed by unanimous consent of the body.

(f) In the event a motion to indefinitely postpone a bill is made before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members.

(g) In the event a bill has become substantially a new and different bill by reason of amendments having been adopted, the Speaker may refer said bill to the Reference Committee who must refer the said bill to a proper committee for a public hearing; Provided, that a majority of the elected members may overrule the decision of the Speaker.

(h) If, in the opinion of the Speaker, the bill is in such form that it should properly be referred back to committee for further action, he or she may by order direct the same; Provided, that a majority of the elected members may overrule the decision of the Speaker. Any motion to amend a bill or any motion to amend an amendment shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members, unless proposed as part of a committee amendment.

(i) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Initial after three attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on General File:

MEM--Majority of Elected Members;
MTV--Majority of Those Voting.

GENERAL FILE

		Rule-Sec.
On introduction of bill		
Withdraw bill	**MTV**	**5-11**
On consideration of bill on General File		
Move to pass over	**MTV**	**6-3d**

Move to change order	**3/5**	**1-16**
Move to indefinitely postpone before bill is read	**MEM**	**6-3f**
Move to indefinitely postpone after bill is read	**MTV**	
Move to advance to E & R for review	**MEM**	**6-4**
Move to return to committee	**MEM**	
Move to reconsider		
(within one legislative day thereafter)	**MEM**	**7-7a**
(if after one legislative day, by suspension of the rules only)	**3/5**	**7-7a**
Move to amend	**MEM**	**6-3h**
Move to amend the amendment	**MEM**	**6-3h**
Move to withdraw bill by first introducer	**MTV**	**5-11**
If returned from Select File		
Motion to amend	**MEM**	**6-5e**
Motion to advance	**MEM**	**6-4**
Defeated bill, motion to reconsider	**MEM**	**7-7**

Sec. 4. Enrollment and Review. Bills when advanced to Enrollment and Review shall be reviewed for recommendations relative to arrangement, phraseology, and correlation. Advancement to Enrollment and Review from General File for such purpose shall require a majority of the elected members. A motion to return to General File from Enrollment and Review shall, for adoption, require the concurrence of a majority of the elected members.

Sec. 5. Select File. When the Legislature considers bills on Select File, any of the following motions shall be in order.

(a) A motion to approve or reject any or all of the changes recommended by the Chairperson of Enrollment and Review.

(b) A motion to adopt an amendment to a bill or an amendment to an amendment which shall require a majority vote of the elected members, except amendments which are substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

(c) A motion to recommit to the proper standing committee.

(d) A motion to postpone indefinitely.

(e) Motions made pursuant to subsections b, c, and d hereof may be adopted only upon the affirmative vote of a majority of the elected members.

(f) Amendments recommended by Enrollment and Review shall not be read by the Clerk except upon the request of a member of the Legislature.

(g) Notwithstanding any other provision contained in this section, if the Enrollment and Review Committee returns a bill to Select File from engrossment, then only the specific Enrollment and Review Committee amendments may be considered.

(h) Any bill failing to receive 25 votes to be advanced to Enrollment and Review Final after two attempts shall be indefinitely postponed.

The following votes shall be required to adopt the following motions affecting bills on Select File:

SELECT FILE

		Rule-Sec.
Motion to advance to E & R for engrossing if machine vote requested	**MEM**	**2-1**
Motion to act on E & R amendment	**MTV**	**6-5a**
Motion to amend	**MEM**	**6-5b**
Motion to recommit to a standing committee	**MEM**	**6-5c**
Motion to indefinitely postpone	**MEM**	**6-5d**
On bill returned from E & R for engrossing & Final Reading		
Motion to return for specific amendment	**MEM**	**6-6**
Motion to adopt specific amendment	**MEM**	**6-6**

Sec. 6. Return to Select File. (a) On a motion to return a bill to Select File for a specific amendment, a majority of the elected members must concur. No other amendment shall be considered when the bill is so returned. Such amendment when considered may be adopted by a majority vote of the elected members, except an amendment which is substantially the same as any bill indefinitely postponed shall require a three-fifths vote of the elected members.

(b) A point of order to determine the germaneness of a specific amendment may be considered during a motion to return a bill to Select File for specific amendment.

Sec. 7. Final Reading. No bill shall be voted on for final passage until:

(a) After five legislative days following the introduction of the bill.

(b) One legislative day after its reference to Final Reading.

(c) Printed copies of the bill in its final form, as amended, shall have been available to members and on their desks for at least one legislative day.

Const. Art. III, Sec. 14.

Sec. 8. Final Reading, Motions. On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken. At any time before the roll call shall have begun on Final Reading of the bill, it shall be in order to move:

(a) To recommit the bill to Enrollment and Review to correct an error and for reengrossment.

(b) To recommit the bill to the proper standing committee, with or without instructions.

(c) To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.

(d) Any bill returned to Select File for a specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require the concurrence of a majority of the elected members.

Members to remain in their seat. Rule 2, Section 3h.
No one to be seated beside member during Final Reading. Rule 2, Section 3e.

The following votes shall be required to adopt the following motions affecting bills on Final Reading:

FINAL READING

		Rule-Sec.
To return to standing committee	**MEM**	**6-8**
To return to E & R to correct an error	**MEM**	**6-8**
To return to Select File for specific amendment	**MEM**	**6-6**
To pass on Final Reading	**MEM**	**6-9**
With emergency clause attached	**2/3**	**6-10**
Creation of state office *Const. Art. IV, Sec. 27*	**2/3**	
Motion to reconsider (when failed on Final Reading)	**3/5**	**7-7**
Override Governor's veto	**3/5**	**6-11**
"A" bills considered		**5-6**

Sec. 9. Question on Final Reading. The question after the Final Reading of a bill shall be: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' " If the emergency clause is contained in the bill, the words "with the emergency clause attached" shall be added to the question.

Majority of elected members required. Const. Art. III, Sec. 13.

Sec. 10. Emergency Clause, Votes Required. When a bill containing the emergency clause does not receive the required two-thirds constitutional majority on Final Reading, then the emergency clause shall be considered stricken, and the bill without the emergency clause shall be pending on Final Reading, and the question then shall be, "Shall the bill pass with the emergency clause stricken?"

Const. Art. III, Sec. 27.

Sec. 11. Governor's Veto, Further Legislative Action. (a) Upon the day of receipt of a message from the Governor announcing his or her veto of a bill, or on any of the next five legislative days in the same annual session, any member may move that the bill so vetoed be taken up for passage in the form presented to the Governor. The Legislature shall decide upon the motion no later than five legislative days, in the same annual session, after receipt of the message from the Governor announcing his or her veto of the bill, whereupon the question shall be, "Shall the bill pass notwithstanding the objections of the Governor?" No bill vetoed by the Governor shall be taken up by the Legislature for any purpose other than passage of the bill notwithstanding the objections of the Governor or for override of a line-item veto.

Three-fifths vote of the elected members required to pass bill over Governor's veto. Const. Art. IV, Sec. 15. See also Art. IV, Sec. 7.

The Governor may disapprove any item or items of appropriation contained in bills passed by the Legislature, and the item or items so disapproved shall be stricken therefrom, unless repassed in the manner prescribed in case of disapproval of bills.

Const. Art. IV, Sec. 15.

(b) On the sixth legislative day following the receipt of a veto message, or within five calendar days following the sine die adjournment of a legislative session, the Clerk shall transmit to the Secretary of State all vetoed bills and line-item vetoed bills wherein no motion to override has been offered, or upon which a motion to override has been unsuccessful.

Sec. 12. Bills, Passed Over Governor's Veto. Should the Legislature pass a bill over the objections of the Governor by the necessary constitutional majority, it shall so certify and deposit the same with the Secretary of State.

RRS 84-503.

Sec. 13. Certificates. Whenever the Legislature shall override a line-item veto, on any bill as provided for in Article IV, Section 15, the Clerk of the Legislature shall cause to be placed on such bill a certificate in content and form as provided for in RRS 84-503 and shall list the items so overridden by section, page, and line.

In addition to such certificate, the Clerk of the Legislature shall note on each line, when the Legislature votes to override, a stamp reading "line-item veto overridden" and place thereon the date and his or her initials.

Sec. 14. Appropriations Bills, Procedure After Veto. (a) Whenever the Governor shall have vetoed more than one item in an appropriation bill, the Appropriations Committee shall review said veto and the Chairperson of the Appropriations Committee shall report within one legislative day to the Legislature on it's fiscal implications, and affect on operations. If the Appropriations Committee by majority vote decides to recommend to the Legislature an override of the veto on any portion of such an appropriation bill, the Chairperson of the Appropriations Committee or his/her designee shall first be permitted an opportunity to move that the entire bill become law notwithstanding the line-item veto therein.

(b) If such motion fails or is not offered, the Chairperson of the Appropriations Committee or his/her designee shall then introduce motions to override selected portions of the vetoed bill.

(c) Any member of the Legislature may then offer a motion to override the veto of the bill or any portion thereof if the Appropriations Committee by majority action decides not to recommend overriding the veto of the bill or the veto of that portion of the bill.

(d) It shall require 30 votes of the elected members to amend a veto override motion that includes another line-item veto.

Sec. 15. Constitutional Amendments, Votes Required. When a proposed constitutional amendment does not receive the required four-fifths constitutional majority necessary to submit such proposed amendment to the electors at a special election, then the special election language of the bill shall be stricken, and the bill shall be pending on Final

Reading, and the question shall be, "Shall the bill pass providing for the submission of such proposition at the next general election?"

> *Constitutional Amendment. If proposition is to submit amendment to electorate at special election fails to receive 4/5 plurality, then amend bill to provide for general election when adoption is by 3/5 plurality. RRS 49-236.*

RULE 7--PROCEEDINGS AND MOTIONS

(A) Order of Business

Section 1. Meeting Time, Restrictions. (a) The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year and thereafter on each legislative day at 9:00 a.m., unless otherwise ordered by a majority vote of its members present and voting thereon. The Legislature shall remain in session until it shall adjourn sine die, but in no event shall it remain in session for longer than ninety (90) legislative days in odd-numbered years or sixty (60) legislative days in even-numbered years. This limitation may be suspended by a four-fifths vote of the elected senators. Each day the Legislature convenes shall be considered a legislative day.

Const. Art. III, Sec. 10.

(b) The order of business of the Legislature shall be as follows; except as otherwise provided by the Speaker.

a. Prayer by the Chaplain
b. Roll call
c. Call for correction of the Journal
d. Petitions and memorials
e. Notice of committee hearings and reports
f. Bills on Final Reading
g. Resolutions
h. Introduction of bills and reading by title
i. Consideration of bills on Select File
j. Motions to reconsider
k. Motions to advance bills from committee
l. Other pending motions
m. Unfinished business, including messages on President's desk
n. Consideration of bills on General File
o. Miscellaneous business

(c) Messages from the Governor may be received at any stage of the proceedings.

(d) Upon call for the introduction of bills, any member or any standing committee to which bills are referred for consideration may introduce one or more bills.

Introduction of bills. Rule 6, Section 1.

(B) Voting Machine

Sec. 2. Voting, Electric Roll Call. (a) All votes shall be taken viva voca unless otherwise provided for herein. Questions shall be distinctly put in this form, to wit: "Those who are in favor of the question say 'aye'; those who are opposed to the question say 'nay.' "

(b) If a machine vote is called for or if the presiding officer is in doubt, he or she shall cause the result to be obtained by means of the electric roll call system, and in such event shall accept only machine tallied votes except that voice votes shall be accepted on a motion before the house while the house is under call. The presiding officer may vote by voice. Only the totals shall be printed in the Journal. Once having voted aye or nay, senators may call in a change to not voting prior to the locking of the voting board.

(c) Upon the final passage of a bill, or of a resolution if the same required the same consideration as a bill, the vote shall be by yeas and nays, and the electric roll call system shall be used. Voice votes shall be accepted on Final Reading.

(d) Whenever the "ayes" and "nays" are taken by machine vote, no member shall be permitted to vote after the decision is announced by the presiding officer or the Clerk. Votes not registered on the electric roll call system shall not be counted for or against a proposition. In announcing such vote, the Clerk shall announce the ayes, the nays, those present and not voting, those absent and not voting, and those excused and not voting, and on any action to advance or amend bills, these totals shall be set forth in the Journal. Voice votes shall be accepted on roll call or record votes. All roll call votes of the comprised membership shall be taken in alphabetical order starting with the first name that begins with the letter "A" or the letter closest to "A," except that any member may request a roll call vote in reverse alphabetical order unless the introducer of the motion under consideration objects. A roll call in reverse alphabetical order shall start with the member's name that begins with "Z" or the letter closest to "Z."

(e) Only senators physically in the legislative chamber may vote.

(C) Motions

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To recess
b. To adjourn
c. For cloture
d. To reconsider
e. For the previous question
f. To postpone to a time certain
g. To recommit to a committee
h. To amend
i. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged except as provided for in Rule 1, Section 17. Motions to postpone indefinitely and amend do not yield to each other.

When any of the following motions shall be made, any action on such motion shall be delayed at least one legislative day and the motion shall be printed in the Legislative Journal:

a. Motion to postpone indefinitely on General File or Select File, unless the introducer(s) of the bill, or the committee chairperson in the case of committee bills, request(s) that the motion to postpone indefinitely be considered immediately without the one day delay.
b. Motion to place on General File pursuant to Rule 3, Section 19(b).
c. Motion to place bills on General File, notwithstanding the action of a standing committee.

(b) When a motion or other proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order.

(c) Amendments to the title shall be made by the Enrollment and Review Committee.

(d) No motion, proposition, or subject, different from that under consideration, shall be admitted under color of amendment. Any amendment that is not germane is out of order. Germane amendments relate only to details of the specific subject of the bill and must be in a natural and logical sequence to the subject matter of the original proposal. A nongermane amendment includes one that relates to a substantially different subject.

(e) Any member may call for the division of a question, which shall be divided if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Legislature. Once a division is ordered by the presiding officer, each component shall be treated as a separate and distinct proposition. For purposes of germaneness, even if a question is germane prior to a request for division, each and every other component or proposition of the divided question will be subject to germaneness rulings. Once a vote or change has occurred on any of the divisible questions, the remaining divided sections may not be withdrawn without a majority of those voting or without unanimous consent. A motion to strike out and insert shall be deemed indivisible, but a motion to strike out being lost, shall not preclude an amendment or a motion to strike out or insert. Such call for division shall not be allowed when considering motions under Rule 6, Section 6.

(f) When motions are made for reference of the same subject to a select committee and to a standing committee, the question on reference to the standing committee shall be considered first.

Sec. 4. Shall the Debate Cease. The previous question shall be in this form, "Shall the debate now close?"

The previous question shall be made only in the normal course of speaking order and shall be in order when demanded by five or more members, and must be sustained by the vote of a majority of the elected members, and until decided shall, except as provided in this section of this rule, preclude further debate and all amendments and motions, except one motion to adjourn. The presiding officer may rule the previous question out of order if in the presiding officer's opinion a full and fair debate has not been afforded, due to the complexity of the subject matter. The ruling of the presiding officer shall be subject to overrule in accordance with Rule 1, Section 12 of these rules.

On a previous question there shall be no debate. All incidental questions of order, arising after a motion is made for a previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

When the previous question shall have been ordered on a proposition under debate, the mover, proponent, or introducer of such proposition shall be given the right to close the debate thereon.

After a motion to indefinitely postpone a bill has been offered, and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for five minutes on such motion.

Sec. 5. Call of the House. (a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected.

(b) When a member is recognized to close on a motion and requests a call of the house, the time spent waiting for the members to record their presence shall be counted against the member's closing time.

Lieutenant Governor votes only when Legislature equally divided. Rule 1, Section 14.
Voice vote while house under call. Rule 7, Section 2b.

Sec. 6. Postpone to Time Certain. No motion to postpone to a time certain, to commit, or to postpone indefinitely being decided, shall again be allowed on the same day at the same stage of the bill or proposition.

Sec. 7. Reconsideration. (a) When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof. A motion to reconsider must be made on the same day the original question was decided or on the next legislative day, except when it be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading. In such case, it must be made on the same day the original question was decided or on one of the next three legislative days. A motion to reconsider must be disposed of by the Legislature within five legislative days after making the same or it shall be deemed defeated. If the Legislature shall refuse to reconsider, or upon reconsideration shall affirm its first decision, no further motion to reconsider shall be in order unless by unanimous consent.

Motion to reconsider cannot be withdrawn without leave. Rule 7, Section 3.

(b) Every motion to reconsider shall take preference over all other questions, except a motion to recess, to adjourn, or for cloture.

(c) For its adoption, a motion to reconsider shall require the vote of a majority of the elected members, except:

i Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading, then a three-fifths vote shall be required for adoption.
ii Where such motion be to reconsider the vote on a bill which lacked the constitutional majority on a Final Reading with the emergency clause attached, but which received the constitutional majority with the emergency clause stricken and the purpose of the motion is to again add the emergency clause, then a two-thirds vote of the elected members shall be required for adoption.
iii Where such motion be to reconsider the vote on a motion to pass a bill notwithstanding the objections of the Governor or for override of a line-item veto, then a three-fifths vote shall be required for adoption.
iv Where such motion be to reconsider the vote on a motion to suspend the rules, then a three-fifths vote shall be required for adoption.

(d) For a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times; for a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times; for a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill, for technical or clarifying amendments.

(e) Whenever a bill is returned from the Governor for further action pursuant to the Legislature's request for such return, motions for reconsideration necessarily incident to opening a bill for further action shall be admitted regardless of the time limitation otherwise imposed by this rule.

Sec. 8. Strike the Enacting Clause. A motion to strike the enacting clause, if adopted, is equivalent to rejection of the bill. It shall not have precedence over a motion to amend nor a motion to indefinitely postpone.

Sec. 9. Motions to Adjourn or Recess. A motion to adjourn shall be in order, except:

a. While a member is speaking.
b. When a motion to adjourn or recess has just been defeated.
c. After the Final Reading of a bill and during roll call thereon.

A motion to adjourn to a time certain shall have precedence over a motion to adjourn. A motion to recess shall take precedence over either of such motions. Successive motions to adjourn or recess are never in order for dilatory purposes.

When a motion to adjourn or recess has been made, the Speaker shall be privileged to speak to the motion prior to any vote on such motion. A motion to adjourn or recess is not debatable.

A motion to adjourn or recess shall be adopted if approved by a majority of members voting.

Sec. 10. Cloture. At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for a cloture to the presiding officer after eight hours of debate on the bill at that stage of consideration, except that the appropriation bills introduced by the Appropriations Committee shall be subject to a cloture motion after twelve hours of debate at that stage of consideration. The presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A two-thirds majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

An unsuccessful motion for cloture shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture shall not be in order until two additional hours of debate on the bill has occurred.

Sec. 11. Motions and Amendments for Dilatory Purposes. Motions and amendments shall not be filed for dilatory purposes. If more than two amendments and/or motions are offered to a bill or resolution, the principal introducer of the bill or resolution may raise a point of order stating that he or she believes the amendments and/or motions are being used for dilatory purposes. If, in the opinion of the Speaker, the motions and/or amendments are not dilatory, debate on the pending measure shall continue. If the Speaker has reason to believe that one or more of the amendments and/or motions are dilatory, the Speaker shall consult with the principal introducer of the original bill or resolution and the principal introducers of the amendment and/or motions in an attempt to reach an accord as to which amendments and/or motions should be considered by the Legislature. For that purpose, the Speaker may temporarily remove the entire bill or resolution from the agenda. After consultation, the Speaker shall forthwith decide which, if any, amendments and/or motions are dilatory and shall rule such amendments and/or motions out of order. A motion to overrule the chair on any decision made pursuant to this section is not in order except that a ruling of the chair may be challenged by an introducer of amendments and/or motions ruled to be dilatory in which instance the challenge shall be to all amendments and/or motions included in the Speaker's ruling. The consultation and the Speaker's ruling subsequent to consultation provided for in this section, shall in no case result in a bill or resolution being removed from the agenda for more than the current legislative day. Any amendment and/or motion ruled out of order by the Speaker shall not in any form, version, or substance be in order if again offered by any member at the same stage of debate. A motion to overrule the chair after a ruling is out of order.

RULE 8--APPROPRIATIONS PROCESS

Section 1. Purpose. The purpose of this rule is to provide a procedure for the Legislature to develop appropriations for all state agencies, boards, and commissions. Such procedure shall consider the need to (1) continue the services and financial assistance provided by state agencies and programs, (2) restrict the growth in state appropriations, and (3) provide for the efficient and effective use of state revenue by utilizing standing committee subject matter expertise in the review of agency, board, and commission budget requests.

Sec. 2. Appropriations Committee Report. The Legislature's Appropriations Committee, by majority vote of its members, shall annually prepare a report summarizing the recommended total General Fund appropriation for each year of the following biennium. Such report shall include information based upon the committee's initial review of (1) state agency, board, and commission budget requests, (2) the Governor's budget, (3) the estimated revenue receipts for each year of the following biennium, (4) General Fund reserve requirements, (5) express obligations, and (6) economic conditions affecting the State of Nebraska.

Sec. 3. Report, When Required. The report required in Section 2 of this rule shall be printed in the Legislative Journal and presented to each member of the Legislature by the Chairperson of the Appropriations Committee between twenty and thirty legislative days after the Governor presents his or her budget during sessions in odd-numbered years and between fifteen and twenty legislative days after the Governor's budget presentation during session in even-numbered years.

Sec. 4. Standing Committee Appropriations Review. (a) Each standing committee may hold a budget request review hearing on the agency, board, and commission budgets reasonably encompassed in its subject matter jurisdiction. Any such review hearing shall not be held until the Appropriations Committee has held its public hearing on that agency, board, or commission. The chairperson of the standing committee shall coordinate the scheduling of such hearings with the Chairperson of the Appropriations Committee. The standing committee shall obtain a determination from the Executive Board that the budget to be reviewed is within its subject matter jurisdiction. The standing committee may recommend to the Legislature amendments to proposed appropriations.

(b) Standing committee amendments, if any, must be filed by the sixth legislative day following the placement of appropriations bills on General File. Standing committee amendments shall be printed in the Journal and shall be considered by the Legislature no sooner than the eighth legislative day following the placement of the appropriations bills on General File. Standing committee amendments shall be considered by the Legislature after Appropriations Committee amendments but before all other amendments. Standing committee amendments shall be considered in the order of filing.

(c) The Appropriations Committee shall make available to the appropriate standing committee all currently available information at its disposal.

Sec. 5. Bills, Held on Final Reading. The report of the Appropriations Committee shall include a recommended dollar amount of the General Fund biennium appropriation which shall be allocated for the funding of "A" bills, bills that result in the net reduction of revenue to the General Fund, tax expenditure bills, and amendments to the appropriations bills as reported to General File by the Appropriations Committee. During a 90 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; and all tax expenditure bills shall not be read on Final Reading until the appropriations bills are passed by the Legislature. Provided the Appropriations Committee shall place appropriations bills on General File no later than the 70th legislative day in a 90 day session and the 40th legislative day in a 60 day session. If this deadline is not met, the Legislature shall consider the appropriations bills as introduced by the Governor. During a 60 day session, all "A" bills which, when considered with their companion bill, appropriate general funds resulting in a net loss; all bills resulting in the reduction of revenue to the General Fund; all tax expenditure bills; and all appropriations bills shall not be read on Final Reading prior to the 45th legislative day. The appropriations bills shall be passed no later than the 80th legislative day in a 90 day session and the 50th legislative day in a 60 day session. The appropriations provided for in an "A" bill shall be for not less than two fiscal years.

Sec. 6. Bill, Setting Tax Rates. The Legislature's tax rate bill shall be passed no later than the 85th legislative day in a 90 day session and the 55th legislative day in a 60 day session.

RULE 9--SPECIAL SESSIONS

Section 1. Purpose. The purpose of this rule is to establish special procedures for the Legislature to utilize during a special session. This rule recognizes the necessity of the Legislature to address the business for which it is called together in an expeditious and fair fashion and provides that certain legislative procedures established for regular sessions shall not unduly burden the activities of the Legislature during a special session.

Sec. 2. Convening of the Legislature. Pursuant to the directive contained in the proclamation issued by the Governor, either upon the concurrence of two-thirds of the members of the Legislature according to the procedure established by section 50-125 or upon the call of the Governor under the authority of Article IV, section 8, of the Nebraska Constitution, the Legislature shall convene in special session. The first item of business shall be the introduction of bills and resolutions, both of which shall be numbered consecutively beginning with the number one. Bills and resolutions offered by the Speaker at the request of the Governor or offered pursuant to the statement filed with the Secretary of State and agreed to by two-thirds of the members of the Legislature shall be introduced ahead of all other proposals. After introduction, all bills and resolutions shall be handled in the manner provided in this rule. Bills shall be introduced only during the first three days of the session. Resolutions which are not considered and adopted in the same manner as bills may be introduced at any time during the session.

Sec. 3. Resolution Considered as a Bill. Resolutions which propose amendments to the state constitution, propose the ratification or rejection of amendments to the federal Constitution, or memorialize the Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Sec. 4. Committee Hearings. Within one legislative day following the introduction of bills and resolutions, or pronouncement of a gubernatorial appointment, the Reference Committee shall review each bill, resolution, and gubernatorial appointment and refer the matter to the appropriate standing committee. The committee to which the bill, resolution, or gubernatorial appointment is referred shall provide as much public notice of the time and place of the hearing on the matter as is reasonable under the circumstances by publication in the Legislative Journal, but in no case shall the hearing be more than five calendar days after the date the bill, resolution, or gubernatorial appointment has been referred to the committee.

Sec. 5. Report of Bill or Resolution to Legislature. The committee to which a bill or resolution has been referred shall make a report on the bill or resolution to the Legislature within twenty-four hours after the committee has taken final action on the matter. If, at the expiration of twenty-four hours from the time final action was taken, the chairperson has not reported the bill or resolution, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill or resolution has been taken at least twenty-four hours prior to the time the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

Sec. 6. Indefinitely Postponed Bills and Resolutions. If the committee action on a bill or resolution is to postpone indefinitely, the bill shall stand indefinitely postponed, except that such bill or resolution may be placed on General File or referred back to the committee by a majority vote of the elected members. Not more than one bill or resolution shall be raised from committee on any one motion. A motion to raise shall not be amended to include any other bill, resolution, or subject matter. A motion to raise shall take precedence in order over all other motions, except a motion to adjourn.

Sec. 7. Bills and Resolutions Held by Committee. If the committee has not taken final action on a bill or resolution within two days after the committee hearing, any senator may move that the bill or resolution be placed on General File. If a majority of the elected members vote in favor of the motion, the bill shall be placed on General File.

Sec. 8. Pending Proposals Indefinitely Postponed. At the conclusion of a special session, all bills and resolutions which have not been enacted shall stand indefinitely postponed and shall not carry over to the next legislative session.

Sec. 9. Rules Controlling When Conflict Exists. When a conflict exists between the provisions of this rule and other provisions of the Rules of the Nebraska Legislature, the provisions of this rule shall apply.

RULE 10--ELECTION CONTESTS AND QUALIFICATIONS CHALLENGES

Section 1. Election Contests and Qualifications Challenges. (a) An election contest shall place in issue only the validity of the results of an election of a member to the Unicameral Legislature. An election contest shall only determine which candidate was properly elected to the Legislature and shall be seated.

(b) A qualifications challenge shall place in issue only the qualifications of a person elected as a member of the Legislature under the Constitution. A qualifications challenge shall only determine whether a person elected to the Legislature is qualified to hold or retain the seat.

(c) Election contests and qualifications challenges shall be brought and conducted as provided in these rules.

(d) Each election contest and qualifications challenge filed with the Clerk shall be referred by the Clerk to the Reference Committee, who in turn shall refer the matter to a specially created committee to consider such contest or challenge. The committee shall consist of an odd number of members, shall have a minimum of five members and shall consist of members appointed by the Executive Board. The chairperson of such committee shall be appointed by the Executive Board.

(e) The special committee may adopt rules to govern election contests and qualifications challenges, provided that such committee rules must be consistent with these rules, must be filed with the Clerk within twenty-four hours of adoption, and must be made available to all parties and to the public.

Sec. 2. Initiating Election Contests. (a) Election contests may be brought only by an unsuccessful candidate.

(b) Election contests may be brought only by the procedures and within the time limits established by the Nebraska statutes. Notice of intention to contest shall be served on the person certified as elected to the Legislature from the representative district within the time limits established by law.

(c) Within forty days following the general election contested, each contestant shall file with the Clerk of the Legislature a petition of election contest and shall serve such petition on the purported winner. A petition of election contest shall allege the contestant's qualifications to bring the contest and to serve as a member of the Legislature, that he/she alleges that a mistake, violation of election laws, or fraud was committed in specified precincts in the counting, return or canvass of the votes or that some other specified irregularity occurred in the conduct of the election in specified precincts. A petition of election contest shall contain a prayer specifying the relief requested and the precincts in which a recount or other inquiry is desired. A petition of election contest shall be verified by affidavit swearing to the belief that the allegations are true, and shall be accompanied by proof of service on all respondents.

(d) A petition of contest may not be amended to cure a defect under the statutory requirements. A petition of election contest, if filed and served subsequent to the notice of intention to contest, may not raise points not expressed in the notice.

Sec. 3. Initiating Qualifications Challenges. (a) Qualifications challenges may be brought only by an unsuccessful candidate.

(b) Qualifications challenges must be brought within forty days following the general election contested.

(c) A qualifications challenge shall be brought by filing a petition of qualifications challenge with the Clerk, and by serving a copy of the petition on the purported winner. The petition must be accompanied by proof of personal service upon the respondent member and must be verified by affidavit swearing to the truth of the allegations or based upon information and belief. A petition of qualifications challenge shall set forth the grounds on which the respondent member is alleged to be constitutionally unqualified, the qualifications of the petitioner to bring the challenge, and a prayer for relief.

Sec. 4. Contests and Challenges - Due Process. (a) Election contests and qualifications challenges shall be heard and determined as expeditiously as possible under adversary procedures wherein each party to the proceedings has a reasonable opportunity to present his claim, any defense and arguments, and to respond to those of his opponents. All parties may be represented by counsel.

(b) Election contests and qualifications challenges shall be heard and determined in accordance with the applicable provisions of the Nebraska statutes, the Nebraska Constitution, and the United States Constitution. Judicial decisions which bear on a point of law in a contest or challenge shall be admissible in the arguments of the parties and the deliberations and decisions of the committee. Judicial decisions applicable to a point of law or to a fact situation to the committee shall be given weight as precedent.

(c) The committee shall give notice of all rules, timetables or deadlines adopted by the committee. Notice under this subsection shall be in writing and shall be given either personally with receipt, or by certified mail (return receipt requested) addressed to the party at his or her place of residence and to his or her attorney of record at his or her office if so requested by the party.

Sec. 5. Committee Proceedings and Powers in Contests and Challenges. (a) All proceedings of the committee concerning election contests and qualifications challenges may be recorded and transcribed. Copies of the transcript shall be made available to the members of the committee and to the parties.

(b) The committee may dismiss an election contest or qualifications challenge, or may determine to proceed to a recount or other inquiry. The committee may limit the issues to be determined in a contest or challenge, except that where a recount is conducted in an election contest, any precinct timely requested by any party to be recounted shall be recounted by the committee.

(c) In conducting inquiries, investigations and recounts in election contests and qualifications challenges, the committee shall have the power to compel the attendance of witnesses and the production of books, papers, ballots, documents and records, by subpoena signed by the chairperson of the committee as provided by Rule 3, Section 20. In conducting proceedings in election contests and qualifications challenges, the committee may utilize the legislative powers to gather information as provided by Rule 3, Section 20.

(d) The committee may allow any person authorized to take depositions of any necessary witnesses, as may be permitted by law. In recounting the ballots in any election contest, however, no person other than a member of the committee or officer of the Legislature shall handle any ballots, tally sheets, or other election materials without the consent of the committee. The responsibility for the actual recounting of ballots may not be delegated.

(e) The committee shall maintain a record of proceedings in every election contest and qualifications challenge. Such record shall include all notices and pleadings, roll call votes, all reports and dissents, and all documents which were admitted into the proceeding. The committee shall file the record with the Clerk of the Legislature upon the adoption of its final report. The record shall then be available for examination in the Clerk's office.

(f) With the approval of the Executive Board, the committee may employ staff assistants to include clerks, court reporters, professional staff and other personnel as deemed necessary.

Sec. 6. Adoption of Reports in Contests and Challenges. (a) All final decisions of the committee regarding an election contest or qualification challenge shall be reported in writing to the Legislature, and approved by a majority of the members of the committee. Reports shall include a specific recommendation to the Legislature as to the disposition of the contest or challenge.

(b) Any member of the committee may file a dissent from a report of the committee, a minority report, or a special concurrence with the majority report or with any minority report.

(c) Reports of the committee shall be filed with the Clerk of the Legislature, printed and placed on the members' desks, along with any dissents, minority reports or special concurrences. The report shall be listed on the agenda under the heading "Report of Election Contest" or "Report of Qualifications Challenge." The report as filed with the Clerk, shall not be considered for two legislative days prior to any consideration by the Legislature.

(d) The Legislature shall adopt the majority report or a minority report in an election contest or qualifications challenge or shall refuse to adopt any report filed and re-refer the contest or challenge to the committee for further proceedings or for a modified report. Reports as filed by the committee are non-amendable. If the Legislature fails to adopt a report, the matter shall automatically be rereferred to committee for further consideration.

(e) Each party to a contest or challenge may file with the Clerk of the Legislature within 15 days of the filing of the final report a detailed statement of attorney's fees and expenses incurred by said party in connection with the case. The committee shall make recommendations to the Legislature concerning reimbursement of attorney's fees and the expenses of the parties. Such recommendation shall not exceed a sum that is reasonable, just and proper.

MOTIONS

Type of Motion	Vote Required	Rule-Sec.
FINAL READING		
Adopt bill	25	6-9
Adopt bill with emergency clause	33	6-10
Override gubernatorial veto	30	6-11
Return to Select File for specific amendment	25	6-8
Return to standing committee	25	6-8
GENERAL FILE		
Advance to E & R for review	25	6-4
Amendment to amendment	25	6-3
Amendment to bill	25	6-3
Indefinitely postpone	Simple Majority	
Return to committee	25	6-3
SELECT FILE		
Adopt E & R amendment	25 if requested	6-5
Advance to E & R for engrossing if machine vote requested	25	2-1
Amendment to amendment	25	6-5
Amendment to bill	25	6-5
Indefinitely postpone	25	6-5
SPECIAL MOTIONS		
Adopt resolutions	Simple Majority unless otherwise requested	4-5
Call of the Legislature	Simple Majority	7-5
Cease debate	25	7-4
Change the Speaker's order of bills (Agenda)	30	1-16
Extension of legislative session	40	7-1
Introduce bill after ten day limitation	30	5-4
Motion to adjourn	Simple Majority	7-9
Overrule the chair	Majority of those present	1-12
Place bill held in committee on General File	25	3-19
Place bill on General File after indefinitely postponing by committee	30	3-17
Reconsideration	25	7-7
Final Reading	30	7-7
w/emergency clause	33	7-7
Override	30	7-7
Rule suspension	30	7-7
Suspension of Rules	30	2-2
Withdrawal of bill	Simple Majority	5-11

INDEX TOPICS

Adjournment
Agenda
Amendments
Appointments
Appropriation Bills
Appropriations
Assistant Clerk
Bill Drafter
Bill Drafting
Bills
Call of the House
Censure
Chaplain Coordinator
Clerk of the Legislature
Cloture
Committee on Committees
Committee Statement
Committees
Communication Device
Consent Calendar
Constitution
Debate
Election Contest
Emergency Clause
Employees
Engrossment
Enrollment and Review
Executive Board
Expulsion
Final Reading
Fiscal Analyst
General File
Germaneness
Governor
Gubernatorial Appointments
Handouts
Indefinitely Postponed
Interim Studies
Introduction of Bills
Investigating Committee
Journal
Legislative Chamber
Legislative Funds
Lieutenant Governor
Lobbyists
Materials
Motions
Oath
Officers
Order of Business
Overrule Ruling of the Chair
Personal Privilege
President
Presiding Officer
Press
Printing
Priority Bills
Public Hearings
Quorum
Reconsideration
Reference Committee
Resolutions
Retirement
Rules Committee
Rules of Procedure
Select Committees
Select File
Senators
Sergeant at Arms
Sessions
Smoking Policy
Speaker
Special Committees
Special Sessions
Standing Committees
Subpoena Procedure
Suspension of the Rules
Veto
Visitors
Voting
Withdrawal of Bills

INDEX TO RULES

Rule-Sec.

ADJOURNMENT
Motion to adjourn or recess: precedence of motions................7-9
Motion to adjourn or recess: votes required............................7-9
Motion to adjourn or recess: when in order.............................7-9
Print in Journal..1-19(c)

AGENDA
Order of General File consideration: changed.........................1-16(a)
Speaker: prepare daily...1-16(c)

AMENDMENTS
Bills: Speaker refer to Reference Committee when substantially different...6-3(g)
Committee amendments: approval by Bill Drafter..................3-16(c)
Dilatory purposes...7-11
E & R amendments..6-5(g)
E & R amendments: read by Clerk only upon request ....6-5(f)
Fiscal notes: change to reflect fiscal impact of amended bill...5-6(e)
General File: order of consideration.......................................6-3(b)
Germane: defined..7-3(d)
Line-item veto by Governor: votes required to amend............6-14(d)
Motion to amend an amendment: when in order......................7-3(b)
Motion to amend bill or amend amendment: votes required...6-3(h),5(b)
Motion to amend: priority of motion.......................................7-3(a)
Motion to amend: when in order ....7-3(b)
Motion to return to Select File for specific amendment...........6-6
Print in Journal if vote taken..1-19(d)
Refer to committee when substantially different.....................6-3(g)
Requirements ....5-2(b)
Rules 2-2
Title: amendments, authorization to E & R Committee ....7-3(c)

APPOINTMENTS
Gubernatorial: collection of information................................3-4(e)(iii)
Gubernatorial: committee report..3-4(e)(iv)
Gubernatorial: defer receipt of appointment until next session..3-4(e)(v)
Gubernatorial: legislative approval...3-4(e)(ii)
Gubernatorial: notice 3-13

APPROPRIATION BILLS
"A" bills: generally ....5-6(f)
"A" bills and appropriation bills: hold until the 45th day in a 60 day session 8-5

INDEX TO RULES

Rule-Sec.

"A" bills, Final Reading: considered after authorization bill ... 5-6(g)
Contents ... 5-2(d)
Governor's budget bill: introduced by Speaker ... 5-7
Introduction after tenth day ... 5-4(c)
Legislative funds, expenditures: votes req'd. ... 5-10
Line-item veto by Governor: Appropriations Committee procedure ... 6-14(a-b)
Line-item veto by Governor: order of override motions ... 6-14(a-c)
Passage: deadlines ... 8-5
Placement on General File: deadlines ... 8-5
Priority bills: no priority over appropriation bills ... 5-5(i)
Priority of consideration ... 1-16(a)
Request of bills from committee: exceptions ... 3-19(b)
Revenue reduction, tax expenditure and "A" bills, 90 day session: hold until appropriation bills are passed ... 8-5
Tax rate bill: passage deadline ... 8-6
Votes required for passage: Appropriations Committee to advise Legislature ... 5-6(k)

APPROPRIATIONS
Committee report: contents requirement ... 8-2
Committee report: contents requirement, include recommended dollar amount ... 8-5
Committee report: when required ... 8-3
Procedure, purpose ... 8-1
Standing committee review: procedure ... 8-4
Tax rate bill: passage deadline ... 8-6

ASSISTANT CLERK
Duties ... 1-20
Legislative approval ... 1-2

BILL DRAFTER
Bill drafting after January 1: limit to senators ... 5-1
Committee amendments: approve as to form ... 3-16(c)
Duties: generally ... 5-1
Duties: section index of bills ... 5-1
Original statute sections must be repealed ... 5-2(b)
Revisor bills: procedure ... 5-3(a)

BILL DRAFTING
E & R: corrections authorized ... 3-4(d)(iii)
E & R: review of bills ... 6-4
E & R: supervision and legal services ... 3-4(d)(ii)

INDEX TO RULES

Rule-Sec.

BILLS
- Amended bills: refer to committee when substantially different .... 6-3(g)
- Amendments (See AMENDMENTS)
- Appropriation Bills (See APPROPRIATION BILLS)
- Carryover bills 5-13
- Committee action on bills: report within 8 days .... 3-16(b)
- Committee action on bills: votes required .... 3-16(a)
- Committees: authority to amend and correlate bills and resolutions .... 3-12(a)
- Content and form .... 5-2(a-c)
- Designation .... 5-2(a)
- Division of bills prohibited 5-12
- Drafting .... 5-2(a)
- Engrossment: required before Final Reading 5-9
- E & R: corrections authorized .... 3-4(d)(iii)
- E & R: review criteria 6-4
- Final Reading (See FINAL READING)
- Fiscal notes: confidentiality of subject matter .... 5-6(j)
- Fiscal notes: contents .... 5-6(a)
- General File (See GENERAL FILE)
- Governor's budget bill: introduced by Speaker 5-7
- Introduction (See INTRODUCTION OF BILLS)
- Number limitation .... 5-4(d)
- Original statute sections must be repealed .... 5-2(b)
- Passage: signing 1-13
- Passed over Governor's line-item veto: certification procedure 6-13
- Passed over Governor's veto: certify with Secretary of State 6-12
- Printing 5-8
- Priority bills (See PRIORITY BILLS)
- Priority of consideration .... 1-16(a)
- Public hearings (See PUBLIC HEARINGS)
- Referencing: correction of error in reference, procedure .... 6-2(a)
- Referencing: objections, procedure .... 6-2(a)
- Restrictions: contain one subject .... 5-2(b)
- Revisor bills: procedure .... 5-3(a)
- Select File (See SELECT FILE)
- Speaker: refer back to committee due to form .... 6-3(h)
- Special sessions (See SPECIAL SESSIONS)
- Statement of intent: required .... 5-4(e)
- Status report requests: generally .... 3-19(a)
- Title: amendments, authorization to E & R Committee .... 7-3(c)
- Veto by Governor: further legislative action 6-11

Rule-Sec.

Voting: print in Journal...1-19(b)
Withdrawal: procedure 5-11
Withdrawal: restrictions...3-13

CALL OF THE HOUSE
Counted in closing time ....7-5(b)
Lack of quorum...1-10
Procedure ....7-5(a)

CENSURE
Senators...2-8

CHAPLAIN COORDINATOR
Duties...1-22
Legislative approval...1-2

CLERK OF THE LEGISLATURE
Amendments: record and preserve ....1-19(h)
Assistant Clerk: duties 1-20
Assistant Clerk: legislative approval 1-2
Bill introduction...6-1
Debate and questions on bills, resolutions, and
 amendments: record and preserve ....1-19(h)
Duties: generally 1-18
Duties: printing bills from Executive Board.............................5-3(b)
E & R amendments: read only upon request ....6-5(f)
Employees: permitted on floor during Final Reading ....2-3(e)
Fiscal note: deadline and delivery procedure ....5-6(d)
General File: read number, title, and introducer.......................6-3(a)
Gubernatorial appointments: collection of
 information ....3-4(e)(iii)
Gubernatorial appointments: committee report.......................3-4(e)(iv)
Handouts: authorized to distribute...2-3(g)
Journal: daily preparation ....1-19(a)
Journal: distribution for senators ....1-19(a,f)
Legislative approval...1-2
Motions: read before vote taken ....7-3(a)
Passed over Governor's line-item veto:
 certification procedure...6-13
Printing of bills ....5-3(b)
Record and preserve: debate and questions on bills,
 resolutions, and amendments...1-19(h)
Resolutions: engrossment and certification 4-7
Resolutions: introduction...4-1
Revisor bills: procedure...5-3(a)
Subpoenas, writs, warrants 1-13

Rule-Sec.

Vetoed bills: transmit to Secretary of State
  when override attempted........................6-11(b)
Voting: announcement of votes........................7-2(d)

CLOTURE
Motion........................7-10
Priority of motion........................7-3(a)

COMMITTEE ON COMMITTEES
Appointments, temporary: procedure........................3-11
Appointments to standing and select committees........................3-2(b)
Authority over committees........................3-4(c)
Investigating committee: membership appointments........................3-4(g)
Membership........................3-2(a)
Reports submitted, procedures........................3-2(b)
Standing committee meetings: publish schedule........................3-6(a)
Vacancies on standing and select committees:
  interim procedure........................3-2(e)
Vacancies on standing and select committees:
  session procedure........................3-2(e)
Vacancies within Committee on Committees:
  filled by a meeting of the caucus........................3-2(e)

COMMITTEE STATEMENT (See COMMITTEES)

COMMITTEES (See also STANDING COMMITTEES, SELECT COMMITTEES, SPECIAL COMMITTEES)
Action on bills: report within 8 days........................3-16(b)
Action on bills: votes required........................3-16(a)
Amendments: approval by Bill Drafter........................3-16(c)
Appointments, temporary: procedure........................3-11
Attendance: required........................2-4(a)
Bill introduction: number limitation........................5-4(d)
Bill status report requests........................3-19(a)
Bills and resolutions: authority to amend and correlate........................3-12(a)
{Subject to} Call of the chairperson or majority........................3-6(c)
Closed meetings........................3-15(b)
Committee statement: chairperson may be compelled
  to submit........................3-19(b)
Committee statement: contents........................3-18(a)
Committee statement: distribution to all senators........................3-18(c)
Committee statement: distribution to committee
  members........................3-18(b)
Committee statement: resolutions........................4-10
Committee statement: when required........................3-18(a)

INDEX TO RULES

Rule-Sec.

Executive sessions: defined ....3-15(a)
Indefinitely postponed bills: disposition 3-17
Investigating committees: establishment of membership ....3-4(g)
Investigations 3-20
Jurisdiction ....3-1(b)
Model Committee Rules ....3-1(d)
Motion to place on General File a bill held by committee: one day delay before action ....7-3(a)
Powers ....3-1(a)
Powers: limitations ....3-1(c)
Priority bills: designate two bills ....5-5(b)
Priority bills: public hearing schedule ....5-5(f)
Priority bills: withdrawal of priority designation ....5-5(e)
Public hearings (See PUBLIC HEARINGS)
Quorum (See QUORUM)
Resolutions: refer to committee 4-8
Smoking policy ....3-10(a)
Special sessions (See SPECIAL SESSIONS)
State officials, department heads, and employees: encourage appearance 3-14
Subpoena procedure 3-20

COMMUNICATION DEVICE
Legislative Chamber: use of ....2-3(k)
Hearing rooms: use of ....3-10(b)

CONSENT CALENDAR
Generally ....5-5(g)
Removal of bill: procedure ....5-5(g)

CONSTITUTION
Amendments: failure to receive votes required for special election 6-15
Amendments: resolution considered as bill 4-2
Amendments: votes required 6-15
Appropriation bills, votes required: Appropriation Committee to advise Legislature ....5-6(k)
Special Session: constitutional amendment resolution 9-3

DEBATE
Cloture 7-10
Dilatory purposes: motions and amendments 7-11
Exception to words spoken 2-9
Interruption of Speaker ....2-7(b)
Motion to cease debate: procedure 7-4

Rule-Sec.

Motions allowable during debate of a question........................7-3(a)
Motions to adjourn or recess: not debatable............................7-9
Priority bills: order of consideration..5-5(h)
Senators: restrictions on individual senators speaking............2-10
Verbatim record: preparation..1-19(h)

ELECTION CONTEST
Contests and qualifications challenges....................................10

EMERGENCY CLAUSE
Final Reading: stricken when not sufficient votes....................6-10
Final Reading: votes required...6-10
Question on Final Reading...6-9

EMPLOYEES (See also OFFICERS)
Clerk of the Legislature's office, employees of:
  permitted on floor during Final Reading...............................2-3(e)
Hiring and salary: Executive Board...1-23
Legislative chamber: admission...2-3(b)

ENGROSSMENT
Bills: engrossment required before Final Reading....................5-9
Bills: show new and stricken matter..5-9

ENROLLMENT AND REVIEW
Amendments...6-5(g)
Amendments: read by Clerk only upon request........................6-5(f)
Bill Drafting: supervision and legal services.............................3-4(d)(ii)
Chairperson: report engrossed bills...3-4(d)(i)
Corrections authorized: listing...3-4(d)(iii)
Failure to advance from General File.......................................6-3(i)
Failure to advance from Select File..6-5(h)
Motion to advance from General File: votes required..............6-4
Motion to return to General File: votes required......................6-4
Resolutions: if amended..4-4
Title: amendments...7-3(c)

EXECUTIVE BOARD
Chairperson: authorize Clerk to read
  communications..1-18(d)
Election of officers...1-1(b)
Employees: hire and determine salaries..................................1-23
Membership..1-1(a)
Officers: recommendations..1-2
Reference Committee..3-4(e)(i)
Revisor bills: introduction and procedure................................5-3(a)

Rule-Sec.

Standing and select committee vacancies:
  interim procedure .... 3-2(e)
Study resolutions: procedure 4-3
Vacancies on standing and select committees:
  session procedure .... 3-2(e)
Vacancy: procedure .... 1-1(b)

EXPULSION
  Procedure 2-6

FINAL READING (See also APPROPRIATION BILLS)
  "A" bills: considered after authorization bill .... 5-6(g)
  Bill and all amendments read before vote 5-8
  Bills: bracket until "A" bill is advanced .... 5-6(f)
  Bills: reading of bills at large 6-8
  Emergency clause: stricken when not sufficient votes 6-10
  Emergency clause: votes required 6-10
  Machine vote required .... 7-2(c)
  Motion to readvance to Final Reading without
    E & R Review .... 6-8(d)
  Motion to recommit to E & R .... 6-8(a)
  Motion to recommit to Select File for
    specific amendment .... 6-8(c)
  Motion to recommit to the proper standing committee .... 6-8(b)
  Motions: enumeration and vote required .... p. 43, 63
  Persons on floor prohibited .... 2-3(e)
  Persons on floor prohibited, exceptions .... 2-3(h)
  Placement on Final Reading 6-7
  Printed copies of bills in final form: requirement .... 6-7(c)
  Question on Final Reading 6-9
  Reconsideration: when in order .... 7-7(d)
  Restrictions on final passage 6-7
  Senators to remain in seats .... 2-3(h)

FISCAL ANALYST
  Bills: estimate change in revenue and expenditures .... 5-6(a)
  Duties .... 5-6(a)
  Fiscal note: change to reflect fiscal impact of
    amended bill .... 5-6(e)
  Fiscal note: confidentiality of subject matter .... 5-6(j)
  Fiscal note: contents .... 5-6(a)
  Fiscal note: contents, estimate in dollars .... 5-6(h)
  Fiscal note: contents, opinions disallowed .... 5-6(i)
  Fiscal note: deadline and delivery procedure .... 5-6(d)
  Fiscal note: department heads to provide information .... 5-6(b)

INDEX TO RULES

Rule-Sec.

Fiscal note: require Department of Administrative Services review ....5-6(c)

GENERAL FILE
Advancement to E & R: votes required 6-4
Amendments: order of consideration ....6-3(b)
Bills: order of priority and nonpriority bills ....5-5(g-h)
Bills placed on General File by Reference Committee ....6-2(b)
Clerk to read number, title, and introducer ....6-3(a)
Failure to advance after three attempts ....6-3(i)
Fiscal note: attach to bill ....5-6(a)
Motion to amend bill or amend amendment: votes required ....6-3(h),5(b)
Motion to pass over: procedure ....6-3(c-d)
Motion to place on General File notwithstanding committee action 3-17
Motion to request bill from committee ....3-19(b)
Motions: enumeration and votes required ....p. 40, 63
Order and arrangement of bills by Speaker ....6-3(c)
Order of consideration ....1-16(a)
Passing over when introducer is present ....6-3(c)
Priority bills: failure to advance ....5-5(h)
Reconsideration: when in order ....7-7(d)
Return to General File from E & R: votes required 6-4
Section by section reading by Clerk not required ....6-3(a)

GERMANENESS
Amendments: germaneness required ....7-3(d)
Germane amendments: defined ....7-3(d)
Motions to return to Select File: when considered 6-6
Nongermane amendments: defined ....7-3(d)
Overrule ruling of the chair: procedure 1-12

GOVERNOR
Appointments: collection of information ....3-4(e)(iii)
Appointments: committee report ....3-4(e)(iv)
Appointments: notice 3-13
Appointments: procedure ....3-4(e)(ii)
Bill introduction after tenth day: exception ....5-4(c)
Bills vetoed: further legislative action 6-11
Budget bill: introduced by Speaker 5-7
Legislative chamber: admission ....2-3(d)
Line-item veto: authorization 6-11
Messages: print in Journal ....1-19(b)
Messages to the Legislature: read at any time ....7-1(c)
Override line-item veto: votes required ....7-7(c)(iii)

Rule-Sec.

Reconsideration: request by Legislature to return bill for further action ....7-7(e)

GUBERNATORIAL APPOINTMENTS
Collection of information ....3-4(e)(iii)
Committee report....3-4(e)(iv)
Defer receipt of appointment until next session ....3-4(e)(v)
Legislative approval....3-4(e)(ii)
Notice....3-13

HANDOUTS
Legislative chamber: distribution ....2-3(g)
State agencies: authorization ....2-3(g)

INDEFINITELY POSTPONED
Committee action on bills....3-17
General File: before reading, votes required ....6-3(f)
General File: failure to advance after three attempts....6-3(i)
Limitation on motion: motion not allowed twice on the same day, same stage....7-6
Motion: one day delay before action, when....7-3(a)
Priority of motion ....7-3(a)
Request bill from committee: failure of motion, effect ....3-19(c)
Resolutions 4-9
Select File: failure to advance....6-5(h)
Select File: motion to indefinitely postpone....6-5(d,e)
Special sessions (See SPECIAL SESSIONS)

INTERIM STUDIES
Study resolutions: procedure 4-3

INTRODUCTION OF BILLS (See also BILLS)
Generally....6-1
Introduction after tenth day: exceptions ....5-4(c)
Introduction by senator: requirements....5-4(a)
Introduction by standing and special committees....5-4(b)
Number limitation....5-4(d)
Numbering and reading of bills 6-1
Special sessions (See SPECIAL SESSIONS)
Title to be read....5-8
When in order ....7-1(d)

INVESTIGATING COMMITTEE (See COMMITTEES)

INDEX TO RULES

Rule-Sec.

JOURNAL
Appropriations Committee report: print in Journal 8-3
Bound volumes ....1-19(g)
Clerk of the Legislature: prepare daily ....1-19(a)
Contents: generally 1-19
Corrections ....1-19(a)
Distribution for senators ....1-19(a,f)
Explanation of vote 2-5
Hour of adjournment ....1-19(c)
Lobbyist list ....1-19(i)
Machine vote: print totals ....7-2(b)
Public hearing: notice required 3-13
Resolutions: introduction 4-1
Voting records: contents ....7-2(d)

LEGISLATIVE CHAMBER
Admission ....2-3(b,c,d)
Communication device, use of ....2-3(k)
Defined ....2-3(a)

LEGISLATIVE FUNDS
Expenditures: votes required 5-10

LIEUTENANT GOVERNOR (See PRESIDENT)

LOBBYISTS
Admission to chamber ....2-3(c)
Listed in Journal ....1-19(i)

MATERIALS (See HANDOUTS)

MOTIONS
{To} Adjourn 7-9
{To} Adjourn to a time certain 7-9
Adjournment: priority of motion ....7-3(a)
{To} Amend an amendment: when in order ....7-3(b)
{To} Amend bill or amend amendment:
votes required ....6-3(h),5(b)
{To} Amend: priority of motion ....7-3(a)
{To} Amend: when in order ....7-3(b)
Bill passed notwithstanding Governor's objection 6-11
Bracketing and unbracketing of bills: procedure ....6-3(e)
Call of the house: procedure 7-5
Cease debate: priority of motion ....7-3(a)
Cease debate: procedure 7-4

INDEX TO RULES

Rule-Sec.

Cease debate: votes required 7-4
Cloture 7-10
{To} Commit: motion not allowed twice
  on the same day, same stage 7-6
Compel chairperson to submit committee statement....................3-19(b)
Dilatory purposes....................7-11
Division of the question....................7-3(e)
Final Reading: enumeration and votes required ....p. 43, 63
Final Reading: motion to recommit to E & R Review ....6-8(a)
Final Reading: motion to recommit to Select File for
  specific amendment ....6-8(c)
Final Reading: motion to recommit to the proper
  standing committee....................6-8(b)
Final Reading: readvance to Final Reading without
  E & R Review....................6-8(d)
General File: advance to E & R, votes required 6-4
General File: enumeration and votes required....................p. 40, 63
General File: return to General File from E & R,
  votes required....................6-4
Generally....................7-3
Indefinitely postpone: motion not allowed twice on the
  same day, same stage 7-6
Indefinitely postpone on General File:
  before reading, votes required ....6-3(f)
Indefinitely postpone: one day delay before action ....7-3(a)
Indefinitely postpone: priority of motion ....7-3(a)
Indefinitely postpone: refer back to committee....................3-17
Motions allowable during debate of a question....................7-3(a)
Motions requiring one day delay before action:
  enumerated....................7-3(a)
Override of veto and line-item veto....................6-11
Override of veto and line-item veto: order of motions ....6-14(a-c)
Override of line-item veto: votes required to amend....................6-14(d)
Pass over: procedure on General or Select File....................6-3(c-d)
Personal privilege 2-11
{To} Place on General File a bill held by committee:
  one day delay before action ....3-19, 7-3(a)
{To} Place on General File notwithstanding committee
  action: one day delay before action ....3-17, 7-3(a)
Postpone to time certain: not allowed twice on
  the same day 7-6
Postpone to time certain: priority of motion....................7-3(a)
Previous question: priority of motion....................7-3(a)
Priority motions: order of consideration
  when question is under debate....................7-3(a)
Raise from committee....................3-17

Rule-Sec.

Read before vote taken ....7-3(a)
{To} Recess 7-9
Recess, priority of motion ....7-3(a)
Recommit to committee: priority of motion ....7-3(a)
Reconsideration (See RECONSIDERATION)
Reference of same subject to standing and select committees: order of consideration ....7-3(f)
Request bill from committee ....3-19(b)
Request bill from committee: failure of motion ....3-19(c)
Resolutions: motion to raise from committee 4-9
Return to Select File for specific amendment 6-6
Select File: enumeration and votes required ....p. 42, 63
Select File: motion to approve or reject changes by E & R ....6-5(a)
Select File: motion to postpone indefinitely ....6-5(d,e)
Select File: motion to recommit to the proper standing committee ....6-5(c,e)
Special sessions (See SPECIAL SESSIONS)
Strike out and insert ....7-3(e)
Strike the enacting clause 7-8
Strike the enacting clause: not a priority motion 7-8
Suspension of the rules: not amendable or divisible 2-2
Suspension of the rules: votes required 2-2
Withdrawal of bills 5-11
Withdrawal or modification of motion: when permitted ....7-3(a)
Written if requested ....7-3(a)

OATH
Officers 1-4

OFFICERS
Assistant Clerk: duties 1-20
Assistant Clerk: legislative approval 1-2
Assistant Sergeant at Arms: duties ....1-21(b)
Chaplain Coordinator: duties 1-22
Chaplain Coordinator: legislative approval 1-2
Clerk of the Legislature: duties 1-18
Clerk of the Legislature: legislative approval 1-2
Election ....1-1(a)
Election: votes required ....1-3(a)
Legislative chamber: admission ....2-3(b)
Oath 1-4
Recall: procedure ....1-3(b)
Sergeant at Arms: duties ....1-21(a)
Sergeant at Arms: legislative approval 1-2
Sergeant at Arms: supervision by presiding officer ....1-21(a)

INDEX TO RULES

Rule-Sec.

ORDER OF BUSINESS
Enumeration....7-1(b)
Governor's messages: read at any time....7-1(c)
Special sessions (See SPECIAL SESSIONS)

OVERRULE RULING OF THE CHAIR
Procedure....1-12

PERSONAL PRIVILEGE
Definition....2-11
Order of consideration....2-11

PRESIDENT (See also PRESIDING OFFICER)
Alternate presiding officer....1-8
Bills and resolutions: passage, signing....1-13
Call of the house: lack of quorum....1-10
Convening....1-9
Lack of quorum....1-10
Lieutenant Governor: tie vote....1-14
Overrule ruling of the chair: procedure....1-12
Preserve decorum....1-11
Presiding officers....1-5
Resolutions: signature....4-7
Senators addressing the chair: procedure....2-7(a)

PRESIDING OFFICER (See also PRESIDENT, SPEAKER)
Cease debate: may rule motion out of order....7-4
Cease debate: subject to overrule....7-4
Delegation of authority: order....1-6
Introduction of visitors....2-7(b)
Machine vote: call for when in doubt....7-2(b)
Motions: stated before vote taken....7-3(a)
Personal privilege: order of consideration....2-11
Powers delegated....1-7
Sergeant at Arms: supervise....1-21(a)
Violation of rule: procedure....2-8

PRESS
Closed committee meetings....3-15(b)
Executive sessions: admission....3-15(a)
Legislative chamber: admission....2-3(b)

PRINTING
Bills and resolutions....5-8

INDEX TO RULES

Rule-Sec.

Final Reading bills .... 6-7(c)
Printing of bills: authorize .... 5-3(b)
Revisor bills: procedure .... 5-3(a)

PRIORITY BILLS
Committees designate two bills .... 5-5(b)
Designation: concurrence by introducer .... 5-5(a)
Designation deadline .... 5-5(d)
Failure to advance .... 5-5(h)
No priority over appropriation bills .... 5-5(i)
Order of consideration .... 5-5(h)
Public hearing schedule .... 5-5(f)
Senators designate one bill .... 5-5(a)
Speaker designates 25 bills .... 5-5(c)
Withdrawal of priority designation .... 5-5(e)

PUBLIC HEARINGS
Committee chairperson: set bills and resolutions for hearing .... 3-12(b)
Communication device, use of .... 3-10(b)
Fiscal note: attach to bill prior to hearing .... 5-6(a)
Gubernatorial appointments: notice 3-13
Notice requirements 3-13
Priority bills .... 5-5(f)
Quorum: should be maintained 3-9
Special sessions (See SPECIAL SESSIONS)

QUORUM
Absence: call of the house 1-10
Committee hearings: should maintain quorum 3-9
Committee: majority constitutes 3-8
Committee: requirement for transaction of business 3-8
Majority constitutes 1-9
Postpone reconvening .... 1-16(b)
Requirement to convene 1-9

RECONSIDERATION
Override line-item veto: votes required .... 7-7(c)(iii)
Priority of motion .... 7-3(a), 7-7(b)
Procedure: generally .... 7-7(a)
Request bill from committee, failure: may not be reconsidered .... 3-19(c)
Request Governor to return bill for further action .... 7-7(e)
Time restrictions .... 7-7(a)
Time restrictions: disregarded, when .... 7-7(e)
Votes required for adoption .... 7-7(c)

Rule-Sec.

When in order .... 7-7(d)
Withdrawal: votes required .... 7-3(a)

REFERENCE COMMITTEE
Amended bills: refer to committee
when substantially different .... 6-3(g)
Bills placed on General File .... 6-2(b)
Committee meetings: cancellation procedure .... 3-6(b)
Correction of error .... 6-2(a)
Delivery of bills after introduction 6-1
Duties and powers generally .... 3-4(e)(i)
Executive Board .... 3-4(e)(i)
Objections to reference of bills .... 6-2(a)
Resolutions 4-8
Special sessions (See SPECIAL SESSIONS)

RESOLUTIONS
Adoption: votes required 4-5
Committee statement 4-10
Committees: authority to amend and correlate
bills and resolutions .... 3-12(a)
Constitutional amendment: considered as bill 4-2
Constitutional amendment: failure to receive votes
required for special election 6-15
Constitutional amendment: votes required 6-15
Engrossment: procedure 4-7
E & R if amended 4-4
Indefinitely postponed 4-9
Introduction 4-1
Introduction: title to be read 5-8
Lay over requirement 4-6
Motion to raise from committee 4-9
Printing 5-8
Public hearings (See PUBLIC HEARINGS)
Referred to committee 4-8
Special sessions: constitutional amendment resolution 9-3
Study resolutions: procedure 4-3
Voting: print in Journal .... 1-19(b)
Withdrawal: restrictions 3-13

RETIREMENT
Public retirement plans and actuarial studies 5-14

RULES COMMITTEE
Amendments to rules: reference 2-2
Rule changes, proposed: procedure and deadlines .... 3-4(f)

INDEX TO RULES

Rule-Sec.

RULES OF PROCEDURE
Adoption 2-1
Amendments 2-2
Mason's Manual, when utilized .... 2-1(b)
Matters not covered: procedure .... 2-1(a)
Motion to suspend: not amendable or divisible 2-2
Select committees .... 3-4(b)
Special sessions (See SPECIAL SESSIONS)
Suspension: votes required 2-2
Violation of rule: procedure 2-8

SELECT COMMITTEES
Chairperson: election .... 3-7(a)
Committee names: listing .... 3-4(a)
Membership: appointments .... 3-2(b)
Membership: number of members on each committee .... 3-4(a)
Membership: term .... 3-2(d)
Reference of same subject to standing and select committees: order of consideration .... 7-3(f)
Rules of procedure .... 3-4(b)
Vacancies: interim procedure .... 3-2(e)
Vacancies: session procedure .... 3-2(e)
Vice chairperson: designation by committee .... 3-7(c)

SELECT FILE
Amendments: E & R .... 6-5(g)
Failure to advance .... 6-5(h)
Motion to amend bill or amend amendment: votes required .... 6-3(h),5(b)
Motion to approve or reject changes by E & R .... 6-5(a)
Motion to indefinitely postpone .... 6-5(d,e)
Motion to pass over: procedure .... 6-3(d)
Motion to recommit to proper standing committee .... 6-5(c,e)
Motion to return to Select File for specific amendment 6-6
Motions: enumeration and votes required .... p. 42, 63
Priority bills: failure to advance .... 5-5(h)
Reconsideration: when in order .... 7-7(d)
Return from Final Reading for specific amendment .... 6-8(c)
Return from Final Reading: division of question prohibited .... 7-3(e)

SENATORS
Absence: excused .... 2-4(a)
Absent: explanation of vote 2-5
Addressing the chair: procedure .... 2-7(a)

Rule-Sec.

Addressing the Legislature ....2-3(i)
Attendance required ....2-4(a)
Bill introduction: unlimited number ....5-4(d)
Censure 2-8
Debate: exception to words spoken 2-9
Debate: restrictions on individual senators speaking 2-10
Election contests and qualifications challenges 10
Expulsion: procedure 2-6
Families: admission to legislative chamber ....2-3(b)
Final Reading: remain in seats ....2-3(h)
Personal privilege 2-11
Presence may be compelled ....2-4(b)
Priority bills: designate one bill ....5-5(a)
Priority bills: withdrawal of priority designation ....5-5(e)
Profane or abusive language prohibited ....2-7(b)
Violation of rule: procedure 2-8
Voting: physical presence in chamber required ....7-2(e)

SERGEANT AT ARMS
Assistant Sergeant at Arms: duties ....1-21(b)
Compel presence of senator: authorization ....2-4(b)
Duties ....1-21(a)
Legislative approval 1-2
Supervision by presiding officer ....1-21(a)

SESSIONS
Annual meeting date and time ....7-1(a)
Daily meeting time ....7-1(a)
Legislative day defined ....7-1(a)
Limitation on duration: 90 or 60 days ....7-1(a)
Order of business: enumeration ....7-1(b)
Order of business: Governor's messages read at any time ....7-1(c)

SMOKING POLICY
Committee meetings ....3-10(a)
Legislative Chamber ....2-3(j)

SPEAKER (See also PRESIDING OFFICER, PRESIDENT)
Acting President 1-5
Agenda: prepare daily ....1-16(c)
Amended bills: refer to Reference Committee when substantially different ....6-3(g)
Bills and resolutions: report General File order ....1-16(a)
Bills on General File: set order ....6-3(c)

INDEX TO RULES

Rule-Sec.

Bills: refer back to committee due to form ... 6-3(h)
Committee membership: restricted ... 3-3(b)
Communications: authorize Clerk to read ... 1-18(d)
Consent calendar ... 5-5(g,h)
Election ... 1-1(a)
Excuse senators: authority ... 2-4(a)
Governor's budget bill: introduction ... 5-7
Major proposals ... 1-17
Motions to adjourn or recess: not debatable ... 7-9
Order of priority and nonpriority bills ... 5-5(g,h)
Postpone reconvening: emergency or lack of quorum ... 1-16(b)
Priority bills: designate 25 bills ... 5-5(c)
Priority bills: set designation deadline ... 5-5(d)
Priority bills: withdrawal of priority designation ... 5-5(e)
Privilege to speak ... 1-15
Privilege to speak before vote to adjourn or recess ... 7-9
Resolutions: signature ... 4-7
Rules Committee: ex officio member ... 3-4(a,b)
Security guards: supervise ... 1-21(c)
State agency handouts: authorize ... 2-3(g)
Temporary appointment to a committee ... 3-11
Vacancy: procedure ... 1-1(b)

SPECIAL COMMITTEES
Bill introduction after tenth day: procedure ... 5-4(c)
Bill introduction: authorization ... 5-4(b)
Chairperson: selection procedure ... 3-7(b)
Committee names: listing ... 3-5(b)
Defined ... 3-5(a)
Election contests and qualifications challenges ... 10
Intergovernmental Cooperation Committee:
  temporary members ... 3-5(c)(i)
Membership: number of members on each committee ... 3-5(b)
Vice chairperson: designation by committee ... 3-7(c)

SPECIAL SESSIONS
Bill and resolution introduction ... 9-2
Bills and resolutions held by committee ... 9-7
Bills and resolutions not enacted ... 9-8
Committee hearings ... 9-4
Committee report to the Legislature ... 9-5
Conflicting rules: controlling provisions ... 9-9
Constitutional amendment resolution ... 9-3
Convening ... 9-2
Indefinitely postponed bills and resolutions ... 9-6
Motion to compel committee report ... 9-5

Rule-Sec.

Motion to place bills and resolutions on General File.............9-7
Motion to raise bills and resolutions from committee..............9-6
Referencing...9-4
Rules of procedure: establish...9-1

STANDING COMMITTEES
Appropriations review procedure 8-4
Bill introduction after tenth day: procedure.............................5-4(c)
Bill introduction: authorization...5-4(b)
Bills: recommit from Final Reading..6-8(b)
Chairperson: election ....3-7(a)
Committee names: listing ....3-3(a)
Committee statement: resolutions...4-10
Meetings: cancellation procedure ....3-6(b)
Meetings: schedule and time ....3-6(a)
Membership: appointments ....3-2(b)
Membership: number of members on each committee............3-3(a)
Membership: term...3-2(d)
Reference of same subject to standing and select committees: order of consideration ....7-3(f)
Resolutions: indefinitely postpone 4-9
Speaker: membership restricted..3-3(b)
Vacancies: interim procedure ....3-2(e)
Vacancies: session procedure ....3-2(e)
Vice chairperson: designation by committee...........................3-7(c)

SUBPOENA PROCEDURE
Clerk of the Legislature 1-13
Generally...3-20

SUSPENSION OF THE RULES (See RULES OF PROCEDURE)

VETO
Bills vetoed: further legislative action 6-11
Line-item veto: authorization 6-11
Line-item veto by Governor: votes required to amend.............6-14(d)
Line-item veto by Governor: Appropriations Committee procedure..6-14(a-b)
Line-item veto by Governor: order of override motions ....6-14(a-c)
Override line-item veto: votes required...................................7-7(c)(iii)
Override of veto and line-item veto 6-11
Override of veto and line-item veto: order of motions.............6-14(a-c)
Override of line-item veto: votes required to amend................6-14(d)
Override line-item veto: votes required...................................7-7(c)(iii)

Rule-Sec.

Passed over Governor's line-item veto:
  certification procedure 6-13
Passed over Governor's veto: certify with
  Secretary of State 6-12

VISITORS
Addressing the Legislature ....2-3(i)
Admission to cloak room or post office ....2-3(f)
Admission to legislative chamber..2-3(b,c,d)
Designated area for guests ....2-3(c)
Introduction..2-7(b)
Prohibited on floor during Final Reading................................2-3(e)

VOTING (See also MOTIONS)
Absent senators: explanation of vote 2-5
Final Reading: machine vote required......................................7-2(c)
Lieutenant Governor: tie vote...1-14
Machine vote: decision announced,
  no votes thereafter...7-2(d)
Machine vote: when called for or when presiding
  officer is in doubt...7-2(b)
Motions (See MOTIONS)
Question: form ....7-2(a)
Resolutions: votes required..4-5
Senators: physical presence in chamber required.....................7-2(e)
Voice vote: accepted on roll call or record votes ....7-2(d)
Voice vote: authorization..7-2(a)
Votes: announcement by Clerk...7-2(d)

WITHDRAWAL OF BILLS
Procedure 5-11
Restrictions 3-13

FIRST DAY – JANUARY 8, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 8, 1997

Pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-Fifth Legislature, First Session of the Legislature of Nebraska, assembled in Legislative Hall of the Capitol Building at the hour of 10:00 a.m., on Wednesday, January 8, 1997, and was called to order by President Robak.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army National Guard.

ROLL CALL

The roll was called and the following members were present:

Abboud, Chris
Beutler, Chris
Bohlke, Ardyce
Brashear, Kermit
Bromm, Curt
Brown, Pam
Bruning, Jon C.
Chambers, Ernie
Coordsen, George
Crosby, LaVon
Cudaback, Jim D.
Dierks, Merton L.
Elmer, W. Owen
Engel, Pat
Hartnett, D. Paul
Hilgert, John
Hillman, Joyce
Hudkins, Carol L.
Janssen, Ray
Jensen, Jim
Jones, James E.
Kiel, Shelley
Kristensen, Doug
Landis, David M.
Lynch, Dan
Matzke, Gerald E.
Maurstad, David I.
McKenzie, Janis
Pedersen, Dwite
Pederson, Donald W.
Peterson, Chris
Pirsch, Carol McBride
Preister, Don
Robak, Jennie
Robinson, C. N. Bud
Schellpeper, Stan
Schimek, DiAnna R.
Schmitt, Jerry
Schrock, Ed
Stuhr, Elaine
Tyson, Gene
Vrtiska, Floyd P.
Warner, Jerome
Wehrbein, Roger R.
Wesely, Don
Wickersham, Bob
Will, Eric
Witek, Kate
Withem, Ron

ANNOUNCEMENT

The Chair announced today is Senator Hilgert's birthday.

RESIGNATION

April 16, 1996

Dear Governor Nelson:

This is to formally let you know that after nine years of serving the 42nd District in the Nebraska Legislature, I will be stepping down effective August 15th, 1996. It has been a tremendous honor serving the citizens of Lincoln county in the unicameral, but for me, the time has come for a different set of priorities and new challenges.

Though there is much I would like to say, let it suffice to thank you, my colleagues in the legislature, my constituents and of course my family for an experience I will cherish forever. The great political experiment of representational democracy begun by our forefathers in 1776 is still very much alive and well in Nebraska and its legislature. I was very fortunate to have had the opportunity to play a small role along the way.

Sincerely,
(Signed) David Bernard-Stevens
Senator, District 42

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, E. Benjamin Nelson, on behalf of the State of Nebraska and as Governor, do hereby appoint Donald W. Pederson as a member of the Nebraska Unicameral Legislature, District 42.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on September 5, 1996 and continue until January 8, 1997 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

(Signed) Scott Moore
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

September 5, 1996

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Donald W. Pederson, as a Member of the Legislature from the Forty-Second District for the unexpired term of David Bernard-Stevens, resigned.

Sincerely,
(Signed) Scott Moore
Secretary of State

Enclosures

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that Donald W. Pederson has been appointed as a Member of the Nebraska Unicameral Legislature from the Forty-Second District for the unexpired term of David Bernard-Stevens, resigned. The term beginning September 5, 1996, shall continue until January 8, 1997, or such time as he shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor E. Benjamin Nelson under the authority granted by the Constitution and by Section 32-566 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Fifth day of September in the year of our Lord, one thousand nine hundred and ninety-six.

(SEAL) Scott Moore, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)

) ss.
COUNTY OF LANCASTER)

"I, Donald W. Pederson, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, Dist. 42 according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Donald W. Pederson

Subscribed in my presence and sworn to before me this 5th day of September, 1996.

(Signed) Greg Lemon
Notary Public

(SEAL)
*Constitution of the State of Nebraska,
Article XV, Section One.

POINT OF PERSONAL PRIVILEGE

Mrs. Pirsch spoke to a point of personal privilege.

RESIGNATION

January 8, 1997

Governor Nelson
Madam President Robak
Clerk of the Legislature O'Donnell

This letter will serve as notice to you and the State of Nebraska that I, Carol McBride Pirsch, duly elected in a regular election in November, 1994, to a four-year term ending in January, 1999, will resign on January 8, 1997, at 10:11. I resign to take another office and responsibilities as the newly-elected commissioner from District Five on the Douglas County Board.

(Signed) Carol M. Pirsch

MESSAGE FROM THE GOVERNOR

January 8, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

On this date I have appointed Deborah S. Suttle to fill the vacancy in the 10th District created by the resignation of Senator Carol McBride Pirsch. This appointment will take effect January 8, 1997.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, E. Benjamin Nelson, on behalf of the State of Nebraska and as Governor, do hereby appoint Deborah S. Suttle as a member of the Nebraska Unicameral Legislature, District 10.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on January 8, 1997 and continue until January 6, 1999 provided you shall satisfactorily perform all the duties imposed by law.

(Signed) E. Benjamin Nelson
Governor

(Signed) Scott Moore
Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

January 8, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

I hand you herewith the official appointment and oath of Deborah S. Suttle, as a Member of the Legislature from the Tenth District for the unexpired term of Carol McBride Pirsch, resigned.

Sincerely,
(Signed) Scott Moore
Secretary of State

Enclosures

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that Deborah S. Suttle has been appointed as a Member of the Nebraska Unicameral Legislature from the Tenth District for the unexpired term of Carol McBride Pirsch, resigned. The term beginning January 8, 1997, shall continue until January 6, 1999, or such time as she shall satisfactorily perform all the duties imposed upon such officer by law, and until a successor is duly elected and qualified.

I further certify that the foregoing appointment was made by Governor E. Benjamin Nelson under the authority granted by the Constitution and by Section 32-566 of the Revised Statutes of Nebraska.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth day of January in the year of our Lord, one thousand nine hundred and ninety-seven.

(SEAL) Scott Moore, Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
County of Lancaster)

"I, Deborah S. Suttle, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, 10th District according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Deborah S. Suttle

Subscribed in my presence and sworn to before me this 8th day of January, 1997.

(Signed) Scott Moore
Secretary of State

(SEAL)
*Constitution of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature

MOTION - Temporary Clerk and Sergeant at Arms

Mr. Coordsen moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Ms. Lynne Haas as temporary Sergeant at Arms.

The motion prevailed.

MOTION - Committee on Credentials

Mr. Dierks moved that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the General Election in November 1996.

The motion prevailed.

Mr. Warner moved to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Warner, Chambers, Wesely, Beutler, and Landis.

The motion prevailed.

REPORT OF COMMITTEE ON CREDENTIALS

State of Nebraska

United States of America,)
) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct copy of the Official Roster of Members of the Nebraska Unicameral Legislature elected to serve in the Ninety-fifth Legislature, First Session, 1997.

Further, I hereby certify that the Members so listed on the Official Roster attached hereto are the duly elected Members of the Unicameral Legislature in the State of Nebraska for the Ninety-fifth Legislature, First Session, 1997.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth day of January in the year of our Lord, one thousand nine hundred and ninety-seven.

(SEAL) Scott Moore, Secretary of State

DISTRICT/NAME		ELECTED
1	Floyd P. Vrtiska	November 5, 1996
2	Roger R. Wehrbein	November 8, 1994
3	Jon C. Bruning	November 5, 1996
4	Kermit Brashear	November 8, 1994
5	Don Preister	November 5, 1996
6	Pam Brown	November 8, 1994
7	John Hilgert	November 5, 1996
8	Eric Will	November 8, 1994
9	Shelley Kiel	November 5, 1996
10	Deborah S. Suttle	January 8, 1997 appointed
11	Ernie Chambers	November 5, 1996
12	Chris Abboud	November 8, 1994
13	Dan Lynch	November 5, 1996
14	Ron Withem	November 8, 1994
15	Ray Janssen	November 5, 1996
16	C. N. Bud Robinson	November 8, 1994
17	L. Patrick Engel	November 5, 1996
18	Stan Schellpeper	November 8, 1994
19	Gene Tyson	November 5, 1996
20	Jim Jensen	November 8, 1994
21	Carol L. Hudkins	November 5, 1996
22	Jennie Robak	November 8, 1994
23	Curt Bromm	November 5, 1996

24	Elaine Stuhr	November 8, 1994
25	Jerome Warner	November 5, 1996
26	Don Wesely	November 8, 1994
27	DiAnna R. Schimek	November 5, 1996
28	Chris Beutler	November 8, 1994
29	LaVon Crosby	November 5, 1996
30	David I. Maurstad	November 8, 1994
31	Kate Witek	November 5, 1996
32	George Coordsen	November 8, 1994
33	Ardyce Bohlke	November 5, 1996
34	Janis McKenzie	November 8, 1994
35	Chris Peterson	November 5, 1996
36	Jim D. Cudaback	November 8, 1994
37	Doug Kristensen	November 5, 1996
38	Ed Schrock	November 8, 1994
39	Dwite Pedersen	November 5, 1996
40	Merton L. Dierks	November 8, 1994
41	Jerry Schmitt	November 5, 1996
42	Donald W. Pederson	November 5, 1996
43	James E. Jones	November 5, 1996
44	W. Owen Elmer	November 8, 1994
45	D. Paul Hartnett	November 5, 1996
46	David M. Landis	November 8, 1994
47	Gerald E. Matzke	November 5, 1996
48	Joyce Hillman	November 8, 1994
49	Bob Wickersham	November 5, 1996

MOTION - Credentials Committee Report

Mr. Warner moved to approve the Committee on Credentials Report as certified and presented by the Secretary of State.

The motion prevailed.

MOTION - Escort Chief Justice

Mr. Maurstad moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

The motion prevailed.

The Chair appointed Mmes. Hillman, Robak, Messrs. D. Pederson, Dw. Pedersen, and Preister to serve on said Committee.

EASE

The Legislature was at ease from 10:19 a.m. until 10:24 a.m.

MEMBERS' OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

Do you and each of you solemnly swear that you will support the Constitution of the United States, and the Constitution of the State of Nebraska, and that you will faithfully discharge the duties of a member of the Legislature according to the best of your ability, and that at the election at which you were chosen to fill each office, you have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation), so help you God.

Ardyce Bohlke
Curt Bromm
Jon C. Bruning
Ernie Chambers
LaVon Crosby
L. Patrick Engel
D. Paul Hartnett
John Hilgert
Carol L. Hudkins
Ray Janssen
Jim Jones
Shelley Kiel
Doug Kristensen
Dan Lynch
Gerald E. Matzke
Dwite Pedersen
Donald W. Pederson
Chris Peterson
Don Preister
DiAnna R. Schimek
Jerry Schmitt
Deborah S. Suttle
Gene Tyson
Floyd P. Vrtiska
Jerome Warner
Bob Wickersham
Kate Witek

The Committee escorted the Chief Justice from the Chamber.

MOTION - Adopt Temporary Rules

Mr. Will moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 8, 1997.

The motion prevailed.

MOTION - Election of Officers

Mr. Coordsen moved that the following officers, recommended by the Executive Board, be elected to serve for the Ninety-Fifth Legislature:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Lynne Haas
Chaplain Coordinator	Harland Johnson

The motion prevailed.

MOTION - Election of Speaker

Mr. Vrtiska moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Mr. Withem placed his name in nomination.

Mrs. Witek placed her name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Messrs. Janssen, Jensen, and Mrs. Crosby as tellers.

Withem	38
Witek	10
	48

Mr. Withem was duly elected Speaker of the Legislature.

MOTION - Escort Chief Justice

Mrs. Brown moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Mrs. Brown, Messrs. Jones, Cudaback, Landis, and Schmitt to serve on said Committee.

OFFICERS' OATH OF OFFICE

STATE OF NEBRASKA)
) ss.
LANCASTER COUNTY)

We, and each of us, do solemnly swear (or affirm) that we will support the Constitution of the United States, the Constitution of the State of Nebraska, and faithfully discharge the duties of our respective offices to the best of our ability, so help you God.

Speaker	Ron Withem
Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Lynne Haas
Chaplain Coordinator	Harland Johnson

The Committee escorted the Chief Justice from the Chamber.

MOTION - Chairperson of Committee on Committees

Mr. Jensen moved to proceed to the election of the Chairperson of the Committee on Committees.

The motion prevailed.

Mrs. Crosby placed her name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mrs. Crosby.

The motion prevailed.

Mrs. Crosby was duly elected Chairperson of the Committee on Committees.

MOTION - Committee on Committees Members

Mrs. Robak moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the four districts, as enumerated in Rule 3, Sec. 2(a), to nominate three members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Mr. Dw. Pedersen, Mr. Wesely, and Mr. Beutler were nominated from District 1.

Mr. Lynch, Mr. Abboud, and Mr. Preister were nominated from District 2.

Mr. Dierks, Mr. Robinson, and Mr. Schellpeper were nominated from District 3.

Mrs. Bohlke, Mrs. Hillman, and Mr. Elmer were nominated from District 4.

Mrs. Crosby moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Chairperson of Executive Board

Mr. Wehrbein moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Coordsen placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Coordsen.

The motion prevailed.

Mr. Coordsen was duly elected Chairperson of the Executive Board of the Legislative Council.

MOTION - Vice Chairperson of Executive Board

Mr. Kristensen moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Mr. Vrtiska placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Vrtiska.

The motion prevailed.

Mr. Vrtiska was duly elected Vice Chairperson of the Executive Board of the Legislative Council.

MOTION - Executive Board Members

Mrs. Witek moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Mr. Bromm and Mrs. McKenzie were nominated from District 1.

Mr. Chambers and Mr. Dw. Pedersen were nominated from District 2.

Mr. Engel and Mr. Kristensen were nominated from District 3.

Mr. Hartnett moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

MOTION - Standing Committee Chairpersons

Mrs. Hillman moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 7(a).

The motion prevailed.

CHAIRPERSON - Agriculture

Mr. Dierks placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Dierks.

The motion prevailed.

Mr. Dierks was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Mr. Wehrbein placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Wehrbein.

The motion prevailed.

Mr. Wehrbein was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Mr. Landis placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Landis.

The motion prevailed.

Mr. Landis was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Mr. Abboud placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Abboud.

The motion prevailed.

Mr. Abboud was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Mrs. Bohlke placed her name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mrs. Bohlke.

The motion prevailed.

Mrs. Bohlke was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Mr. Schellpeper placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Schellpeper.

The motion prevailed.

Mr. Schellpeper was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Mr. Robinson placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Robinson.

The motion prevailed.

Mr. Robinson was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Mr. Wesely placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Wesely.

The motion prevailed.

Mr. Wesely was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Mrs. Hudkins placed her name in nomination.

Mr. Brashear placed his name in nomination.

The Chair declared the nominations be closed.

The Chair appointed Messrs. Will, Beutler, and Wickersham as tellers.

Hudkins	12
Brashear	37
	49

Mr. Brashear was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Mr. Beutler placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Beutler.

The motion prevailed.

Mr. Beutler was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Mr. Wickersham placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Wickersham.

The motion prevailed.

Mr. Wickersham was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Mr. Kristensen nominated Mr. Warner.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Warner.

The motion prevailed.

Mr. Warner was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation

Mr. Kristensen placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Kristensen.

The motion prevailed.

Mr. Kristensen was duly elected Chairperson of the Transportation Committee.

CHAIRPERSON - Urban Affairs

Mr. Preister nominated Mr. Hartnett.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Hartnett.

The motion prevailed.

Mr. Hartnett was duly elected Chairperson of the Urban Affairs Committee.

MOTION - Special and Select Committee Chairpersons

Mr. Schrock moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Mr. Schrock placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Schrock.

The motion prevailed.

Mr. Schrock was duly elected Chairperson of the Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Mr. Will placed his name in nomination.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Will.

The motion prevailed.

Mr. Will was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Mr. Maurstad nominated Mr. Bruning.

The Chair declared the nominations be closed and to cast a unanimous vote for Mr. Bruning.

The motion prevailed.

Mr. Bruning was duly elected Chairperson of the Enrollment and Review Committee.

MOTION - Election Returns

Mrs. Bohlke moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 1996.

The motion prevailed.

The Chair appointed Mrs. C. Peterson, Messrs. Wesely, and Abboud to serve on said Committee.

The Committee escorted Secretary of State, Scott Moore, to the rostrum where he delivered the following report.

REPORT FROM THE SECRETARY OF STATE

January 8, 1997

Speaker of the Legislature
Ninety-Fifth Legislature, First Session 1997
State Capitol
Lincoln, NE 68509

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 5, 1996 for the offices of Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska, Supp. 1996.

I also deliver to you, under Seal, a list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

A certification of the returns for Constitutional Amendments proposed by the Legislature showing the number of votes cast for and against each at the Primary (Special) Election held on May 14, 1996 and for Constitutional Amendments proposed by the Legislature and Initiatives Ordered by Petition of the People showing the number of votes cast for and against at the General Election held on November 5, 1996 is also attached.

Inasmuch as these abstract sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office files immediately upon the completion of your official canvass.

Respectfully submitted,
(Signed) Scott Moore
Secretary of State

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Members of the Public Service Commission, Regents of the University of Nebraska and Members of the State Board of Education, who received the highest number of votes cast at the General Election in the State of Nebraska held on November 5, 1996.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth day of January in the year of our Lord, one thousand nine hundred and ninety-seven.

(SEAL) Scott Moore, Secretary of State

PUBLIC SERVICE COMMISSION
Anne Boyle, Second District

STATE BOARD OF EDUCATION
Kimberly J. Peterson, First District
Ann Mactier, Second District
Beverly J. Peterson, Third District
Rick Savage, Fourth District

REGENT UNIVERSITY OF NEBRASKA
Charles Wilson, First District
Nancy L. O'Brien, Second District

CERTIFICATE

State of Nebraska

United States of America,)
) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of Constitutional Amendments proposed by the Legislature showing the number of votes cast for and against each at the Primary (Special) Election held on May 14, 1996 and Constitutional Amendments proposed by the Legislature and Initiatives Ordered by Petition of the People showing the number of votes cast for and against at the General Election held on November 5, 1996 is also attached.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Eighth day of January in the year of our Lord, one thousand nine hundred and ninety-seven.

(SEAL) Scott Moore, Secretary of State

Primary (Special) Election

No. 1

A constitutional amendment to authorize the Legislature to provide for enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution.

FOR	172,882
AGAINST	69,218

No. 2

A constitutional amendment to authorize the Legislature to vote upon final passage of a bill when the bill and all amendments thereto are printed, presented, and read at large unless reading at large is waived by three-fifths vote of the members elected to the Legislature.

FOR	160,443
AGAINST	88,208

No. 3

A constitutional amendment to prescribe that crime victims shall have certain rights. A crime victim or his or her guardian or representative would have the right to be informed of all criminal court proceedings, the right to be present at trial unless the trial court finds that keeping the victim out is necessary for a fair trial for the defendant, and the right to be informed of, be present at, and make an oral or written statement at sentencing, parole, pardon, commutation, and conditional release proceedings. The Legislature would be required to pass laws for implementation of such rights. There would be no remedies other than as specifically provided by the Legislature for the enforcement of such rights.

FOR	194,964
AGAINST	54,950

No. 4

A constitutional amendment to establish and provide powers and duties for the Tax Equalization and Review Commission, to eliminate the equalization powers of the Tax Commissioner, Governor, Secretary of State, State Auditor, and State Treasurer, and to provide for appointment of a Tax Commissioner and provide for powers and duties.

FOR	127,718
AGAINST	110,594

General Election

No. 1

A constitutional amendment to remove the restriction that wagering on the results of horseraces by the parimutuel method be conducted within a licensed racetrack enclosure and to authorize such wagering to be conducted at locations and by means authorized by the Legislature.

FOR	236,600
AGAINST	388,462

No. 2

A constitutional amendment to authorize legislation relating to mergers and consolidations by local governments, to authorize the Legislature to provide for differences in tax rates within and outside municipalities, to change a restriction on allocation of proceeds from motor vehicle taxes, to provide that property of the state and its governmental subdivisions is exempt from taxation to the extent such property is used for public purposes and to authorize classification and taxation of such property, and to repeal and eliminate provisions dealing with township organization and towns.

FOR	268,418
AGAINST	301,064

No. 3

A constitutional amendment to authorize members of the Legislature to participate in employee benefit programs or plans in which other state officers are authorized to participate.

FOR	194,662
AGAINST	389,637

Initiative ordered by the Petition of the People Number 409: Shall the Nebraska Constitution be amended to: instruct Nebraska's members of Congress and state legislators to support passage and ratification of an amendment to the U.S. Constitution limiting U.S. Representatives to three terms and Senators to two terms; inform voters of the position of candidates for congress and legislature on the specified congressional term limits by placing language on election ballots; and instruct state legislators to apply to Congress to convene an Article V Convention for the purpose of proposing an amendment to the U.S. Constitution to limit congressional terms? (Provisions severable).

FOR	345,071
AGAINST	245,704

Initiative ordered by the Petition of the People Number 410: Shall the Nebraska Constitution be amended to provide that: petitions seeking to place proposed measures on the ballot for a vote of the people be signed by registered voters equaling ten percent of the votes cast for Governor at the most recent preceding general election if for a proposed Constitutional amendment; seven percent if for enactment of a law; ten percent of such votes cast if seeking to suspend the effect of an act of the Legislature pending a vote of the people; and five percent of such votes cast if for a referendum on an act of the Legislature?

FOR	242,687
AGAINST	330,112

Initiative ordered by the Petition of the People Number 411: Shall the Nebraska Constitution be amended to provide that: "quality education" shall be a fundamental Constitutional right of each person; the "thorough and efficient education" of all persons between the ages of 5 and 21 in the common schools shall be the "paramount duty" of the state; beginning with the 1998-1999 school year, the Legislature shall establish a school finance system which provides for thorough education in efficiently operated public schools; and that for 1998-99 each school district shall receive at least as much per pupil funding as in 1997-98. (Provisions severable).

FOR	146,426
AGAINST	506,246

Initiative ordered by the Petition of the People Number 412: Shall the Nebraska Constitution be amended, through severable provisions, to: create property tax levy limits for various governmental subdivisions which could be exceeded by a majority vote of the voters; authorize the Legislature to prescribe means to determine the fair market value of real property for property tax purposes; provide that the value of real property for such purposes may not exceed 80% of fair market value for agricultural and horticultural land or 100% of fair market value for other real property; and require the Legislature to establish standards of efficiency for delivery of local governmental services?

FOR	167,204
AGAINST	490,113

Mrs. McKenzie moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

MOTION - Inaugural Ceremonies

Mr. Abboud moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 9, 1997, at 2:00 p.m.

The motion prevailed.

EASE

The Legislature was at ease from 12:01 p.m. until 12:03 p.m.

MOTION - Appropriations Committee Members

Mr. Coordsen moved to approve the appointments to the Appropriations Committee as received by the Executive Board.

The motion prevailed.

Mr. Wehrbein, Mrs. Crosby, and Mr. Maurstad were nominated from District 1.

Mr. Lynch, Mrs. Brown, and Mrs. Kiel were nominated from District 2.

Mr. D. Pederson, Mr. Engel, and Mrs. Hillman were nominated from District 3.

ADJOURNMENT

At 12:04 p.m., on a motion by Speaker Withem, the Legislature adjourned until Thursday, January 10, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

ADDENDUM

The following abbreviations are used in the Legislative Journal to distinguish the members of the legislature from the 35th, 39th, and 42nd districts:

C. Peterson is Chris Peterson from District No. 35.
Dw. Pedersen is Dwite Pedersen from District No. 39.
D. Pederson is Don Pederson from District No. 42.

SECOND DAY - JANUARY 9, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 9, 1997

Pursuant to adjournment, the Legislature met at 10:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks, Will, and Mrs. Witek who were excused; and Messrs. Abboud, Brashear, Chambers, Hartnett, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MOTION - Adopt Temporary Rules

Mr. Matzke moved that the Rules, as now in our possession, be adopted for today only, Thursday, January 9, 1997.

The motion prevailed.

MESSAGES FROM THE GOVERNOR

May 16, 1996

Madam President, Speaker Withem,
  and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Commission for the Hearing Impaired.

APPOINTEE: Leonard L. Smith, 1445 North 70th Street, Lincoln, NE 68505

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

May 16, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Liquor Control Commission.

APPOINTEE: Richard Coyne, 13405 Parker Circle, Omaha, NE 68154

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

June 5, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been reappointed to the Nebraska Dry Bean Commission.

APPOINTEES:
Dick R. Wagoner, RR2, Box 31A, Broadwater, NE 69125
Mary C. Weyers, HC 56, Box 42, Hay Springs, NE 69347

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

June 19, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been reappointed to the Crime Victims Reparation Committee.

APPOINTEES:
Darrell Johnson, Box 75, Sidney, NE 69162
Phyllis Anstine, 9623 Browne, Omaha, NE 68134

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

July 23, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Child Abuse Prevention Fund Board.

APPOINTEES:
Sally Burt, 3500 Hillside Circle, Lincoln, NE 68506
John Jelkin, RR1, Box 155A, Hildreth, NE 68947
Susan Koenig-Cramer, 5008 Dacatur Street, Omaha, NE 68104

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

July 23, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Commission on Industrial Relations.

APPOINTEE: G. Roderic Anderson, 6910 South 51st Street, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

July 23, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Nebraska Ethanol Board.

APPOINTEE: Toby Dellamano, 1423 North 131st Ave Circle, Omaha, NE 68154

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

July 30, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Environmental Quality Council.

APPOINTEE: Steven G. Oltmans, 15733 O Circle, Omaha, NE 68135

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

July 30, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been reappointed to the State Personnel Board.

APPOINTEE: Virgie Louis, 3818 North 34th Avenue, Omaha, NE 68111

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

July 30, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Nebraska Accountability and Disclosure Commission.

APPOINTEE: Ellen Lierk, 1012 Box Butte, Alliance, NE 69301

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

July 30, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the State Highway Commission.

APPOINTEE: John Kingsbury, P.O. Box 570, Ponca, NE 68770

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 15, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been reappointed to the Nebraska Arts Council.

APPOINTEES:
Marilyn R. Mitchell, P.O. Box 52, Norfolk, NE 68702

Gail P. Erwin, 1753 S. 106 Street, Omaha, NE 68124
Don Hinds, 2240 East Gaeth, Fremont, NE 68025

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 15, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed the Property Tax Administrator.

APPOINTEE: Cathy Lang-Morrissey, 5801 Stable Lane, Lincoln, NE 68523

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 16, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Motor Carrier Advisory Council.

APPOINTEES:
Dianna Davis, 8120 South 152 St., Omaha, NE 68138
David Hale, P.O. Box 6338, Omaha, NE 68119-0999
Dan Hurt, 1211 West First, McCook, NE 69001
Larry Caulfield, 4930 Elk Ridge Road, Lincoln, NE 68516

David Goldstein, 1211 N. 97 Plaza, Omaha, NE 68114

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

August 21, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Accountability and Disclosure Commission.

APPOINTEE: Neil B. Danberg, Jr., 10306 Regency Parkway Drive, Omaha, NE 68114-3748

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 9, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been reappointed to the State Electrical Board.

APPOINTEE: William M. Whitmer, 6421 Rogers Circle, Lincoln, NE 68506

The aforementioned name is respectfully submitted for your consideration.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 23, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Board of Educational Lands and Funds.

APPOINTEE: Richard L. Powell, 820 Manchester Circle, Lincoln, NE 68528

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 23, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Nebraska State College Board of Trustees.

APPOINTEE: Jeff Renner, 224 Lafayette Lane, Bellevue, NE 68005

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

September 23, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed and reappointed to the Nebraska Power Review Board.

APPOINTEE: Rick R. Sanders, 1508 J.F. Kennedy Drive, Bellevue, NE 68005

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 3, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building

Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Board of Parole.

APPOINTEE: Bob Boozer, 1258 South 163 Avenue, Omaha, NE 68103

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 8, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Arts Council.

APPOINTEE: Fred Teller, 1520 Crestmoor Drive, Hastings, NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 29, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Environmental Quality Council.

APPOINTEE: Robert Catton, 9612 Parker Street, Omaha, NE 68114

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

October 31, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Nebraska Arts Council.

APPOINTEE: Harry Richardson, P.O. Box 123, Broken Bow, NE 68822

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

December 18, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Public Employees Retirement Board.

APPOINTEE: Alcurtis Robinson, 1411 North 128th Circle, Omaha, NE 68154

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

December 18, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to Chair the Nebraska Board of Parole.

APPOINTEE: Jean Lovell, 1300 G Street, #301 West, Lincoln, NE 68508

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

December 20, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Investment Council.

APPOINTEE: Dennis D. Jorgensen, 11518 Spaulding Street, Omaha, NE 68164

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

December 27, 1996

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed Director of the Governor's Policy Research and Energy Office.

APPOINTEE: Yvonne Norton Leung, 1935 B Street, Lincoln, NE 68502

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

ATTORNEY GENERAL'S OPINIONS

Opinion No. 96038

DATE: April 24, 1996

SUBJECT: Authority of DPI to Assess Patients and Relatives for Their Ability to Pay

REQUESTED BY: Senator David I. Maurstad

WRITTEN BY: DON STENBERG, Attorney General
Martin W. Swanson, Assistant Attorney General

This office has received a request for a formal opinion from you regarding this specific question: Does Neb. Rev. Stat. § 83-363 through § 83-375 (1994) authorize the Executive Branch to assess patients or their relatives for the cost of care, support, maintenance, and treatment based upon their ability to pay if they have never been admitted to a state institution, or have never received treatment prescribed by an institution? The answer to this question is no. However, those statutes must be read in conjunction with Neb. Rev. Stat. § 83-1211 (1994) which specifically states:

> A person receiving specialized services from a local specialized program which receives financial assistance through the department shall be responsible for the cost of such services in the same manner as are persons receiving care at the Beatrice State Developmental Center. Provisions of law in effect on September 6, 1991, or enacted after such date relating to the responsibility of such persons and their relatives for the cost of and determination of ability to pay for services at the center shall also apply to persons receiving services from specialized programs.

When Neb. Rev. Stat. § 83-1211 (1994) is read in conjunction with Neb. Rev. Stat. § 83-363 through § 83-375 it is clear that the Legislature has authorized the executive branch to assess patients or their relatives for their ability to pay even if they have not been admitted to or received treatment from a state run institution. Because of Neb. Rev. Stat. § 83-1211 (1994), persons receiving treatment at state operated facilities and those receiving treatment through community based programs paid for by the State are treated equally.

Additionally, it is important to note that when a potential patient applies for services that are funded by the Department of Public Institutions, he or she is first evaluated to determine if they are eligible for services. *See* 205 NAC 1, 001.15, 001.21, 007.02A. If determined eligible, and if such individual actually receives DPI funded services, the patient is then assessed for their ability to pay and billed for these services accordingly. *See* 202 NAC. If a patient or their family believes that this assessment of their ability to pay is incorrect, they may appeal that determination. *See* 202 NAC, 207 NAC.

Sincerely,
DON STENBERG
Attorney General
(Signed) Martin W. Swanson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
13-124-6.op

Opinion No. 96039

DATE: April 29, 1996

SUBJECT: Permissibility of Service in the Nebraska National Guard by a Member of the Nebraska Legislature

REQUESTED BY: Senator John Hilgert
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

In your opinion request letter, you state that, "I am interested in an opinion of the Attorney General to determine whether a State Senator can become a member of the Nebraska National Guard." You then list as possible concerns "employee status conflicts, and conflicts related to the separation of powers between the Governor of Nebraska and the President of the United States due to separate allegiances that are required for serving in both the capacity of as [sic] a National Guard member and as a State Senator." Our response to your question is set out below.

We have discussed your opinion request with members of your staff, and we understand that your question concerning service in the Nebraska National Guard by a member of the Legislature contemplates a situation where the Legislator serves in the Guard as a commissioned officer rather than as an enlistee. We also understand that the officer position in the Guard at issue would not be as a full time member of the Adjutant General's staff, but instead would involve part time service as a commissioned officer in the Guard. We will respond to your question within those parameters.

Art. XIV, § 1 of the Nebraska Constitution states that, "[t]he Legislature may provide for the personnel, organization, and discipline of the militia of this state." In addition, Art. IV, § 14 of the same document provides that, "[t]he Governor shall be commander-in-chief of the military and naval forces of the state (except when they shall be called into the service of the United

States) and may call out the same to execute the laws, suppress insurrection, and repel invasion." Apart from those constitutional provisions, the Nebraska statutes governing the Nebraska National Guard are found generally as a part of the Military Code, ***Neb. Rev. Stat.*** *§§* 55-101 through 55-180 (1993, Supp. 1995). Under §§ 55-120 and 55-121, the Military Department in Nebraska consists of an Adjutant General appointed by the Governor and such additional military and civilian staff as prescribed by the laws of this State and the United States. Section 55-137 provides that officers in the Military Department shall be commissioned by the Governor, and that their commissions shall designate the arm, staff corps or department and/or the unit to which they are assigned. Section 55-157 provides for the compensation of military officers when they are in the active service of the State.

The United States Code also contains a number of federal statutes dealing with the National Guard forces of the various states and their interface with the regular armed forces of the United States. Those statutes are found generally in Title 32 of the United States Code which deals specifically with the National Guard, and Title 10 of the United States Code which deals with the national armed forces. Under 32 U.S.C. § 307, commissioned officers in the Nebraska National Guard are eligible for Federal recognition. Federal recognition, in turn, means that the commissioned officer in the Nebraska National Guard is also simultaneously a commissioned officer in the reserve component of the equivalent federal service at the same grade. For example, a captain in the Nebraska Army National Guard would, upon Federal recognition, also become a captain in the federal Army Reserve. 32 U.S.C. § 312 also requires that persons appointed as officers of the national guard of a state must subscribe to the following oath:

> I, . . . , do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of . . . . against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I will obey the orders of the President of the United States and of the Governor of the State of . . . . , that I make this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office of . . . . in the National Guard of the State of . . . . upon which I am about to enter, so help me God.

With those various constitutional and statutory provisions in mind, it appears to us that there are problems with a member of the Nebraska Legislature serving as a commissioned officer in the Nebraska National Guard in two areas. The first problem arises under Art. III, § 9 of the Nebraska Constitution, which states:

> No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to, or have a seat in the Legislature. No person elected or appointed to the Legislature shall receive any civil appointment to a state office while holding membership in the Legislature or while the Legislature is in

session, and all such appointments shall be void.

An office is a public station or employment, conferred by the appointment of government; and embraces the ideas of tenure, duration, emolument and duties. ***State ex rel. O'Connor v. Tusa***, 130 Neb. 528, 265 N.W. 524 (1936). An office can also be considered "a governmental position, the duties of which invest the incumbent with some aspect of the sovereign power." ***State ex rel. Spire v. Conway***, 238 Neb. 766, 772, 472 N.W.2d 403, 407 (1991). Those definitions would appear to apply to commissioned military officers as well to civil officers, and indeed, the broadest and most comprehensive division of officers in our system of government is into civil and military. 63A Am. Jur. 2d ***Public Officers and Employees*** § 15. When offices are divided into civil and military, the term "civil office" is used in contradistinction to "military office." 67 C.J.S. ***Officers*** § 5. As a result, since the initial sentence of Art. III, § 9 does not distinguish between military or civil offices, it appears to us that the prohibitions contained in that portion of the Nebraska Constitution apply equally to military as well as civil offices. Under that analysis, an individual who holds a military office under authority of the United States or a lucrative military office under authority of the State is prohibited from serving in the Legislature.

Our analysis of Art. III, § 9 is supported in two respects. First of all, the second sentence of that constitutional provision specifically applies only to civil appointments. The fact that the second sentence of Art. III, § 9 specifically references civil appointments in itself indicates that the first sentence of Art. III, § 9 was intended to apply to both civil and military offices. If that were not the case, there would have been no reason to specifically limit the second sentence to "civil appointment[s] to a state office."

Second, the Supreme Court's discussion of Art. III, § 9 in ***State ex rel. Spire v. Conway, supra***, also supports our conclusion. In the ***Conway*** case, the Supreme Court engaged in a detailed discussion of Art. III, § 9 to illustrate the fact that prohibitions against dual office holding have strengthened in Nebraska over time. The Court's discussion is instructive in the present instance, and we will quote from it at some length:

> The earliest predecessor of article III, § 9, which prohibits dual office holding by legislators, was Neb. Const. art. II, § 14, of the Constitution of 1866:
>
> > No person being a member of congress, ***or holding any military or civil office under the United States***, shall be eligible to a seat in the legislature; and if any person shall, after his election as a member of the legislature, be elected to congress, ***or be appointed to any office, civil or military***, under the government of the United States, his acceptance thereof shall vacate his seat.
>
> The analogous provision adopted in 1875 as article III, § 6, was much broader; the disability extended not only to those holding office under

the authority of the United States, but also to those holding any lucrative office under the authority of the state:

> No person holding office under the authority of the United States, or any lucrative office under the authority of this state, shall be eligible to or have a seat in the legislature; ***but this provision shall not extend to*** precinct or township officers, justices of the peace, notaries public, or ***officers of the militia***; nor shall any person interested in a contract with, or an unadjusted claim against the state, hold a seat in the legislature.
>
> ***That the framers thought it necessary to provide an explicit exception for "precinct or township officers, justices of the peace, notaries public or officers of the militia" indicates that the disqualifications of the holder of "any lucrative office under authority of this state" was intended to have broad scope.*** Clearly, the framers did not envision it as applying only to constitutional officers.
>
> In 1972, this disqualification was again expanded. ***The exceptions for justices of the peace, notaries public, and precinct, township, and militia officers were dropped*** and a new disqualification was added. . . .
>
> This review of the evolution of article III, § 9, shows a continuing expansion in the disqualification placed upon legislators' holding other government positions.

238 Neb. at 779, 780, 781, 472 N.W.2d at 411, 412 (emphasis added).

As illustrated by the discussion in the ***Conway*** opinion, the prohibitions contained in the constitutional provision at issue originally applied equally to military and civil offices. A subsequent version of the Nebraska Constitution then specifically exempted officers in the militia from the provisions preventing dual office holding.[1] However, the Constitution was amended again, and the provision specifically exempting officers of the militia was removed.

It seems to us that this history of Art. III, § 9 supports the notion that the dual office prohibitions contained in the first sentence of that section apply equally to military and civil officers. Otherwise, it would have not have been necessary to exempt officers in the militia from those prohibitions for a time. And, that exemption has been subsequently removed. Therefore, we believe that the dual office prohibitions established in the initial portion of Art. III, § 9 apply to commissioned military officers, and an individual who holds a military office under authority of the United States or a lucrative military office under authority of the State is prohibited from serving in the Legislature.

---

[1] Under ***Neb. Rev. Stat.*** *§* 55-105 (1993), a commissioned officer in the Nebraska National Guard is also an officer of the active militia of the State of Nebraska.

In the present instance, a commissioned officer in the Nebraska National Guard would hold a lucrative military office under authority of this State. That is, such an officer would hold a commission from the Governor under authority of the appropriate portions of the Nebraska Military Code, and such an officer would be paid for his military service. In addition, a commissioned officer in the Nebraska National Guard would also quite likely hold a military office under authority of the United States, since we understand that it is the normal practice for Guard officers to be federally recognized and to hold a simultaneous office in the federal Army Reserve equivalent to their rank in the National Guard. Consequently, we believe that service as a commissioned officer in the Nebraska National Guard is incompatible with service as a member of the Nebraska Legislature on the basis of Art. III, § 9 of the Nebraska Constitution.

We also believe that dual service as a commissioned officer in the Nebraska National Guard and as a member of the Nebraska Legislature is prohibited by the Separation of Powers provision in the Nebraska Constitution. That provision, Art. II, § 1, provides:

> The powers of the government of this state are divided into three distinct departments, the Legislative, Executive and Judicial, and no person or collection of persons being one of these departments, shall exercise any power properly belonging to either of the others, except as hereinafter expressly directed or permitted.

The ***Conway*** case, ***supra***, dealt extensively with the Separation of Powers provision and its application to members of the Legislature. In ***Conway***, the court held that state Senator Gerald Conway could not both serve in the Legislature and also act as an assistant professor at Wayne State College. The Court indicated that such dual service violated Article II, Section 1 since Senator Conway was an officer in the Legislative branch of government and also an employee within the Executive branch of government through his employment at Wayne State. In the course of the ***Conway*** opinion, the Court set out the following rule which governs the application of Article II, Section 1 to the activities of state government officials:

> . . . article II prohibits one who exercises the power of one branch--that is, an officer in the broader sense of the word--from being a member--that is, either an officer or employee--of another branch.

State ex rel. Spire v. Conway, 238 Neb. at 782, 472 N.W.2d at 412.

In the present situation, it is clear that a member of the Nebraska Legislature is an officer in the Legislative branch of government. As a result, under the ***Conway*** test, he or she cannot be either an officer or an employee of another branch of government. However, as discussed below, we believe that commissioned officers in the Nebraska National Guard are officers in the Executive Branch of government. Therefore, under ***Conway*** and Art II, § 1, members of the Legislature cannot also serve as a commissioned officers in the Guard.

In ***Nebraska National Guard v. Morgan***, 112 Neb. 432, 199 N.W. 557 (1924), the Nebraska Supreme Court considered whether a civilian carpenter employed by the National Guard to work on the Guard's training facilities was an employee of the State for purposes of the Workers' Compensation statutes. The Court concluded that he was, and in the course of its opinion, the Court made the following observation:

> While the Nebraska National Guard is subject to the call of the federal government and thereupon becomes a part of the national army, until so called ***it is essentially a state institution***, subject to the call of the Governor as commander in chief for military service within the state in time of war, invasions, riots, rebellion, insurrection, or reasonable apprehension thereof. . . , and ***is a state governmental agency.***

112 Neb. at 435, 199 N.W. at 558, 559. (emphasis added). Consequently, on the basis of the ***Morgan*** decision, it is clear that the Nebraska National Guard is an agency of the State of Nebraska unless it is acting under call of the federal government. ***See also Eidenmiller v. State***, 120 Neb. 430, 233 N.W. 447 (1930).

It also appears clear that the National Guard is a part of the Executive branch of state government, for two reasons. First, that is the general rule from other jurisdictions. ***Mountcastle v. State***, 193 Okla. 506, 145 P.2d 392 (1944); ***Herlihy v. Donahue***, 52 Mont. 601, 161 P. 164 (1916); ***State v. Moore***, 76 Ark. 197, 88 S.W. 881 (1905); 53 Am. Jur. 2d ***Military, and Civil Defense***, § 38. Second, the Governor is commander in chief of the Guard, and the Constitutional provision creating that authority, Art. IV, § 14, is located in the article establishing the Executive in the Nebraska Constitution.

As discussed at some length above, military officers in the Nebraska National Guard are officers of the State of Nebraska.[2] Since the Nebraska National Guard is an agency of the State of Nebraska and part of the Executive Branch of state government, officers of the Guard are officers in the Executive Branch. As such, they cannot also serve in the Legislative Branch as members of the Nebraska Legislature under the rule set out in the ***Conway*** decision based upon Art. II, § 1 of the Nebraska Constitution.

---

[2] On the other hand, enlisted members of the Guard are not employees of the State of Nebraska, at least for purposes of the Workers' Compensation Statutes. ***Lind v. Nebraska National Guard***, 144 Neb. 122, 12 N.W.2d 652 (1944).

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-52-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 96043

DATE: May 29, 1996

SUBJECT: Constitutionality of a statutory ban on "partial-birth" abortions in Nebraska

REQUESTED BY: Senator Jim Jensen

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion as to "whether a ban on 'partial-birth abortions in the State of Nebraska would be constitutional."

I. Applicable Law

In ***Roe v. Wade***, 410 U.S. 113, 93 S.Ct. 705 (1973), the United States Supreme Court declared that "the unborn" are not persons, and announced a new fundamental constitutional right to abortion which prevents States from outlawing abortion before viability of the child. 410 U.S. at 147-165, 93 S.Ct. at 724-733. ***Roe*** established a "trimester" framework governing state regulation of abortion. Under ***Roe***, virtually no restrictions could be placed on first trimester abortions. After viability, though, the States could outlaw abortion except where necessary to preserve the life or "health" of the mother. ***Id.*** at 163-165, 93 S.Ct. at 732-733. The actual ability of States to prohibit abortions after viability was illusory, however, since the "health" exception swallowed the rule. In the companion case of ***Doe v. Bolton***, 410 U.S. 179, 93 S.Ct. 739 (1973), the Court defined "health" as including psychological, emotional, and familial factors (such as depression, youth, anxiety) as well as physical factors. ***Id.*** at 192, 93 S.Ct. at 747. Consequently, for all practical purposes, the termination of all pregnancies was a legally protected constitutional right for virtually any reason up until the birth of the child. In fact, in ***Schulte v. Douglas***, 567 F.Supp. 522 (D.Neb. 1981), aff'd per curiam sub nom. ***Womens Services, P.C. v. Douglas***, 710 F.2d 465 (8th Cir. 1983), the Federal District Court for the District of Nebraska invalidated a Nebraska statute which attempted to prohibit abortion after viability of the child even though the statute allowed post-viability abortions that were "necessary to preserve the woman from an imminent peril that substantially endangers her life and health."

Although ***Roe v. Wade*** has never been overruled, in 1992 the U.S. Supreme Court discarded its arbitrary "trimester" framework, and placed greater emphasis on the States' interest in "potential" life throughout pregnancy. In ***Planned Parenthood of Southeastern Pennsylvania v. Casey***, 505 U.S. 833, 112 S.Ct. 2791 (1992), the Court held that States could regulate pre-viability abortions as long as the regulation did not impose an "undue burden" on the woman. A state statute regulating abortion must have neither "the purpose or effect of placing a substantial obstacle in the path of a woman seeking an abortion of a nonviable fetus." ***Planned Parenthood v. Casey***, 112 S.Ct. at 2820-21. ***Casey*** also lowered the judicial standard applied to state abortion statutes. "After ***Casey***, the State need only show that it has a legitimate interest, and that the challenged regulation 'cannot be said [to] serve no purpose other than to make abortions more difficult.' " ***Women's Medical Professional Corp. v. Voinovich***, 911 F.Supp. 1051, 1074 n. 30 (S.D. Ohio 1995).

The Court clearly stated in ***Casey*** that after the unborn child reaches viability the State's interest in protecting the fetus outweighs the woman's liberty interest in having an abortion, subject only to a medical determination that an abortion is necessary for the preservation of the life or health of the mother. 112 S.Ct. at 2816-17, 2819-2821. Consequently, "regulations which apply only to post-viability abortions are presumptively valid, unless they have an adverse impact on the life or health of the pregnant woman." ***Women's Medical Professional Corp. v. Voinovich***, 911 F.Supp. at 1060.

Most significantly perhaps, the Court in ***Casey*** upheld a definition of "medical emergency" in a Pennsylvania statute which limited the physician's determination to consideration of physical health factors. 112 S.Ct. at 2822. The Supreme Court further stated, albeit in dicta, that it is only in "rare circumstances in which the pregnancy is itself a danger to [the woman's] own life or health." 112 S.Ct. at 2806. If the Supreme Court meant what it said in ***Casey***, then laws prohibiting post-viability abortions except where necessary to preserve the life and physical health of the mother are constitutional. If on the other hand, "health" is still an all-inclusive term, the Supreme Court's statements are mere legal sophistry, serving only to obscure the fact that babies' brains may still legally be suctioned out of their heads (as in partial-birth abortions) for virtually any reason. In fact, a federal district court recently held that "a state may not constitutionally limit the provision of abortion only to those situations in which a pregnant woman's physical health is threatened, because this impermissibly limits the physician's discretion to determine what measures are necessary to preserve her health." ***Women's Medical***, 911 F.Supp. at 1081. Consequently, it is not clear whether "health" may be limited to physical factors. If not, the ability of States to proscribe abortions even after viability remains as illusory today as it was between 1973 and 1992. Nonetheless, the State of Nebraska is legally entitled to rely on the ***Casey*** decision until and unless a court of competent jurisdiction directs otherwise.

In sum, a total ban on "partial-birth abortions", especially since it would encompass both pre-viability and post-viability abortions, would likely have to pass the "undue burden" test of ***Casey***.[1] Under ***Casey***, "a state may act to prohibit a method of abortion, if there are safe and available alternatives." ***Women's Medical***, 911 F.Supp. at 1067. In ***Women's Medical***, the court framed the issue as "whether . . . there are safe and available alternatives to the D & X procedure, which is typically performed during the twentieth to twenty-fourth weeks of pregnancy, such that there would be no undue burden if the procedure were banned." ***Id.***[2]

II. Analysis

Because the answer to your question ultimately hinges on medical facts (i.e. whether there are "safe" and available alternatives to the partial-birth or D & X abortion procedure), it is essential to define the procedure and its alternatives. This opinion will not attempt to define all the available alternatives, but will discuss several relevant procedures.

A. Definition of Abortion Procedures

---

[1] Some legal scholars have argued that a less stringent test should be applied by reviewing courts due to the distinguishable features of a partial-birth abortion ban as compared to other abortion restrictions considered by the U.S. Supreme Court. ***See*** Hearings on HR 1833 Before the Senate Judiciary Committee, 104th Cong., 1st Sess. (Nov. 17, 1995) (testimony of David M. Smolin, Prof. of Law, Cumberland Law School, Samford University) transcript at pp. 344-350; Hearings on HR 1833 Before the Senate Judiciary Committee, 104th Cong., 1st Sess. (Nov. 17, 1995) (testimony of Douglas W. Kmiec, Prof. of Constitutional Law, University of Notre Dame), transcript at pp. 172-187 These arguments appear to have merit, and would likely be pursued in any litigation arising as a result of adoption of legislation banning partial-birth abortions. However, for purposes of this opinion, we will proceed under the most restrictive possible constitutional test.

[2] This opinion expresses no view as to the proper judicial standard for adjudicating a "facial" challenge to the constitutionality of an abortion statute, as opposed to a challenge to a statute "as applied". Since ***Casey***, a split has developed among the circuit courts as to whether the approach taken in ***Casey*** has replaced the standard in ***United States v. Salerno***, 481 U.S. 739 (1987). The Eighth Circuit has concluded that ***Casey*** did replace ***Salerno***. ***See Planned Parenthood, Sioux Falls Clinic v. Miller***, 63 F.3d 1452, 1458 (8th Circuit 1995). However, in separate (and unusual) memoranda accompanying an order denying a writ of certiorari in this same South Dakota case, two Justices of the Supreme Court took differing views of this issue. Justice Scalia stated that this question "virtually cries out for our review." ***Janklow v. Planned Parenthood***, 1996 WL 203346 (U.S.) (Scalia, J., dissenting) (April 29, 1996). It is possible, therefore, this issue will eventually be taken up by the Court in ***Women's Medical Professional Corp. v. Voinovich***, 911 F.Supp. 1051 (S.D. Ohio 1995) (currently on appeal to the 6th Circuit), in which this issue was also litigated.

1. Partial-birth/D & X Abortions

The procedure referred to in your request ("partial-birth abortion") is also sometimes known as a "Dilation and Extraction" ("D & X") abortion. ***See Women's Medical***, 911 F.Supp. at 1063; ***Family Planning Specialists v. Powers***, 46 Cal.Rptr.2d 667, 668 (Cal.App. 1995). This procedure involves partial dilation of the woman's cervix; pulling the baby's feet and entire body out through the birth canal up to the baby's neck; piercing the baby's skull with a sharp instrument; insertion of a tube into the brain; removal of the brain by suction; collapse of the skull; and removal of head. The baby (usually 20-24 weeks old) may or may not be alive and kicking at the time his or her skull is pierced and brains are suctioned out.[3]

a. Haskell D & X

The best-known practitioner of this procedure is Dr. Martin Haskell. His D & X abortion procedure has been described as follows:

> On the first and second days of the procedure, Dr. Haskell inserts dilators into the patient's cervix. On the third day, the dilators are removed and the patient's membranes are ruptured. Then, with the guidance of ultrasound, Haskell inserts forceps into the uterus, grasps a lower extremity [foot and leg], and pulls it into the vagina. With his fingers, Haskell then delivers the other lower extremity [foot and leg], the torso, shoulders, and the upper extremities [arms]. The skull, which is too big to be delivered, lodges in the internal cervical os. Haskell uses his fingers to push the anterior cervical lip out of the way, then presses a pair of scissors against the base of the fetal skull. He then forces the scissors into the base of the skull, spreads them to enlarge the opening, removes the scissors, inserts a suction catheter, and evacuates the skull contents [brain]. With the head decompressed, he then removes the fetus completely from the patient.

Women's Medical, 911 F.Supp. at 1066 (bracketed material added). Dr. Haskell has stated that about 80% of the D & X abortions he performs between 20 and 24 weeks "are purely elective." ***See*** Hearings on H.R. 1833 Before the Senate Judiciary Committee, 104th Cong., 1st Sess (Nov. 17,

---

[3] Allegedly, some abortionists kill the baby by other means before the brain is removed. For example, one doctor says he cuts the baby's umbilical cord, and the baby dies before the procedure is performed. It reportedly "takes eight to ten minutes for the fetus to die, following the cutting of the umbilical cord." ***Women's Medical***, 911 F.Supp. at 1066 n. 17. However, the same doctor told the American Medical News that two-thirds of the fetuses are alive when he performs the procedure. ***See*** Hearings on H.R. 1833 Before the Senate Judiciary Committee, 104th Cong., 1st Sess. Transcript at p. 23.

1995) Transcript at p.13.[4]

b. Ohio Statutory Definition

In the State of Ohio, Dilation and Extraction abortion (D & X or partial-birth abortion) has been statutorily defined at follows:

> [T]he termination of a human pregnancy by purposely inserting a suction device into the skull of a fetus to remove the brain. 'Dilation and extraction procedure' does not include either the suction curettage procedure of abortion or the suction aspiration procedure of abortion.

O.R.C. § 2919.15(A) (The Ohio statute bans this procedure except where "all other available abortion procedures would pose a greater risk to the health of the pregnant women.").

c. Congressional Definition

The United States Congress defined partial-birth abortion as follows:

> "partial-birth abortion" means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery. The Congressional bill excepted partial-birth abortions "necessary to save the life of a mother whose life is endangered by a physical disorder, illness or injury: Provided, that no other medical procedure would suffice for that purpose.

Partial Birth Abortion Ban Act of 1995 (H.R. 1833, as amended by the Senate Amendments. Congressional Record H 11604 (Nov. 1, 1995) and H 2905 (March 27, 1996)). ***See also Sabelko v. City of Phoenix***, 68 F.3d 1169, 1174 n.1 (referencing Senate debate) ("the abortionist takes a pair of scissors and inserts the scissors into the back of the skull and then opens the scissors up to make a gap in the back of the skull in order to insert a catheter to literally suck the brains from the back of that child's head. That is what happens in the so-called partial-birth abortion.").

2. Dilation & Evacuation Abortions

Another type of abortion is known as dilation and evacuation or D & E. ***See Women's Medical***, 911 F.Supp. at 1064. This procedure was described in that case in some detail by the United States District Court for the Southern District of Ohio as follows:

---

[4] We note that recent media reports in Nebraska concerning this procedure have not always described partial-birth abortions accurately. Several articles have stated that "the physician uses an instrument to pierce and drain the skull." The skull is not "drained". Rather, the brains are suctioned out. Use of the word "drained" is a factually inaccurate euphemism. The scientific reality is that the fetus or unborn child's brains are sucked out during what would otherwise constitute delivery.

> In the second trimester, the fetus becomes too large to remove by use of suction curettage. At that point, the most common abortion method is a Dilation and Evacuation (D & E) procedure; indeed, it is the only procedure which can be used from the thirteenth to sixteenth weeks of pregnancy. Instead of using metal rods to dilate the cervix over a short period of time, the doctor inserts laminaria into the cervix during the one-to-two day period prior to the procedure, in order to slowly dilate the cervix. Then, a suction curette with a larger diameter is placed through the cervix, and the doctor removes some, or all, of the fetal tissue.
>
> Frequently, however, the torso and the head cannot be removed in this manner. The procedure typically results, therefore, in a dismemberment of the fetus, beginning with the extremities. This dismemberment is accomplished both by use of the suction curettage, and by the use of forceps [the arms and legs are cut off or pulled off].
>
> Removing the head of the fetus from the uterus is typically the most difficult part of the D & E procedure, in part because the head is often too large to fit through the partially dilated cervix. It is important to remove the head as quickly as possible, because fetal neurologic tissue can negatively affect the mother's ability to clot, and lead to greater bleeding. Physicians have developed different methods of decompressing the head, in order to remove it.
>
> Dr. Anthony Levatino testified that when he performed D & E abortions, he preferred to grasp the fetal head with a clamp, crush it, and remove it in pieces along with the skull contents. Because he decompressed the skull by crushing it, he found it unnecessary to decompress the skull by purposely inserting a suction device into the skull and removing some of its contents.
>
> Dr. Paula Hillard testified that when the skull is too large to remove intact, she grasps the skull and suctions out its contents with a cannula--which may enter the skull--in order to decompress it and facilitate its removal. . . .
>
> Dr. Doe Number One testified that because the use of forceps can cause trauma to the mother's uterus, his preference is to collapse the head by use of suction, prior to its removal. By making a small incision at the base of the skull and inserting a suction device into the brain--while the head is still within the uterus, and no longer attached to the body--he can collapse the head and easily remove it, without the use of forceps. This method decreases injury to the cervix and uterus, and reduces operating room time, blood loss, and anesthesia time. Dr. Doe describes his procedure as a D & E, and collapses the head by the use of suction even in procedures performed from 15 to 18 weeks. . . .

> Dr. Mary Campbell has not performed second-trimester abortions, but has read about and observed various second-trimester methods, in preparation for setting up a second-trimester practice at her clinic. In describing the D & E procedure, she testified that the fetal skull is generally not intact following dismemberment of the body--the jaw is often removed with the neck--and "the edges of the fetal skull are sharp enough to lacerate the maternal uterine [blood] vessels . . . ." The goal is therefore to place the suction cannula into the skull in order to remove its contents and make it smaller, thereby allowing it to be removed intact, in order to minimize lacerations. In addition, removing the head intact is advantageous because it ensures that no parts of the skull are left behind in the woman's uterus.
>
> . . .
>
> The primary distinction between this D & X procedure and the D & E procedure previously described appears to be that, whereas the D & E procedure results in dismemberment and piece-by-piece removal of the fetus from the uterus--and, possibly, in removal of portions of the skull contents by the use of suction after the skull is crushed with forceps or otherwise invaded, and before the head is placed next to the opening to the uterus--the D & X procedure results in a fetus which is removed basically intact except for portions of the skull contents, which are suctioned out after the head is placed next to the opening to the uterus (and after the rest of the fetus is removed from the uterus), and before the fetus is fully removed from the mother's body. The hallmark of the D & X procedure, therefore, is that the fetus is removed intact, rather than being dismembered prior to removal, as is done in a D & E procedure. In both procedures, the head usually must be decompressed, either by crushing the skull, or by invading the skull and suctioning out its contents. In the D & X procedure, the suctioning is purposeful; in a D & E procedure, the suction may either be purposeful, or, given the inability to clearly see the fetus, even with ultrasound, and the consequent difficulty of knowing whether the surgical instrument is in, or simply near, the skull, it may be accidental.

Women's Medical, 911 F.Supp. at 1064-66 (emphasis and bracketed material added).

The court in ***Women's Medical*** concluded that "Assuming that the D & X procedure is 'cruel,' however, this Court fails to see how it is more cruel than the D & E procedure--which involves the dismemberment of the fetus and, sometimes, the crushing of its skull. . . ." 911 F.Supp. at 1074 n. 29. The D & E abortion procedure is the most common abortion procedure in the second trimester (after 13 weeks).

3. Instillation/Induction Procedures

The court, in ***Women's Medical***, also described a procedure known as instillation/induction.

> The main alternative to the D & X procedure, in the late second trimester, is the use of an induction method of abortion. Induction methods are also known as "instillation" methods. In one type of induction method, the physician injects some substance--typically saline, or a combination of a prostaglandin and urea--into the amniotic cavity of the woman. In another type, the physician places prostaglandin suppositories into the patient's vagina. In both cases, the end result is labor: the substances cause the uterus to contract, resulting in the eventual expulsion of the fetus. This labor typically lasts between twelve and twenty-four hours, but may last as long as thirty-six hours.

Id. at 1068.

B. Availability of Other Procedures

Under the undue burden test in ***Casey***, in order for a statute banning partial-birth abortions to be upheld it is necessary to show that there are "safe" alternative abortion procedures available. ***Women's Medical***, 911 F.Supp. at 1067. The court in ***Women's Medical*** concluded there are not:

> After viewing all of the evidence, and hearing all of the testimony, this Court finds that use of the D & X procedure in the late second trimester appears to pose less of a risk to maternal health than does the D & E procedure, because it is less invasive--that is, it does not require sharp instruments to be inserted into the uterus with the same frequency or extent--and does not pose the same degree of risk of uterine and cervical lacerations, due to the reduced use of forceps in the uterus, and due to the removal of any need to crush the skull and remove it in pieces, which can injure maternal tissue.
>
> This Court also finds that the D & X procedure appears to pose less of a risk to maternal health than the use of induction procedures, which require the woman to go through labor, pose additional risks resulting from the injection of fluids into the mother, and cannot be used for every woman needing an abortion.
>
> Finally, the Court finds that the D & X procedure appears to pose less of a risk to maternal health than either a hysterotomy or a hysterectomy, both of which are major, traumatic surgeries.
>
> Because the D & X procedure appears to have the potential of being a safer procedure than all other available abortion procedures, this Court holds that the Plaintiff has demonstrated a substantial likelihood of success of showing that the state is not constitutionally permitted to ban the procedure. If this abortion procedure, which appears to pose less of a risk to maternal health than any other alternative, were banned, and women were forced to use riskier and more deleterious abortion procedures, the ban could have the effect of placing a substantial obstacle in the path of women seeking pre-viability abortions, which would be an undue burden and this unconstitutional under ***Casey***.

> Even if induction procedures were as safe as the D & X procedure--and this Court does not find, on the evidence, that they are as safe--the requirement that a pregnant woman be hospitalized in order to undergo an induction procedure may also have a negative impact on the practical availability of abortions for women seeking pre-viability abortions. First, hospitals may refuse to allow induction procedures on an elective basis, including those situations in which a woman wishes to abort a fetus with severe anomalies. Second, it may be psychologically daunting to undergo the induction procedure in the hospital environment. These practical problems may discourage women in their second trimester from exercising their right of seeking elective, pre-viability abortions, or make it practically impossible to do so, thereby amounting to an undue burden on the right to seek a pre-viability abortion. In contrast, the D & X procedure can be performed on an outpatient basis within a much shorter period of time, and is not limited by either of these practical problems.
>
> For both of these reasons--because the D & X procedure appears to be the safest method of terminating a pregnancy in the late second trimester, and because the D & X procedure is more available than induction methods, which require the woman to be hospitalized--this Court holds that Plaintiff has demonstrated a substantial likelihood of success of showing that the ban on the D & X procedure is unconstitutional under ***Danforth*** and ***Casey***.

Id. at 1070-1071.

As is evident from the above-quoted portions of the opinion, the court in ***Women's Medical*** refused to give legal significance to the fact that under the Ohio statute, the D & X or partial-birth abortion procedure is not prohibited where "all other available abortion procedures would pose a greater risk to the health of the pregnant woman than the risk posed by the dilation and extraction procedure." ***See*** O.R.C. 2919.15(C)(1). This point will likely be argued by the State of Ohio on appeal, as ***Women's Medical*** is now before the 6th Circuit Court of Appeals (We have obtained and reviewed the briefs from that appeal in preparing this opinion).

Although the findings of the District Court for the Southern District of Ohio are, apparently, the only judicial findings currently available, they are not controlling on Nebraska courts or even necessarily persuasive. We have also reviewed testimony provided to the Congress of the United States by medical experts.

During the U.S. Senate's consideration of H.R. 1833 last November, Nancy G. Romer, M.D. testified before the Senate Judiciary Committee on the medical aspects of partial-birth abortion. Dr. Romer is a practicing obstetrician and gynecologist in Dayton, Ohio and is a diplomat of the American Board of Obstetrics and Gynecology. She is a fellow of the American College of Obstetrics and Gynecology as well as a clinical professor in the Department of Obstetrics and Gynecology at Wright State

University and vice chairman of the Department of Obstetrics and Gynecology of Miami Volley Hospital in Dayton.

Dr. Romer testified that "In my medical judgment this procedure [D & X or partial-birth abortion] offers no advantage in safety nor efficacy over other methods of termination. . . [I]n my medical judgment, legislation to prohibit the D & X procedure or partial birth abortion does not present a substantial barrier to women seeking late term abortion. There is no medical evidence that this procedure is safer nor necessary to provide comprehensive health care to women. As currently practiced, it does not meet medical standards set by ACOG nor has it been adequately proven to be safe or efficacious." Hearings on H.R. 1833 Before the Senate Judiciary, 104th Cong., 1st Sess. (Nov. 17, 1995) Transcript at p. 112.

We also note that a recent article in the Washington Times quotes Dr. Frank Boehm, Director of Obstetrics at Vanderbilt University Medical Center in Nashville, as saying there are "no medical circumstances in which a partial-birth abortion is the only safe alternative." Dr. Frank Boehm, Partial-Birth Abortion Stirs A Medical Debate, Wash. Times, May 6, 1996. Thus, notwithstanding the decision of one judge in Ohio, it appears that substantial evidence could be presented that "safe" alternatives exist to partial-birth abortion.

III. Conclusion

It is essential to keep in mind that the D & X or "partial-birth" abortion ban being challenged in ***Women's Medical*** is a specific Ohio statute that may be subject to challenges not applicable to a Nebraska statute with different provisions. The Ohio statute apparently covers all abortions involving "inserting a suction device into the skull of a fetus to remove the brain." This fact seemed to play heavily in the decision of the federal district court. In contrast, the partial-birth abortion ban passed by the United States Congress (HR 1833) (and vetoed by President Clinton) banned only abortions in which a living fetus is partially delivered and then killed before delivery is completed.

Thus, it appears that while Ohio has attempted to ban all abortions which involve purposely sucking the brains out of unborn babies, the U.S. Congress attempted only to ban such abortions where the baby is still alive at the time the skull is pierced and the suction tube is inserted in the brain. Many or all of the objections of the District Court in the ***Women's Medical*** case (whether valid or not) would seem to disappear in the context of the Congressional approach. This conclusion, however, brings to mind the comment of the District Court of Ohio that cutting the arms and legs off a "fetus" inside the mother and crushing its head with forceps (as is done routinely in abortion clinics after 12 weeks in D & E abortions) is arguably no less cruel than sucking a baby's brains out after it is partially delivered.

Degree of cruelty is not the issue here, however. The legal issue presented is whether partial-birth abortions can constitutionally be banned. The answer is clearly yes, provided the statute does not impose an "undue burden" on women seeking abortions before viability of the fetus. A more specific, and less circular answer, is that it is inconceivable to us that a statute requiring the abortionist to kill the baby before its brains are sucked out would place any "undue burden" on women that even the U.S. Supreme Court could identify. A statute which bans all suctioning of brains, however, would be more difficult to uphold given the current state of the law, since it could possibly encompass some D & E abortions if they are not specifically excluded in the statute. However, if evidence shows that suctioning of the brains of living fetuses is never medically necessary, it could be banned outright. The federal district court's decision in southern Ohio has no legal force in Nebraska.

Finally, we would be remiss if we did not state the obvious: The legal question presented by the examination of the constitutionality of partial-birth abortion legislation is so inherently macabre, and utterly divorced from moral or rational foundation that it undermines the credibility of the legal system, and necessarily exposes the moral bankruptcy which is the legacy of ***Roe v. Wade***. As the federal district court in ***Women's Medical*** recently stated, "Never, since the final shot of the Civil War, over a century and a quarter ago, has American society been faced with an issue so polarizing and, so totally incapable of . . . compromise, as is the ongoing controversy, of which this case is but the latest chapter, over the legality of attempts by the State to regulate abortion--the act of voluntarily terminating a pregnancy, prior to full term." ***Women's Medical***, 911 F.Supp. at 1056.

Under the current state of Nebraska law, human fetuses or unborn babies are literally afforded less legal protection against cruelty, including dismemberment and death, than stray cats or rodents. It would be a criminal offense under Nebraska law to cut off the limbs of a cat or suck the brains out of a living rat merely to kill it, as is done in partial-birth abortions. ***See*** Neb. Rev. Stat. § 28-1008, 1009 (1994 Supp.). In contrast, unborn babies, who at 19 weeks can be felt kicking through their mother's body (externally) and who can be seen sucking their thumbs on ultrasound, can legally have their limbs cut off and their skulls crushed with forceps in D & E abortions (which are not the subject of partial-birth abortion legislation) or have their brains sucked out during what would otherwise constitute delivery by a D & X or partial-birth abortion. ***See Women's Medical***, 911 F.Supp. at 1065 (discussing testimony of Dr. Harlan Giles, who performs D & E abortions up to the 20th week of pregnancy). This is the legal and medical reality of ***Roe v. Wade*** and ***Planned Parenthood v. Casey***.

In sum, we believe that a partial-birth abortion statute could be drafted that would meet constitutional requirements under applicable decisions of the United States Supreme Court. We note that if the goal of such legislation is to prevent cruelty to late-term fetuses (as was the intent in Ohio), then amendments should also be made to Nebraska's existing statute regulating post-viability abortions (as was done by the Ohio Legislature) since the existing statute may permit other equally cruel abortion procedures to be performed on viable unborn babies. Any statutory changes must, of course, be carefully structured to meet the criteria of ***Planned Parenthood v. Casey***, and should be accompanied by specific statements of legislative intent.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

3-2440-3

Opinion No. 96046

DATE: May 31, 1996

SUBJECT: Elimination of property tax on motor vehicles to be replaced with a fee schedule based on the age and original selling price of the motor vehicle pursuant to LB 1176, introduced during the second session of the Ninety-Fourth Legislature.

REQUESTED BY: Senator Pat Engel
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
Paul N. Potadle, Assistant Attorney General

Although Legislative Bill 1176 died at the close of the 1996 legislative session, we understand that you are contemplating the introduction of similar legislation next year, and so we are responding to your three questions about the bill, in the order presented.

Question 1: Would motor vehicles owned by Native Americans, and exempt under 25 U.S.C. 479, be considered exempt on the fee-based schedule in LB 1176, if the bill did not specifically exempt those vehicles?

Answer 1: Yes. The motor vehicles owned by Native Americans who lived in Indian country would be considered exempt even if the LB 1176 did not specifically exempt those vehicles.

Discussion:

LB 1176 expressly stated in Section 2 (subparagraph 3) that motor vehicles owned by Indians are exempt from this type of tax.

However, even if the bill did not have this section, motor vehicles owned by Native Americans in Indian country would still be exempt from this type of tax.

Generally speaking, federal Indian laws and treaties pre-empt state laws in Indian country, so, without a specific federal statute delegating jurisdiction over areas of Indian country to a state, jurisdiction within Indian country remains exclusively in federal and tribal hands. As a result, the state would not be able to tax Native Americans who live in Indian country.

The federal government can cede some of its federal jurisdiction over Native Americans to the state. For instance, Congress in 1953 enacted Public Law 280, a specific delegation of jurisdiction to Nebraska and four other states concerning authority over criminal and civil matters arising within Indian country located within their boundaries.

Public Law 280 states that the Federal government is not ceding any power of taxation over the personal or real property of the Native Americans to the states. 18 U.S.C. sec. 1162.

Furthermore, "The federal purposes implicit in setting aside Indian country for the residents for a tribe - self-government and economic support - preempt state jurisdiction to tax Indians or tribes therein unless Congress authorizes the tax." F. Cohen Handbook of Federal Indian Law, 406 (1982 ed.).

Moreover, in several recent cases, the United States Supreme Court has relied on the doctrine of federal preemption to shield Indians and their business on the reservation from various forms of state and local taxation. ***McClanahan v. Arizona State Tax Commission***, 411 U.S. 164 (1973). ***Bryan v. Itasca County***, 426 U.S. 373 (1976). The court in ***Bryan*** held that statutory authorization for states to tax reservation Indians would be found only where "Congress has manifested a clear purpose" to allow taxation. 426 U.S. at 392.

Thus, in the absence of an exemption for "Indians" as defined in 25 U.S.C. 479 in LB 1176, the state would not be able to collect a motor vehicle tax on Native Americans in Indian country. However, Native Americans who do not live in Indian country would have to pay motor vehicle taxes if LB 1176 did not specifically exempt those vehicles.

Question 2: Would the exemption apply to motor vehicles owned by Native Americans whether residing within or outside of Indian country and whether residing within or outside an area retroceded to federal jurisdiction?

Answer 2: Indians as defined in 25 U.S.C. 479 would be exempt from the fee-based schedule in LB 1176 whether within or outside of Indian country and whether residing within or outside an area retroceded to federal jurisdiction.

Discussion:

The language of LB 1176, section 2(3), stated that motor vehicles owned by Indians as defined in 25 U.S.C. 479 are exempt. According to 25 U.S.C. 479, there are three categories of "Indians".

First, an "Indian" includes all persons of Indian descent who are members of any recognized Indian tribe now under federal jurisdiction..."

Second, the term also includes all persons who are descendants of such members who were, on June 1, 1934, residing within the present boundaries of an Indian reservation.

Third, it includes those who have one half or more Indian blood.

The case of ***U.S. v. Moody***, 923 F.2d 341 (5th Cir. 1991), addresses the interpretation of federal law. According to this case, words in a statute are to be given their plain and ordinary meaning. ***Id.*** at 347. Thus, since this legislative bill exempts those Indians as defined by 25 U.S.C. 479, this exemption from the motor vehicle tax could apply to any Indian who fit within one of the three categories listed in 25 U.S.C. 479. Whether or not an Indian lives on or off the reservation or an area retroceded to federal jurisdiction would not matter, assuming that the person was within one of the three categories in 25 U.S.C. 479.

This use of the "Indian" definition of 25 U.S.C. 479 in LB 1176 would encompass a large body of exempted people. In order to restrict the number of individuals who are exempted from paying taxes on their motor vehicles, LB 1176 could be changed so that it would use a different definition of "Indians". A possible alternative would be to exempt only "Indians" who currently live on a federal reservation, from motor vehicle taxes.

Question 3: Public law 280 does not grant the states any regulatory jurisdiction over Indian country generally other than what they might have under other federal laws. To what extent would state law be allowed to impose or enforce this legislation?

Answer 3: Public law 280 does not give the states any regulatory jurisdiction over Indian country beyond the criminal and civil jurisdiction set down in Public Law 280.

The state would not need to "enforce" LB 1176 since there would be no tax to collect. Since motor vehicles owned by "Indians" would be exempt under LB 1176, states would have nothing to enforce.

Discussion:

Public Law 280 only affects state jurisdiction dealing with criminal and civil causes of action which are within Indian country. In ***Native Village of Venetie I.R.A. Council v. State of Alaska***, 944 F.2d 548 (9th Cir. 1991), the court stressed that the legislative history of Public Law 280 shows that the law was designed to remedy the lack of adequate criminal law enforcement on the reservations. ***Id.*** at 560.

Furthermore, the state of Nebraska would not need to "enforce" the non-tax provision against motor vehicles owned by "Indians". Since motor vehicles owned by "Indians", as defined by 25 U.S.C. 479, would be exempt from taxes, there would be nothing for the state of Nebraska to enforce.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Paul N. Potadle
Assistant Attorney General

46-1870-3

Opinion No. 96053

DATE: July 22, 1996

SUBJECT: Constitutionality of Placing Descriptive Language on Ballots Regarding Candidates' Positions on Term Limits

REQUESTED BY: Senator Kate Witek

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion as to the constitutionality of a proposed amendment to the State Constitution directing the placement of descriptive language on ballots regarding certain candidates' positions and past votes on the issue of term limits.

I. Proposed Amendment

As set forth in your request letter, the proposed amendment you are considering introducing provides, in part, as follows:

> We, the People of the State of Nebraska, have chosen to amend the state constitution to inform voters regarding incumbent and non-incumbent federal and state candidates' support for a Congressional Term Limits Amendment to the United States Constitution. Said Congressional Term Limits Amendment states as follows: "No person shall serve the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms. No person shall serve the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures of three-fourths of the several States."
>
> We, the Voters of the State of Nebraska, hereby instruct each member of our congressional delegation to use all of his or her delegated powers

to pass the Congressional Term Limits Amendment set forth above. All primary and general election ballots shall have printed the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any United States Senator or Representative who: (1) fails to vote in favor of the proposed Congressional Term Limits Amendment set forth above when brought to a vote or; (2) fails to second the proposed Congressional Term Limits Amendment set forth if it lacks for a second before any proceeding of the legislative body or; (3) fails to propose or otherwise bring to a vote of the full legislative body the proposed Congressional Term Limits Amendment set forth above if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the proposed Congressional Term Limits Amendment set forth above or; (4) fails to vote in favor of all votes bringing the proposed Congressional Term Limits Amendment set forth above before any committee or subcommittee of the respective house upon which he or she serves or; (5) fails to reject any attempt to delay, table, or otherwise prevent a vote by the full legislative body of the proposed Congressional Term Limits Amendment set forth above or; (6) fails to vote against any proposed constitutional amendment that would establish longer term limits than those in the proposed Congressional Term Limits Amendment set forth above regardless of any other actions in support of the proposed Congressional Term Limits Amendment set forth above or; (7) sponsors or cosponsors any proposed constitutional amendment that would increase term limits beyond those in the proposed Congressional Term Limits Amendment set forth above, or; (8) fails in any way to ensure that all votes on Congressional Term Limits are recorded and made available to the public. The information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of incumbent candidates for Congress if the Congressional Term Limits Amendment set forth above is before the states for ratification or has become part of the United States Constitution.

Non-incumbent candidates for United States Senator or Representative, and the state legislature shall be given an opportunity to take a "Term Limits" pledge regarding Term Limits each time they file to run for such office. Those who decline to take the "Term Limits" pledge shall have the information "DECLINED TO TAKE PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to their name on every primary and general election ballot. The "Term Limits" pledge shall be offered to non-incumbent candidates for United States Senator or Representative, and the state legislature until a Constitutional Amendment which limits the number of terms of United States Senators to no more than two and United States Representatives to no more than three shall have become part to our United States Constitution. The "Term Limits" pledge that each non-incumbent candidate, set forth above, shall be offered is as follows: "I support term limits and pledge to use all my legislative powers to enact the proposed Congressional Term Limits Amendment. If elected, I pledge to vote in such a way that the designation "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" will not appear adjacent to my name.

_____________________ Signature of Candidate.

We, the Voters of the State of Nebraska, hereby instruct each member of the state legislature to use all of his or her delegated powers to pass the Article V application to Congress set forth herein, and to ratify, if proposed, the Congressional Term Limits Amendment set forth above. Said Article V application states as follows: "We, the People and Legislature of the State of Nebraska, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V of the United States Constitution to call a convention for proposing amendments to the Constitution." All primary and general election ballots shall have printed the information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any respective member of the state legislature who: (1) fails to vote in favor of the application set forth above when brought to a vote or; (2) fails to second the application set forth if it lacks for a second or; (3) fails to vote in favor of all votes bringing the application set forth above before any committee upon which he or she serves or; (4) fails to propose or otherwise bring to a vote of the full legislative body the application set forth above if it otherwise lacks a legislator who so proposes or brings to a vote of the full legislative body the application set forth above or; (5) fails to vote against any attempt to delay, table, or otherwise prevent a vote by the full legislative body of the application set forth above or; (6) fails to vote against any proposed constitutional amendment that would establish longer term limits than those in the application set forth above regardless of any other actions in support of the application set forth above or; (7) fails in any way to ensure that all votes on the application set forth above are recorded and made available to the public or; (8) fails to vote against any change, addition or modification to the application set forth above or; (9) fails to vote in favor of the Congressional Term Limits Amendment set forth above if it is sent to the states for ratification or; fails to vote against any term limits amendment with longer terms if such an amendment is sent to the states for ratification. The information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the state legislature as required by any of subsections (1) through (7) immediately above if the State of Nebraska has made application to Congress for a convention for proposing amendments to the Constitution pursuant to this law and such application has not been withdrawn or, the Congressional Term Limits Amendment set forth above has been submitted to the states for ratification. The information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the state legislature as required by any of subsections (8) through (9) immediately above if the State of Nebraska has ratified the Congressional Term Limits Amendment set forth above. The information "DISREGARDED VOTER INSTRUCTION ON TERM LIMITS" shall not appear adjacent to the names of candidates for the state legislature as required by any of subsections (1) through (9) if the Congressional Term Limits Amendment set forth above has become part of the United States

Constitution.

Thus, the proposed amendment would place descriptive language on the ballot regarding the failure of certain elected officials and candidates to adhere to the people's instructions regarding the issue of term limits.

II. Background

A. Congressional Term Limits

In 1992 and again in 1994, Nebraska voters overwhelmingly approved an amendment proposed by initiative petition that imposed limits on the number of times candidates for U.S. House and Senate seats could appear on the ballot.[1] The first vote of the people was nullified by the Nebraska Supreme Court after term limit opponents challenged whether the petition signature requirement had been met to properly place the issue before the voters. ***Duggan v. Beermann***, 245 Neb. 907, 515 N.W.2d 788 (1994) (***Duggan*** I). The second vote of the people was effectively nullified (as to Congressional term limits) by the United States Supreme Court in ***U.S. Term Limits, Inc. v. Thornton and Bryant v. Hill***, ___ U.S. ___, 115 S.Ct. 1842 (1995). ***See Duggan v. Beermann***, 249 Neb. 411, 426-429, 544 N.W.2d 68, (1996) (***Duggan*** II). In ***U.S. Term Limits***, the Court (on a 5-4 vote) held that States could not limit the number of terms served by members of Congress because all of the permissible requirements or qualifications for those offices are set forth in Article I of the Constitution of the United States and cannot be added to by the States. Consequently, term limits on members of Congress may be imposed only through an amendment to the U.S. Constitution.

B. Past Use of Descriptive Ballot Language

1. Selection of U.S. Senators

Descriptive ballot language of a nature similar to that contained in the proposed amendment is not a new concept. In 1909, the Nebraska Legislature adopted H.R. 1, introduced by State Representative Humphrey. This statute placed descriptive language following the names of legislative candidates stating their position on selection of U.S. Senators. This provision arose as part of the movement that successfully led to the direct election of U.S. Senators through an amendment to the U.S. Constitution in 1913. The 1909 statute provided as follows:

> An Act to secure a more certain selection of the people's choice for United States Senator, to provide for a form of statement in regard to election of United States Senator to be made in their nominating

---

[1] Initiative Petition Measure No. 407 was approved by a vote of 481,048 (68%) to 224,114 (32%) in 1992. Initiative Petition Measure No. 408 was approved on November 8, 1994 by a vote of 359,774 (68%) to 171,894 (32%).

petitions by candidates for legislative nominations at the primaries and to prescribe the form of ballot and statements thereon to be used at the primaries for the selection of legislative candidates.

Be it Enacted by the Legislature of the State of Nebraska:

Section 1. (Nomination papers, legislative candidates). Any elector seeking nomination as a candidate for the legislature at the primaries where such candidates are chosen may include in the application to have his name placed upon the official primary ballot provided for in Section 5866 of Cobbey's Annotated Statutes for 1907 any one of the two following statements, but if he does not do so the officer with whom the application is filed shall not, on that account, refuse to file his petition or place his name on the official ballot:

STATEMENT NO. 1

I hereby state to the people of Nebraska, as well as to the people of my legislative district, that during my term of office I will always vote for that candidate for United States senator in Congress who has received the highest number of the people's votes for that position at the general election next preceding the election of a senator in Congress, without regard to my individual preference.

(Signature of the candidate for nomination.)

If the candidate shall be unwilling to sign the above statement, then he may give the following statement as a part of his petition:

STATEMENT NO. 2

During my term of office I shall consider the vote of the people for United States senator in Congress as nothing more than a recommendation, which I shall be at liberty to wholly disregard, if the reason for doing so seems to me to be sufficient.

(Signature of the candidate for nomination.)

Section 2. (Ballot. Legislative candidate.) That part of the official primary election ballot which contains the names of candidates for legislative nominations shall have printed thereon, immediately following the names of those candidates who applications include Statement No. 1, the following words, "promises to vote for people's choice for United States senator" and immediately following the names of those candidates whose applications contain Statement No. 2 the following words, "will not promise to vote for people's choice for United States senator." That form of that part of the ballot containing the names of those who are candidates for legislative nomination shall be substantially as follows:

For State Senator from _______th district. Vote for _________________.
Richard Smith, promises to vote for people's choice for U.S. Senator.
William Jones.
For Representatives from _____th district. Vote for ________________.
Wilbur Abie, promises to vote for people's choice for U.S. Senator.
William A. Adams.
Frank Alger, will not promise to vote for people's choice for U.S. Senator.
Elton Ankeny.

1909 Neb. Laws, House Roll No. 1, Ch. 51 at p.252-254 (codified at Cobbey's Annotated Statute § 5906). Under the provisions of this statute, the candidate had the option of having the descriptive language placed after his or her name, but his or her name could appear with no descriptive language, as shown in the above example.

2. Convention Endorsements

Nebraska primary election ballots also once contained language following the names of candidates who were endorsed by the pre-primary conventions of the political parties. Following the endorsed candidate's name would appear "Endorsed by [First District Republican Party] Convention" or "Endorsed by [Democratic State Party] Convention." ***See*** Neb. Rev. Stat. § 32-1139.01 (R.S. 1943). Only the top two candidates receiving at least 25% of the pre-primary convention votes were entitled to this designation on the primary ballot. ***Id. See also*** 1945-46 Rep. Att'y Gen. 176, 177.

III. Constitutional Analysis

The issue presented is whether placement of descriptive language on ballots following candidates' names violates any constitutional provision. In analyzing this issue, one must avoid the temptation to mistake recent tradition and familiarity with constitutional law. We note that the very existence of a state-printed ballot is a legislative innovation. As the U.S. Supreme Court has pointed out, "until the late 1800's, all ballots cast in this country were write-in ballots. The system of state-prepared ballots, also known as the Australian ballot system, was introduced in this country in 1888 . . . Prior to this, voters prepared their own ballots or used preprinted tickets offered by political parties." ***Burdick v. Takushi***, 112 S.Ct. 2059, 2070 (1992).

A. U.S. Constitution

As to ballots for Congressional elections, the validity of the proposed amendment is governed by Article I, § 4, cl. 1 of the U.S. Constitution. This section provides that states may prescribe "The Times, Places and Manner of holding Elections for [U.S.] Senators and Representatives. . . ." This provision expressly authorizes Nebraska to regulate the manner of its elections for members of Congress. ***See Burdick v. Takushi***, 112 S.Ct. 2059, 2063 (1992). Under this provision, how Nebraska conducts its elections is within its discretion so long as it does not violate some other provision of the U.S. Constitution. ***See U.S. Term Limits***, 115 S.Ct. at 1868 (invalidating ballot access restrictions deemed to constitute additional qualifications in violation of Article I). ***See also Eu v. San Francisco Democratic Comm.***, 489 U.S. 214, 222 (1989) ("A state's broad power to regulate the . . . manner of elections does not extinguish the state's responsibility to observe the limits established by the First Amendment. . . .") (quoting ***Tashijian v. Republican Party of Connecticut***, 479 U.S. at 217).

The proposed amendment states in its opening clause that its purpose is to inform voters regarding candidates' positions on Congressional term limits. Under the First Amendment, states may generally enact ballot regulations which help the electorate make informed decisions. The U.S. Supreme Court has held that "'there can be no question about the legitimacy of the State's interest in fostering informed and educated expressions of the popular will. . . .'" ***Tashijian v. Republican Party of Connecticut***, 479 U.S. 220, 107 S.Ct. 544, 551 (1986) (quoting ***Anderson v. Celebrezze***, 460 U.S. at 796) (emphasis added).[2]

Significantly, the Supreme Court made this statement in the context of its discussion of the role of political party labels on election ballots. Political party labels are themselves a form of descriptive ballot language. The Court noted that "to the extent that party labels provide a shorthand designation of the views of party candidates on matters of public concern, the identification of candidates with particular parties plays a role in the process by which voters inform themselves for the exercise of the franchise." ***Id.*** at 552. ***See also Twin Cities Area New Party v. McKenna***, 73 F.3d 196, 200 (8th Cir. 1996), *cert. granted* 116 S.Ct 1846 (1996) ("The Supreme Court has recognized that party labels provide a shorthand designation of the views of party candidates on matters of public concern. . . .").

Descriptive ballot language in the form of political labels is placed on ballots in every partisan political race by statute. ***See, e.g.,*** Neb. Rev. Stat. §§ 32-809, 814, 815 (1994). Nebraska law provides that nonpolitical candidates go on the ballot only as individuals, while political candidates are listed with their party label. Petition candidates are designated on the ballot as having been nominated by petition.

It is important to note that political parties are not part of our constitutional

[2] The Nebraska Supreme Court has acknowledged that "the people of Nebraska have expressed, as evidenced by their vote, that it is their will that the Constitution be amended as called for in the initiative petition [placing term limits on certain elected officials]." ***Duggan v. Beermann***, 245 Neb. 115.

framework, and have no constitutional basis beyond the right of political association. Placement of party labels on ballots is a form of descriptive language meant to inform voters. Voters have long been accustomed to descriptive language such as "Republican" or "Democrat" following candidates' names. Some past political party names were even more descriptive, such as "Free Silver", "Socialist Workers", "People's Independent", or "Prohibition." New party names are also often descriptive, such as "Reform" and "Green." A candidate could, if otherwise qualified, run on the "Term Limit" ticket or the "Experience Counts" ticket. Party names are intentionally chosen to convey a message to voters. In the case of the major parties, they provide the voter at least a general idea of where the candidate stands on a wide variety of issues.

We also note that the United States Supreme Court has held that political candidates can be required by law (within the bounds of the First Amendment) to disclose where their campaign money comes from and how it is spent. ***Buckley v. Valeo***, 424 U.S. 1, 66 (1976). Although this information is not printed on the ballot, it is nonetheless required by law to be supplied to voters for the purpose of assisting them in identifying the philosophy of the candidate. The Court stated, "disclosure provides the electorate with information as to where political campaign money comes from and how it is spent by the candidate' in order to aid voters in evaluating those who seek federal office. It allows voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party labels and campaign speeches." ***Id.*** at 66-67 (emphasis added). Similarly, the Court stated, "In many situations the label 'Republican' or 'Democrat' tells a voter little." ***Id.*** at 70 (upholding campaign disclosure requirements in order to inform the voters of the interest that specific candidates represent).

The use of descriptive ballot language as proposed by the amendment under consideration is legally indistinguishable from party labels and is intended to assist voters in making informed decisions. We conclude, therefore, the proposed amendment would not be found by a court to violate the First Amendment.

It is also our opinion that no other constitutional provision prohibits States from placing descriptive language on ballots as provided by the proposed amendment. The proposed language is not an additional qualification for members of Congress since it does not affect the ability of candidates to stand for Congress. ***U.S. Term Limits***, 115 S.Ct. at 1868. It is not a violation of the Equal Protection Clause, since all similarly-situated candidates are subject to the same rules and would receive similar treatment. ***Reed v. Reed***, 404 U.S. 71, 75 (1971). We also find no liberty or property interest improperly infringed by accurately informing voters of candidate's views or actions.

The only concern we have identified with the proposed amendment relates not to its facial validity, but to its application. The amendment makes the Secretary of State responsible for making an accurate determination as to whether a candidate shall have descriptive language adjacent to his or her name on the ballot based, in part, on votes taken by members of Congress. Although the proposed amendment is very detailed, it is possible that a dispute could arise as to the meaning of a particular vote and its effect on the Secretary's duties. We also note, however, that the proposed amendment also contains an appeal procedure which may be sufficient to deal with this problem in the event it ever occurs.

B. Nebraska Constitution

Since the proposed amendment also affects legislative elections, which are outside the scope of the Elections Clause of the U.S. Constitution, the proposed amendment would also be subject to scrutiny under the Nebraska Constitution. However, since the proposed language is itself a constitutional provision, it would necessarily set its own standard unless it could not coexist with other provisions of the state constitution. In any event, we see no existing state constitutional barrier to the proposed language.

Neb. Const. art. III, § 7 expressly prohibits certain specified descriptive language on ballots for legislative elections ("Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization."). However, this provision does not prohibit the descriptive language in question.

The State free speech clause contained in Neb. Const. art. I, § 5 is not offended by the amendment for the reasons discussed above regarding the First Amendment. Likewise, the proposed language does not create new qualifications or disqualifications in addition to those set for members of the Legislature under article III, §§ 8, 9.

The proposed amendment would not constitute a "special law" under article III, § 18 which prohibits special laws for the opening and conducting of any election, since it is not a legislative act, and since it operates alike on all persons of a reasonably constituted class. ***See Baker v. Moorhead***, 103 Neb. 811, 174 N.W. 430 (1919).

Finally, we see no inconsistency between the proposed language and Neb. Const. art. I, §22 which provides that "all elections shall be free. . . ." ***See State v. Junkin***, 85 Neb. 1, 122 N.W. 473 (1909).

Conclusion

In conclusion, the proposed amendment placing descriptive language on ballots regarding candidates' positions and past votes on the issue of term limits does not, on its face, violate any provision of the Constitution of the United States or the State of Nebraska.

Sincerely yours,
DON STENBERG

Attorney General
(Signed) Steve Grasz
Deputy Attorney General

3-2512-3

Opinion No. 96058

DATE: July 25, 1996

SUBJECT: Practice of Veterinary Medicine

REQUESTED BY: Senator M. L. Dierks

WRITTEN BY: Don Stenberg, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested the opinion of this office as to whether the diagnostic use of ultrasound techniques falls within the scope of practice of veterinary medicine and surgery. Based on our review of the Nebraska Veterinary Practice Act, we conclude that it does.

The practice of veterinary medicine and surgery is defined at Neb. Rev. Stat. § 71-1,154(3) (Cum. Supp. 1994) to include the following:

> (a) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above;

Under Nebraska law, where the words of a statute are plain and unambiguous, no interpretation is needed to ascertain their meaning. In the absence of anything to indicate the contrary, words will be given their ordinary meaning. ***Kellogg Co. v. Herrington***, 216 Neb. 138, 343 N.W.2d 326 (1984). It is our opinion that the above quoted statutory language is clear and that no interpretation or resort to legislative history for the purpose of discovering legislative intent is necessary.

Under the statutory definition, the use of ultrasound techniques would fall within the scope of veterinary practice if conducted for the purpose of diagnosis, treatment or prevention of animal disease, defect, injury or other physical or mental condition. You have referred in your letter to the use of ultrasound methods to test for pregnancy and to detect lameness and structural defects in the limbs of animals and these diagnostic uses are clearly within the scope of veterinary practice. As to your third example, whether utilization of ultrasound methods to measure backfat and ribfat in slaughter animals falls within the scope of practice would depend on the purpose of such measurements.

You have asked whether legislation would be necessary to specify that any use of ultrasound techniques on animals is included within the meaning and practice of veterinary medicine as defined at Neb. Rev. Stat. § 71-1,154. It is our opinion that the use of ultrasound techniques on animals is already included within the scope of practice for veterinary medicine as long as that use is for the purpose of diagnosis, treatment, or prevention of animal disease, defect, injury or other physical or mental condition. However, legislation would be necessary to include other uses of ultrasound techniques within the scope of veterinary practice.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
09-661-6.op

Opinion No. 96062

DATE: August 19, 1996

SUBJECT: Interpretation of Exemption from Sales and Use Tax of Feed, Water, Veterinary Medicines, and Agricultural Chemicals for Consumption by, to be Used on, or Which are Used in Caring for "Animal Life" Under 1996 Neb. Laws, LB 106, § 1.

REQUESTED BY: Senator M. L. Dierks
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion regarding the interpretation of the exemption from sales and use tax for "feed, water, veterinary medicines, and agricultural chemicals for consumption by, to be used on, or which are otherwise used in caring for" certain forms of "animal life" resulting from the enactment of 1996 Neb. Laws, LB 106. § 1. Specifically, you ask whether "ratite birds" (including ostriches, emus, rheas, kiwis, and cassowaries) and "domesticated cervine animals" (including elk, deer, or other members of the cervidae family) are forms of "animal life" within the meaning of § 1 of LB 106.

Section 1 of LB 106 provides, in its entirety, as follows:

> (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of feed, water, veterinary medicines, and agricultural chemicals for consumption by, to be used on, or which are otherwise used in caring for any form of animal life of a kind the products of which ordinarily constitute food for human consumption or of a kind the pelts of which ordinarily are used for human apparel. (emphasis added).

You have provided a copy of a letter from the State Tax Commissioner outlining the Department of Revenue's position that "ratites" and "domesticated cervine animals" are not forms of "animal life" within the meaning of § 1 of LB 106, as the products of these animals do not "ordinarily constitute food for human consumption".[1] You indicate that, if this interpretation is correct, you "contemplat[e] introducing legislation to clarify that ratite birds and cervine species defined as livestock by section 54-701.03 are included within the meaning of animal life described in section 1 of LB 106. . . ."

Statutory language should generally be given its plain and ordinary meaning and where the words of the statute are plain, direct and unambiguous, no interpretation is necessary to ascertain their meaning. ***Sorensen v. Meyer,*** 220 Neb. 457, 370 N.W.2d 173 (1985). "In the construction of a statute, no sentence, clause, or word should be rejected as meaningless or superfluous; rather, the plain and ordinary meaning of the language employed should be taken into account in order to determine the legislative will." ***Weiss v. Union Ins. Co.,*** 202 Neb. 469, 473, 276 N.W.2d 88, 92 (1979). It is inappropriate to read a meaning into a statute which is not warranted by the legislative language. ***Anderson v. Autocrat Corp.,*** 194 Neb. 278, 231 N.W.2d 560 (1975). Statutes conferring exemptions from taxation "are strictly construed, and their operation will not be extended by construction." ***Omaha Public Power Dist. v. Nebraska Dept. of Revenue,*** 248 Neb. 518, 519, 537 N.W.2d 312, 314 (1995). The interpretation of a statute by the administrative agency to which it is directed is entitled to weight. ***Vulcraft v. Karnes,*** 229 Neb. 676, 428 N.W.2d 505 (1988).

Prior to the adoption of § 1 of LB 106, the Nebraska Revenue Act provided an exemption for "[f]eed for any form of animal life or water which [was] supplied for consumption by animal life or which [was] otherwise used in caring for animal life of a kind the products of which ordinarily constitute food for human consumption or of a kind the pelts of which ordinarily [were] used for human apparel." Neb. Rev. Stat. § 77-2702.12(2)(b)(ii) (Supp. 1995) (***repealed*** 1996 Neb. Laws, LB 106, § 6). LB 106 was intended to "exempt the sale of veterinary medicines and agricultural chemicals used in the production and care of animals from which human food and apparel are derived (i.e. livestock)." Committee Records on LB 106, 94th Neb. Leg., 1st Sess. (Introducer's Statement of Intent) (February 16, 1995). The previously existing exemptions for sales of feed and water consumed by or used in caring for "animal life" were combined with sales of veterinary medicines and agricultural chemicals consumed by or used in caring for "animal life" in § 1 of LB 106. Section 1 of LB 106 retained the prior language providing that the sale or use of these items is exempt only if consumed by or used in caring for "animal life of a kind the products of which ordinarily constitute food for human consumption or of a kind the pelts of which ordinarily are used for human apparel."

---

[1] While not specifically addressed in the Commissioner's letter, it appears that the Department also takes the position that ratites and domesticated cervine animals do not fall qualify as a form of animal life "of a kind the pelts of which ordinarily are used for human apparel". Your request does not indicate that you believe that this portion of the statute is applicable to these species.

The Tax Commissioner, in his letter outlining the Department's interpretation of the exemption in § 1 of LB 106 for sales of feed, water, veterinary medicines, and agricultural chemicals consumed by or used in caring for certain forms of animal life, states it is the Department's position that the sale or use of these items for consumption by or use in caring for ratites and domesticated cervine animals does not qualify for exemption. The Department's interpretation is based on its conclusion that the products of these forms of animal life do not "ordinarily" constitute food for human consumption.

While products of certain ratite species or members of the cervidae family may be used as food for human consumption, it appears to us that, consistent with the Department's position, products of these forms of animal life are not "ordinarily" used to provide food for human consumption. The word "ordinarily" is defined to mean "usually; as a rule; in most cases;. . . ." Webster's New Universal Unabridged Dictionary 1259 (2d ed. 1983). We are unable to disagree with the Department's conclusion that, at present, the products of such animals "usually", or "in most cases", do not constitute food for human consumption.

This interpretation is consistent with the Department's regulation construing the meaning of the term "animal life" under § 77-2702.13. Sales and Use Tax Reg-1-062 provides:

> 062.01 Sales of any form of animal life, the products of which ordinarily constitute food for human consumption, are exempt from the sales tax. Cattle, sheep, swine, baby chicks, turkey poults, and bees are examples of exempt forms of animal life.
>
> 062.02 Purchases of animal life the products of which do not constitute food for human consumption, such as cats, dogs, mules, zebra, mink, parakeets, penguins, and canaries, chinchillas, horses, etc., are examples of taxable forms of animal life. Purchases of taxable forms of animal life are taxable to the purchaser even when such animal

life is purchased for breeding purposes.

While Reg-1-062 is directed to the exemption of sales of "animal life" under Neb. Rev. Stat. § 77-2702.13(2)(b)(i) (Supp. 1995), the language in this subsection is identical to that used in § 1 of LB 106, to the extent that it pertains only to animal life "of a kind the products of which ordinarily constitute food for human consumption." The Department's regulation, and its interpretation of the term "animal life" in § 1 of LB 106, both recognize that products of certain forms of animal life, while they may occasionally be consumed by humans, do not ordinarily constitute food for human consumption. The Department's determination that products of ratites and domesticated cervine animals do not ordinarily constitute food for human consumption is in accord with the language employed by the Legislature, and is consistent with the rule that exemptions from taxation should be narrowly construed. The interpretation adopted by the Department is entitled to weight, and we cannot say that it is incorrect.

In your request, you make reference to the definition of "livestock" in Neb. Rev. Stat. § 54-701.03 (Supp. 1995). In 1995, the definition of "livestock" in § 54-701.03 was amended to include "domesticated cervine animals" (defined to mean elk, deer, or other members of the family cervidae) and "ratite birds" (defined to mean ostriches, emus, rheas, kiwis, or cassowaries). 1995 Neb. Laws, LB 718, § 6. The fact that the definition of "livestock" in § 54-701.03 was amended to include domesticated cervine animals and ratites, however, has no bearing on the interpretation of the exemption contained in § 1 of LB 106.

The addition of domesticated cervine animals and ratites to the definition of "livestock" in § 54-701.03 was enacted to place regulatory authority over such animals with the Department of Agriculture. Committee Records on LB 718, 94th Leg., 1st Sess., (Introducer's Statement of Intent) (February 14, 1995). Section 54-701.03 specifically provides that the definitions contained therein apply only "[f]or purposes of sections 54-701 to 54-705 and 54-742 to 54-753.05". There is nothing in the language or history of LB 718 which indicates an intent by the Legislature to alter the scope of the sales and use tax exemptions contained in § 77-2702.13(2)(b).

Indeed, a review of the history of LB 718 indicates that, as the Department has determined, products of ratite birds and domesticated cervine animals do not, at present, "ordinarily constitute food for human consumption." Various individuals involved in the ratite industry testified that development of a commercial market for ratite meat is in its infancy, indicating that products of these animals are not, at present, "ordinarily" used as food for human consumption. Committee Records on LB 718, at 14-19; 24-34; 46-47). Similar testimony was presented by individuals involved in raising animals of the family cervidae (primarily elk), indicating that domestic production of such meat for consumption by humans is not, at this time, economically viable. *Id.* at 19-20; 34; 38-39; 40-41; 47-48, 53;54-55; 62. Thus, products of such animals are apparently not, at present, "ordinarily" used as food for human consumption. This testimony further bolsters the Department's interpretation of the scope of the exemption in § 1 of LB 106.

In conclusion, it is our opinion that the Department of Revenue is correct in its interpretation that "ratite birds" and "domesticated cervine animals" are not forms of "animal life" within the meaning of the exemption from sales and use tax contained in § 1 of LB 106, as products of these animals do not "ordinarily constitute food for human consumption." Thus, if you wish to add these animals to the forms of "animal life" covered by the exemption, further legislative action is required.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-137-7.2
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 96063

DATE: August 21, 1996

SUBJECT: Pardon Board Authority

REQUESTED BY: Senator Chris Beutler

WRITTEN BY: Don Stenberg, Attorney General
Laurie Smith Camp, Deputy Attorney General

You have asked whether the Nebraska Pardons Board can commute a death sentence to a sentence of life without parole. We conclude that the Nebraska Pardons Board has the absolute power of pardon under the Nebraska Constitution and that the Board may commute a sentence to any lesser sentence or may issue a complete pardon to the offender.

Article IV, § 13 of the Nebraska Constitution provides in part:

> "The Governor, Attorney General and Secretary of State, sitting as a Board, shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the law of this State except cases of treason and cases of impeachment.

The Nebraska Supreme Court has held that the Pardons Board has "unfettered discretion" to grant or deny an application for clemency. ***Otey v. State***, 240 Neb. 813, 828-30 (1992).

Just as the power of pardon is vested absolutely in the President under the

United States Constitution, the power is vested absolutely in the Board of Pardons under the Nebraska Constitution. ***The Laura***, 114 U.S. 411, 414 (1884); ***Schick v. Reed***, 419 U.S. 256, 266 (1974).

Because the power of pardon is vested absolutely in the Nebraska Pardons Board under the Nebraska Constitution, the Pardons Board may commute any sentence to a lesser sentence, including the commutation of a death sentence to a sentence of life without parole. One Pardons Board does not have the power to bind another future Pardons Board, however. So, if one Pardons Board granted a commutation of a death sentence to a sentence of life without parole, future Pardons Boards would not be precluded from commuting the sentence of life without parole to a sentence of a term of years. ***See, e.g., State ex rel. Stenberg v. Moore***, 249 Neb. 589, 595 (1996).

As you consider "possible legislation in this area", you may wish to bear in mind that where a state constitution fixes the power to pardon, that power is not subject to legislative control except as provided by the constitution itself. ***The Laura***, 114 U.S. at 414; ***Schick***, 419 U.S. at 266; and ***Pardon and Parole***, 59 Am. Jur. 2d § 31 (1987).

Sincerely,
DON STENBERG
Attorney General
(Signed) Laurie Smith Camp
Deputy Attorney General

44-390-18

Opinion No. 96066

DATE: August 28, 1996

SUBJECT: Application of Good Time to Mandatory Minimum Terms

REQUESTED BY: Senator Don Wesely

WRITTEN BY: Don Stenberg, Attorney General
Laurie Smith Camp, Deputy Attorney General

You have asked whether good time applies to mandatory minimum sentences. We conclude that good time does not apply to mandatory minimum sentences, and that an inmate may not be paroled or discharged before the completion of the mandatory minimum term.

In 1989, the Nebraska Legislature enacted LB592, which provided mandatory minimum terms for certain drug offenses. The bill specified that any person convicted of an offense carrying such a mandatory minimum term "shall not be eligible for parole prior to serving the mandatory minimum sentence." Neb. Rev. Stat. § 28-416(10)(1989).

On January 25, 1994, this office advised the Director of the Nebraska Department of Correctional Services and the Chairperson of the Nebraska Board of Parole that, whether or not the Department applied good time to mandatory minimum terms, inmates could not be paroled prior to serving their mandatory minimum sentences. Attached for your reference is a copy of my letter to Harold Clarke and Ethel Landrum.

In 1995, LB371 re-classified several criminal offenses, causing them to carry mandatory minimum terms. The bill noted that a "person convicted of a felony for which a mandatory minimum sentence is prescribed shall not be eligible for probation", and the bill re-wrote Nebraska's good time laws, effective July 1, 1996, so that good time is no longer applicable to minimum terms:

> [E]very committed offender shall be eligible for parole when the offender has served one-half the minimum term of his or her sentence. No such reduction of sentence shall be applied to any sentence imposing a mandatory minimum term.

Neb. Rev. Stat. § 83-1,110 (Supp. 1995).

The legislative history of LB592 (1989) and LB371 (1995) makes clear the fact that the Nebraska Legislature expected inmates who were sentenced for offenses carrying mandatory minimum terms to serve the full mandatory minimum term before being paroled or discharged. The introducers' statements of intent, their introductions of the bills before the Judiciary Committee, and the discussion of the bills both before the Committee and during floor debate, support this conclusion. For example, when introducing LB595 in 1989, Senator Chris Abboud said that "the bill requires a mandatory prison sentence upon conviction . . . ". In his Statement of Intent for LB371 in 1995, Senator John Lindsay described the mandatory minimum terms as "the minimum penalty" of "years imprisonment". He represented that: "No person sentenced to a mandatory term under these statutes would be eligible for probation or reductions for good time." During floor debate, there was discussion of (unsuccessful) amendments which would have allowed inmates to serve less than the mandatory minimums prescribed under LB371. Senator Kristensen said: "[Those amendments] will give them the opportunity for good time, so instead of 25 years in prison, they could be out in 12, and that is something we cannot let happen in Nebraska."

Although it is apparent from the Legislative History of LB592 and LB371 that the Nebraska Legislature expected inmates sentenced to mandatory minimum terms to be incarcerated for the full mandatory minimum term, inmates could be discharged before the expiration of a mandatory minimum term if the Department of Correctional Services were to apply good time to the inmates' maximum terms and were to use the maximum terms to determine the date of discharge, without consideration of whether or not the inmate had been sentenced to a mandatory minimum term.

Based on the Legislative History of LB592 (1989) and LB371 (1995), we conclude that an inmate who has been sentenced to a mandatory minimum term can neither be paroled nor discharged from custody of the Nebraska Department of Correctional Services prior to serving the full mandatory minimum term.

Sincerely,
DON STENBERG
Attorney General
(Signed) Laurie Smith Camp
Deputy Attorney General

44-397-18

Opinion No. 96067

DATE: September 4, 1996

SUBJECT: Delegation of the Power of Commutation

REQUESTED BY: Senator George Coordsen

WRITTEN BY: Don Stenberg, Attorney General
Laurie Smith Camp, Deputy Attorney General

You have asked whether the power of commutation is limited only to the Nebraska Board of Pardons, and whether the Governor has the authority to vest the power of commutation with another state agency under his control. We conclude that the power of commutation is vested in the Nebraska Board of Pardons under the Nebraska Constitution, and that the Governor has no authority to vest such power with another state agency under his control, nor could any legislation give the Governor such power.

Nebraska Constitution, art. IV, § 13, provides in part:

> The Governor, Attorney General and Secretary of State, sitting as a Board, shall have power to . . . grant . . . commutations in all cases of conviction for offenses against the laws of the state. . . . The Board of Parole may advise the Governor, Attorney General and Secretary of State on the merits of any application for . . . commutation, but such advice shall not be binding upon them.

The Nebraska Supreme Court has held that the constitutional power of the Nebraska Board of Pardons may not be usurped by the Legislature or by the courts.

In ***State v. Philipps***, 246 Neb. 610 (1994), the Court declared unconstitutional the provisions of Neb. Rev. Stat. § 29-2308.01 (1989) which purported to allow sentencing courts to reduce sentences within 120 days after imposing a sentence, revoking probation, or receiving a mandate following an appeal. After describing the Board of Pardon's power of commutation set forth in Neb. Const., art. IV, §13, the Court said:

> Neb. Const., art. II, §1, prohibits one department of government from encroaching on the duties and prerogatives of the other or from improperly delegating its own duties and prerogatives, except as the Constitution itself otherwise directs or permits.
>
> . . . .
>
> [A] sentencing court which chooses to substitute a milder punishment for the sentence it had originally imposed does the very thing which defines an act of commutation.

Philipps, 246 Neb. at 614, 616.

In ***State v. Jones***, 248 Neb. 117 (1995), the Court declared unconstitutional Neb. Rev. Stat. § 29-2931 (Cum. Supp. 1994), which purported to authorize a sentencing court to reduce or alter the sentence of a convicted sex offender. As in ***Philipps***, the Court relied on Neb. Const., art. IV, §13, and art. II, §1.

In ***State v. Bainbridge***, 249 Neb. 260 (1996), the Court declared unconstitutional Neb. Rev. Stat. § 60-6,209 (1993), which purported to allow a sentencing court to reduce a defendant's 15-year driver's license suspension pursuant to a third DWI conviction, if the applicant had served at least five years of the revocation. The Court held that because the driver's license revocation was punitive, a reduction in the term of the revocation would constitute a commutation of sentence. Again, the Court relied on Neb. Const., art. IV, §13, and art. II, §1.

On April 9, 1996, this office issued its opinion to the Nebraska Board of Parole, finding Neb. Rev. Stat. § 83-1,118(2) and § 83-192(1)(1994) unconstitutional. Those sections provide:

> The Board [of Parole] may discharge a parolee from parole at any time if such discharge is compatible with the protection of the public and is in the best interest of the parolee.

Neb. Rev. Stat. § 83-1,118(2)(1994).

> The Board of Parole shall:
>
> . . . .
>
> (c) determine the time of discharge from parole[.]

Neb. Rev. Stat. § 83-192(1)(1994).

In the opinion, we concluded that §§ 83-1,118(2) and 83-192(1) were unconstitutional because the Legislature cannot usurp the constitutional powers of the Nebraska Board of Pardons, even if the Legislature attempts to delegate those powers to another agency within the executive branch. Opinion of Attorney General, number 96029, April 9, 1996.

Just as the power of pardon is vested absolutely in the President under the United States Constitution, the power is vested absolutely in the Board of

Pardons under the Nebraska Constitution. As such, it cannot be modified by the Legislative branch. ***The Laura***, 114 U.S. 411, 414 (1884); ***Schick v. Reed***, 419 U.S. 256, 266 (1974). Where a state constitution fixes the power to pardon, that power is not subject to legislative control except as is provided by the constitution itself. ***Schick***, 419 U.S. at 266; Pardon and Parole, 59 Am. Jur. 2d, § 31 (1987).

Because the power of commutation is vested in the Nebraska Board of Pardons under the Nebraska Constitution, neither the Governor nor the Legislature may vest another state agency with that power.

Sincerely,
DON STENBERG
Attorney General
(Signed) Laurie Smith Camp
Deputy Attorney General

44-402-18

Opinion No. 96082

DATE: December 10, 1996

SUBJECT: Responsibility for Fence Maintenance Pursuant to Neb. Rev. Stat. § 81-815.61

REQUESTED BY: Senator Jim Jones

WRITTEN BY: Don Stenberg, Attorney General
Lynn A. Melson, Assistant Attorney General

You have requested the opinion of this office regarding the responsibility of the Game and Parks Commission (Commission) for fence maintenance along the railroad right-of-way acquired as a result of Neb. Rev. Stat. § 81-815.59 (1994). Your specific question is whether the Commission assumes "sole responsibility" for fence maintenance under Neb. Rev. Stat. § 81-815.61 (1994) when it takes title to the land, when a section of the trail is developed or when the entire trail is developed.

We will first briefly review the pertinent statutes. Neb. Rev. Stat. § 81-815.59 authorized the Commission to accept as a gift the right-of-way of the Chicago and Northwestern Railroad located between Norfolk and Chadron, Nebraska. Section 84-815.59 further provides that the Commission "shall hold the right-of-way for interim trail use as a state recreational trail, to preserve wildlife habitat, and to provide a conservation, communications, utilities and transportation corridor and for other uses approved by the commission and allowed by the National Trails System Act."

Neb. Rev. Stat. § 81-815.61 sets forth the responsibility for fences as follows:

> The Game and Parks Commission shall have the same responsibility with regard to division fences as a private landowner as provided in sections 34-101 to 34-117, except that in those areas where a recreational trail is developed, the commission shall have the same responsibility as a railroad as provided in sections 74-601 to 74-604.

Neb. Rev. Stat. §§ 34-101 to 34-117 (1993 and Cum. Supp. 1996) provide that, when two or more persons have lands adjoining, those landowners must share the cost of erection and maintenance of a division fence unless neither of the adjoining landowners desires a division fence. The general rule provided by these statutes is that each adjoining landowner is responsible for one-half the cost of the division fence. Therefore, with regard to the railroad right-of-way to be known as the Cowboy Trail, the Commission is required to share the cost of the division fence with the adjoining landowner except in those areas where a recreational trail is developed. As to those areas one must look to Neb. Rev. Stat. §§ 74-601 to 74-604 (Cum. Supp. 1994) to determine the Commission's responsibility for fences. Those statutes generally require a railroad corporation to "erect and thereafter maintain fences on the sides of its railroad, or the part thereof so open for use. . . ." Neb. Rev. Stat. § 74-601.

Under Nebraska law, where the words of a statute are plain and unambiguous, no interpretation is needed to ascertain their meaning. ***Sorensen v. Meyer***, 220 Neb. 457, 370 N.W.2d 173 (1985). In the absence of anything to indicate the contrary, words will be given their ordinary meaning. ***Kellog Co. v. Herrington***, 216 Neb. 138, 343 N.W.2d 326 (1984). It appears to us that the language of § 81-815.61 is clear and that no interpretation or resort to legislative history for the purpose of discovering legislative intent is necessary. The Legislature has provided that, with regard to the acquired right-of-way, the Commission will share the cost of erecting and maintaining fences as would a private land owner pursuant to §§ 34-101 to 34-117. The Legislature has also provided for an exception for those areas where a recreational trail is developed. That the Legislature contemplated that portions of the right-of-way would be developed as a recreational trail by section over time is also evidenced by Neb. Rev. Stat. § 81-815.60 which allows the Commission to lease those portions of the right-of-way which are not immediately developed as a recreational trail. For the reasons discussed above, we conclude that, when a section of the railroad right-of-way is developed as a recreational trail, the Commission must assume the full cost to erect and maintain fences along that section of the right-of-way.

It is our understanding, after consulting with the Commission, that no sections of the right-of-way have yet been completed for use by the public as a recreational trail. We have learned that the work remaining to be completed includes ballast salvage, surfacing, installation of stop signs and other warning signs and the installation of bollards at road crossings to provide protection. However, as a section is developed and ready for use, the Commission will bear the full cost of fences for that section as would a railroad as set forth in §§ 74-601 to 74-604.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature
9-739-6.op

Opinion No. 96084

DATE: December 13, 1996

SUBJECT: Practice of Veterinary Medicine-Embryo Transfer

REQUESTED BY: Senator M. L. Dierks

WRITTEN BY: Don Stenberg, Attorney General
Lynn A. Melson, Assistant Attorney General

You have asked whether the scope of practice of a veterinarian licensed to practice veterinary medicine and surgery in this state includes the transfer of a live embryo from the uterus of one animal to the uterus of another. For the reasons discussed below, we believe the answer to that question is "yes."

The practice of veterinary medicine and surgery is defined at Neb. Rev. Stat. § 71-1,154(3) (Cum. Supp. 1996) to include the following actions:

> (a) To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury, or other physical or mental conditions, including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthetic, or other therapeutic or diagnostic substance or technique, and the use of any manual or mechanical procedure for testing for pregnancy, or for correcting sterility, or infertility, or to render advice or recommendation with regard to any of the above;

You have briefly described the embryo transfer procedure as involving "the removal of a live embryo from the uterus of one animal and implanting within the uterus of another." You have further informed us that the transfer "can be accomplished through surgical implantation and with non-surgical devices inserted through the reproductive tract" and that the process "requires precise determination of pregnancy in the donor animal and inducing receptiveness to the embryo through the administration of drugs and hormones to the receiving animal."

Statutes are not open to construction as a matter of course, and in the absence of any contrary indication, statutory language is generally to be given its plain and ordinary meaning. ***Weiner v. State, ex rel. State Real Estate Commission***, 214 Neb. 404, 333 N.W. 2d 915 (1983). In keeping with that premise, when the words of a statute are plain, direct and unambiguous, no interpretation is necessary or will be indulged to ascertain their meaning. ***Rosse v. Rosse***, 244 Neb. 967, 510 N.W.2d 73, (1994).

With regard to your question, it seems to us that the language of § 71-1,154(3)(a) is clear and that no interpretation or resort to legislative history is necessary. It is our opinion that the embryo transfer procedure would clearly fall within the scope of veterinary practice defined therein.

We note that your letter also refers to the embryo transfer procedure as being "reserved" to licensed veterinarians. For clarification, we point out that Neb. Rev. Stat. § 71-1,155(6) (1990) provides that an owner of livestock or a bona fide farm or ranch employee may perform certain acts in the treatment of domestic animals under his or her custody or ownership. Those acts set out in § 71-1,155(6) include vaccination, surgery, pregnancy testing and the administration of drugs. To the extent that the embryo transfer procedure involves only the listed acts, it appears to us that an owner could perform the procedure on his or her own animals. However, if the embryo transfer procedure requires acts other than those listed in § 71-1,155(6), the procedure could be performed only by a licensed veterinarian or to a limited extent by an individual who qualifies for one of the other exceptions from licensing found at § 71-1,155 such as a veterinary student, faculty member or researcher.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

9-734-6.op

Opinion No. 96088

DATE: December 19, 1996

SUBJECT: Interpretation of the Exemption from Sales and Use Tax for "Agricultural Chemicals" Under Neb. Rev. Stat. § 77-2702.13(2)(b)(iv) (Supp. 1995).

REQUESTED BY:	Senator Owen Elmer Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the scope of the exemption from sales and use tax for "[agricultural chemicals for use in agriculture" provided in Neb. Rev. Stat. § 77-270222.13(2)(b)(iv) (Supp. 1995). You indicate that the Nebraska Department of Revenue has taken the position that the exemption does not apply to certain substances or products which are added to agricultural chemicals to enhance their performance or aid in their application. Specifically, you state that the Department views certain additives, such as adjuvants, soil conditioners, and foam markers used for application purposes, as falling outside the scope of the exemption. You indicate that, depending on our interpretation of the scope of the exemption, you are contemplating the introduction of legislation addressing this issue.

Nebraska imposes "a tax. . .upon the gross receipts from all sales of tangible personal property sold at retail in this state,. . . ." Neb. Rev. Stat. § 77-2703(1) (Supp. 1995). A corresponding "use" tax is imposed pursuant to subsection (2) of § 77-2703, which imposes a tax

> on the storage, use, or other consumption in this state of tangible personal property purchased, leased, or rented from any retailer and on any transaction the gross receipts of which are subject to tax under subsection (1) of this section on or after June 1, 1967, for storage, use, or other consumption in this state at the rate specified in subsection (1) of this section on the sales price of the property, or, in the case of leases or rentals, of the lease or rental price.

Neb. Rev. Stat. § 77-2702.13 (Supp. 1995), which defines "retail sale" or "sale at retail" for sales and use tax purposes, provides that these terms do not include the sale of "[a]gricultural chemicals for use in agriculture and applied to land or crops." Neb. Rev. Stat. § 77-2702.13(2)(b)(iv). "Agricultural chemicals shall not mean chemicals applied to harvested grains stored in commercial elevators;. . . ." ***Id.***

In addressing the proper construction of the exemption for "agricultural chemicals" in § 77-2702.13(2)(b)(iv), certain basic rules of statutory construction must be considered. Statutory language should generally be given its plain and ordinary meaning and where the words of the statute are plain, direct and unambiguous, no interpretation is necessary to ascertain their meaning. ***Sorensen v. Meyer,*** 220 Neb. 457, 370 N.W.2d 173 (1985). "In the construction of a statute, no sentence, clause, or word should be rejected as meaningless or superfluous; rather, the plain and ordinary meaning of the language employed should be taken into account in order to determine the legislative will." ***Weiss v. Union Ins. Co.,*** 202 Neb. 469, 473, 276 N.W.2d 88, 92 (1979). It is inappropriate to read a meaning into a statute which is not warranted by the legislative language. ***Anderson v. Autocrat Corp.,*** 194 Neb. 278, 231 N.W.2d 560 (1975). Statutes conferring exemptions from taxation "are strictly construed, and their operation will not be extended by construction." ***Omaha Public Power Dist. v. Nebraska Dept. of Revenue,*** 248 Neb. 518, 519, 537 N.W.2d 312, 314 (1995).

It is also important to bear in mind that the interpretation of a statute by the administrative agency to which it is directed is entitled to weight. ***Vulcraft v. Karnes,*** 229 Neb. 676, 428 N.W.2d 505 (1988). "Although construction of a statute by a department charged with enforcing it is not controlling, considerable weight will be given to such a construction, particularly when the Legislature has failed to take any action to change such an interpretation." ***McCaul v. American Savings Co.,*** 213 Neb. 831, 846, 331 N.W.2d 795, 798 (1983).

The Department of Revenue has promulgated a regulation interpreting the exemption for "agricultural chemicals" in § 77-2702.13(2)(b)(iv). Sales and Use Tax Reg-1-061 provides, in part, as follows:

> 061.01 Agricultural chemicals to be applied to land or crops in commercial agriculture are exempt.
>
> 061.01A "Agricultural chemicals" as used in this regulation includes fertilizers, minerals, insecticides, fungicides, rodenticides, herbicides, defoliants, soil fumigants, plant growth regulating chemicals, plant desiccants, seed inoculants and plant hormones. Agricultural chemicals does not include detergents, wetting agents, or soil conditioners intended to assist in the application or effectiveness of agricultural chemicals. (emphasis added).

In addition to Reg-1-061, the Department, in 1976, issued a Revenue Ruling addressing whether wetting agents and carriers for agricultural chemicals were exempt from sales or use tax. The Department opined that "[w]etting agents and carriers simplify the application of an agricultural chemical, but do not by themselves have the effect of the agricultural chemical. Consequently, the purchase of wetting agents and carriers is not exempt from sales and use tax as an agricultural chemical." Nebraska Dept. of Revenue Ruling 1-76-4 (June 22, 1976).

Thus, the Department of Revenue's interpretation of the exemption for "agricultural chemicals" is that the exemption does not apply to various substances or products which, while used in connection with agricultural chemicals, are utilized to assist in the application or effectiveness of the chemicals. This interpretation, as noted, is entitled to weight in determining the proper construction of the exemption, as is consistent with the rule that exemptions from taxation are to be narrowly construed. Moreover, the Department has interpreted the exemption in this manner for many years, and the Legislature has not acted to change this interpretation. Accordingly, we cannot say that the Department's interpretation is unreasonable.[1] Should you disagree with this construction, you may wish to introduce legislation amending the statute to broaden the scope of the exemption.

[1] In your letter, you state that the Department has taken the position that liming materials are not exempt as "agricultural chemicals." The Department has advised us that lime, as a mineral, is exempt from sales and use tax if purchased to be applied to land or crops in commercial agriculture. As the exemption is dependent upon the purchaser's intended use of the lime, sellers are required to collect sales tax on retail sales of lime unless the purchaser issues to the seller a properly completed Nebraska Resale or Exempt Sale Certificate, Form 13. Sales of detergents, wetting agents, or other similar soil conditioners intended to assist in the application or effectiveness of agricultural chemicals, however, are not exempt from sales and use tax.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-227-7.3
cc: Patrick J. O'Donnell
Clerk of the Legislature

Opinion No. 96089

DATE: December 23, 1996

SUBJECT: Restriction on the Possession of Firearms based on Misdemeanor Convictions

REQUEST BY: Senator Chris Beutler

WRITTEN BY: Don Stenberg, Attorney General
Laurie Smith Camp, Deputy Attorney General

You have asked whether legislation restricting the purchase and possession of handguns by people convicted of certain misdemeanors would withstand constitutional scrutiny. We conclude that the legislation you anticipate may be susceptible to challenge under the Second Amendment to the United States Constitution; Article I, §1, of the Nebraska Constitution; the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution; and the Due Process Clauses of the Fourteenth Amendment to the United States Constitution and of Article I, §3, of the Nebraska Constitution.

We understand that the legislation which you anticipate introducing would be patterned after LB546, introduced during the 1995 legislative session. That bill was designed to prohibit the purchase or possession of handguns by individuals convicted of certain misdemeanor offenses: stalking, false imprisonment in the second degree, sexual assault in the third degree, impersonating a peace officer, resisting arrest, obstructing a peace officer, introducing or providing escape implements, carrying a concealed weapon, violation of a protection order, and violation of handgun certificate requirements, as well as the attempt to commit any such offense, and aiding, abetting, procuring, or causing another to commit any such offense. The described offenses are Class I misdemeanors, with the exception of "violation of a protection order" which is a Class II misdemeanor. An attempt to commit a Class I misdemeanor is a Class II misdemeanor; and an attempt to commit a Class II misdemeanor is a Class III misdemeanor. [Neb. Rev. Stat. §28-201 (1995)]. So, the proposed legislation would cover certain Class I misdemeanors, as well as certain Class II and Class III misdemeanors.

The Second Amendment to the United States Constitution provides:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Article I, §1, of the Nebraska Constitution provides in part:

> All persons are by nature free and independent, and have certain inherent and inalienable rights; among these are... the right to keep and bear arms for security or defense of self, family, home, and others, and for lawful common defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof.

The Fourteenth Amendment to the United States Constitution provides:

> No state shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Article I, §3, of the Nebraska Constitution provides:

> No person shall be deprived of life, liberty, or property, without due process of law.

The federal courts and the Nebraska Supreme Court have recognized that the constitutional right to bear arms is not absolute. ***See United States v. Miller***, 307 U.S. 174 (1939); ***United States v. Cody***, 460 F.2d 34 (8th Cir. 1972); ***United States v. Synnes***, 438 F.2d 764 (8th Cir. 1971); ***State v. Comeau***, 233 Neb. 907 (1989); and ***State v. Harrington***, 236 Neb. 500 (1990). In ***Comeau*** and ***Harrington***, the Nebraska Supreme Court specifically upheld Nebraska's statute prohibiting the possession of firearms by convicted felons [Neb. Rev. Stat. §28-1206] under both the Second Amendment of the United States Constitution, as well as Article I, §1, of the Nebraska Constitution.

In ***Comeau***, the Nebraska Supreme Court held that "reasonable regulation" of the right to keep and bear arms is not prohibited under the federal or state constitutions. ***Comeau***, 233 Neb. at 912, 916. In ***Comeau*** and in ***Harrington***, the court concluded that Nebraska's restriction on the possession of firearms by felons was reasonable.

The Equal Protection Clause requires the government to treat similarly situated people alike. ***City of Cleburne v. Cleburne Living Center, Inc.***, 473 U.S. 432, 439 (1985). In general, the government need only show a "rational basis" for dissimilar treatment of its citizens. However, "when state laws impinge on personal rights protected by the Constitution" the government's dissimilar treatment of its citizens may be subject to strict scrutiny, and the government may be required to show that its laws are "suitably tailored to serve a compelling state interest." ***Cleburne***, 473 U.S. at 440.

The proposed legislation which would prohibit the purchase or possession of handguns by individuals of selected Class I, Class II, and Class III misdemeanors, may be susceptible to an equal protection challenge, because it does not have a uniform application to all offenders who have been convicted of misdemeanors of those classes. For example, the bill would not apply to an individual who has been convicted of Class I misdemeanor for assault, but would apply to an individual who has been convicted of a Class III misdemeanor for attempting to violate a protection order. Whether the equal protection analysis were conducted under a "rational basis" or a "strict scrutiny" review, the present wording of the statute might fail an equal protection challenge.

The Due Process Clauses of the United States Constitution and of the Nebraska Constitution prohibit governmental action which is "unreasonable, arbitrary, discriminatory, or confiscatory." ***See, e.g., Blauvelt v. Beck***, 162 Neb. 576, 584-87 (1956). The proposed legislation could be deemed arbitrary and unreasonable and fail a substantive due process challenge, as well.

Finally, the bill could be susceptible to challenge on the issue of whether its use of the state's inherent police power constitutes "reasonable regulation" of the right to bear arms under the Second Amendment to the United States Constitution and under Article I, §1, of the Nebraska Constitution.

On September 30, 1996, the federal Gun Control Act of 1968 was amended, making it illegal for anyone who has been convicted of a misdemeanor crime of domestic violence to possess any firearm or ammunition. [18 U.S.C. § 922(g)(9)]. As the courts analyze constitutional challenges to this new legislation, it will become more apparent whether the legislation you are contemplating would be constitutionally viable.

Sincerely,
DON STENBERG
Attorney General
(Signed) Laurie Smith Camp
Deputy Attorney General

44-97-11

Opinion No. 96090

DATE: December 30, 1996

SUBJECT: Same-sex Marriage - Impact of ***Baehr v. Lewin*** and the Defense of Marriage Act on Nebraska Law

REQUESTED BY: Senator Jim Jensen

WRITTEN BY: Don Stenberg, Attorney General
Steve Grasz, Deputy Attorney General

You have requested an Attorney General's Opinion concerning the impact of the recent court decision in Hawaii regarding same-sex marriage, as well as the new federal Defense of Marriage Act, on possible legislation in Nebraska to prohibit same-sex marriages.[1]

In Op. Att'y Gen. No. 96025 (March 25, 1996), we addressed the issue of whether Nebraska would be required to recognize a same-sex marriage license obtained in the State of Hawaii. At that time, a lawsuit concerning same-sex marriage was still pending before a trial level court in Hawaii following remand by the Hawaii Supreme Court. ***See Baehr v. Lewin***, 852 P.2d 44 (Hawaii 1993). On December 3, 1996, the trial court ruled that Hawaii could not refuse to grant licenses for same-sex marriages, thus creating the possibility that other states, including Nebraska, would have to honor same-sex "marriage" licenses obtained in Hawaii. ***See*** Op. Att'y Gen. No. 96025. However, on December 4, 1996, the Hawaii Attorney General's Office requested and obtained a stay of the trial court's decision pending appeal to the Hawaii Supreme Court. Therefore, the Nebraska Legislature should have time to consider legislation on this topic during the 1997 session. This opinion will discuss the Hawaii court decision and recently-enacted federal legislation to determine their impact on possible legislation in Nebraska concerning same-sex marriages.

---

[1] The use of the phrase "same-sex 'marriage'" in this opinion is in no way intended to indicate that two persons of the same sex are capable of entering into a marriage relationship. See Op. Att'y Gen. No. 96025 (March 25, 1996) ("Marriage" can only occur between persons of the opposite sex); 1977-78 Rep. Att'y Gen. 170. (Op. No. 113, June 27, 1977).

Baehr v. Miike Decision

In ***Baehr v. Miike***, No. 91-1394 (Cir. Ct. of Hawaii, Dec. 3, 1996) (1996 WL 694235), the court held that denial of marriage licenses to same-sex couples pursuant to HRS § 572-1 violated the constitutional rights of the plaintiffs. Specifically, the court held that Hawaii's marriage statute violated the equal protection clause of the Hawaii Constitution. The Court enjoined the Director of the Hawaii Department of Health from denying applications for marriage licenses to applicants of the same sex. Id. at 18. The court found that the State of Hawaii failed to "overcome the presumption that HRS § 571-1 is unconstitutional by demonstrating that it furthers a compelling state interest and is narrowly drawn to avoid unnecessary abridgments of constitutional rights." Id. This compelling state interest test was imposed by the Hawaii Supreme Court. ***Baehr v. Lewin***, 852 P.2d 44, 64 (Haw. 1993). The court in that case held that the marriage statute regulated access to the status of marriage on the basis of the applicant's sex, and therefore established a sex-based classification. Since sex is a suspect category for purposes of equal protection analysis under article I, § 5 of the Hawaii Constitution, the statute was to be subjected to "strict scrutiny." Once the statute was labeled as a sex-based classification and this high burden of proof was imposed on the State by the Hawaii Supreme Court, it was virtually predetermined that the statute would be stricken. ***Compare*** 1977-78 Rep. Att'y Gen. 170 (Op. No. 113, June 27, 1977) (marriage licenses are denied to two people of the same sex "because of the nature of marriage itself, not because of the fortuitous circumstances of their sex."). It is at least noteworthy, however, to consider the trial court's statement on remand that,

> Defendant (State of Hawaii) presented meager evidence with regard to the importance of the institution of traditional marriage, the benefits which that relationship provides to the community and, most importantly, the adverse effects, if any, which same-sex marriage would have on the institution of traditional marriage and how those adverse effects would impact on the community and society. The evidentiary record in this case is inadequate to thoughtfully examine and decide these significant issues.

Baehr v. Miike, 1996 WL 694235 at 19. This statement provides a road map for any other state facing similar litigation, but may also represent a criticism of the vigor with which the case was defended and/or a pointed reference to the fact that the Hawaii Supreme Court expressly refused to allow attorneys representing religious interests to present legal arguments in support of traditional marriage. ***Baehr v. Miike***, 910 P.2d 112 (Hawaii 1996) (affirming denial of motion for leave to intervene by the Church of Jesus Christ of Latter-Day Saints and three LDS clergy members who believed the State Attorney General "might not be willing to assert at the upcoming trial all the known compelling state interests which have been determined, in other jurisdictions, to be legally sufficient to justify similar legislation [banning same-sex marriage].").

The Defense of Marriage Act

In anticipation of the Hawaii court decision mandating state approval of same-sex marriage, the United States Congress adopted the Defense of Marriage Act, Public Law 104-199 [H.R. 3396], on September 21, 1996. This Act was subsequently signed into law by President Clinton. The Defense of Marriage Act (DOMA) amends 28 U.S.C. § 1738C by adding the following language: "No State . . . shall be required to give effect to any public act, record, or judicial proceeding of any other State . . . respecting a relationship between persons of the same-sex that is treated as a marriage under the laws of such other State . . . , or a right or claim arising from such relationship." DOMA also amends 1 U.S.C. 1 by adding the following definition of "marriage" for purposes of federal law: "marriage" means only a legal union between one man and one woman as husband and wife, and the word "spouse" refers only to a person of the opposite sex who is a husband or a wife." Thus, DOMA expressly provides that Nebraska and other states are not required to recognize same-sex "marriages" from Hawaii or any other jurisdiction. However, DOMA in no way alters existing Nebraska law or that of any other jurisdiction. It simply protects those States which choose not to recognize same-sex "marriages" from other jurisdictions. Without affirmative legislation on the subject, Nebraska would most likely be subjected to litigation in an attempt to force recognition of same-sex marriage licenses issued in Hawaii.

CONCLUSION

Based upon review of the ***Baehr*** decision and the Defense of Marriage Act, the answers to your questions are as follows:

1. New legislation expressly prohibiting or excluding recognition of same-sex marriages under Nebraska law is the only certain way to avoid the possibility that Nebraska could be forced to recognize same-sex marriage licenses issued in Hawaii.

2. The Defense of Marriage Act protects any State, including Nebraska, from being forced to recognize same-sex marriages from other jurisdictions if such State does not wish to do so. However, DOMA does not alter existing State laws nor prohibit States from recognizing same-sex marriages. Given the existing uncertainty under Nebraska law, additional legislation would be required to ensure Nebraska would be protected under DOMA.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Steve Grasz
Deputy Attorney General

3-2687-3

Opinion No. 97001

DATE: January 6, 1997

SUBJECT: Qualification of Horsemen's Benevolent and Protective Association to Conduct Licensed Horseracing in Nebraska.

REQUESTED BY: Senator Stan Schellpeper
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion on several questions concerning the qualification of the Horsemen's Benevolent and Protective Association ["HBPA"] to conduct licensed horseracing in Nebraska. You state that the Nebraska State Racing Commission ["Commission"] is to consider an application by the HBPA for a license to conduct a live thoroughbred horse race meeting at Fonner Park in 1997. Your questions concern whether the granting of such a license to the HPBA is consistent with various existing statutes governing the conduct of race meetings. If we conclude that it is not, you indicate that you may consider amendatory legislation to address the questions presented.

Initially, you direct our attention to Neb. Rev. Stat. § 2-1204 (1991), which sets forth the requirements for applicants seeking a license to conduct horseracing in Nebraska. Section 2-1204 provides, in part:

> The State Board of Agriculture, or any county society for the improvement of agriculture organized under section 2-201 or 2-221, or any corporation or association of persons organized and carried on for civic purposes, or which conducts a livestock exposition for the promotion of the livestock or horse-breeding industries of the state, and which does not permit its members to derive personal profit from its activities by way of dividends or otherwise, may apply to the State Racing Commission for a license to conduct horseracing at a designated place within the state. (emphasis added).

Your question is, assuming the HBPA is organized as a nonprofit entity, "does the fact that its members win purses which are generated through its activities violate the provision of this statute which forbids permitting the members of the organization from deriving personal profit from its activities?"

A fundamental principle of statutory construction is to attempt to ascertain legislative intent and to give effect to that intent. ***County of Lancaster v. Maser,*** 224 Neb. 566, 400 N.W.2d 238 (1987). A statute should be interpreted in such a manner as to give effect to the purpose and intent of the legislature as ascertained from the entire language of the statute in its plain and ordinary sense. ***NC+ Hybrids v. Growers Seed Ass'n,*** 219 Neb. 296, 363 N.W.2d 362 (1985).

An examination of the language of § 2-1204 reveals that the Legislature intended to limit the type of entities which could obtain licenses to conduct horseracing to the following: (1) The State Board of Agriculture; (2) A county society for the improvement of agriculture organized under § 2-201 (county agricultural society) or § 2-221 (county fair); (3) A corporation or organization organized and carried on for civic purposes; or (4) a corporation or association which conducts a livestock exposition for the promotion of the livestock and horse-breeding industries in the state. With respect to these last two classes of entities (corporations or associations organized and carried on for civic purposes, or corporations or associations which conduct livestock or horse-breeding expositions), the Legislature added a further requirement. An entity of this type may be licensed to conduct horseracing only if its members are not permitted "to derive personal profit from its activities by way of dividends or otherwise,. . . ."

The prohibition against an entity of this nature obtaining a license if its members derive "personal profit" from its activities "by way or dividends or otherwise" appears to be intended to ensure that only entities which are "non-profit" in nature are licensed by the Commission to conduct horseracing. The term "dividend", in its usual and ordinary sense, refers to a distribution of earnings or profits to shareholders out of or attributable to a corporation's earnings or profits. ***Cohen v. Dept. of Revenue,*** 197 Colo. 385, 593 P.2d 957, 960 (1979); ***see also Wright v. United States,*** 482 F.2d 600, 604 (8th Cir. 1973) (Dividend is "a pro rata distribution out of corporate earnings and profits."). The payment of dividends is, of course, associated with "for-profit" corporations; "non-profit" corporations, by definition, are corporations "no part of the income of which is distributable to its members, directors, or officers." Black's Law Dictionary 953 (5th ed. 1979).

Section 2-1204 not only prohibits personal profit by members through the receipt of "dividends", but expands on the prohibition by precluding personal profit "by way of dividends or otherwise. " (emphasis added). While this language is susceptible of a broad interpretation, it appears that, in the context used, it is meant to prohibit direct monetary gain to members of corporations or associations seeking a license to conduct horseracing. This construction is consistent with the common understanding of a non-profit corporation as one which hinges on "whether the corporation is being exploited for direct monetary gain." ***People ex rel. Meiresonne v. Arnold,*** 37 Colo. App. 414, 553 P.2d 79, 81 (1976). Moreover, it seems to comport with the Legislature's intent to prohibit members from receiving direct financial gain amounting to "personal profit." ***Cf. In re Donald Sheldon & Co., Inc.,*** 186 B.R. 364, 369 (S.D.N.Y. 1995) (Holding that, under New York law, "personal profit or advantage" under illegal personal gain exclusion in officers' and directors' liability policy required existence of "direct benefit" to officers.).

In light of the foregoing, we cannot say that the HBPA, as a non-profit entity, is definitely precluded from obtaining a license under § 2-1204 because its members may benefit from purses awarded at licensed horserace meetings.[1] The potential for members to receive such purse monies constitutes an indirect, contingent financial benefit which does not appear to fall within the prohibition against direct financial gain to members in § 2-1204.[2] As there is, however, some uncertainty concerning the HBPA's qualification for a license under § 2-1204, you may wish to propose amendatory legislation addressing this issue.

You next direct our attention to Neb. Rev. Stat. § 2-1205 (1991), which provides, in part:

> No license [to conduct horse racing] shall be granted to any corporation or association except upon the express condition that it shall not, by any lease, contract, understanding, or arrangement of whatever kind or nature, grant, assign, or turn over to any person, corporation, or association the operation or management of any racing or race meeting licensed under such sections or of the parimutuel system of wagering described in section 2-1207 or in any manner permit any person, corporation, or association other than the licensee to have any share, percentage, or proportion of the money received for admissions to the racing or race meeting or from the operation of the parimutuel system; and any violation of such conditions shall authorize and require the commission immediately to revoke such license.

Your question is whether "this provision prohibit[s] granting a license to the horsemen's organization to use the same facilities which are owned and operated by another organization which has a license to conduct live racing or simulcasting?"

Based on the facts presented in your request, it is our understanding that the HBPA is contemplating seeking a license to conduct a certain number of days of live horse racing in 1997. If such a license is issued, the HBPA would be the licensee conducting its own race meet. As such, it would be responsible for the conduct and operation of the race meeting. While it will no doubt be necessary for the HBPA to enter into some arrangement for the lease or use of horseracing facilities to enable it to conduct a race meeting, this would not be contrary to § 2-1205. Section 2-1205 prohibits a licensee from assigning an interest in or turning over the operation and management of **the licensee's** race meeting to another person or entity. The lease of such facilities by another licensee (the HBPA) to allow it to conduct a race meeting does not amount to an arrangement whereby the licensee has turned over the operation and management of its race meeting to the HBPA. Rather, the HBPA will be conducting its own separate, independent, race meeting. Thus, we do not believe § 2-1205 has any application in this situation.

---

[1] While you have not raised the issue, we note that the HBPA, as it is not an organization organized and carried on for "civic purposes", would have to conduct a "livestock exposition for the promotion of the livestock or horse-breeding industries in the state" in order to qualify for a license under § 2-1204.

[2] To the extent the Commission believes potential conflicts of interest are presented by licensing an organization such as the HBPA, it may exercise its authority to promulgate rules and regulations prohibiting such conflicts under Neb. Rev. Stat. § 2-1219(6) (1991).

You also ask if there is "a conflict between being prohibited from permitting any person, corporation or association other than the licensee from having any share, percentage or proportion of the money received from the operation of the parimutuel system pursuant to this section and receiving a share of the parimutuel wagering for purses pursuant to sections 2-1207.01 and 2-1208.04?"

Neb. Rev. Stat. § 2-1207(2) (Cum. Supp. 1996) requires licensees to deduct certain amounts from wagers on horse races "to be used to promote agriculture and horse breeding in Nebraska and for the support and preservation of horseracing pursuant to section 2-1207.01." Section 2-1207.01 provides, in part, that "[t]he amount deducted from wagers pursuant to subsection (2) of section 2-1207 may be used to promote agriculture and horsebreeding in Nebraska and shall be distributed as purse supplements and breeder and stallion awards for Nebraska-bred horses,. . . ." Neb. Rev. Stat. § 2-1208.04(1) (Cum. Supp. 1996), requires the withholding of a portion of gross daily receipts generated from exotic wagers for placement into the Track Distribution Fund. The Fund is distributed to racetracks conducting parimutuel wagering on thoroughbred horseracing "to supplement purses at the track." Neb. Rev. Stat. § 2-1208.04(2) (Cum. Supp. 1996).

Arguably, a conflict can be seen between the prohibition in § 2-1205 against "any person, corporation, or association other than the licensee" having "any share, percentage, or proportion of the money received. . .from the operation of the parimutuel system. . .", and the provisions of §§ 2-1207.01 and 2-1208.04, requiring the withholding of receipts from certain wagers to promote agriculture and horsebreeding through purse supplements or breeder and stallion awards for Nebraska-bred horses. Even if these provisions were construed to be conflicting, however, this would not invalidate §§ 2-1207.01 and 2-1208.04. "It is a well-established rule that special provisions of a statute in regard to a particular subject will prevail over general provisions in the same or other statutes so far as there is a conflict." ***Kibbon v. School Dist. of Omaha,*** 196 Neb. 293, 298-99, 242 N.W.2d 634, 637 (1985). Moreover, "[w]here general and special provisions of statutes are in conflict, the general law yields to the special, without regard to the priority of dates in enacting the same,. . . ." ***Id.*** Thus, even if construed to be conflicting, the special provisions of §§ 2-1207.01 and 2-1208.04 requiring the use of a percentage of certain wagers for specified purposes, would control over the general language in § 2-1205.

Finally, you note that, pursuant to Neb. Rev. Stat. §§ 2-1243 to 2-1246

(Cum. Supp. 1996), certain rights are granted to "horseracing industry participants." "Horseracing industry participant" is defined to "mean an individual who currently holds a license from the State Racing Commission and who owns, trains, cares for, or rides horses stabled at a Nebraska-licensed racetrack for the purposes of horseracing at the live race meeting at such racetrack." Neb. Rev. Stat. § 2-1244 (Cum. Supp. 1996). Under § 2-1245, horseracing industry participants are entitled to certain rights, including "reasonable treatment from those licensed to conduct thoroughbred race meets." Neb. Rev. Stat. § 2-1245(1) (Cum. Supp. 1996). Your question is as follows:

> If the HBPA holds the license to conduct racing, is it in the same position as any other licensee and therefore restricted from taking any of the actions outlined in that section with regard to its membership, or does it have another relationship because of the fact that its members are composed of horseracing industry participants, and, if so, are there potential conflicts of interest in relation to the statute because of its position as representative of both the track and the horseracing industry participant?

If the HBPA is acting as a licensee conducting a horse race meeting, it is subject to the provisions of § 2-1245 in relation to horseracing industry participants, to the same extent as any other licensee. If, as you suggest, this may create potential conflicts or inconsistencies by virtue of the HBPA's status as a representative of the horseracing industry on behalf of its members, you may wish to consider amendatory legislation dealing with this issue.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-231-7.3
cc: Patrick J. O'Donnell
Clerk of the Legislature

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1996 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Republican Natural Resources District	
Duncan, Duncan, Jelken & Walker	$90.00
Duncan, Duncan, Jelken & Walker	22.50

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
- Annual Financial Report FY ended 6/30/95
- Agency Contractual Services - Semi-Annual Report July 1, 1995 thru December 31, 1995
- Report of the Nebraska Electronic Benefits Transfer Task Force
- Annual Budgetary Report - State of Nebraska
- Cash and Revolving Fund Balances - FY 1995, 1996, 1997
- Report of the Nebraska Information Technology Commission
- Report on Enterprise-wide goals & guidelines (LB 1190, 1996--Information Technology Infrastructure Act)

Auditor of Public Accounts
- Nebraska Equal Opportunity Commission - FY 95
- Nebraska Public Employees' Retirement Systems - State and County Employees' Retirement Plans - CY 94
- University of Nebraska Financial Statements - FY 95
- Nebraska State Board of Landscape Architects - FY 95
- Nebraska Lottery - FY 95
- Wayne State College Financial Statements - FY 95
- Chadron State College Financial Statements - FY 95
- Peru State College Financial Statements - FY 95
- Wayne State College Letter to Management - FY 95
- Chadron State College Letter to Management - FY 95
- Peru State College Letter to Management - FY 95
- Nebraska Soybean Development, Utilization and Marketing Board - FY 95
- Nebraska Dept. of Aeronautics - FY 94
- Nebraska State Racing Commission - FY 94
- Nebraska Dept. of Revenue
- Charitable Gaming Division Petty Cash Fund - FY 95
- Nebraska Dept. of Public Institutions, Thomas Fitzgerald Veterans' Home Members Trust Fund - FY 95
- Nebraska Commission on Indian Affairs - FY 95
- Nebraska Dept. of Education Instruction Technology Prog. 443 FY 95
- Nebraska Dept. of Revenue Motor Fuel Tax Enforcement and Collection Division - FY 95
- Nebraska Foster Care Review Board - FY 95
- Nebraska Governor Programs 002-Salary, 018-Pol. Res., 021-Governor - FY 95
- Specific Procedures Report of Nebraska DAS-Task Force for Bldg. Renewal LB 309 - FY 95
- Agreed-Upon Procedures Report of Nebraska Dept. of Environmental Quality Community Improvement Cash Funds - FY 90-94
- Nebraska Lieutenant Governor - FY 95
- Specific Procedures Report of Nebraska Ethanol Board-Tax Credit Gasoline Transfers - FY 95

Nebraska Ethanol Board - FY 95
Nebraska Legislative Council - FY 95
Nebraska Motor Vehicle Industry Licensing Board - FY 95
Nebraska Public Employees' Retirement Systems Deferred Compensation Plan - CY 94
Nebraska Dept. of Revenue Cigarette Tax Receipts - FY 95
University of Nebraska - FY 95
Nebraska Dept. of Water Resources - FY 95
Nebraska Dept. of Banking and Finance - FY 95
Nebraska Educational Telecommunications Commission - FY 95
Nebraska Dept. of Social Services State Wards' Guardianship Accounts - FY 95
Nebraska Commission of Industrial Relations - FY 95
Advisory Letter to Dept. of Motor Vehicles, Vehicle Titling and Registration System
Nebraska Dept. of Environmental Quality Low-Level Radioactive Waste Cash Fund - 2844, A Special Revenue Fund FY 94-95
Nebraska Coordinating Commission for Postsecondary Education - FY 95
Nebraska Office of the Secretary of State - FY 95
Nebraska State Patrol - FY 95
Nebraska Dept. of Justice - FY 95
Nebraska Accountability & Disclosure Commission - FY 95
Advisory Letter to Nebraska State Treasurer, Unclaimed Property
Nebraska Dept. of Environmental Quality Waste Water Program 518 - FY 94-95
Specific Procedures Report of the Nebraska Dept. of Administrative Services, Central Data Processing Div.
Nebraska Dept. of Administrative Services Administration - Program 49 - FY 95
Nebraska Real Estate Commission - FY 95
Specific Procedures Report of the Nebraska Dept. of Social Services, Asst. to the Aged, Blind, or Disabled - FY 95
Nebraska Dept. of Education School for the Visually Handicapped Program 402 - FY 95
Board of Educational Lands and Funds, July 1, 1994 through June 30, 1995
Nebraska Dept. of Revenue SAS 70 Report Collection and Distribution of City Sales Taxes as of 3/31/96
Nebraska Board of Barber Examiners - FY 95
Nebraska Public Employees' Retirement Systems; School Employees', Judges' and State Patrol Retirement Plans FY 95
Nebraska Board of Educational Lands and Funds - FY 95
Advisory Letter to the Nebraska State Treasurer Severance Tax Distributions - FY 96
Nebraska Game and Parks Commission Administration Program 337 - FY 95
Nebraska Environmental Trust Board - FY 95

Nebraska Workers' Compensation Court - FY 95
Nebraska State College System Board of Trustees - FY 95
Nebraska Public Employees' Retirement Systems Deferred
  Compensation Plan - CY 95
Nebraska Professional Practices Commission - FY 95
Nebraska Dept. of Public Institutions
  Lincoln Regional Center Canteen Amusement Fund - FY 95
Nebraska Dept. of Administrative Services Risk Management
  Division Prog. 536, Misc. Claims - FY 95
Nebraska Dept. of Revenue Motor Fuel Enforcement and
  Collection Division -FY 96
Specific Procedures Report of Nebraska Dept. of Social Services,
  Contractual Agreement with Policy Studies, Inc.
  (February 1993 through May 1996)
Nebraska Arts Council - FY 96
Nebraska Dept. of Correctional Services Program 370 - Administrative
  Services - FY 95

County Highway and City Street Superintendents, Board of
  Annual Report

Criminal Justice, NE Comm. On Law Enforcement
  Crime Victim's Reparations Program & Victims Assistance
    Grant Program Victims of Crime Act (VOCA)
  Annual Report 1995
  Annual Report 1994-1995 - Juvenile Services Grant Committee
    and Coalition for Juvenile Justice

Economic Development, Department of
  Annual Report (LB 144, 1995--NE Partnerships for Economic
    Development Act)

Educational Lands and Funds, Board of
  Plan submitted to the Education Committee (LB 1205, 1996)
  Biennial Report

Energy Office, Nebraska
  Quarterly Report - Municipal Natural Gas Regulation
    Revolving Loan Fund
  Annual Report (F 1994-95)
  Quarterly Report - Municipal Natural Gas Regulation
    Revolving Loan Fund
  Quarterly Report - Municipal Natural Gas Regulation
    Revolving Loan Fund
  Quarterly Report - Municipal Natural Gas Regulation
    Revolving Loan Fund

Environmental Quality, Department of
  Program #518, Construction Grants
  Program #523, Small Town Grants

Annual Report - Litter Reduction & Recycling Grant Program
Semi-annual report Program #523, Small Town Grants
Annual Report

Ethanol Board, Nebraska
Ethanol Producers Incentive Cash Fund Summary
Ethanol Producers Incentive Cash Fund Summary
Ethanol Producers Incentive Cash Fund Summary
Ethanol Producers Incentive Cash Fund Summary

Health, Department of
Community Health Services Act (LB 1223) and Community Health Partners of Nebraska Progress Report
Preparing for Nebraska's Future: Enhancing Primary Care and Psychiatry Postgraduate Residency Training Programs at UNMC - (Response to LB 1223, 1994)
Report of findings and recommendations of the Nebraska Child Death Review Team
Housing Code Task Force Report
Report on Immunization Program

Historical Society, Nebraska State
Annual Report 1995-96
Progress Report

Insurance, Department of
Annual Profitability Analysis of Property & Casualty Insurance

Intergovernmental Data Communications Advisory Council
Annual Report and One and Five Year Plan

Interstate Agricultural Grain Marketing Comm.
Report and Financial Statements

Investment Council, Nebraska
Annual Report - Calendar Year 1995
Northern Ireland Requirements under LB 1066

Labor, Department of
State Labor Area Summary
Draft Title II and Title III Job Training Plans
State Labor Area Summary
Adjustments to Nebraska's Minimum Wage; Job Training Resources in Nebraska; Job Availability in Nebraska (LB 455, 1995, Sec. 22)

Legislative Council, Executive Board
Report to the Legislature on Electronic Access to Public Information (LB 1375, 1996)
Report to the Legislature by the Task Force on Unfunded

Mandates (LB 299, 1996)
Recommendations of the Constitutional Revision Commission through 11-25-96

Legislative Program Evaluation Committee
Final Committee Report, Vol. 96, No. 1: Public Employees Retirement Board and Nebraska Public Employees Retirement System: Review of Compliance-Control Procedures
Final Committee Report, Vol. 96, No. 2: Public Service Commission: History of Structure, Workload and Budget

Liquor Control Commission, Nebraska
Keg Registration

Natural Resources Commission
Annual Report and Plan of Work for State Water Planning and Review Process
Biennial Report on the NE Resources Development Fund

Nebraska Geographic Information Systems Steering Committee
Annual Report to the Legislature

Nebraska Investment Finance Authority
Quarterly Report - 1995 Series A & B Community Dev. Loan Notes
Quarterly Report - Series 1994
Quarterly Report - 1995 Series A Single Family Bond Issue
Quarterly Report - 1995 Series B Single Family Bond Issue
Notice of bond issuance on 1996 Series A Single Family Issue
Notice of proposed bond issuance - Single Family Housing Revenue Bonds
Quarterly Report - 1995 Series A & B Community Development
Annual Report
Quarterly Report - 1994 Series State Revolving Fund Revenue Bonds
Notice of proposed issuance of State Revolving Fund Revenue Bonds
Quarterly Report - 1995 Series A single Family Bond Issue
Quarterly Report - 1996 Series A Single Family Bond Issue
Notice of bond issuance on 1996 Series B & 1996 Series C Single Family Issues
Notice on State Revolving Fund Revenue Bond Series 1996
Quarterly Report - 1994 Series State Revolving Fund Revenue Bonds
Agricultural Report for FY ending 6/30/96
Notice of bond issuance on 1966 Series D Single Family Issue
Quarterly Report - 1995 Series A & B Community Dev. Loan Program
Quarterly Report - 1995 Series A Single Family Bond Issue
Quarterly Report - 1996 Series A Single Family Bond Issue
Notice of bond issuance on Single Family Housing Revenue Bonds
Quarterly Report - 1994 Series State Revolving Fund Revenue Bonds
Quarterly Report - 1996 Series State Revolving Fund Revenue Bond

Nebraska Mental Health Planning and Evaluation Council

Annual Report

Nebraska Partnership for Health & Human Services
Report of the Nebraska Health & Human Services System (LB 1044)

Nebraska Rural Development Commission
Annual Report 1995-1996

Ombudsman
Annual Report

Patrol, Nebraska State
Drug Cash Fund Report

Power Review Board, Nebraska
Biennial Report 1994-1996

Public Roads Classifications & Standards, Board of
Minutes of December 15, 1995 meeting
Minutes of January 19, 1996 meeting
Minutes of February 16, 1996 meeting
Minutes of March 15, 1996 meeting
Minutes of May 17, 1996 meeting
Minutes of June 21, 1996 meeting
Minutes of July 19, 1996 meeting
Minutes of September 20, 1996 meeting
Minutes of October 18, 1996 meeting
Minutes of November 15, 1996 meeting

Racing Commission, Nebraska State
Gambling in Nebraska and Neighboring States
Public Hearings on Expansion of Gambling

Railway Council
Annual Report

Retirement Systems, Public Employees
Forty-fourth Actuarial Valuation Report Nebraska School Retirement System July 1, 1994 through June 30, 1995
Fortieth Actuarial Valuation Report Nebraska State Patrolmen's Retirement System July 1, 1994 through June 30, 1995
Thirtieth Actuarial Valuation Report Nebraska Judges' Retirement System July 1, 1994 through June 30, 1995
Forty-fifth Actuarial Valuation Report Nebraska School Retirement System July 1, 1995 through June 30, 1996
Forty-first Actuarial Valuation Report Nebraska State Patrolmen's Retirement System July 1, 1995 through June 30, 1996
Thirty-first Actuarial Valuation Report Nebraska Judges' Retirement System July 1, 1995 through June 30, 1996

Revenue, Department of
  Charitable Gaming Division 1995 Annual Report
  1995 Annual Report - Employment & Investment Growth Act, Employment Expansion & Investment Incentive Act
  Certification of General Fund net receipts for remaining months of fiscal year 1995-96
  Certification of General Fund net receipts for each month of fiscal year beginning July 1, 1996
  Nebraska Highway Trust Fund Review
  Tax Expenditure Report 1996
  Nebraska Lottery Annual Report
  FY 1995-96 Tax Receipts attributed to the Tax Equity and Educational Opportunities Support Act

Risk Management/state Claims Board
  Annual Report

Roads, Department of
  Highway Cash Fund for December 1995
  Quarterly Report
  Highway Cash Fund for January 1996
  Highway Cash Fund for February 1996
  Highway Cash Fund for March 1996
  Quarterly Report
  1995 State Highway Inventory Supplement
  Highway Cash Fund for April 1996
  Highway Cash Fund for May 1996 Highway Cash Fund for July 1996 1996 FY-end Report to St. Bd. of Equalization & Assessment
  Traffic Accident Facts - Annual Report
  Revised FY96 ending report - Highway Cash Fund
  Highway Cash Fund for August 1996
  Highway Cash Fund for September 1996
  Quarterly Report
  Highway Cash Fund for October 1996
  Report to State Board of Equalization & Assessment
  1996 State Highway Plan and Needs Report
  Highway Cash Fund for November 1996
  One-Year and Five-Year Plan of anticipated design, construction and improvement for recreation roads

School Finance Review Committee
  Annual Report

Social Services, Department of
  Annual Report, Job Support, F 1995
  Annual Report (FY 1994-1995) - Child Care Licensing
  Report on LB 808 on Cost Sharing in the Medicaid Program
  Community Service Program for Employable General Assistance Recipients

Special Education Accountability Commission
Final Report (LB 520, 1993)

Treasurer, State
Treasurer's Report, January 1996
Biennial Report, July 1, 1994 to June 30, 1996

University of Nebraska
Nebraska Research Initiative Report

University of Nebraska Medical Center
1996 Rural Health Opportunities Program (RHOP) Loan Report

Workers' Compensation Court
Annual Report

COMMUNICATIONS

Received a copy of the Senate Concurrent Resolutions 278 from the Michigan Senate memorializing the Congress of the United States to pass and submit to the states for ratification an amendment to the Constitution of the United States to protect taxpayer rights from judicial taxation by prohibiting courts from ordering any state or political subdivision to levy or increase tax.

Received a copy of the Senate Joint Resolution No. 146, from the Virginia Senate memorializing the Congress of the United States to submit a balanced budget amendment to the United States Constitution to the states for ratification.

Received a copy of the Senate Concurrent Memorial 1001, from the State of Arizona requesting the Congress of the United States enact legislation to specify the constitutional authority for enacting proposed sections of law.

COMMITTEE ON COMMITTEES PRELIMINARY REPORT

Mrs. Crosby offered the following Committee on Committees report:

Agriculture - Dierks, Chairperson

Chambers
Cudaback
Hilgert
Hudkins
Schellpeper
Schrock
Vrtiska

Appropriations - Wehrbein, Chairperson

Brown
Crosby
Engel
Hillman
Kiel
Lynch
Maurstad
Pederson, Don

Banking, Commerce & Insurance - Landis, Chairperson

Brashear
Jensen
Jones
Schmitt
Tyson
Wesely
Witek

Business & Labor - Abboud, Chairperson

Chambers
Dierks
Hilgert
Preister
Schimek
Schrock

Education - Bohlke, Chairperson

Beutler
Bromm
McKenzie
Stuhr
Suttle
Warner
Wickersham

General Affairs - Schellpeper, Chairperson

Cudaback
Hartnett
Hudkins
Janssen
Robak
Vrtiska
Will

Government, Military & Veterans Affairs - Robinson, Chairperson

Cudaback
Janssen
Schimek
Schmitt
Stuhr
Tyson
Vrtiska

Health and Human Services - Wesely, Chairperson

Dierks
Jensen
Matzke
Peterson, Chris
Suttle
Witek

Judiciary - Brashear, Chairperson

Abboud
Chambers
Hilgert
Hudkins
Jones
Pedersen, Dwite
Robak

Natural Resources - Beutler, Chairperson

Bohlke
Bromm
Bruning
Elmer
McKenzie
Preister
Schrock

Nebraska Retirement Systems - Wickersham, Chairperson

Crosby
Lynch
Peterson, Chris
Stuhr
Wehrbein

Revenue - Warner, Chairperson

Coordsen
Hartnett
Kristensen
Landis
Schellpeper
Wickersham
Will

Transportation - Kristensen, Chairperson

Bruning
Coordsen
Elmer
Matzke
Pedersen, Dwite
Peterson, Chris
Robinson

Urban Affairs - Hartnett, Chairperson

Abboud
Janssen
Preister
Robak
Schimek
Will

Rules - Will, Chairperson

Abboud
Beutler
Bromm
Matzke
Withem (ex officio)

Intergovernmental Cooperation - Schrock Chairperson

Cudaback	Speaker Withem (ex officio)
Hilgert	Lt. Gov. Robak (ex officio)
Pedersen, Dwite	
Tyson	

Laid over.

SPEAKER WITHEM PRESIDING

ANNOUNCEMENT

Mrs. Crosby announced the Committee on Committees elected Mr. Preister as Vice Chairperson.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 1. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-312 and 25-2001, Reissue Revised Statutes of Nebraska; to strike references to a statute that was repealed in 1983; to substitute referenced matter; and to repeal the original sections.

LEGISLATIVE BILL 2. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to banking and finance; to amend section 8-147, Revised Statutes Supplement, 1996; to eliminate language not eliminated as part of the enrollment and review process in Laws 1996, LB 1053; to eliminate an exception; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 3. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Small Claims Court; to amend section 25-2802, Reissue Revised Statutes of Nebraska; to state the jurisdictional limit set by the Supreme Court; and to repeal the original section.

LEGISLATIVE BILL 4. Introduced by Executive Board: Coordsen, 32, Chairperson.

A BILL FOR AN ACT relating to the Nebraska State Funds Investment Act; to amend sections 72-1239, 72-1240, 72-1247, and 72-1255, Reissue Revised Statutes of Nebraska; to repeal a defined term that is no longer needed; to harmonize provisions; to repeal the original sections; and to outright repeal section 72-1237.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 5. Introduced by Executive Board: Coordsen, 32, Chairperson .

A BILL FOR AN ACT relating to the Joint Merit System; to amend sections 48-226, 48-227, and 81-1329, Reissue Revised Statutes of Nebraska; to delete references to the Joint Merit System Council, the Joint Merit System Revolving Fund, Joint Merit System regulations, and Joint Merit System operations; to harmonize provisions; to delete obsolete provisions; to repeal the original sections; and to outright repeal sections 48-228, 81-8,106, 81-8,107, 81-1308, 81-1309, and 81-1310, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 6. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Interstate Compact on Agricultural Grain Marketing; to repeal the compact; and to outright repeal section 1-122, Appendix, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 7. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to child support; to amend section 42-364, Revised Statutes Supplement, 1996; to provide specific account and use provisions; and to repeal the original section.

LEGISLATIVE BILL 8. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to Small Claims Courts; to amend section 25-2806, Reissue Revised Statutes of Nebraska; to require law enforcement personnel to give information to aid in collection of a judgment; and to repeal the original section.

LEGISLATIVE BILL 9. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.02, Reissue Revised Statutes of Nebraska, and sections 60-305.16, 60-311, 60-311.11, and 60-311.23, Revised Statutes Supplement, 1996; to change provisions relating to the number and placement of license plates on certain vehicles; to change provisions relating to tonnage stickers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 10. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,100, 60-507, and 60-531, Reissue Revised Statutes of Nebraska; to change provisions relating to suspension and revocation of operator's licenses; to change notice requirements; to waive certain reinstatement fees after seven years; to change nonresident proof of financial responsibility requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 11. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4012 and 2-4013, Reissue Revised Statutes of Nebraska, and section 2-4002, Revised Statutes Supplement, 1996; to define a term; to change provisions relating to grain sorghum; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 12. Introduced by Warner, 25.

A BILL FOR AN ACT relating to elections; to amend sections 32-1410, 32-1411, and 49-209, Revised Statutes Supplement, 1996; to eliminate provisions relating to explanatory statements printed on ballots; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-202.01, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 13. Introduced by Warner, 25.

A BILL FOR AN ACT relating to the University of Nebraska Institute of Agriculture and Natural Resources; to amend section 85-1,106, Reissue Revised Statutes of Nebraska; to change provisions relating to research lands; and to repeal the original section.

LEGISLATIVE BILL 14. Introduced by Warner, 25.

A BILL FOR AN ACT relating to state constitutional officers; to amend sections 75-104, 84-101.01, 84-201.01, and 84-721, Reissue Revised Statutes of Nebraska; to change the salaries of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and members of the Public Service Commission; and to repeal the original sections.

LEGISLATIVE BILL 15. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the State Government Effectiveness Act; to amend sections 81-2706 and 81-2707, Revised Statutes Supplement, 1996; to change the duties of the Public Counsel; to change hearing and appeal provisions; and to repeal the original sections.

LEGISLATIVE BILL 16. Introduced by Landis, 46.

A BILL FOR AN ACT relating to inheritance tax; to amend section 77-2004, Reissue Revised Statutes of Nebraska; to eliminate a requirement for lineal descendants; and to repeal the original section.

LEGISLATIVE BILL 17. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-1,104, Reissue Revised Statutes of Nebraska; to change provisions relating to retail license suspension; and to repeal the original section.

LEGISLATIVE BILL 18. Introduced by Landis, 46.

A BILL FOR AN ACT relating to child support; to amend sections 42-364.06 and 43-1718.01, Reissue Revised Statutes of Nebraska, and section 43-1718, Revised Statutes Supplement, 1996; to change withholding of earnings and assignment of income provisions; and to repeal the original sections.

LEGISLATIVE BILL 19. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-102 and 37-216.01, Revised Statutes Supplement, 1996; to authorize special fishing permits for severely physically disabled persons; to provide a fee; to define a term; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 20. Introduced by Landis, 46.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3504, Reissue Revised Statutes of Nebraska, and section 48-604, Revised Statutes Supplement, 1996; to authorize property tax work-off programs; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 21. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,181, Revised Statutes Supplement, 1996; to change provisions relating to state identification cards; and to repeal the original section.

LEGISLATIVE BILL 22. Introduced by Cudaback, 36; Schrock, 38.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,121, Revised Statutes Supplement, 1996; to change provisions relating to operator's license renewal for military personnel; and to repeal the original section.

LEGISLATIVE BILL 23. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-325 and 28-340, Reissue Revised Statutes of Nebraska, and section 28-326, Revised Statutes Supplement, 1996; to prohibit partial-birth abortions; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 24. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to income taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to provide an adjustment for amounts paid for insurance by self-employed individuals; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 25. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Reissue Revised Statutes of Nebraska; to authorize a local income tax for school districts and affiliation of school districts; to require an election; to provide for collection; to provide duties for the Department of Revenue; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 26. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-518, 29-2222, 29-2281, 60-6,196, and 60-6,197, Reissue Revised Statutes of Nebraska; to change provisions relating to theft, restitution, and driving under the influence; and to repeal the original sections.

LEGISLATIVE BILL 27. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for developmental disabilities.

LEGISLATIVE BILL 28. Introduced by Cudaback, 36; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Local Hospital District Act; to amend sections 23-3547 and 23-3552, Revised Statutes Supplement, 1996; to change provisions relating to powers and duties of districts; to change provisions relating to taxation; to harmonize provisions; and to repeal the original sections.

RESOLUTIONS

LEGISLATIVE RESOLUTION 1. Introduced by Withem, 14.

BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

To implement initiative measure 409 approved by the voters of Nebraska in November 1996, we, the people, and the Legislature, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V of the United States Constitution, to call a convention for proposing amendments to the United States Constitution.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 2CA . Introduced by Coordsen, 32.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 22:

III-22 "Each Legislature shall make appropriations for the expenses of the Government. And whenever it is deemed necessary to make further appropriations for deficiencies, the same shall require a two-thirds vote of all the members elected to the Legislature. Bills making appropriations for the pay of members and officers of the Legislature, and for the salaries of the officers of the Government, shall contain no provision on any other subject.

If the Legislature requires that any new program or service be provided by any municipality, county, or other political subdivision or if the Legislature requires the expansion of or a change in any existing program or service, which creation, expansion, or change will result in an increased expenditure of funds by the affected political subdivision, the Legislature shall appropriate the funds necessary to cover the increase as state aid to the affected political subdivision each and every year during which the program or service is required to continue, except that any municipality, county, or other political subdivision requests the Legislature to create, expand, or change any program or service, the Legislature shall not be required to appropriate the funds necessary to fund the created, expanded, or changed program or service.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require the Legislature to appropriate funds to political subdivisions for certain programs or services mandated by the Legislature.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 3. Introduced by Maurstad, 30.

WHEREAS, the 104th Congress of the United States of America at its First Session, in both houses, by a Constitutional majority of two-thirds thereof, adopted the following proposition to amend the Constitution of the United States of America in the following words:

JOINT RESOLUTION

Resolved by the Senate and House of Representatives of the Unites States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission to the States for ratification:

ARTICLE

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

SECTION 2. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

SECTION 3. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year in which total outlays do not exceed total receipts.

SECTION 4. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

SECTION 5. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

SECTION 6. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

SECTION 7. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

SECTION 8. This article shall take effect beginning with fiscal year 2002 or with the second fiscal year beginning after its ratification, whichever is later.".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION: 1. That such proposed amendment to the Constitution of the United States be and the same hereby is ratified.

2. That copies of this resolution duly certified by the Secretary of State with the Great Seal of Nebraska attached thereto be forwarded by the Secretary of State to the Administrator of General Services, Washington, D. C., and to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 4. Introduced by Beutler, 28.

WHEREAS, Dr. William A. Scheller had served as a professor at the University of Nebraska in the Chemical Engineering Department since 1963 and served as chair from 1971 through 1978 and Interim Chair on several occasions; and

WHEREAS, Dr. Scheller is best known for his work on alcohol-based fuels, coining the term "gasohol" in 1971. He invented the ethanol recovery system used in most ethanol plants today and greatly increased the efficiency of fuel ethanol production by designing the first fuel ethanol-electricity cogeneration system in 1979; and

WHEREAS, Dr. Scheller served as Technical Advisor to the Nebraska Legislature's Agricultural Products Industrial Utilization Committee (now the Nebraska Ethanol Board) from 1971 until the time of his death. Between 1973 and 1976 he designed and conducted Nebraska's 2 Million Mile Road Test of gasohol using Nebraska State Patrol and other state vehicles proving that there were no negative effects on engine parts when gasohol is used; and

WHEREAS, Dr. Scheller provided consultation to organizations worldwide including several agencies of the United States Government, United Nations, Thailand, and Brazil, while having direct involvement in the establishment of four corporations and two nonprofit organizations; and

WHEREAS, Dr. Scheller was a member of Christ Lutheran Church where he and his wife were ardent supporters of the mission and ministry of the church; and

WHEREAS, Dr. Scheller earned the respect of peers and the public to which he dedicated much of his life to serving.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its condolences and sympathy to the family of the late Dr. William A. Scheller.
2. That a copy of this resolution be sent to his widow, Emily Esther Jones Scheller.

Laid over.

MR. KRISTENSEN PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 29. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Real Estate Appraiser Act; to amend sections 76-2230, 76-2231.01, 76-2232, and 76-2236, Reissue Revised Statutes of Nebraska; to change provisions relating to qualifications and continuing education requirements; and to repeal the original sections.

LEGISLATIVE BILL 30. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water wells; to amend sections 46-1239 and 46-1240, Revised Statutes Supplement, 1996; to provide a statute of limitations for actions to collect civil penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 31. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend section 84-914, Reissue Revised Statutes of Nebraska; to change provisions relating to ex parte communications; and to repeal the original section.

LEGISLATIVE BILL 32. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to employment security; to amend section 48-652, Revised Statutes Supplement, 1996; to change provisions relating to experience accounts; and to repeal the original section.

LEGISLATIVE BILL 33. Introduced by Vrtiska, 1; Cudaback, 36.

A BILL FOR AN ACT relating to counties; to amend sections 23-1517.02 and 84-712.01, Reissue Revised Statutes of Nebraska; to eliminate a requirement to maintain printouts of computer records; to eliminate a population restriction on modem-access fees for public records; and to repeal the original sections.

LEGISLATIVE BILL 34. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to county government; to amend section 23-109, Reissue Revised Statutes of Nebraska; to provide for imprest funds for counties; and to repeal the original section.

LEGISLATIVE BILL 35. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1996; to revise the power of savings and loan associations; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 36. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to peace officers; to amend section 81-2008, Reissue Revised Statutes of Nebraska; to provide a penalty for failure to obey a peace officer; and to repeal the original section.

LEGISLATIVE BILL 37. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-1003, Reissue Revised Statutes of Nebraska; to change provisions relating to emergency telephone services; and to repeal the original section.

LEGISLATIVE BILL 38. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-115, Revised Statutes Supplement, 1996; to harmonize a reference; to redefine a term; to eliminate a waiver; and to repeal the original section.

LEGISLATIVE BILL 39. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,210, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 40. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to counties; to amend sections 23-272 and 23-278, Reissue Revised Statutes of Nebraska, and section 23-153, Revised Statutes Supplement, 1996; to change provisions relating to county board meetings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 41. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the State Tort Claims Act; to amend section 81-8,235, Reissue Revised Statutes of Nebraska; to limit recovery for claims under the State Tort Claims Act; to harmonize a provision; and to repeal the original section.

LEGISLATIVE BILL 42. Introduced by Coordsen, 32; Kristensen, 37.

A BILL FOR AN ACT relating to digital signatures; to provide procedures for use of digital signatures.

LEGISLATIVE BILL 43. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-213.03 and 37-214.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the posting of private property and fee exemptions for veterans; to redefine a term; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 44. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to business entities; to amend sections 67-234 and 67-345, Reissue Revised Statutes of Nebraska, and sections 21-1931, 21-1933, 21-19,151, 21-2028, 21-20,173, and 21-2601, Revised Statutes Supplement, 1996; to change provisions relating to the registration or filing of corporate or other business entity names; to provide for the reservation of limited liability company names; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 45. Introduced by Robinson, 16; Lynch, 13.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-177, Reissue Revised Statutes of Nebraska; to change provisions relating to the location of licensed premises; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 46. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 1996; to change provisions relating to references to the code; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 47. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to insurance; to amend sections 44-371 and 44-1089, Reissue Revised Statutes of Nebraska; to change provisions exempting annuity contracts, life insurance, and health insurance proceeds from claims of judgment creditors as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 48. Introduced by Stuhr, 24; Bromm, 23; Hudkins, 21.

A BILL FOR AN ACT relating to undercover agents; to authorize inmates, parolees, and probationers to be undercover agents or employees of law enforcement agencies; to eliminate a prohibition on inmates, parolees, and probationers being undercover agents or employees of law enforcement agencies and the admissibility of certain evidence; and to outright repeal section 29-2262.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 49. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to campaign funds; to amend section 49-1446.01, Revised Statutes Supplement, 1996; to authorize expenditures for conference fees; and to repeal the original section.

LEGISLATIVE BILL 50. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to schools and school districts; to amend section 79-214, Reissue Revised Statutes of Nebraska; to change provisions relating to kindergarten entrance; and to repeal the original section.

LEGISLATIVE BILL 51. Introduced by Landis, 46.

A BILL FOR AN ACT relating to custodial trusts; to adopt the Nebraska Uniform Custodial Trust Act; and to provide severability.

LEGISLATIVE BILL 52. Introduced by Landis, 46.

A BILL FOR AN ACT relating to Insurers Demutualization Act; to amend sections 44-205, 44-231, 44-2127, 44-6101, 44-6107, 44-6108, 44-6109, 44-6115, 44-6117, 44-6119, and 44-6120, Reissue Revised Statutes of Nebraska; to change filing requirements relating to articles of incorporation; to change and provide procedures for demutualization; to provide for confidentiality of filings; to provide for enforcement of the act; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 53. Introduced by Landis, 46.

A BILL FOR AN ACT relating to title insurance; to amend sections 44-203 and 44-4802, Reissue Revised Statutes of Nebraska, and section 44-1525, Revised Statutes Supplement, 1996; to adopt the Title Insurers Act and Title Insurance Agent Act; to repeal the Title Insurance Act; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 44-1927 to 44-1977, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 54. Introduced by Landis, 46.

A BILL FOR AN ACT relating to trusts and trustees; to amend sections 30-2646, 30-2813, 30-2819, and 30-3201, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Prudent Investor Act; to harmonize provisions; to provide operative dates; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 55. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Comprehensive Health Insurance Pool; to amend section 44-4233, Revised Statutes Supplement, 1996; to change offset tax liability provisions; and to repeal the original section.

LEGISLATIVE BILL 56. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1996; to change provisions relating to detached branch banks in Class II counties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 57. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1317, Reissue Revised Statutes of Nebraska; to provide for the payment of auditing expenses as prescribed; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 58. Introduced by Landis, 46.

A BILL FOR AN ACT relating to child support; to provide for termination of support upon certain events and for procedures; to provide duties.

LEGISLATIVE BILL 59. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to boundary lines; to amend sections 22-164 and 22-174, Reissue Revised Statutes of Nebraska, and Laws 1971, LB 1034, section 1; to change the boundary line between Missouri and Nebraska as prescribed; to cede to and relinquish jurisdiction over certain lands to Missouri; to amend the Missouri-Nebraska Boundary Compact of 1971; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 60. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the expenses of state government.

LEGISLATIVE BILL 61. Introduced by Revenue Committee: Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to income tax; to amend section 77-2734.03, Reissue Revised Statutes of Nebraska; to change a provision relating to credits; to provide an operative date; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 62. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703, 77-2756, and 77-2775, Reissue Revised Statutes of Nebraska; to change provisions relating to sales tax collection on vehicles purchased in another state, relating to withholding for income tax, and relating to amended income tax returns; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 63. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Cash Reserve Fund; to amend section 84-612, Revised Statutes Supplement, 1996; to eliminate provisions relating to completed transfers; and to repeal the original section.

LEGISLATIVE BILL 64. Introduced by Robinson, 16; Cudaback, 36;

Vrtiska, 1.

A BILL FOR AN ACT relating to elections; to amend sections 10-703.01, 32-404, 32-606, 32-810, 32-811, 32-814 to 32-816, 32-941, 32-945, 32-1029, 32-1201, and 32-1203, Revised Statutes Supplement, 1996; to change provisions relating to payment of costs of school district bond elections, election of county weed district board members, rotation of names on ballots, absentee ballot applications, and county canvassing boards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 65. Introduced by Schrock, 38; Crosby, 29; Engel, 17; Jensen, 20; Suttle, 10.

A BILL FOR AN ACT relating to tobacco; to prohibit certain advertising practices; and to create a civil penalty.

LEGISLATIVE BILL 66. Introduced by Schrock, 38; Cudaback, 36; Dw. Pedersen, 39; Schellpeper, 18.

A BILL FOR AN ACT relating to licensed practical nurses-certified; to amend section 71-1774, Reissue Revised Statutes of Nebraska; to change provisions relating to hospital size; and to repeal the original section.

LEGISLATIVE BILL 67. Introduced by Schrock, 38; Cudaback, 36; Elmer, 44; Hudkins, 21; Dw. Pedersen, 39; Schellpeper, 18.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-925.01, Revised Statutes Supplement, 1996; to change provisions relating to sewerage system funds; and to repeal the original section.

LEGISLATIVE BILL 68. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to courts; to amend section 24-1104, Revised Statutes Supplement, 1996; to change provisions relating to opinions of the Court of Appeals; and to repeal the original section.

LEGISLATIVE BILL 69. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to health records; to require health care providers and facilities to provide certain records without charge.

LEGISLATIVE BILL 70. Introduced by Cudaback, 36; Robinson, 16; Schrock, 38.

A BILL FOR AN ACT relating to revenue and fee collection; to amend section 77-1702, Reissue Revised Statutes of Nebraska, and sections 23-1601, 60-302, and 60-6,322, Revised Statutes Supplement, 1996; to authorize the use of credit cards, charge cards, and debit cards for payments; to provide a surcharge; and to repeal the original sections.

LEGISLATIVE BILL 71. Introduced by Cudaback, 36; Robinson, 16; Schrock, 38.

A BILL FOR AN ACT relating to cemetery districts; to amend section 12-913, Reissue Revised Statutes of Nebraska; to provide for nonresidents to be elected to a board of trustees; and to repeal the original section.

LEGISLATIVE BILL 72. Introduced by Cudaback, 36; Lynch, 13; Schrock, 38.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311.14, Reissue Revised Statutes of Nebraska; to change provisions relating to license plates issued to handicapped or disabled persons; to provide for other such issuances as prescribed; and to repeal the original section.

LEGISLATIVE BILL 73. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to juries; to amend section 25-1601, Reissue Revised Statutes of Nebraska; to provide an exemption from jury service; and to repeal the original section.

LEGISLATIVE BILL 74. Introduced by Brashear, 4; Wehrbein, 2.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.22 and 60-311.23, Revised Statutes Supplement, 1996; to change provisions relating to Nebraska Cornhusker Spirit Plates; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 75. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,222, 60-6,235 to 60-6,237, 60-6,243, and 60-6,357, Reissue Revised Statutes of Nebraska, and sections 60-6,219 and 60-6,335, Revised Statutes Supplement, 1996; to change provisions relating to use of lighting equipment; and to repeal the original sections.

LEGISLATIVE BILL 76. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,193, Reissue Revised Statutes of Nebraska; to change provisions relating to impeding traffic; and to repeal the original section.

LEGISLATIVE BILL 77. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to divorce; to amend section 42-372, Revised Statutes Supplement, 1996; to change decree appeal provisions; and to repeal the original section.

LEGISLATIVE BILL 78. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to ground water conservation districts; to amend sections 46-633 and 46-634.01, Reissue Revised Statutes of Nebraska; to change provisions relating to funds of districts and a termination date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 79. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to employment security; to amend section 48-604, Revised Statutes Supplement, 1996; to update a federal reference; to provide an exemption for AmeriCorp participants; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 80. Introduced by Schimek, 27; Beutler, 28; Matzke, 47.

A BILL FOR AN ACT relating to adoptions; to amend section 43-113, Reissue Revised Statutes of Nebraska; to provide copies of decrees of adoption; and to repeal the original section.

LEGISLATIVE BILL 81. Introduced by Schimek, 27; Crosby, 29.

A BILL FOR AN ACT relating to special education; to amend sections 79-1110 and 79-1113, Reissue Revised Statutes of Nebraska; to provide for braille instruction for visually handicapped children; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 82. Introduced by Bohlke, 33; Crosby, 29.

A BILL FOR AN ACT relating to the State of Nebraska; to designate the Platte River as the official state river.

LEGISLATIVE BILL 83. Introduced by Robak, 22; Chambers, 11; Hillman, 48.

A BILL FOR AN ACT relating to insurance; to require coverage for serious mental illnesses.

LEGISLATIVE BILL 84. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to property tax; to amend section 77-201, Reissue Revised Statutes of Nebraska; to provide the manner of taxing replacement tangible personal property; and to repeal the original section.

LEGISLATIVE BILL 85. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to county government; to amend section 23-1601, Revised Statutes Supplement, 1996; to change duties of county treasurers; and to repeal the original section.

LEGISLATIVE BILL 86. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 77-1239 and 77-1240.03, Reissue Revised Statutes of Nebraska; to change provisions relating to taxation of motor vehicles; and to repeal the original sections.

LEGISLATIVE BILL 87. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to corrections; to amend section 83-186, Reissue Revised Statutes of Nebraska; to change provisions related to visitation of inmates; and to repeal the original section.

LEGISLATIVE BILL 88. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to corrections; to amend section 83-183, Reissue Revised Statutes of Nebraska; to change provisions relating to inmate employment; and to repeal the original section.

LEGISLATIVE BILL 89. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to credit unions; to amend sections 21-1741, 21-1743, 21-17,102, 21-17,106, and 21-17,109, Revised Statutes Supplement, 1996; to change provisions relating to safety deposit boxes, membership, investments, special reserve accounts, and mergers and consolidation; and to repeal the original sections.

LEGISLATIVE BILL 90. Introduced by Robak, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1996; to enhance penalties for certain offenses; to create a civil action; to provide a penalty; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; and to repeal the original section.

LEGISLATIVE BILL 91. Introduced by Robak, 22; Crosby, 29; Maurstad, 30; Schimek, 27; Withem, 14.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-601, 60-605, and 60-682.01, Revised Statutes Supplement, 1996; to state intent; to define a term; to provide penalties for speeding, failure to yield, and overtaking and passing in a school crossing zone as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 92. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to hospitals; to amend section 71-2048.01, Reissue Revised Statutes of Nebraska; to change provisions relating to clinical privileges; and to repeal the original section.

LEGISLATIVE BILL 93. Introduced by Robak, 22; Bromm, 23; Cudaback, 36; Schellpeper, 18.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003 and 79-1015, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to calculation of the local effort rate; and to repeal the original sections.

LEGISLATIVE BILL 94. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to corrections; to amend section 25-1233, Reissue Revised Statutes of Nebraska; to change provisions for inmate dispositions and testimony; and to repeal the original section.

LEGISLATIVE BILL 95. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to libraries; to state findings; and to state intent relating to appropriations.

LEGISLATIVE BILL 96. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend section 84-1321, Revised Statutes Supplement, 1996; to change provisions relating to termination benefits; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 97. Introduced by Matzke, 47; Elmer, 44; Hillman, 48; Wickersham, 49.

A BILL FOR AN ACT relating to the Oil and Gas Conservation Fund; to amend section 57-919, Revised Statutes Supplement, 1996; to change to maximum amount of a production charge; and to repeal the original section.

LEGISLATIVE BILL 98. Introduced by Will, 8; Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend sections 9-313, 9-317, and 9-337, Reissue Revised Statutes of Nebraska, and sections 9-315, 9-345.03, and 9-346, Revised Statutes Supplement, 1996; to authorize the use of electronic pickle card dispensing devices as prescribed; to redefine terms; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 99. Introduced by Will, 8; Hartnett, 45; Hilgert, 7; Lynch, 13; Schellpeper, 18.

A BILL FOR AN ACT relating to bingo and other gambling; to amend section 9-239, Reissue Revised Statutes of Nebraska, and sections 9-255.04, 9-404, 9-429, 9-625, and 9-648, Revised Statutes Supplement, 1996; to change and eliminate taxation provisions; to redefine a term; to eliminate certain permit, filing, and notification requirements; to eliminate provisions on local control and elections relating to bingo, lotteries, and raffles; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 9-236, 9-433, and 9-644, Reissue Revised Statutes of Nebraska, and sections 9-237 and 9-643, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 100. Introduced by Will, 8; Chambers, 11.

A BILL FOR AN ACT relating to newspapers; to amend section 48-115, Revised Statutes Supplement, 1996; to include newspaper carriers as employees for purposes of workers' compensation; and to repeal the original section.

LEGISLATIVE BILL 101. Introduced by Will, 8.

A BILL FOR AN ACT relating to gambling; to amend sections 9-1,103, 9-512, 28-1101, 28-1105, 28-1113, and 84-710, Reissue Revised Statutes of Nebraska, and sections 2-219, 9-1,101, 9-1,104, 9-204, 9-226, 9-227, 9-255.06, 9-255.07, 9-255.09, 9-312, 9-315, 9-322, 9-323, 9-331, 9-335, 9-402, 9-411, 9-415, 9-418, 9-419, 9-422, 9-502, 9-507, 9-509, 9-701, 9-826, 11-201, 13-503, and 33-150, Revised Statutes Supplement, 1996; to eliminate provisions relating to horseracing, the State Racing Commission, the County Horseracing Facility Bond Act, the Nebraska County and City Lottery Act, simulcast, telephonic wagering, teleracing facilities, and certain sales and use tax exemptions; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 2-1201 to 2-1202, 2-1204 to 2-1206, 2-1208.02, 2-1208.03, 2-1213.01 to 2-1215, 2-1217 to 2-1220, 2-1223 to 2-1225, 9-602 to 9-606, 9-613, 9-615, 9-617 to 9-619, 9-622, 9-624, 9-626 to 9-628, 9-629.01, 9-633 to 9-635, 9-637, 9-638, 9-640, 9-641, 9-644, 9-645, 9-647, 9-649, 9-651, 23-389 to 23-392, and 77-2704.20, Reissue Revised Statutes of Nebraska, and sections 2-1203 to 2-1203.02, 2-1207 to 2-1208.01, 2-1208.04, 2-1209, 2-1211, 2-1213, 2-1216, 2-1221, 2-1222, 2-1226 to 2-1246, 9-601, 9-606.01, 9-607, 9-614, 9-616, 9-620, 9-621, 9-623, 9-625, 9-629, 9-630 to 9-632, 9-636, 9-639, 9-642 to 9-643, 9-646, 9-646.01, 9-648, 9-650, 9-652, and 9-653, Revised Statutes Supplement, 1996.

RESOLUTIONS

LEGISLATIVE RESOLUTION 5CA. Introduced by Stuhr, 24; Janssen, 15; Robinson, 16; Schrock, 38; Vrtiska, 1.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 "Regular ~~Beginning with the year 1975, regular~~ sessions of the Legislature shall be held ~~annually, commencing~~ for eighty legislative days and sixty legislative days on an alternating basis. Eighty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in December in each even-numbered year and sixty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in ~~January~~ December of each year. The terms of the members of the Legislature shall commence on the first day of the regular ninety-day legislative session and, notwithstanding the provisions of Article III, section 7, of this Constitution, the preceding terms shall terminate on such date. No more than five legislative days shall be spent in December during a regular session unless extended by the vote of four-fifths of all members of the Legislature. The duration of regular sessions held shall not exceed ~~ninety~~ eighty or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members ~~elected to~~ of the Legislature. ~~; and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a eighty-day regular session ~~held in an odd-numbered year~~ may be considered at the next regular sixty-day session~~,~~ as if there had been no such adjournment. The Lieutenant Governor shall preside~~,~~ but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to~~ of the Legislature shall constitute a quorum. The ~~; the~~ Legislature shall determine the rules of its proceedings, ~~and~~ be the judge of the election, returns, and qualifications of its members, ~~shall~~ and choose its own officers, including a Speaker to preside when the Lieutenant Governor is ~~shall be~~ absent, incapacitated, or acts ~~shall act~~ as Governor. No member shall be expelled except by a vote of two-thirds of all members ~~elected to~~ of the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the date on which the Legislature will convene in regular sessions, the length of a legislative session, the date on which the terms of members will commence, and the date on which the terms of certain members will terminate.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 6CA. Introduced by Robinson, 16; Bohlke, 33.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 3:

VII-3 "The State Board of Education shall be composed of eight members~~,~~ ~~who shall be~~ elected from eight districts of substantially equal population as provided by the Legislature. Their term of office shall be for four years each. Their qualifications, duties, and powers shall be prescribed by the Legislature, and they shall receive no compensation~~,~~ but shall be reimbursed their actual expense incurred in the performance of their duties. The members of the State Board of Education shall not be actively engaged in the educational profession and they shall be elected on a nonpartisan ballot.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require the Legislature to prescribe the qualifications for members of the State Board of Education.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 7CA. Introduced by Schimek, 27; Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 3:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. Volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals."

III-3 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state. The special challenges of relying solely on volunteer uncompensated petition circulators is explicitly recognized. To accommodate these special challenges, petition signatures gathered by volunteer uncompensated circulators shall be granted a tabulation bonus of one additional signature counted for each valid signature submitted. Volunteer uncompensated circulator means a person who does not receive compensation for collecting signatures other than reimbursement for travel and meals.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the method of calculating the number of signatures for initiative and referendum measures.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 8CA. Introduced by Cudaback, 36; Robinson, 16; Schrock, 38.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 1:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and ~~the~~ State Treasurer shall be chosen at the general election held in November, 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. ~~; and such officers, excepting the Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office.~~ Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change residency requirements for executive officers of the state.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 9CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 1:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts and the Treasurer shall be chosen at the general election held in November, 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he was elected. The records, books, and papers of all executive officers shall be kept at the seat of government. Each executive officer shall reside within the State of Nebraska while the officer holds or occupies the office. ~~; and such officers, excepting the Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office.~~ Officers in the executive department of the state shall perform such duties as may be provided by law. The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change restrictions on the residence of executive officers.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 10CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 11:

III-11 "The Legislature shall keep a journal of its proceedings and publish them, ~~(~~except such parts as may require secrecy, ~~)~~ and the yeas and nays of the members on any question~~;~~ shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the ~~Committees~~ committees of the ~~Whole,~~ Legislature shall be open, ~~unless~~ except when the business shall be such as ought to be kept secret. The yeas and nays of each member of any committee of the Legislature shall be recorded and published on any question in committee to advance or to indefinitely postpone any bill.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require legislative committees to hold open meetings and to require the recording and publishing of certain votes by members of legislative committees.

For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 11CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 25, and Article IV, sections 1 and 6, and repeal Article IV, section 3:

III-25 "No allowance shall be made for the incidental expenses of any state officer ~~except the same be~~ unless they are made by general appropriation and upon an account specifying each item. No money shall be drawn from the treasury except in pursuance of a specific appropriation made by law~~;~~ and on the presentation of a warrant issued as the Legislature may direct, and no money shall be diverted from any appropriation made for any purpose or taken from any fund whatever by resolution. Auditing of the expenditures of the state and its political subdivisions shall a fundamental part of the legislative oversight responsibilities."

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, ~~Auditor of Public Accounts, Treasurer,~~ and Attorney General~~;~~ and the heads of such other executive departments as set forth herein or as may be established by law. The

Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor~~,~~ and Lieutenant Governor~~, Attorney General, Secretary of State, Auditor of Public Accounts and the Treasurer~~ shall be chosen at the general election held in November~~,~~ 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected. The Governor shall appoint the Attorney General. The Legislature shall provide for the appointment or the election of the Secretary of State.

The records, books, and papers of all executive officers shall be kept at the seat of government, and such officers, excepting the Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law. The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

IV-6 "The supreme executive power shall be vested in the Governor. The Governor ~~, who~~ shall take care that the laws ~~be~~ are faithfully executed and the affairs of the state efficiently and economically administered. These powers and duties include the safeguarding of public funds and ensuring that all proposed expenditures conform to law and legislative appropriations."

"Article IV, section 3, of the Constitution of Nebraska is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to eliminate the Auditor of Public Accounts and Treasurer from the list of executive officers, to provide for the appointment of the Attorney General and the appointment or election of the Secretary of State, and to provide powers and duties for the Legislature and the Governor with respect to public funds.
> For
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 12CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 4, and Article XVI, section 1, and add a new section 3 to Article XVI:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state. If ~~, and if~~ the petition be for the amendment of the Constitution, the petition ~~therefor~~ shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures which propose the enactment of a law submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. If conflicting measures which propose a constitutional amendment submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

III-4 "The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated which proposes the enactment of a law shall become a law ~~or part of the Constitution, as the case may be,~~ when a majority of the votes cast thereon, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. A measure initiated which proposes a constitutional amendment shall be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution, when a majority of the votes cast thereon, and not less than thirty-five percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting ~~and adopting~~ amendments to the

Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition. The ballot for a measure initiated which proposes a constitutional amendment shall include a notice that the measure is subject to a vote for ratification."

XVI-1 "The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear. The ballot shall include a notice that the measure is subject to a vote for ratification. If a majority of the electors voting on any such amendment adopt the same, it shall ~~become a part of this Constitution~~ be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five per cent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately."

XVI-3 "(1) Before an amendment to this Constitution takes effect there shall be two votes by the electors. The first vote for adoption of the amendment may be made pursuant to initiative as provided by Article III, sections 2 and 4, of this Constitution or pursuant to the Legislature proposing an amendment as provided by Article XVI, section 1, of this Constitution. The second vote shall be for ratification and shall be made pursuant to subsection (2) of this section.

(2) The proposed amendment shall, without change, be published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendment to the electors for ratification. At such election the proposed amendment shall be submitted to the electors for ratification. If a majority of the electors voting on any such amendment ratify the adoption of the same, it shall become a part of this Constitution if the

votes cast in favor of such amendment at the election are not less than thirty-five percent of the total votes cast at such election.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 13CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 29:

III-29 "(1). In order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack, terrorist attack, or natural disaster upon ~~the United States, or the imminent threat thereof~~ this state, the Legislature shall have the power and the immediate duty, notwithstanding any other provision to the contrary in this Constitution, to provide by law for:

(a) The prompt and temporary succession to the powers and duties of all public offices, of whatever nature and whether filled by election or appointment, the incumbents of which~~, after an attack, may be or become~~ are unavailable or unable to carry on the powers and duties of such offices;

(b) The convening of the Legislature into general or extraordinary session, upon or without call by the Governor. ~~; during or after a war or enemy caused disaster occurring in the United States; and, with respect to any~~ During such emergency session, the temporary suspension ~~or temporary change~~ of the provisions of this Constitution ~~or of general law~~ relating to the length and purposes of any legislative session or prescribing the specific proportion or number of legislators whose presence or vote is necessary to constitute a quorum or to accomplish any legislative act or function;

(c) The selection and changing from time to time of a temporary state seat of government, of temporary county seats, and of temporary seats of government for other political subdivisions~~,~~ to be used; and ~~if made necessary by enemy attack or imminent threat thereof;~~

~~(d) The determination, selection, reproduction, preservation, and dispersal of public records necessary to the continuity of governmental operations in the event of enemy attack or imminent threat thereof; and~~

~~(e)~~ (d) Such other measures and procedures as may be necessary and proper for insuring the continuity of governmental operations. ~~in the event of enemy attack or imminent threat thereof.~~

(2). In the exercise of the powers hereinbefore conferred, the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that, in the judgment of the Legislature, so to do would be impracticable or would ~~admit of~~ cause undue delay.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for and eliminate legislative powers during periods of enemy attack, terrorist attack, or natural disaster upon the State of Nebraska and to eliminate references to legislative powers during periods of enemy attack upon the United States.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 14CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive such salary and expenses as are determined by the Commission on Legislative Compensation. The commission shall consist of seven members appointed by the Governor, and shall meet each two years to establish such salary and expenses. The Legislature shall establish, by law, procedures to be followed by such commission. No serving member of the Legislature shall be on the commission. Members of the commission shall be disqualified from being elected or appointed to the Legislature for a period of four years after the termination of their service on the commission. ~~a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning~~

~~from each regular or special session of the Legislature.~~ Members of the Legislature shall receive no pay nor perquisites other than ~~his~~ ~~or~~ ~~her~~ their salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to create the Commission on Legislative Compensation, to provide for the establishment of the salary and expenses of members of the Legislature, and to eliminate provisions which set legislative salaries and travel expenses.

For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 15CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 20 to Article XV:

XV-20 "(1) The use of the masculine gender in this Constitution shall be construed to include the feminine gender.

(2) The Revisor of Statutes shall cause this Constitution to be revised to conform to subsection (1) of this section when reprinting this Constitution.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to state that the use of the masculine gender in the Constitution be construed to include the feminine gender and to direct the Revisor of Statutes to revise the Constitution when reprinting it to conform with such construction.

For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 16CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article III, section 15:

"Article III, section 15, of the Constitution of Nebraska is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate the privilege from arrest granted to members of the Legislature.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 17CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 27:

III-27 "No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency, ~~to be~~ which is expressed in the preamble or body of the act, the Legislature shall~~,~~ by a vote of two-thirds of all the members elected otherwise direct. All laws shall be published ~~in book form~~ within sixty days after the adjournment of each session and distributed among the several counties in such manner as the Legislature may provide.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate a provision relating to the form in which session laws are published.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 18CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 18:

III-18 "The Legislature shall not pass local or special laws ~~in any of the following cases, that is to say:~~

~~For granting divorces.~~

~~Changing the names of persons or places.~~

~~Laying out, opening altering and working roads or highways.~~

~~Vacating roads, Town plats, streets, alleys, and public grounds.~~

~~Locating or changing County seats.~~

~~Regulating County and Township offices.~~

~~Regulating the practice of Courts of Justice.~~

~~Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates and Constables.~~

~~Providing for changes of venue in civil and criminal cases.~~

~~Incorporating Cities, Towns and Villages, or changing or amending the charter of any Town, City, or Village.~~

~~Providing for the election of Officers in Townships, incorporated Towns or Cities.~~

~~Summoning or empaneling Grand or Petit Juries.~~

~~Providing for the bonding of cities, towns, precincts, school districts or other municipalities.~~

~~Providing for the management of Public Schools.~~

~~The opening and conducting of any election, or designating the place of voting.~~

~~The sale or mortgage of real estate belonging to minors, or others under disability.~~

~~The protection of game or fish.~~

~~Chartering or licensing ferries, or toll bridges, remitting fines, penalties or forfeitures, creating, increasing and decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed.~~

~~Changing the law of descent.~~

~~Granting to any corporation, association, or individual, the right to lay down railroad tracks, or amending existing charters for such purpose.~~

~~Granting to any corporation, association, or individual~~ when a general law can be made applicable. The Legislature shall not grant any special or exclusive privileges, immunity, or franchise whatever to any corporation, association, or individual, except ~~; PROVIDED,~~ that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto. ~~In all other cases where a general law can be made applicable, no special law shall be enacted.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to prohibit special legislation and eliminate references to certain categories of special legislation.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 19CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 26:

I-26 "This enumeration of rights shall not be construed to impair or deny others, retained by the people, and all powers not herein delegated~~,~~ remain with the people. The rights granted to the people in this Constitution are not to be construed as limited by the interpretation placed on similar provisions in the Constitution of the United States.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that rights granted by the Constitution of Nebraska are not to be construed as limited by interpretations placed on similar provisions of the Constitution of the United States.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 20CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 3:

I-3 "No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that no person
shall be denied the equal protection of the laws.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 21CA. Introduced by Robinson, 16; Bromm, 23; Janssen, 15; Jones, 43; Vrtiska, 1.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 "Regular ~~Beginning with the year 1975, regular~~ sessions of the Legislature shall be held ~~annually, commencing~~ for seventy-five and sixty days on an alternating basis. Seventy-five-day sessions shall commence at 10 a.m. on the fifth Wednesday after the general election in each even-numbered year, and sixty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in January of each even-numbered year. The terms of the members of the Legislature shall commence on the first day of the regular seventy-five-day legislative session and, notwithstanding the provisions of Article III, section 7, of this Constitution, the preceding terms shall terminate on such date. The duration of regular sessions held shall not exceed ~~ninety~~ seventy-five or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members ~~elected to~~ of the Legislature. ~~; and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular seventy-five-day session ~~held in an odd-numbered year~~ may be considered at the next regular sixty-day session, as if there had been no such adjournment. The Lieutenant Governor shall preside~~,~~ but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to~~ of the Legislature shall constitute a quorum. The ~~; the~~ Legislature shall determine the rules of its proceedings, ~~and~~ be the judge of the election, returns, and qualifications of its members, ~~shall~~ and choose its own officers, including a Speaker to preside when the Lieutenant Governor ~~shall be~~ is absent, incapacitated, or ~~shall act~~ acts as Governor. No member shall be expelled except by a vote of two-thirds of all members ~~elected to~~ of the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time~~,~~ unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the length of the ninety-day legislative session to seventy-five days, the date on which the Legislature will convene the regular seventy-five-day sessions, the date on which the terms of members will commence, and the date on which the terms of certain members will terminate.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 22CA. Introduced by Will, 8.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VII, section 5:

VII-5 "(1) Except as provided in subsections (2), ~~and~~ (3), and (4) of this section, all fines, penalties, and license money arising under the general laws of the state, except fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways of this state, shall belong and be paid over to the counties respectively where the same may be levied or imposed, and all fines, penalties, and license money arising under the rules, bylaws, or ordinances of cities, villages, precincts, or other municipal subdivision less than a county shall belong and be paid over to the same respectively. All such fines, penalties, and license money shall be appropriated exclusively to the use and support of the common schools in the respective subdivisions where the same may accrue, except that all fines and penalties for violation of laws prohibiting the overloading of vehicles used upon the public roads and highways shall be placed as follows: Seventy-five ~~per cent~~ percent in a fund for state highways and twenty-five ~~per cent~~ percent to the county general fund where the fine or penalty is paid.

(2) Fifty ~~per cent~~ percent of all money forfeited or seized pursuant to enforcement of the drug laws shall belong and be paid over to the counties for drug enforcement purposes as the Legislature may provide.

(3) Law enforcement agencies may use conveyances forfeited pursuant to enforcement of the drug laws as the Legislature may provide. Upon the sale of such conveyances, the proceeds shall be appropriated exclusively to the use and support of the common schools as provided in subsection (1) of this section.

(4) The right of a person to recover damages caused by the intentional or negligent conduct of another person shall not be barred by this section.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to provide that a person's right to recover damages caused by the intentional or negligent conduct of another person is not barred by constitutional restrictions on the use of fine, penalty, and license money.
>
> For
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 23CA. Introduced by Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 7:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall where necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand six hundred dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her~~ their salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change salaries for members of the Legislature.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 24CA. Introduced by Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article V, sections 1 and 28:

V-1 "The judicial power of the state shall be vested in a Supreme Court, an intermediate appellate court, district courts, ~~county courts, in and for each county, with one or more judges for each county or with one judge for two or more counties, as the Legislature shall provide,~~ and such other courts inferior to the Supreme Court as may be created by law. In accordance with rules established by the Supreme Court and not in conflict with other provisions of this Constitution and laws governing such matters, general administrative authority over all courts in this state shall be vested in the Supreme Court and shall be exercised by the Chief Justice. The Chief Justice shall be the executive head of the courts and may appoint an administrative director thereof."

V-28 "The Legislature shall provide for a Commission on Judicial Qualifications consisting of: (1) Three judges, including one district court judge~~, one county court judge, and one judge~~ and two judges of any other court inferior to the Supreme Court as now exists or may hereafter be created by law, all of whom shall be appointed by the Chief Justice of the Supreme Court; (2) three members of the Nebraska State Bar Association who shall have practiced law in this state for at least ten years and who shall be appointed by the Executive Council of the Nebraska State Bar Association; (3) three citizens, none of whom shall be a Justice or Judge of the Supreme Court or judge of any court, active or retired, nor a member of the Nebraska State Bar Association, and who shall be appointed by the Governor; and (4) the Chief Justice of the Supreme Court, who shall serve as its chairperson.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to change a reference to the appellate court and eliminate certain references to county courts and county court judges in the Constitution.
> For
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 25CA. Introduced by Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 14:

CIII-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected to the Legislature vote not to read the bill and all amendments at large. No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the subject shall be clearly expressed in the title. No law shall be amended unless the new act contains the section or sections as amended and the section or sections so amended shall be repealed. The ~~Lieutenant Governor, or the Speaker if acting as~~ presiding officer~~,~~ shall sign, in the presence of the Legislature while it is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that the presiding officer shall sign bills and resolutions passed by the Legislature.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 26CA. Introduced by Withem, 14; Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 20:

I-20 "No person shall be imprisoned for debt in any civil action on mesne or final process. ~~; unless in cases of fraud.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate an exception to the prohibition on imprisonment for debt.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 27CA. Introduced by Withem, 14; Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 13:

IV-13 "~~The Legislature shall provide by law for the establishment of a Board of Parole and the qualifications of its members. Said board, or a majority thereof, shall have power to grant paroles after conviction and judgment, under such conditions as may be prescribed by law, for any offenses committed against the criminal laws of this state except treason and~~

~~cases of impeachment.~~ The Governor~~, Attorney General and Secretary of State, sitting as a board,~~ shall have power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations in all cases of conviction for offenses against the laws of the state, except treason, ~~and~~ cases of impeachment, or cases involving the Governor personally. ~~The Board of Parole may advise the Governor, Attorney General and Secretary of State on the merits of any application for remission, respite, reprieve, pardon or commutation but such advice shall not be binding on them. The Governor shall have power to suspend the execution of the sentence imposed for treason until the case can be reported to the Legislature at its next session, when the Legislature shall either grant a pardon, or commute the sentence or direct the execution, or grant a further reprieve.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate the constitutional provisions establishing the Board of Parole and to eliminate the Board of Pardons and grant sole pardon authority to the Governor.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 28CA. Introduced by Withem, 14; Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To transfer Article XVII, section 6:

~~XVII-6~~ III-31 "The Legislature shall pass all laws necessary to carry into effect the provisions of this constitution.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to transfer a provision from Article XVII, entitled 'Schedule', to Article III, entitled 'Legislative Power'."
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 29CA. Introduced by Withem, 14; Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF

NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article XVII, section 9:

"Article XVII, section 9, of the Constitution of Nebraska is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to repeal the requirements that the Constitution be enrolled and deposited in the Secretary of State's office and that printed copies of the Constitution be prefixed to books containing the laws of this state.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 30CA. Introduced by Withem, 14; Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 8:

I-8 "The privilege of the writ of habeas corpus shall not be suspended. ~~; unless, in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate an exception to the prohibition on the suspension of the writ of habeas corpus.
For
Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 102. Introduced by Coordsen, 32; Bromm, 23; Chambers, 11; Engel, 17; Kristensen, 37; McKenzie, 34; Dw. Pedersen, 39; Vrtiska, 1; Wehrbein, 2; Withem, 14.

A BILL FOR AN ACT relating to state buildings; to amend section 81-1108.21, Revised Statutes Supplement, 1996; to change provisions relating to allocation of space; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 103. Introduced by Kristensen, 37; Maurstad, 30; Wehrbein, 2.

A BILL FOR AN ACT relating to elections; to amend sections 32-710, 32-714, and 32-1038, Revised Statutes Supplement, 1996; to change provisions relating to the selection of presidential electors; to eliminate a requirement on casting votes; and to repeal the original sections.

LEGISLATIVE BILL 104. Introduced by Abboud, 12; Jensen, 20; Lynch, 13; Dw. Pedersen, 39; Suttle, 10.

A BILL FOR AN ACT relating to 911 service; to amend section 86-1003, Reissue Revised Statutes of Nebraska; to eliminate a restriction on an additional amount of service surcharge; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 105. Introduced by Withem, 14; Bruning, 3; Hartnett, 45.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2701, Reissue Revised Statutes of Nebraska; to exempt medical alarm equipment from taxation; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 106. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to the State of Nebraska; to declare the corn plant the state crop and the channel catfish the state fish.

LEGISLATIVE BILL 107. Introduced by Hudkins, 21; Jones, 43; D. Pederson, 42; Preister, 5.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-505, Revised Statutes Supplement, 1996; to change provisions relating to the purchase, sale, or barter of game animals, game birds, and game fish as prescribed; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 108. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Commission on Public Advocacy; to amend sections 29-3921 and 29-3931, Reissue Revised Statutes of Nebraska; to change provisions relating to funding and cost of defense; and to repeal the original sections.

LEGISLATIVE BILL 109. Introduced by Brown, 6; Hilgert, 7; Kiel, 9.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-422, 29-424, and 29-428, Reissue Revised Statutes of Nebraska; to authorize the issuance of citations in lieu of arrest by certain fire, health, and safety officials and inspectors; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 110. Introduced by Brown, 6.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1996; to create the offense of unlawful storage of a firearm; to provide penalties; to define terms; to provide an affirmative defense; to provide a duty for firearms dealers; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 111. Introduced by Brown, 6.

A BILL FOR AN ACT relating to human genetic technologies; to establish a commission; to provide duties for the commission; and to provide for cessation of the commission.

LEGISLATIVE BILL 112. Introduced by Brown, 6.

A BILL FOR AN ACT relating to libraries; to amend section 51-202, Revised Statutes Supplement, 1996; to change provisions relating to membership on certain library boards; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 113. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2705, Reissue Revised Statutes of Nebraska; to authorize the Tax Commissioner to require reporting by retailers; and to repeal the original section.

LEGISLATIVE BILL 114. Introduced by Landis, 46.

A BILL FOR AN ACT relating to accountants; to amend sections 1-105.01 to 1-108.01, 1-110, 1-113, 1-114, 1-116 to 1-125, 1-134, 1-136.01, 1-136.04, 1-140, 1-142 to 1-145, 1-150, 1-151, 1-153, 1-156, 1-159, 1-163 to 1-164.01, 1-164.03 to 1-167, 1-170, and 1-171, Reissue Revised Statutes of Nebraska, and sections 1-109, 1-111, 1-112, 1-126, 1-133, 1-135, 1-136, 1-136.02, 1-137 to 1-139, 1-148, 1-152, 1-154, 1-155, 1-157, 1-158, 1-160 to 1-162.01, 1-164.02, and 1-169, Revised Statutes Supplement, 1996; to change provisions relating to the Public Accountancy Act of 1957; to eliminate obsolete veterans' provisions; to repeal the original sections; and to outright repeal sections 1-130, 1-131, and 1-132, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 115. Introduced by Vrtiska, 1; Cudaback, 36.

A BILL FOR AN ACT relating to counties; to authorize a tax levy for road, street, and bridge purposes.

LEGISLATIVE BILL 116. Introduced by Janssen, 15; Lynch, 13; Robinson, 16; Schellpeper, 18.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-1831, Reissue Revised Statutes of Nebraska; to change provisions relating to civil service; to provide for fingerprinting as prescribed; and to repeal the original section.

LEGISLATIVE BILL 117. Introduced by Janssen, 15; Lynch, 13; Robinson, 16.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2702.07, Reissue Revised Statutes of Nebraska; to redefine gross receipts; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 118. Introduced by Janssen, 15; Robinson, 16; Schellpeper, 18.

A BILL FOR AN ACT relating to the Education Innovation Fund; to amend section 9-812, Revised Statutes Supplement, 1996; to provide for minigrants; and to repeal the original section.

LEGISLATIVE BILL 119. Introduced by Janssen, 15; Schimek, 27.

A BILL FOR AN ACT relating to child abuse; to amend sections 28-711, 28-713.01, and 28-726, Reissue Revised Statutes of Nebraska, and section 28-713, Revised Statutes Supplement, 1996; to provide child's caretaker with notification of and access to reports of abuse; and to repeal the original sections.

LEGISLATIVE BILL 120. Introduced by Janssen, 15; Schellpeper, 18.

A BILL FOR AN ACT relating to alcoholic liquor; to amend section 53-178.01, Reissue Revised Statutes of Nebraska; to change provisions relating to sales to persons within a motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 121. Introduced by Brashear, 4; Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Nonprofit Corporation Act; to amend sections 21-19,119 and 21-19,121, Revised Statutes Supplement, 1996; to change provisions relating to mergers; and to repeal the original sections.

LEGISLATIVE BILL 122. Introduced by Matzke, 47; Hillman, 48;

Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 1996; to change provisions relating to size, weight, and load; and to repeal the original section.

LEGISLATIVE BILL 123. Introduced by Lynch, 13; Hartnett, 45.

A BILL FOR AN ACT relating to the Tobacco Products Tax Act; to amend section 77-4001, Reissue Revised Statutes of Nebraska; to provide for physical possession of tobacco products by a first owner before resale; and to repeal the original section.

LEGISLATIVE BILL 124. Introduced by Lynch, 13; Hartnett, 45; Hilgert, 7; Preister, 5; Schimek, 27.

A BILL FOR AN ACT relating to labor organizations; to define terms; to require certain employees to pay for collective bargaining and contract enforcement as prescribed; and to provide powers and duties for labor organizations and employers.

LEGISLATIVE BILL 125. Introduced by Brown, 6; Bromm, 23; Bruning, 3; Engel, 17; Hartnett, 45; Hudkins, 21; Jensen, 20; Jones, 43; Kiel, 9; Lynch, 13; Maurstad, 30; Dw. Pedersen, 39; Robak, 22; Robinson, 16; Schmitt, 41; Stuhr, 24; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to elevators; to amend sections 48-418.02 to 48-418.04, 48-418.06, 48-418.07, 48-418.11, 48-418.12, and 48-418.14, Reissue Revised Statutes of Nebraska, and section 48-418.10, Revised Statutes Supplement, 1996; to provide an exemption from certain standards; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 126. Introduced by Brown, 6.

A BILL FOR AN ACT relating to schools; to provide for science laboratory safety.

LEGISLATIVE BILL 127. Introduced by Will, 8.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-151, Reissue Revised Statutes of Nebraska; to redefine occupational disease; and to repeal the original section.

LEGISLATIVE BILL 128. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Dierks, 40; Preister, 5; Schimek, 27; Schrock, 38.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-124, 48-134.01, 48-157, 48-162.01, 48-177, and 48-1,110, Reissue Revised Statutes of Nebraska; to change provisions relating to dependents, independent medical examiners, court records, and procedure; to harmonize provisions; to provide for motions; and to repeal the original sections.

LEGISLATIVE BILL 129. Introduced by Abboud, 12; Dierks, 40; Preister, 5; Schimek, 27; Schrock, 38.

A BILL FOR AN ACT relating to labor; to amend sections 77-27,119, 77-27,197, and 77-27,199, Reissue Revised Statutes of Nebraska, and section 48-604, Revised Statutes Supplement, 1996; to change employment security law terms; and to repeal the original sections.

LEGISLATIVE BILL 130. Introduced by Abboud, 12; Dierks, 40; Preister, 5; Schimek, 27; Schrock, 38.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Revised Statutes Supplement, 1996; to change the definition of employment; and to repeal the original section.

LEGISLATIVE BILL 131. Introduced by Bromm, 23; Crosby, 29; Schimek, 27.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend section 49-1401, Revised Statutes Supplement, 1996; to prohibit campaign contributions during legislative sessions as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 132. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to school districts; to change and eliminate a duty to provide certain information; and to outright repeal section 71-6909, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 133. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-462 and 60-4,112, Revised Statutes Supplement, 1996; to require driver education and training courses for persons subject to operator's license suspension, revocation, or impoundment; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 31CA. Introduced by Brown, 6; Engel, 17; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article X, sections 1 and 3, and repeal Article IV, section 20:

X-1 "Every public utility corporation or common carrier organized or doing business in this state shall report, under oath, ~~to the Railway Commission,~~ when required by law. ~~or the order of said Commission.~~ The reports so made shall include such matter as may be required by law. ~~or the order of said Commission.~~"

X-3 "No public utility corporation or common carrier shall consolidate its stock, property, franchise, or earnings in whole or in part with any other public utility corporation or common carrier owning a parallel or competing property ~~without permission of the Railway Commission; and in no case shall any consolidation~~ unless it complies with such requirements as the Legislature requires by law. No consolidation shall take place except upon public notice of at least sixty days to all stockholders~~,~~ in such manner as may be provided by law. The Legislature may by law require all public utilities and common carriers to exchange business through physical connection, joint use, connected service, or otherwise."

"Article IV, section 20, of the Constitution of Nebraska is repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate references to the Public Service Commission and the Railway Commission.
For
Against".

Referred to the Reference Committee.

ANNOUNCEMENTS

Mrs. Crosby announced the Committee on Committees will meet Friday, January 10, at 9:00 a.m., in Room 1517.

Mr. Landis announced the Banking, Commerce and Insurance Committee elected Mr. Jensen as Vice Chairperson.

Mr. Wesely announced the Health and Human Services Committee elected Mr. Matzke as Vice Chairperson.

Mr. Wickersham announced the Nebraska Retirement Systems Committee elected Mrs. Stuhr as Vice Chairperson.

Mr. Abboud announced the Business and Labor Committee elected Mr. Hilgert as Vice Chairperson.

RECESS

At 12:11 p.m., on a motion by Mrs. C. Peterson, the Legislature recessed until 1:45 p.m.

AFTER RECESS

The Legislature reconvened at 1:45 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks, Will, and Mrs. Witek who were excused; and Messrs. Abboud, Beutler, Bromm, Chambers, Hartnett, Jones, Landis, Schellpeper, Warner, Wesely, Mmes. Brown, Hillman, and Robak who were excused until they arrive.

PRESENTATION OF COLORS

Presentation of Colors by the Nebraska Army National Guard.

MOTION - Escort Committee

Mr. Cudaback moved that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oaths of office.

The motion prevailed.

INAUGURAL CEREMONIES

Chief Justice C. Thomas White administered the Oath of Office to the newly elected State officials.

The Chief Justice, Secretary of State, and newly elected state and constitutional officers were escorted from the Chamber.

VISITORS

The Doctor of the Day was Dale Michaels from Lincoln.

ADJOURNMENT

At 2:15 p.m., on a motion by Speaker Withem, the Legislature adjourned until 10:00 a.m., Friday, January 10, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRD DAY – JANUARY 10, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 10, 1997

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Mmes. Bohlke, Brown, McKenzie, Messrs. Brashear, Hilgert, Schellpeper, Warner, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the second day was approved.

MOTION - Adopt Temporary Rules

Mr. Withem moved that the Rules, as now in our possession, be adopted for today only, Friday, January 10, 1997.

The motion prevailed.

PROPOSED RULES CHANGES

Mr. Will, Rules Committee Chairperson, and Messrs. Bromm, Beutler, Matzke, and Withem offered the following proposed rules changes:

No. 1
Amend Rule 3, Sec. 6(b):
A standing committee deciding not to hold meetings on the appointed day must ~~receive permission from the Reference Committee~~ report that decision to the Clerk of the Legislature.

Amend Rule 3, Sec. 9:
A quorum of committee members should be maintained throughout all committee hearings. The committee chairperson may waive this requirement at his or her discretion.

No. 2
Amend Rule 3, Section 16(a)
Sec. 16. Report of Bill to Legislature. (a) In reporting a bill to the Legislature, whether with or without amendments, a committee shall by vote of a majority of its members, recommend that the bill be placed on General File or that the bill be indefinitely postponed. ~~Such action shall be taken at regularly scheduled meetings only.~~

No. 3
Rule 3, Sec. 5(c)(ii):
The Executive Board is authorized to exercise jurisdiction over legislative bills and resolutions and hold hearings regarding such legislation when the issue presented by the legislative bill or resolution is one of general import to the Legislature and its operations as a whole. Such legislative hearings shall comply with the provisions in Rule 3, Sec. 13.

Rule 3, Sec. 5(c)(iii):
The Legislative Program Evaluation Committee is authorized to hold hearings, at the committee's discretion, to receive testimony regarding topics it has selected for review. Such hearings shall comply with the provisions in Rule 3, Sec. 13.

No. 4
Rule 7, Sec. 5
Sec. 5. Call of the House. (a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain in his or her seat during the call. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. The President may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the question and if their combined vote be insufficient to change a result of the vote.

No. 5
Rule 3, Section 12.
Sec. 12. Consideration and Correlation of Bills and Resolutions. (a) Committees shall consider and report without unnecessary delay all bills and

resolutions referred to them. Committees shall be authorized to combine and to correlate the provisions of different bills and resolutions referred to them and related to the subject matter jurisdiction of the committee. Committees may, before taking final action on any bill or resolution, adopt amendments thereto, for the consideration of the Legislature. Committee amendments which are adopted by the committee with no dissenting votes shall be deemed adopted by the Legislature unless the primary introducer of the bill or resolution objects prior to General File consideration.

Rule 6, Section 3.
(b) Each section shall be open to amendment. ~~The amendments, if any, recommended by standing committees, shall first be considered.~~ The amendments, if any, recommended by the standing committee which heard the bill or resolution shall be deemed adopted by the Legislature if there were no dissenting votes when adopted by the committee and unless the primary sponsor of the bill objects prior to General File consideration. Other committee amendments which had at least one dissenting vote in committee or to which the primary introducer has objected shall be considered ahead of other amendments. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto, after which he or she may move to advance and explain the bill. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17.

No. 6
Amend Rule 3, Sec. 19 (b):
Any senator may move that a bill be placed on General File twenty calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of a majority of the elected members, said bill shall be placed on General File. Final action taken by the committee following a motion filed pursuant to this subsection, and prior to a vote on the motion by the Legislature, shall take precedence over such motion. If, at the expiration of eight calendar days from the date final action was taken, the chairperson has not reported the bill, any senator may file with the Speaker a motion that the chairperson be compelled to submit a report. After determining that final action on the bill has been taken at least eight calendar days prior to the date the motion was submitted, the Speaker shall accept the motion and compel the chairperson to file the committee's report on the matter.

No. 7
Amend Rule 5 and 6
SUSPENSION OF AT LARGE READING REQUIREMENT ON FINAL READING

RULE 5

Sec. 8. Reading Title of Bills, Printing.

Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The ~~, and the~~ bill and all amendments thereto shall be printed and ~~read at large~~ presented before a vote is taken upon its final passage and shall be read at large unless three-fifths of all of the members elected to the Legislature vote not to read the bill and all amendments at large.

MESSAGE FROM THE GOVERNOR

January 6, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed as Policy Secretary of the Department of Health and Human Services.

APPOINTEE: Don Leuenberger, State Office Building, Lincoln, NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

ATTORNEY GENERAL'S OPINION

Opinion No. 97002

DATE: January 7, 1997

SUBJECT: Buy-Outs for State Employees

REQUESTED BY: Lawrence S. Primeau, Director
Department of Administrative Services

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

You state that you are contemplating certain proposed legislation to be introduced in the 1997 legislative session, and therefore, you have requested our opinion on a number of legal issues involving state employee buy-outs. We will respond to each of the questions you presented separately below.

1. Is there a legal right to continued employment?

The general rule in Nebraska with respect to the right of employment is the "at will" rule. That is, when the employment is not for a definite term, and there are no contractual or statutory restrictions upon the right of discharge, an employer may lawfully discharge an employee whenever and for whatever cause he chooses, without incurring any liability. ***Smith v. City of Omaha***, 220 Neb. 217, 369 N.W.2d 67 (1985); ***Mau v. Omaha National Bank***, 207 Neb. 308, 299 N.W.2d 147 (1980). As a result, government employment, in the absence of legislation, can be revoked at the will of the appointing officer, so long as the public employee is not dismissed or terminated for constitutionally impermissible reasons such as race, religion, or the assertion of rights guaranteed by law or under the Constitution. ***Nevels v. State***, 205 Neb. 642, 289 N.W.2d 511 (1980).

While the "at will" rule applies generally to state employment, a public employee cannot be deprived of a property interest in continued employment without a due process hearing and appropriate notice. ***Benton v. Board of Education of School District No. 17***, 219 Neb. 134, 361 N.W.2d 515 (1985); ***Weeks v. State Board of Education***, 204 Neb. 659, 284 N.W.2d 843 (1979). The existence of such a property interest must be determined by state law. ***Packett v. Stenberg***, 969 F.2d 721 (8th Cir. 1992). Typically, such a property interest arises from statutory or contractual limitations on the employer's ability to terminate an employee, and a court must look to the contract of employment and to state law to determine if there are any rules or understandings that secure certain benefits and support claims of entitlement to those benefits. ***Packett v. Stenberg, supra***; ***Tautfest v. City of Lincoln***, 742 F.2d 477 (8th Cir. 1984).

The statutes creating the Nebraska State Personnel Service are found generally at Neb. Rev. Stat. §§ 81-1301 through 81-1354.05 (1994, Cum. Supp. 1996). In addition, the State Personnel Division of the Department of Administrative Services has promulgated the Classified System Personnel Rules & Regulations ("Personnel Rules"), 273 NAC 1-16, and those regulations were duly adopted in accordance with the provisions of the Nebraska Administrative Procedure Act. As a result, the Personnel Rules are as binding as statutes enacted by the Legislature. ***Douglas County Welfare Administration v. Parks***, 204 Neb. 570, 284 N.W.2d 10 (1979). The Personnel Rules apply to certain classified or "code" agencies, while other agencies and departments of state government are specifically exempted from coverage under those rules. ***See*** Neb. Rev. Stat. § 81-1316 (Cum. Supp. 1996); 273 NAC 1. In addition, state employees covered by collective bargaining agreements or union contracts are not covered by the Personnel Rules to the extent that their contracts provide separately for wages, hours, and other terms and conditions of employment. 273 NAC 1.

Under the Personnel Rules, new state employees serve an initial six-month probationary period during which they may be separated from state employment at any time without grievance rights. 273 NAC 5. However, after that probationary period, the Personnel Rules establish certain specified offenses which will lead to disciplinary action against state employees, including dismissal. 273 NAC 13. Presumably, non-probationary state employees subject to the Personnel Rules may not be terminated for disciplinary reasons in the absence of such an offense.[1] In addition, the Personnel Rules establish rules for state employee lay-offs and bumping rights.[2] 273 NAC 12.

We believe that the statutes and Personnel Rules establishing the State Personnel Service create a property interest in continued state employment which cannot be abrogated for the state employees covered by those rules without a due process hearing and appropriate notice. ***See also Packett v. Stenberg***, 969 F.2d 721 (8th Cir. 1992) (stating that state employees in Nebraska are "arguably" granted a property interest in their employment by the state personnel system which sets forth procedures for selection, compensation, grievances, etc. of state employees); ***Hill v. Gerber***, 217 Neb. 670, 350 N.W.2d 545 (1984) (impliedly recognizing a property interest in public employment under the Nebraska Merit System). Also, in the event of state employee lay-offs caused by decreased funding or other reasons, state employees with bumping rights under the Personnel Rules have a property interest in the exercise of those rights. ***See also Smith v. Sorensen***, 748 F.2d 427 (8th Cir. 1984) (interpreting the nature of the bumping rights under the reduction in force guidelines established by the Nebraska Merit System).

With that analysis in mind, it seems to us that the answer to your initial question is "yes," to a limited degree. That is, state employees who are not covered by the Personnel System and Personnel Rules or who are not covered by a labor contract generally have no legal right to continued employment. On the other hand, state employees subject to the Personnel Rules or labor contracts have the rights established by those enactments and agreements and are not employees "at will." In that limited sense, therefore, those latter state employees have some legal right to continued employment.

2. Can a value be assigned to continued employment?

We are not entirely sure what you mean by "value" in your second question. However, if a person were to be improperly deprived of a legitimate contractual right to continued employment, we assume that, in the context of litigation, some theory could be developed to place a value on that contract right. Such damage theories are frequently developed by actuaries, economists, statisticians and the like in litigation. Therefore, to that extent, we believe that some "value" could be assigned to continuing employment. However, we are not certain what the precise nature of such a valuation theory would be, and it also seems to us that such a process would be speculative in many respects, given the number of imponderables in government employment.

---

[1] Employment with the state is always contingent upon sufficient funding by the Legislature. If the Legislature were to reduce funding for a particular agency subject to the Personnel Rules and thereby require reductions in force, the bumping rights available to state employees under the Personnel Rules would apply. ***See infra*** note 2.

[2] To "bump" is to fill a position with an employee of greater seniority at the expense of one with less seniority, so that the senior employee may avoid layoff. ***Smith v. Sorensen***, 748 F.2d 427 (8th Cir. 1984).

3. If continued employment is a legal right and can be assigned a quantifiable value, can the value be paid to any state employee?

At the outset, it seems to us that there are two possible issues included in this question. First, your question could involve the issue of whether the Personnel Division of the Department of Administrative Services may pay the quantifiable value of continued employment to any state employee under the existing Nebraska statutes pertaining to the Personnel Service. Alternatively, given your preamble regarding proposed legislation, your third question could also involve the issue of whether legislation might constitutionally be drafted which would allow the state to pay the value of continued employment to any state employee. We have previously indicated that, under ***Fullmer v. State***, 94 Neb. 217, 142 N.W. 908 (1913), it is our responsibility to provide opinions to state officers upon questions of law which arise "in the discharge of their duties." Op. Att'y Gen. No. 157 (December 24, 1985). In keeping with that responsibility, it has been our general practice and policy to issue opinions to members of the Legislature only with respect to pending or proposed legislation and not with respect to the requirements of existing statutes. Op. Att'y Gen. No. 157 (December 24, 1985). Conversely, since it is generally the duty of members of the Executive Branch of government to apply and enforce the existing statutes, we have made it our policy to issue opinions to Executive officers only with respect to their duties under existing statutes and not with respect to proposed legislation. Based upon those policies, we will limit our response to your third question to the first issue noted above. We prefer to address the alternative issue in the context of an opinion request from a legislator in reference to specific proposed legislation.

Generally, an administrative body has no power or authority other than that specifically conferred upon it by statute or by a construction of the statutes necessary to accomplish its purpose. ***Ventura v. State Equal Opportunity Commission***, 246 Neb. 116, 517 N.W.2d 368 (1994). We have reviewed the various statutes pertaining to the State Personnel Service, the State Personnel Division, and the Director of Personnel, and we have found no existing statutes which specifically authorize the state to pay the quantifiable value of continued employment to any state employee.[3] As a result, we do not believe that the value of continued employment can be paid to any state employee under the existing statutes. This is particularly true since those same statutes provide that other types of payment can be made for the value of employee benefits under certain circumstances. For example, under Neb. Rev. Stat. § 81-1328 (1994), state employees who retire or voluntarily separate from state employment can be paid for their accumulated vacation time. And, under Neb. Rev. Stat. § 81-1325 (1994), state employees who retire can be paid for certain portions of their accumulated sick leave. Consequently, we believe that the answer to your third question, as we have articulated it, is "no."

4. Can a value be assigned to bumping rights?

Our answer to this question is much the same as our answer to question 2 above. If a person were to be improperly deprived of a legitimate contractual right to "bump" other employees in the event of force reductions or lay-offs, we assume that, in the context of litigation, some theory could be developed to place a value on that contract right. Therefore, to that extent, we believe that some "value" could be assigned to bumping rights. Again, however, we are not certain what the precise nature of such a valuation theory would be, and the process would obviously be speculative in many respects.

5. If a value can be assigned to bumping rights, may the state, without a general reduction in force program, offer a buy-out to an employee or a certain class of employees in lieu of an employee exercising his or her bumping rights, resulting in the exit of the employee from employment in state government and the filling of the vacant position by another individual? Would that outcome be different if the position were eliminated?

For the reasons discussed in our answer to your question number 3 above, we will limit our response to your question number 5 to the issue of whether the existing statutes allow the Personnel Division of the Department of Administrative Services, without a general reduction in force program, to offer a buy-out to a state employee or a certain class of state employees in lieu of an employee exercising his or her bumping rights, thus resulting in the exit of the particular employee from employment in state government and the filling of the vacant position by another individual. Once again, we have reviewed the various statutes pertaining to the State Personnel Service, the State Personnel Division, and the Director of Personnel, and we have found no existing statutes which specifically authorize the state to offer a buy-out to the employee or employees involved in the situation you described. Therefore, our answer to your initial question number 5 is "no." Our answer would remain the same if the position or positions in question were eliminated.

---

[3] The provisions of the Nebraska State Employees Collective Bargaining Act, Neb. Rev. Stat. §§ 81-1369 through 81-1390 (1994), do give the Chief Negotiator of the Division of Employee Relations of DAS broad authority to bargain and negotiate labor contracts with the unions representing various state employees. Under § 81-1371(9), for example, that authority may even include terms and conditions of employment which may otherwise by provided by law for state employees under certain circumstances. Those statutes might conceivably allow collective bargaining for the purchase of continuing employment rights, but to properly consider that question, we would need to review the specifics of the contractual proposal at issue.

6. **If a value can be assigned to bumping rights, can the state offer a buy-out to only one class of employees in lieu of exercising their bumping rights? Would the outcome be different if the position were eliminated?**

For the reasons discussed in our answer to your question number 3 above, we will limit our response to your question number 6 to the issue of whether the existing statutes allow the Personnel Division of the Department of Administrative Services to offer a buy-out to only one class of employees in lieu of exercising their bumping rights. We have reviewed the various statutes pertaining to the State Personnel Service, the State Personnel Division, and the Director of Personnel, and we have found no existing statutes which specifically authorize the state to offer a buy-out to only one class of employees in lieu of exercising their bumping rights. Therefore, our answer to your initial question number 6 is "no." Our answer would remain the same if the position in question was eliminated.

7. **Is the right to continued employment a state liability that may be purchased by the state in consideration for the employee's current accrued benefits? (Benefits may include sick leave, annual leave, health insurance, and vested retirement benefits.) Would the outcome be different if the position were eliminated?**

For the reasons discussed in our answer to your question number 3 above, we will limit our response to your question number 7 to the issue of whether the existing statutes allow the Personnel Division of the Department of Administrative Services to purchase any limited right to continued state employment in consideration for the employee's current accrued benefits such as sick leave, annual leave, health insurance, and vested retirement benefits. We have reviewed the various statutes pertaining to the State Personnel Service, the State Personnel Division, and the Director of Personnel, and we have found no existing statutes which specifically authorize the state to purchase any limited right to continued state employment in consideration for the employee's current accrued benefits. Therefore, our answer to your initial question number 7 is "no." Our answer would remain the same if the position in question was eliminated.

8. **Is the right to continued employment a state liability that may be purchased by the state in consideration for the employee's current**

> **accrued and future benefits calculated to current dollar value? (Benefits may include sick leave, annual leave, health insurance, future social security contributions, and vested and future retirement benefits.) Would the outcome be different if the position were eliminated?**

For the reasons discussed in our answer to your question number 3 above, we will limit our response to your question number 8 to the issue of whether the existing statutes allow the Personnel Division of the Department of Administrative Services to purchase any limited right to continued state employment in consideration for the employee's current accrued and future benefits calculated to current dollar value. We have reviewed the various statutes pertaining to the State Personnel Service, the State Personnel Division, and the Director of Personnel, and we have found no existing statutes which specifically authorize the state to purchase any limited right to continued state employment in consideration for the employee's current accrued and future benefits calculated to current dollar value. Therefore, our answer to your initial question number 8 is "no." Our answer would remain the same if the position in question was eliminated.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-58-14.op

ANNOUNCEMENT

Mr. Schellpeper announced the General Affairs Committee elected Mr. Will as Vice Chairperson.

COMMITTEE ON COMMITTEES REPORT

Mrs. Crosby moved to approve the Committee on Committees Report found on page 102.

The motion to approve the report prevailed with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Robinson and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 134. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to condominiums, cooperatives, and common interest communities; to amend section 31-735, Reissue Revised Statutes of Nebraska; to adopt the Uniform Common Interest Ownership Act; to eliminate the Condominium Property Act and the Nebraska Condominium Act; to provide an operative date; to provide severability; to repeal the original section; and to outright repeal sections 76-801 to 76-820.01, 76-823 to 76-888, 76-890, and 76-891.01 to 76-894, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 135. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2020, Revised Statutes Supplement, 1996; to change provisions relating to rates and charges; and to repeal the original section.

LEGISLATIVE BILL 136. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1996; to provide for mobile branch banks; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 137. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-149, 8-166, 8-822, 45-101.02, 45-130, and 45-707, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-112, 8-157, 8-1,134, 21-1738, 21-1739, 21-1740, 21-17,112, 45-351, and 45-921, Revised Statutes Supplement, 1996; to change provisions relating to banks and banking, personal loans, credit unions, interest on loans, installment loans, the Nebraska Installment Sales Act, the Mortgage Bankers Registration and Licensing Act, and the Delayed Deposit Services Licensing Act; to provide powers for the Department of Banking and Finance; to provide for administrative fines, examination costs, and liens for unpaid amounts; to change provisions relating to fees; and to repeal the original sections.

LEGISLATIVE BILL 138. Introduced by Wickersham, 49; Engel, 17; Hillman, 48; Jones, 43; Matzke, 47; Schmitt, 41; Vrtiska, 1; Wesely, 26.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 60-337, 71-168, 71-168.02, 71-1,198, 71-1,339, 71-507 to 71-510, and 71-514.02, Reissue Revised Statutes of Nebraska, and section 13-1801, Revised Statutes Supplement, 1996; to adopt the Emergency Medical Services Act; to repeal provisions relating to emergency medical services; to repeal the Emergency Medical Technician-Paramedic Act and the First Responders Emergency Rescue Act; to redefine terms; to provide penalties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-5101 to 71-5165, 71-5501 to 71-5518, 71-5520 to 71-5521.01, 71-5523, and 71-7301 to 71-7318, Reissue Revised Statutes of

Nebraska.

LEGISLATIVE BILL 139. Introduced by Preister, 5; Abboud, 12; Beutler, 28; Chambers, 11; Hartnett, 45; Hilgert, 7; Lynch, 13; Schimek, 27.

A BILL FOR AN ACT relating to homestead exemptions; to amend section 77-3507, Reissue Revised Statutes of Nebraska; to change income levels used to determine exempt amounts; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 140. Introduced by Preister, 5; Bromm, 23; Hartnett, 45.

A BILL FOR AN ACT relating to wind energy; to amend sections 66-901, 66-902, and 66-910 to 66-914, Reissue Revised Statutes of Nebraska; to define terms; to provide for wind energy easements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 141. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-803.01, Reissue Revised Statutes of Nebraska; to change provisions relating to meetings and official actions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 142. Introduced by Elmer, 44; Schrock, 38.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-113, 8-114, 8-115, 8-121, 8-124, 8-128, 8-132, 8-169, 8-185, 8-187, 8-190, 8-193, 8-197, 8-198, 8-1,102, 8-1,103, 8-1,104, 8-1,116, 8-1,119, 8-1,120, 8-1602, and 8-1603, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-126, 8-206, 8-909, 8-910, and 21-2028, Revised Statutes Supplement, 1996; to provide for notification of a third-party guarantor on a loan as prescribed; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 143. Introduced by Robak, 22; Crosby, 29.

A BILL FOR AN ACT relating to rules of the road; to amend section 60-601, Revised Statutes Supplement, 1996; to prohibit passengers in the cargo area or on the tailgate of certain vehicles; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 144. Introduced by Robak, 22.

A BILL FOR AN ACT relating to fuel tax; to amend sections 66-482 and 66-499, Reissue Revised Statutes of Nebraska; to provide a refund for school districts; to define terms; to provide fees and penalties; to provide duties for the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 145. Introduced by Schmitt, 41; Hudkins, 21; Jones, 43.

A BILL FOR AN ACT relating to elections; to amend section 24-815, Reissue Revised Statutes of Nebraska, and section 32-814, Revised Statutes Supplement, 1996; to provide for rotation of the judicial retention question; and to repeal the original section.

LEGISLATIVE BILL 146. Introduced by Schmitt, 41; Dierks, 40.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-147 and 71-148, Reissue Revised Statutes of Nebraska; to authorize certain medical care; and to repeal the original sections.

LEGISLATIVE BILL 147. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-901, 79-902, 79-921, 79-924, 79-933.02, 79-933.03, and 79-933.05, Reissue Revised Statutes of Nebraska; to authorize the purchase of service credit for service rendered in community colleges; to change provisions relating to payment; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 148. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Lottery and Raffle Act; to amend sections 9-413 and 9-430, Reissue Revised Statutes of Nebraska, and sections 9-401, 9-404, 9-407, 9-411, and 9-415, Revised Statutes Supplement, 1996; to authorize alternative games of chance; to define and redefine terms; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 149. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to labor and employment; to provide immunity to current and former employers relating to employment information.

LEGISLATIVE BILL 150. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to capital construction; to authorize construction of a medium-minimum security adult correctional facility; and to declare an emergency.

LEGISLATIVE BILL 151. Introduced by Landis, 46; Jensen, 20; Matzke, 47.

A BILL FOR AN ACT relating to arbitration; to amend sections 25-2601, 25-2603, and 25-2618, Reissue Revised Statutes of Nebraska; to reenact provisions of the Uniform Arbitration Act which were found unconstitutional; to repeal the original sections; to outright repeal section 25-2602, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 152. Introduced by Witek, 31.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,115, Revised Statutes Supplement, 1996; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 153. Introduced by Jones, 43; Cudaback, 36; Dierks, 40; Elmer, 44; Hudkins, 21; Schellpeper, 18; Schmitt, 41; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to equine activities; to provide an exemption from civil liability and for the posting of warning signs.

LEGISLATIVE BILL 154. Introduced by Jones, 43; Dierks, 40.

A BILL FOR AN ACT relating to recreational trails; to amend section 81-815.61, Reissue Revised Statutes of Nebraska; to change fence responsibility provisions; and to repeal the original section.

LEGISLATIVE BILL 155. Introduced by Jones, 43.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-101, Revised Statutes Supplement, 1996; to redefine a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 156. Introduced by Jones, 43.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-311, Revised Statutes Supplement, 1996; to provide for issuing number plates every five years; and to repeal the original section.

LEGISLATIVE BILL 157. Introduced by Jones, 43; Bromm, 23; Hudkins, 21; Schmitt, 41; Schrock, 38.

A BILL FOR AN ACT relating to schools; to amend section 79-1089, Reissue Revised Statutes of Nebraska, and section 84-304, Revised Statutes Supplement, 1996; to change provisions relating to audits; and to repeal the original sections.

LEGISLATIVE BILL 158. Introduced by Preister, 5; Jensen, 20.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1419, 28-1421, 28-1425, 28-1429.01, and 28-1429.02, Reissue Revised Statutes of Nebraska; to define terms; to require signs; to prohibit self-service merchandising; to provide penalties; to restate intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 159. Introduced by Preister, 5; Chambers, 11; Hilgert, 7.

A BILL FOR AN ACT relating to insurance; to amend section 44-5019, Reissue Revised Statutes of Nebraska; to change provisions relating to rating systems for automobile liability policies; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 160. Introduced by Hudkins, 21; Jones, 43; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to the Nebraska Budget Act; to amend section 13-506, Revised Statutes Supplement, 1996; to change notice requirements for villages; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 32CA. Introduced by Schimek, 27.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 3:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject."

III-3 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. ~~Such~~ Each such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. No more than one act or portion of an act of the Legislature shall be the subject of each referendum petition. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 33. Introduced by Robak, 22.

WHEREAS, the 1996 Class C-1 State High School Volleyball Championship was won by Scotus Central Catholic High School; and

WHEREAS, the Shamrocks won their second consecutive Class C-1 volleyball title; and

WHEREAS, the Shamrocks defeated Grand Island Central Catholic 6-15, 15-9, and 15-6 for the title; and

WHEREAS, the Shamrocks have a fifty-six game winning streak and two consecutive years without a loss; and

WHEREAS, the Shamrocks are rated number one in the State of Nebraska All-Class ratings by the Omaha World-Herald; and

WHEREAS, the Scotus Central Catholic High School Volleyball team is rated number thirteen in the nation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to Coach John Petersen, his assistant coaches, and members of the team.
2. That a copy of this resolution be sent to Coach John Petersen at Scotus Central Catholic High School.

Laid over.

LEGISLATIVE RESOLUTION 34. Introduced by Robak, 22.

WHEREAS, the 1996 Class D-2 State High School Football Championship was won by Humphrey St. Francis High School; and

WHEREAS, the Flyers won their second consecutive Class D-2 football title; and

WHEREAS, the Flyers defeated Falls City Sacred Heart 33-26 for the title; and

WHEREAS, the Flyers had an undefeated season of 12-0 and have a two-year record of 24-1; and

WHEREAS, the Humphrey St. Francis football team was rated number one all season by the Associated Press.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to Coach Glen Koski, his assistant coaches, and members of the team.
2. That a copy of this resolution be sent to Coach Glen Koski at Humphrey St. Francis High School.

Laid over.

LEGISLATIVE RESOLUTION 35. Introduced by Witek, 31.

WHEREAS, the people of the State of Nebraska have expressed their desire to limit the terms of Senators and Representatives serving in the United States Congress by adoption of amendments to the Constitution of Nebraska; and

WHEREAS, the United States Supreme Court held in the case of U.S. Term Limits v. Thornton that the terms of members of the United States Congress may be limited only by amendment to the Constitution of the United States; and

WHEREAS, under Article V of the Constitution of the United States, amendments to the Constitution may be proposed by Congress whenever two-thirds of both Houses of Congress deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a convention for the purpose of proposing amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF

THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States and requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States to limit the terms of Representatives and the Senators serving in the United States Congress.

2. Alternatively, that the Nebraska Legislature makes application and requests that the Congress of the United States call a Convention for the purpose of proposing an amendment to the Constitution of the United States to limit the terms of Senators and Representatives serving in the United States Congress.

3. That the Nebraska Legislature also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requesting the proposal of an appropriate term limits amendment to the Constitution of the United States or requiring the Congress to call a convention for proposing such an amendment to the Constitution of the United States.

4. That the Clerk of the Legislature shall send copies of this resolution to the Nebraska Congressional Delegation, to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other States of the Union, to the Clerk of the United States House of Representatives, Washington, D.C., and to the Secretary of the United States Senate, Washington, D.C.

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 161. Introduced by Hudkins, 21; Schmitt, 41; Tyson, 19.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1414, Revised Statutes Supplement, 1996; to change provisions relating to training requirements; and to repeal the original section.

LEGISLATIVE BILL 162. Introduced by Schmitt, 41; Chambers, 11.

A BILL FOR AN ACT relating to law enforcement; to prohibit ticket quota requirements.

LEGISLATIVE BILL 163. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1018, Reissue Revised Statutes of Nebraska; to change provisions relating to other actual receipts;

and to repeal the original section.

LEGISLATIVE BILL 164. Introduced by Wehrbein, 2; Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for salaries for cooperative extension educators and assistants.

LEGISLATIVE BILL 165. Introduced by Robak, 22.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-221, 25-21,203, 48-190, 77-5019, and 84-917, Reissue Revised Statutes of Nebraska; to change trial procedure for limitation of action issues; to change provisions relating to service of summons on the state and political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 166. Introduced by Janssen, 15; Schmitt, 41; Vrtiska, 1.

A BILL FOR AN ACT relating to emergency medical services; to amend section 71-5108, Reissue Revised Statutes of Nebraska; to change provisions relating to emergency medical technician-A/D services; and to repeal the original section.

LEGISLATIVE BILL 167. Introduced by Witek, 31; Crosby, 29; Dierks, 40; Jensen, 20; Maurstad, 30; Preister, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-325 and 28-340, Reissue Revised Statutes of Nebraska, and section 28-326, Revised Statutes Supplement, 1996; to prohibit partial-birth abortions; to provide penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 168. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to sales and use tax; to eliminate an exemption for state lottery tickets; to provide an operative date; and to outright repeal section 77-2704.38, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 169. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to property tax; to provide financial assistance to any political subdivision that loses property tax revenue due to the ceding of land to other states; to create a fund; and to provide duties for the Property Tax Administrator.

LEGISLATIVE BILL 170. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to risk management pools; to amend section 44-4310, Reissue Revised Statutes of Nebraska; to authorize changes in a reporting and filing deadline; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 171. Introduced by Landis, 46; Warner, 25.

A BILL FOR AN ACT relating to discrimination; to amend sections 13-1102, 20-113, 20-139 to 20-141, 48-524, 48-1101, 48-1102, 48-1104 to 48-1107, 48-1108, 48-1111, 48-1113 to 48-1119, and 48-1122 to 48-1126, Reissue Revised Statutes of Nebraska; to combine and eliminate sections; to eliminate obsolete language; to redefine a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-1001 to 48-1010 and 48-1219 to 48-1227.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 172. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Elmer, 44; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-202, 37-202.01, 37-203, 37-204.01 to 37-205, 37-207, 37-1101 to 37-1103, 37-1105, 37-1107.01 to 37-1114, and 37-1228, Reissue Revised Statutes of Nebraska, and sections 37-202.02, 37-202.03, 37-204, 37-206, 37-213, 37-216.01, 37-216.02, 37-216.05 to 37-216.07, 37-1214, and 37-1226, Revised Statutes Supplement, 1996; to change provisions relating to the expiration of permits and stamps; to provide for electronic issuance of licenses, permits, stamps, and motorboat registration renewals; to provide fees; to change procedures on the issuance and display of licenses, permits, and stamps; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 173. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Bruning, 3; Elmer, 44; McKenzie, 34; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-202, Reissue Revised Statutes of Nebraska, and section 37-101, Revised Statutes Supplement, 1996; to change provisions relating to migratory game birds and hunting permits; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 174. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to schools; to amend sections 79-101 and 79-214, Reissue Revised Statutes of Nebraska; to change provisions relating to kindergarten entrance age; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 175. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to agriculture; to provide a cause of action for disparagement of a perishable agricultural food product or commodity.

LEGISLATIVE BILL 176. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Landis, 46; Wickersham, 49.

A BILL FOR AN ACT relating to government; to amend section 13-807, Reissue Revised Statutes of Nebraska, and sections 13-318, 13-322, 13-326, and 13-804, Revised Statutes Supplement, 1996; to authorize a uniform or common levy for fire protection; to change provisions relating to joint financing and operation of services by counties and municipalities, provisions relating to public agency powers and contractual authority, and election procedures; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 177. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Kristensen, 37; Landis, 46; Wickersham, 49.

A BILL FOR AN ACT relating to local government; to amend sections 10-127, 10-131, 10-133, 10-142, and 74-1305, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-2202, 23-2306, 23-2323.03, 23-2331, 32-101, and 32-567, Revised Statutes Supplement, 1996; to authorize creation of county-municipal service districts and unified local governments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 178. Introduced by Wickersham, 49; Coordsen, 32; Kristensen, 37; Warner, 25.

A BILL FOR AN ACT relating to local government; to provide for consolidation of counties and municipalities and creation of classified local governments.

LEGISLATIVE BILL 179. Introduced by Landis, 46; Coordsen, 32; Kristensen, 37; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to county treasurers; to amend sections 16-318, 23-1402, 33-114, 46-136, and 77-3523, Reissue Revised Statutes of Nebraska, and section 14-554, Revised Statutes Supplement, 1996; to eliminate collection fees for property tax, homestead reimbursement revenue, and certain special assessments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 180. Introduced by Coordsen, 32; Kristensen, 37; Landis, 46; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101, 77-201, and 77-202, Reissue Revised Statutes of Nebraska; to provide for property taxation of possessory interests; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 181. Introduced by Wickersham, 49; Coordsen, 32; Landis, 46; Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to authorize local governments to levy payments in lieu of taxes for certain tax-exempt property.

LEGISLATIVE BILL 182. Introduced by Landis, 46; Coordsen, 32; Kristensen, 37; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3507 to 77-3509, Reissue Revised Statutes of Nebraska; to change income eligibility amounts; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 183. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health care credentialing; to state findings and intent; to define terms; and to provide for a study.

LEGISLATIVE BILL 184. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Critical Incident Stress Debriefing Act; to amend sections 71-7101 to 71-7112, Reissue Revised Statutes of Nebraska; to rename the act; to provide for stress management for hospital personnel and state employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 185. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to city-county health departments; to amend sections 71-1628, 71-1628.01, 71-1630, 71-1631, 71-1632, 71-1634, and 71-1635, Reissue Revised Statutes of Nebraska; to provide new procedures for establishing city-county health departments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 186. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend sections 71-20,103, 71-20,105, 71-20,107, and 71-7518.04, Reissue Revised Statutes of Nebraska, and section 84-1409, Revised Statutes Supplement, 1996; to eliminate the act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-5801 to 71-5826, 71-5828 to 71-5832.01, 71-5833 to 71-5838, 71-5840, 71-5841, 71-5846, 71-5848 to 71-5849, 71-5851 to 71-5855, 71-5857, 71-5859 to 71-5859.04, 71-5865, 71-5866, and 71-5868 to 71-5870, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 187. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to interest; to amend section 45-104.01, Reissue Revised Statutes of Nebraska; to change the interest rate on delinquent taxes and special assessments owed to political subdivisions; and to repeal the original section.

LEGISLATIVE BILL 188. Introduced by Bromm, 23; Dierks, 40; Elmer, 44; Hudkins, 21; McKenzie, 34; C. Peterson, 35; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend sections 46-656.19 and 46-656.21, Revised Statutes Supplement, 1996; to change provisions relating to notice of controls; and to repeal the original sections.

LEGISLATIVE BILL 189. Introduced by Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3801, 2-3803, and 2-3808, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Host Farm and Ranch Act; to provide powers for the Department of Agriculture; to create a fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 190. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to property tax; to amend sections 77-1344 to 77-1348, Reissue Revised Statutes of Nebraska; to provide for special valuation of agricultural or horticultural land located near federally designated scenic rivers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 191. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to veterinarians; to amend section 71-1,153, Reissue Revised Statutes of Nebraska; to create a veterinarian-client privilege; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 192. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to tractor tests; to amend sections 2-2702, 2-2703, and 2-2707 to 2-2709, Reissue Revised Statutes of Nebraska, and sections 2-2701.01 and 2-2705, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to the testing and sale of current tractor models; to change a permit fee; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-2701, 2-2701.02, 2-2703.01, 2-2706, 2-2710, and 2-2711, Reissue Revised Statutes of Nebraska, and section 2-2705.01, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 193. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to livestock; to amend section 54-133.01, Reissue Revised Statutes of Nebraska; to change in-herd brand identification provisions; and to repeal the original section.

LEGISLATIVE BILL 194. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the human immunodeficiency virus; to amend section 71-531, Reissue Revised Statutes of Nebraska; to exempt home collection kits from informed consent requirements; and to repeal the original section.

LEGISLATIVE BILL 195. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to diseases; to define terms; to provide for expert review panels to review the status of infected health care workers; to provide for confidentiality and immunity; and to provide a penalty.

LEGISLATIVE BILL 196. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to garnishment; to amend section 25-1056, Revised Statutes Supplement, 1996; to authorize a fee for executing an order of garnishment; and to repeal the original section.

LEGISLATIVE BILL 197. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-501, 71-502.04, 71-503.01, and 71-504, Reissue Revised Statutes of Nebraska, and sections 81-3001, 81-3007, 81-3102, 81-3202, and 81-3302, Revised Statutes Supplement, 1996; to change provisions relating to board of health regulations, laboratory notifications, and liability for certain examination; to require confidentiality rules and regulations for certain departments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 198. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.01 and 77-2701.02, Reissue Revised Statutes of Nebraska; to change the income tax and sales and use tax rates; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 199. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hudkins, 21; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3508, 81-2,239, 81-2,240, 81-2,258, 81-2,262, 81-2,263, 81-2,267, 81-2,268, 81-2,270, 81-2,271, 81-2,272, 81-2,273, 81-2,275, 81-2,276, 81-2,281, 81-2,284, and 81-2,288, Reissue Revised Statutes of Nebraska, and section 54-1902, Revised Statutes Supplement, 1996; to change egg identification provisions; to define and redefine terms and change and eliminate certain provisions and codes adopted in the Nebraska Pure Food Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections

81-2,245, 81-2,246, 81-2,248, 81-2,249, 81-2,250, 81-2,251.01, 81-2,253, 81-2,254, 81-2,255, 81-2,256, 81-2,257, 81-2,259, 81-2,260, 81-2,261, 81-2,264, 81-2,265, 81-2,266, 81-2,269, 81-2,272.01, 81-2,277, 81-2,278, 81-2,279, and 81-2,280, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 200. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hudkins, 21; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to the Farm Mediation Act; to amend sections 2-4804, 2-4808, 2-4809, and 2-4811 to 2-4814, Reissue Revised Statutes of Nebraska, and sections 2-4802 and 2-4816, Revised Statutes Supplement, 1996; to expand the scope of mediation; to change a termination date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 201. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hudkins, 21; Vrtiska, 1.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3902 and 2-3903, Reissue Revised Statutes of Nebraska, and sections 2-3901, 2-3910, and 2-3917, Revised Statutes Supplement, 1996; to adopt by reference federal provisions into the Nebraska Pasteurized Milk Law; to change a manufacturing milk standard; to eliminate duplicative provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-3902.01 and 2-3912, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 202. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hudkins, 21; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to potato development; to amend section 2-1807, Reissue Revised Statutes of Nebraska; to change potato shipper requirements; to provide a penalty; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 203. Introduced by Abboud, 12; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to sex offenders; to amend section 29-4007, Revised Statutes Supplement, 1996; to eliminate a duty for sheriffs; and to repeal the original section.

LEGISLATIVE BILL 204. Introduced by Abboud, 12; Jones, 43; Dw. Pedersen, 39; Robak, 22.

A BILL FOR AN ACT relating to sex offenders; to amend sections 29-4009 and 29-4013, Revised Statutes Supplement, 1996; to provide for community notification of certain records; to provide duties for the Attorney General; to create an advisory council; and to repeal the original sections.

LEGISLATIVE BILL 205. Introduced by Wickersham, 49; Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1001, Reissue Revised Statutes of Nebraska, and section 84-712.05, Revised Statutes Supplement, 1996; to provide for release of certain documents as prescribed; to provide an exception; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 206. Introduced by Bohlke, 33; Withem, 14.

A BILL FOR AN ACT relating to teachers' certificates; to amend section 79-810, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original section.

LEGISLATIVE BILL 207. Introduced by Witek, 31; Crosby, 29; Dierks, 40; Hilgert, 7; Hudkins, 21; Jones, 43; Preister, 5; Stuhr, 24; Warner, 25.

A BILL FOR AN ACT relating to grandparent visitation; to amend section 43-1801, Reissue Revised Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 208. Introduced by Preister, 5.

A BILL FOR AN ACT relating to environmental audits; to define terms; to provide for mitigation or waiver of penalties; and to require a study.

LEGISLATIVE BILL 209. Introduced by Wickersham, 49; Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1018, Reissue Revised Statutes of Nebraska; to change provisions relating to other actual receipts; and to repeal the original section.

LEGISLATIVE BILL 210. Introduced by Kristensen, 37; Crosby, 29; Vrtiska, 1.

A BILL FOR AN ACT relating to driving or boating under the influence of alcohol or a controlled substance; to amend sections 37-1254.06 and 60-6,202, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-479, Revised Statutes Supplement, 1996; to provide for blood specimen certificates as prescribed; to provide for liability of the state as prescribed; to harmonize provisions; and to repeal the original sections.

ANNOUNCEMENTS

Mr. Warner announced the Revenue Committee elected Mr. Coordsen as Vice Chairperson.

Mr. Beutler announced the Natural Resources Committee elected Mr.

Bromm as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LR 21CA. No objections. So ordered.

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 78. No objections. So ordered.

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 23. No objections. So ordered.

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LR 21CA. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as cointroducer to LB 78. No objections. So ordered.

ADJOURNMENT

At 11:24 a.m., on a motion by Speaker Withem, the Legislature adjourned until 10:00 a.m., Monday, January 13, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTH DAY - JANUARY 13, 1997

LEGISLATIVE JOURNAL

FOURTH DAY – JANUARY 13, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 13, 1997

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Warren Swartz, St. Paul United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Will who was excused; and Messrs. Abboud, Beutler, Hartnett, Hilgert, Kristensen, Dw. Pedersen, Preister, Robinson, Warner, Wesely, Wickersham, Mmes. Bohlke, McKenzie, and C. Peterson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the third day was approved.

MOTION - Adopt Temporary Rules

Mr. Tyson moved that the Rules, as now in our possession, be adopted for today only, Monday, January 13, 1997.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills 1 through 69, legislative resolution 2CA, and Governor appointments.

LB	Committee
1	General File
2	General File

3	General File
4	General File
5	General File
6	Agriculture
7	Judiciary
8	Judiciary
9	Transportation
10	Transportation
11	Agriculture
12	Government, Military and Veterans Affairs
13	Education
14	Government, Military and Veterans Affairs
15	Government, Military and Veterans Affairs
16	Revenue
17	General Affairs
18	Judiciary
19	Natural Resources
20	Revenue
21	Transportation
22	Transportation
23	Judiciary
24	Revenue
25	Revenue
26	Judiciary
27	Appropriations
28	Revenue
29	Banking, Commerce and Insurance
30	Judiciary
31	Government, Military and Veterans Affairs
32	Business and Labor
33	Government, Military and Veterans Affairs
34	Government, Military and Veterans Affairs
35	Banking, Commerce and Insurance
36	Judiciary
37	Transportation
38	Business and Labor
39	Judiciary
40	Government, Military and Veterans Affairs
41	Judiciary
42	Transportation
43	Natural Resources
44	Banking, Commerce and Insurance
45	General Affairs
46	Revenue
47	Banking, Commerce and Insurance
48	Judiciary
49	Government, Military and Veterans Affairs
50	Education
51	Banking, Commerce and Insurance

52	Banking, Commerce and Insurance
53	Banking, Commerce and Insurance
54	Banking, Commerce and Insurance
55	Banking, Commerce and Insurance
56	Banking, Commerce and Insurance
57	Government, Military and Veterans Affairs
58	Judiciary
59	Government, Military and Veterans Affairs
60	Appropriations
61	Revenue
62	Revenue
63	Appropriations
64	Government, Military and Veterans Affairs
65	Health and Human Services
66	Health and Human Services
67	Urban Affairs
68	Judiciary
69	Health and Human Services

LR	**Committee**
2CA	Appropriations

Anderson, G. Roderic - Commission on Industrial Relations -- Business and Labor

Anstine, Phyllis - Crime Victims Reparation Committee -- Judiciary

Boozer, Bob - Board of Parole -- Judiciary

Burt, Sally - Child Abuse Prevention Fund Board -- Health and Human Services

Catton, Robert - Nebr. Environmental Quality Council -- Natural Resources

Caulfield, Larry - Motor Carrier Advisory Council -- Transportation

Coyne, Richard - Nebr. Liquor Control Commission -- General Affairs

Danberg, Neil B., Jr. - Nebr. Accountability & Disclosure Comm. -- Government, Military and Veterans Affairs

Davis, Dianna - Motor Carrier Advisory Council -- Transportation

Dellamano, Toby - Nebraska Ethanol Board -- Natural Resources

Erwin, Gail P. - Nebraska Arts Council -- General Affairs

Goldstein, David - Motor Carrier Advisory Council -- Transportation

Hale, David - Motor Carrier Advisory Council -- Transportation

Hinds, Don - Nebraska Arts Council -- General Affairs

Hurt, Dan - Motor Carrier Advisory Council -- Transportation

Jelkin, John - Child Abuse Prevention Fund Board -- Health and Human Services

Johnson, Darrell - Crime Victims Reparation Committee -- Judiciary

Jorgensen, Dennis D. - Nebraska Investment Council -- Banking, Commerce and Insurance

Kingsbury, John - State Highway Commission -- Transportation

Koenig-Cramer, Susan - Child Abuse Prevention Fund Board -- Health and Human Services

Lang-Morrissey, Cathy, Administrator - Property Tax Administrator -- Revenue

Leuenberger, Don, Policy Secretary - Dept. of Health and Human Services -- Health and Human Services

Leung Norton, Yvonne, Director - Governor's Policy Research & Energy Office -- Government, Military and Veterans Affairs

Lierk, Ellen - Nebr. Accountability & Disclosure Comm. -- Government, Military and Veterans Affairs

Louis, Virgie - State Personnel Board -- Government, Military and Veterans Affairs

Lovell, Jean, Chairperson - Nebraska Board of Parole -- Judiciary

Mitchell, Marilyn R. - Nebraska Arts Council -- General Affairs

Oltmans, Steven G. - Environmental Quality Council -- Natural Resources

Powell, Richard L. - Board of Educational Lands and Funds -- Education

Renner, Jeff - Nebr. State College Board of Trustees -- Education

Richardson, Harry - Nebraska Arts Council -- General Affairs

Robinson, Alcurtis - Public Employees Retirement Board -- Nebraska Retirement Systems

Sanders, Rick R. - Nebraska Power Review Board -- Natural Resources

Smith, Leonard L. - Commission for the Hearing Impaired -- Health and Human Services

Teller, Fred - Nebraska Arts Council -- General Affairs

Wagoner, Dick R. - Nebraska Dry Bean Commission -- Agriculture

Weyers, Mary C. - Nebraska Dry Bean Commission -- Agriculture

Whitmer, William M. - State Electrical Board -- General Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 10, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Abboud, Andrew F. - Lincoln; Nebraska Republican Party
Adams, John H. - Omaha; International Gamco, Inc.
Andersen, Robert C. - Lincoln; Nebraska Cooperative Council
Anderson, Robert L. - Lincoln; Anderson Management Services, Inc.; Nebraska Fertilizer & Ag-Chemical Institute, Inc.
Anderson, Shannon M. - Lincoln; Health Insurance Association of America
Anderson, Tim W. - Holdrege; The Central Nebraska Public Power & Irrigation District
Arfmann, William W. - Lincoln; Nebraska Association of Public Employees, AFSCME Local 61
Baack, Dennis G. - Lincoln; Nebraska Community College Association
Bare, Larry - Lincoln; City of Lincoln
Beattie, George - Lincoln; Nebraska Bankers Association
Beermann, Allen J. - Lincoln; Nebraska Press Association
Beezley, Nathaniel W. - Lincoln; Nebraska Section American Society of Civil Engineers
Bellum, Fred - Columbus; American Association of Retired Persons
Benson, Lorrie B. - Lincoln; Association of Nebraska Community Action Agencies
Bernbeck, Kent - Lincoln; Citizens Committee
Bleich, Walt - Lincoln; Citizen Action
Bligh, Robert - Lincoln; Nebraska Association of School Boards
Boldt, G. Randy - Omaha; Blue Cross & Blue Shield of Nebraska; HMO

Nebraska, Inc.

Bonaiuto, John A. - Lincoln; Nebraska Association of School Boards

Boucher, Richard L. - Lincoln; Nebraska County Attorneys Association

Bovee, Phyllis - Lincoln; American Association of Retired Persons

Boyle & Associates, P.C.

  Boyle, Michael - Omaha; Property Owners Association

Brandt, Henry F. - Lincoln; Bailey-Lauerman & Associates Inc.

Brown, Vincent D. - Lincoln; American Petroleum Institute

Burda, Glen J. - Lincoln; Families Without Custody

Burling, Carroll - Lincoln; Nebraska Farm Bureau Federation

Butler, Richard J. - Lincoln; Nebraska Mortgage Association

Butler, Terri Mecham - Lincoln; United Cerebral Palsy of Nebraska

Carlson, Karen A. - Lincoln; U S WEST Communications

Carpenter, Rex - Lincoln; Nebraska Rural Electric Association

Cavanaugh, James P. - Lincoln; Creighton University; Explore Information Services; Independent Insurance Agents of Nebraska; Nebraska District Judges Association; Nebraska Fraternal Order of Police

Cheloha, John A. "Jack" - Omaha; City of Omaha

Chizek, Jerry - Lincoln; Nebraska Sheriffs' Association

Clark, Douglas R. - Omaha; UtiliCorp United

Clayburn, Neal - Lincoln; Lincoln Education Association

Cline, Williams, Wright, Johnson & Oldfather

  Buntain, David R. - Lincoln; Nebraska Medical Association

  Campbell, Mary M. - Lincoln; City of Lincoln; Educational Service Units Administrators Association; Lincoln Public Schools; Nebraska Beer Wholesalers Association; Nebraska Cable Communications Association; Nebraska Health Care Association; Nebraska Medical Association; Nebraska Wholesale Liquor Distributors Association; Regions I, II, & V; State Troopers Association of Nebraska, Inc.; University of Nebraska; Waste Management, Inc., Midwest

  Pallesen Jr., Charles M. - Lincoln Nebraska Medical Association; University of Nebraska

  Peterson, Alan E. - Lincoln; Central Interstate Low-Level Radioactive Waste Commission; Media of Nebraska, Inc.

  Renner, Shawn D. - Lincoln; Media of Nebraska, Inc.

Coffman, Frederick J. - Lincoln; O'Hara & Associates, Inc.

Connolly, Christopher J. - Wayne; Northeast Nebraska Juvenile Services, Inc.

Conway, Gerald A. - South Sioux City; Great West Casualty Company

Cooksley, Mary Bell - Berwyn; American Association of Retired Persons

Counts, Barry A. - St. Paul, MN; Sprint/United Tel-Midwest

Craig, Robert B. - Lincoln; The American Legion, Dept. of Nebraska

Crosby, Guenzel, Davis, Kessner & Kuester

  Crosby, Robert B. - Lincoln; Better Nebraska Association

  Seglin, Steven G. - Lincoln; MCI Telecommunications Corporation; US Ecology

  Wade, Rick G. - Lincoln; Better Nebraska Association; Nebraska Cooperative Council

Cuca Jr., Ralph "Bud" - Lincoln; Nebraska Motor Carriers Association
Cunningham, James R. - Lincoln; Nebraska Catholic Conference
Cutshall, Bruce A. - Lincoln; Board of Trustees of Nebraska State College Systems; Bryan Memorial Hospital; Community Lottery System, Inc.; First Bank System; Kelley, Lehan & Hall, P.C.; Lincoln Medical Education Foundation; Metropolitan Utilities District; Nebraska Academy of Family Physicians; Nebraska Association of Area Agencies on Aging; Nebraska Association of Home & Community Health Agencies; Nebraska Association of Resources Districts; Nebraska Cattlemen, Inc.; Nebraska Corn Growers Association; Nebraska Dietetic Association, Inc.; Nebraska Financial Services Association; Nebraska Public Power District; Nebraska Railroad Association; Nebraska Thoroughbred Breeders' Association; Nebraska Water Coalition; Ruth & Mueller Law Firm; Southern Nebraska Rural Public Power District
DeCamp Legal Services, P.C.
  DeCamp, John - Lincoln; Nebraska Aviation Trades Association; Nebraska Chiropractic Physicians Association; Veterans of Foreign Wars
Dibbern, Chris M. - Lincoln; Municipal Energy Agency of Nebraska (MEAN); Nebraska Municipal Power Pool (NMPP Energy); Nebraska Public Gas Agency (NPGA)
DiPaolo, Anthony - Lincoln; American Association of Retired Persons
Dobler, James B. - Lincoln; Farmers Mutual Insurance Co. of Nebraska
Dobras, Victor E. - St. Paul, MN; Sprint/United Tel-Midwest
Dulaney, Michael S. - Lincoln; Johnson Controls, Inc.; Nebraska Council of Private Postsecondary Career Schools; Nebraska Council of School Administrators
Edgerton, Steve - Omaha; Nebraska Credit Union League, Inc.
Edson, Dean E. - Lincoln; Nebraska Farm Bureau Federation
Egr, James M. - David City; Nebraska State Volunteer Firefighter's Association
Ellerbee, Don - Hastings; Nebraska Funeral Directors Association; Nebraska Veterinary Medical Association
Elliott, Joseph W. - Omaha; Professional Insurance Agents of Nebraska
Enewold, Richard H. - Omaha; Lucent Technologies
Erickson, Julie S. - Lincoln; American Communications Group, Inc.
Evans, Eric A. - Lincoln; Nebraska Advocacy Services, Inc.
Ferdinand, L. Rene' - Lincoln; The ARC of Nebraska
Fischer, David B. - Omaha; Union Pacific Railroad
Flannery, John S. - Des Moines, IA; GTE
Fleming, Richard L. - Lincoln; American Association of Retired Persons
Fox, Alvin - McCool Junction; Fox Lobbying
Fraizer, T. J. - Lincoln; American Insurance Association; Mutual of Omaha Insurance Company
Frazier, Lawrence A. - Lincoln; Farmers Mutual Insurance Co. of Nebraska
Frey, John O. - Lincoln; Nebraska Vocational Association (NVA)
Gady, Richard L. - Omaha; ConAgra, Inc.
Garrison, Elaine - Lincoln; American Association of Retired Persons
Gigstad, Carolyn D. - Lincoln; American Consulting Engineers Council of

Nebraska; Nebraska Society of Professional Engineers
Gilbertson, Korby M. - Lincoln; Walter H. Radcliffe of Radcliffe & Associates
Giles, Lorraine M. - Omaha; American Association of Retired Persons
Gingery, Robert O. - Lincoln; American Association of Retired Persons
Gordon, James E. - Lincoln; DeHart & Darr Association
Graves Jr., Eugene J. - Omaha; Metro Omaha Builders Association
Grieser, Mary Taylor - Lincoln; Nebraska Society of Certified Public Accountants
Griess, James R. - Lincoln; Nebraska State Education Association
Guy, Burnell C. - Lincoln; Brain Injury Association of Nebraska Inc.
Hale, Brian R. - Lincoln; Nebraska Association of School Boards
Hale, Susan M. - Lincoln; Planned Parenthood of Omaha/Council Bluffs
Hallstrom, Robert/Brandt Horan Hallstrom Sedlacek
  Hallstrom, Robert J. - Lincoln National Federation of Independent Business; Nebraska Association of County Superintendents; Nebraska Bankers Association; Nebraska Pharmacists Association; NETWORKS, INC.
Hand, Douglas W. - Lincoln; Lincolnland Towing, Inc.
Hansen, John K. - Lincoln; Nebraska Farmers Union
Hansen, JoAnn - Lincoln; Norris Public Power District; US Ecology
Hartley, Richard - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
Hartley, Shirley - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
Hartmann, William - Lincoln; Nebraska Land Improvement Contractors Association
Harvey, William F. - Omaha; Big Red Keno Ltd.
Hedman, Gary - Grand Island; Southern Nebraska Rural Public Power District
Hogrefe, Raymond H. - Lincoln; National Association Retired Federal Employees, Nebraska; Federation
Hoke, Fred A. - Lincoln; Christian Science Committee on Publication for Nebraska
Holmquist, David - Lincoln; American Cancer Society
Holmquist, Jay - Lincoln; Nebraska Rural Electric Association
Hood, Jane Renner - Lincoln; Nebraska Humanities Council
Horne, Virgil L. - Lincoln; Lincoln Public Schools
Howell, William R. - Glencoe, MO; Pharmacia/UpJohn Company
Huff Jr., Walt - Lincoln; Associated General Contractors, Nebraska Chapter
Hughes, Donald G. - Schaumburg, IL; Alliance of American Insurers
Hullet, Kelvin L. - Lincoln; Lincoln Chamber of Commerce
Jenkins, Thomas J. - Omaha; Blue Cross & Blue Shield of Nebraska
Jennings, Warren E. - Lincoln; Insurance Federation of Nebraska
Jensen Associates, Inc.
  Jensen, Ronald L. - Lincoln; CMG Health, Inc.; Nebraska Association of Homes and Services for the Aging; Nebraska Association of Nurse Anesthetists; Nebraska Association of Private Resources; Nebraska Dental Hygienists' Association; Nebraska Optometric Association;

Nebraska Podiatric Medical Association; Philip Morris Management Corp. on behalf of Philip Morris; Incorporate
Mikkelsen, Brian T. - Lincoln Nebraska Sierra Club
Jensen, S. Michael - Blair; Great Plains Communications, Inc.
Jewell, Jan - Lincoln; DeCamp Legal Services, P.C.
Johnson, Dick - Lincoln; Associated Builders & Contractors, Inc.
Johnson, Mary A. - Lincoln; Ruth & Mueller Law Firm
Jordison, John C. - Lincoln; Nebraska Tax Research Council, Inc.
Kalafatoglu, Tugba - Omaha; UNO Student Government
Kamm, Richard D. - Columbus; Class VI Association of Schools; Nebraska School Finance Coalition
Kay, Sara A. - Lincoln; Nebraska Water Resources Association
Keetle, Roger S. - Lincoln; Nebraska Association of Hospitals & Health Systems
Kelley, Michael - Omaha; Bruce A. Cutshall; Douglas County, Nebraska; Eastern Nebraska Human Service Agency; Horsemen's Benevolent & Protective Association; Kelley, Lehan & Hall, P.C.; Metro Area Transit; Metropolitan Utilities District; Nebraska Criminal Defense Attorneys Association; Omaha Airport Authority; United Retailers Liquor Association of Nebraska; US Ecology
Kennedy, Barry L. - Lincoln; Nebraska Chamber of Commerce & Industry
Kevil, G. Bruce - Lincoln; Nebraska State Home Builders Association
Kirk, Nance - Lincoln; Nebraska Motor Carriers Association
Kissel/E&S Associates, L.L.C.
Kissel, Gordon - Lincoln; Lancaster County Board of Commissioners; Lincoln Electric System; Mid-Nebraska Individual Services; Nebraska Association of Fair Managers; Nebraska Cooperative Council; Nebraska Glass Association; Nebraska Independent Telephone Association; Nebraska Investment Finance Authority; Nebraska Telemarketers Coalition; Refractory Users Coalition
Klumpp, John W. - Lincoln; Nebraska United Veterans Council
Knapp, Patricia, A. - Lincoln; Boyd County Monitoring Committee
Kratz, Dean G. - Omaha; Nebraska Building Chapter Associated General Contractors; Nebraska League of Savings Institutions
Krivosha, Norman M. - Lincoln; American Council of Life Insurance; Ameritas Life Insurance Corporation
Krueger, Gayle E. - Lincoln; AIA, Nebraska
Krumland, Gary G. - Lincoln; League of Nebraska Municipalities
Kruse, Larry D. - Blue Springs, MO; Glaxo Wellcome Inc.
Lanz, Tom - Lincoln; Safari Club International - Nebraska Chapter
Larsen, Carlin L. - Chadron; U S WEST Communications
LeMieux, Matthew - Lincoln; American Civil Liberties Union (ACLU Nebraska)
Licht, Alice L. - Lincoln; Anderson Management Services, Inc.; Automotive Recycling Industry of Nebraska; Nebraska Autobody Association, Inc.; Nebraska Coalition For Interior Design; Nebraska Fertilizer & Ag-Chemical Institute, Inc.; Nebraska Hotel & Motel Association, Inc.; Nebraska State Pest Control Association
Lindsay, John - Lincoln; CFO Services, Inc.; O'Hara & Associates, Inc.

Lineweber, Ray L. - Lincoln; United Transportation Union

Lombardi-Erickson/American Communications Group

Lombardi, Richard A. - Lincoln Nebraska Academy of Physician Assistants; Nebraska Association of Behavioral Health Organizations; Nebraska Association of Public Employees, AFSCME Local 61; Nebraska Chapter of American Physical Therapy Association; Nebraska Counseling Association; Nebraska Craft Brewers; Nebraska EMS Coalition; Nebraska Professional Fire Fighters Association; Nebraska Psychological Association; Nebraska Society for Respiratory Care; Nebraska Speech, Language, & Hearing Association; Nebraska State Board of Engineers & Architects; Papio-Missouri Natural Resources District

Lombardi, Richard A. - Lincoln; American Communications Group, Inc.

Lutz, Mark - Lincoln; Employers Unemployment Insurance Company; Nebraska Restaurant Association

Lutz, Richard - Lincoln; Employers Unemployment Insurance Company; Nebraska Restaurant Association

Marcus, Joan K. - Omaha; The ARC of Nebraska

Marfisi, Thomas C. - Omaha; Mayor City of Omaha

Mathiasen, Jerry - Lincoln; Nebraska Association of Resources Districts

McBride, David S. - Lincoln; Nebraska Optometric Association; Nebraska State Association of Life Underwriters

McClurg, Lori - Lincoln; City of Lincoln

McCue, Paul - Lincoln; Lincoln Chamber of Commerce

McCullough, Mardy - Lincoln; Nebraska Land Title Association

McDonald, Gordon L. - Omaha; Nebraska State AFL-CIO

McGuire, Mark D. - Lincoln; Crow Butte Resources, Inc.; Nebraska State Education Association

Meek, Randy D. - Lincoln; Brotherhood of Locomotive Engineers Nebraska State Legislative Board

Mihovk, Donald J. - Lincoln; Nebraska Chamber of Commerce & Industry

Mikkelsen, Brian T. - Lincoln; Fire Sprinkler Contractors Association of Nebraska

Miller, Cy - Lincoln; Working Poor

Miller, George P. - Plattsmouth; Nebraska Press Association

Milligan, Cynthia H. - Lincoln; Norwest Bank Nebraska, N.A.

Mills, Jack D. - Lincoln; Nebraska Association of County Officials; Nebraska County Attorneys Association

Minor, Timothy H. - Long Grove, IL; CF Industries, Inc.

Monaghan, Judy J. - Omaha; Scientific Games Inc.

Moody, Randall - Lincoln; American National Bank; Nebraska Library Association; Nebraska Society of Radiologic Technologists; Nebraska State Education Association; Planned Parenthood of Lincoln; The Nature Conservancy

Moors, H. Jack - Lincoln; Anheuser-Busch Companies; Central Platte Natural Resources District; Crow Butte Resources, Inc.; First Federal Lincoln; Nebraska Association of Tobacco & Candy Distributors; Nebraska Corn Growers Association; Nebraska Water Coalition; Village of Butte; 3M/Traffic Control Materials Division

Morrissey, Kristin J. - Omaha; Voices for Children in Nebraska

Morrow, Arlillian Hall - Omaha; American Association of Retired Persons

Moylan, James H. - Omaha; Douglas County, Nebraska; Nebraska Licensed Beverage Association; R. J. Reynolds Tobacco

Mueller, William J./Ruth & Mueller Law Firm

Mueller, William J. - Lincoln; American Express Travel Related Services Company, Inc.; ASARCO Incorporated; AT&T Corp; Big Red Keno Ltd.; Chief Ethanol Fuels, Inc.; Class VI Association of Schools; First Data Corporation; Heartland Community Bankers Association; Jobs for Nebraska; Kellogg Company; Lincoln Airport Authority; Multistate Associates Incorporated on Behalf of Experian; Nebraska Academy of Ophthalmology; Nebraska AIDS Alliance; Nebraska Collectors Association, Inc.; Nebraska Dental Association; Nebraska Interactive; Nebraska Methodist Health System, Inc.; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska Press Association; Nebraska Rural Community Schools Association; Nebraska Society of Independent Accountants; Nebraska State Bar Association; Pharmaceutical Research and Manufacturers of America; Printing Industries of the Midlands, Inc.; Transystems, Inc.; Western Sugar Company

Mumgaard, D. Milo - Lincoln; Nebraska Appleseed Center for Law in the Public Interest

Neidig, Bryce P. - Lincoln; Nebraska Farm Bureau Federation

Nelson, Arlene - Grand Island; American Association of Retired Persons

Nelson, Craig L. - Lincoln; Nebraska Association of County Officials

Nielsen, Coleen J. - Lincoln; State Farm Insurance

Niemann, Nicholas K. - Omaha; Greater Omaha Chamber of Commerce

Norris, Cathy J. - Denver, CO; American Automobile Manufacturers Association

O'Hara & Associates, Inc.

O'Hara, Paul V. - Lincoln; Bishop Clarkson Memorial Hospital; Blue Cross & Blue Shield of Nebraska; Finocchiaro Wine Co., Inc.; First National Bank of Omaha; GTECH Corporation; Hall County Livestock Improvement Association; KN Energy, Inc.; Lucent Technologies; Maximus, Inc.; MCI Telecommunications Corp.; Nebraska Association of Trial Attorneys; Nebraska County Judges Association; Nebraska Humanities Council; Nebraska Soft Drink Association; Northern Natural Gas Co.; Nucor Corporation; Omaha Public Power District; Pioneer Hi-Bred International, Inc.; University of Nebraska; West Publishing

O'Hara, Paul V. - Lincoln; O'Hara & Associates, Inc.

O'Neill Jr., Thomas J. - Lincoln Association of Independent Colleges & Universities of Nebraska

Obst, Robert E. - Grand Island; U S WEST Communications

Oertwich, P. Ann - Lincoln; Nebraska Nurses Association

Orton, Lee - Lincoln; Nebraska State Irrigation Association; Nebraska Well Drillers Association

Pack, Mary M. - Lincoln; Walter H. Radcliffe of Radcliffe & Associates

Parker, David R. - Lincoln; Great West Casualty Company; Joe Morten and

Son, Inc.
Parks, James - Lincoln; DeCamp Legal Services, P.C.
Patterson Jr., Walter L. - Lincoln; Nebraska Cooperative Council
Paulger, Mary Ann - Fremont; American Association of Retired Persons
Peetz, Natalie - Omaha; Greater Omaha Chamber of Commerce
Peppie, Lana K. - Lincoln; Nebraska Optometric Association
Peters, William E. - Lincoln; Burlington Northern Santa Fe; Golden Rule Insurance Company; The Tobacco Institute
Pierson, Darwin R. - McCook; Nebraska Independent Oil & Gas Association
Piper, George - Walthill; Center for Rural Affairs
Podraza, Bill L. - Columbus; Nebraska Public Power District
Popken, Kent T. - Lincoln; U S WEST Communications
Potter, Cara E. - Lincoln; Nebraska Retail Federation
Prazan, Jerome J. - Omaha; James P. Cavanaugh
Preston, James N. - Lincoln; Nebraska Motor Carriers Association
Prettyman, Keith A. - Lincoln; Woodmen Accident and Life Company
Ptacek, Kelly Karl - Omaha; Greater Omaha Chamber of Commerce
Radcliffe and Associates
  Radcliffe, Walter H. - Lincoln; Aliant Telecommunications Inc.; Arkansas Power and Light Company; Gulf States Utilities; GTECH Corporation; Lincoln Public Schools; Louisiana Power and Light Company; Media of Nebraska, Inc.; Motion Picture Association of America, Inc.; Nebraska Automatic Merchandising Council; Nebraska Financial Services Association; Nebraska Health Care Association; Nebraska Manufactured Housing Association, Inc.; Nebraska Optometric Association; Nebraska Pyrotechnics Association; Nebraska Realtors Association; Nebraska Securities Industry Association; Nebraska Society of Certified Public Accountants; Nebraska State Cemetery Association; Nebraska Wholesale Liquor Distributors Association; Property Owners Association; State Troopers Association of Nebraska, Inc.; The Wine Institute; University of Nebraska; UST Public Affairs Inc.; Waste Management, Inc., Midwest; Wolf Creek Nuclear Operating Corporation
Rasmussen, Dennis - Lincoln; Catrala; Friends of Rural Education; Great Plains Communications, Inc.; Iowa/Nebraska Farm Equipment Association; LensCrafters; Midwest Automotive Wholesalers Association; National Rifle Association; Nebraska Independent Auto Dealers Association; Nebraska Nursery & Landscape Association; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska State Board of Agriculture; Nebraska State Historical Society; Nebraska Well Drillers Association; Norwest Bank Nebraska, N.A.; Philip Morris Management Corporation; Western Association
Remington, S. June - Lincoln; Nebraska Chapter of National Association of Social Workers; Nebraska State Association of Life Underwriters
Rempe, Jay E. - Lincoln; Nebraska Farm Bureau Federation
Rex, Gary L. - Lincoln; Aliant Telecommunications Inc.
Rex, L. Lynn - Lincoln; League of Nebraska Municipalities
Richards, Tom - Omaha; Omaha Public Power District

Roberts, John L. - Lincoln; Nebraska Association of Hospitals & Health Systems
Robertson, Rob J. - Lincoln; Nebraska Farm Bureau Federation
Ruehle, Greg - Lincoln; Nebraska Cattlemen, Inc.
Rupp, Lee - Lincoln; University of Nebraska
Ruth, Larry L./Ruth & Mueller Law Firm
  Ruth, Larry L. - Lincoln; American Express Travel Related Services Company, Inc.; ASARCO Incorporated; AT&T Corp; Big Red Keno Ltd.; Chief Ethanol Fuels, Inc.; Class VI Association of Schools; First Data Corporation; Heartland Community Bankers Association; Jobs for Nebraska; Kellogg Company; Lincoln Airport Authority; Multistate Associates Incorporated on Behalf of Experian; Nebraska Academy of Ophthalmology; Nebraska AIDS Alliance; Nebraska Collectors Association, Inc.; Nebraska Dental Association; Nebraska Interactive; Nebraska Methodist Health System, Inc.; Nebraska Petroleum Marketers & Convenience Store Association; Nebraska Press Association; Nebraska Rural Community Schools Association; Nebraska Society of Independent Accountants; Nebraska State Bar Association; Pharmaceutical Research and Manufacturers of America; Printing Industries of the Midlands, Inc.; Transystems, Inc.; Western Sugar Company
Ryan, Beth - Lincoln; Nebraska Railroad Association
Sahling, Shelley R. - Lincoln; Lincoln Electric System
Sands, David - Lincoln; National Audubon Society
Sanne, Richard D. - Lincoln; Nebraska Grain and Feed Association
Scanlan, Jeffrey L. - Plattsmouth; Cornhusker Casualty Company
Schellpeper, William L. - Lincoln; Nebraska Medical Association
Schepers, Alesia Kay - Lincoln; Nebraska Sheriffs' Association
Schimek, Herbert H. - Lincoln; Nebraska State Education Association
Schmidt, Tom - St. Paul, MN; Pfizer Inc.
Schmit-Albin, Julie - Lincoln; Nebraska Right to Life, Inc.
Schmit, Loran - Lincoln; Ethanol Research, Development Associates
Schmit, Loran/Schmit Industries Inc.
  Schmit, Loran - Bellwood; Ag Processing, Inc.
Scudder Jr., Earl H. - Lincoln; UMB Bank, n.a.
Scudder, Mark A. - Lincoln; UMB Bank, n.a.
Sedlacek, Ron/Brandt, Horan, Hallstrom & Sedlacek
  Sedlacek, Ronald J. - Lincoln; Nebraska Bankers Association; Nebraska Chamber of Commerce & Industry; Travelers Express Company, Inc.
Sellentin, Jerry L. - Lincoln; Johnson Controls, Inc.; Nebraska Council of Private Postsecondary Career Schools; Nebraska Council of School Administrators
Semerad, Mark F. - Omaha; ConAgra, Inc.
Settje, Dean - Lincoln; Nebraska Cattlemen, Inc.
Setzepfandt, Scott - Lakeville, MN; HLR Service Corporation
Shaw, Timothy F. - Lincoln; Nebraska Advocacy Services, Inc.
Shultz, Jack L. - Lincoln; Motorcycle Industry Council, Inc.; Nebraska Telephone Association
Siefken, Kathy - Lincoln; Nebraska Retail Grocers Association
Sigerson, Chuck - Omaha; Nebraska Republican Party

Skochdopole, R. A. - Omaha; Association of Independent Colleges & Universities of Nebraska

Smith, Dwayne G. - Columbus; Loup River Public Power District

Snyder, Kimberly - Lincoln; Nebraska Telephone Association

Snyder, Patricia - Lincoln; Nebraska Health Care Association

Solem, Calvin C. - Omaha; Associated General Contractors

Spickelmier, James D. - Lincoln; Nebraska Propane Gas Association

Stading, Donald R. - Lincoln; American Council of Life Insurance; Ameritas Life Insurance Corporation

Stilmock, Gerald/Brandt Horan Hallstrom Sedlacek

  Stilmock, Gerald M. - Syracuse National Federation of Independent Business; Nebraska Association of County Superintendents; Nebraska Pharmacists Association; Nebraska State Volunteer Firefighter's Association

Stock, Darrell K. - Lincoln; Hudson, Jim and Debbie

Stone, Fred R. - Lincoln; Nebraska Petroleum Marketers & Convenience Store Association

Sullivan, J. Scott - Omaha; Nebraska Credit Union League, Inc.

Swartz, Jack - Lincoln; Nebraska Chamber of Commerce & Industry

Thompson, Nancy L. - South Sioux City; Center for Rural Affairs

Thone, Charles/Erickson & Sederstrom, P.C.

  Thone, Charles - Lincoln; Anderson Management Services, Inc.; AIA, Nebraska; AMERISTAR; Board of Educational Lands and Funds; Erickson & Sederstrom, P.C.; Nebraska Municipal Power Pool (NMPP); Nebraska Society of Clinical Laboratory Science

Thormahlen, Virginia L. - Scottsbluff; American Association of Retired Persons

Todd Jr., A. Loy - Lincoln; Nebraska New Car & Truck Dealers Association

Tooker, Norman E. - Ralston; Nebraska State Grange

Ullstrom, Galen F. - Omaha; Mutual of Omaha Insurance Company

Urdahl, Michael B. - Blair; Great Plains Communications, Inc.

Vickers, Tom - Lincoln; Board of Educational Lands and Funds; Distilled Spirits Council of the U.S., Inc. (DISCUS); Nebraska Association of School Boards; Nebraska Community College Association; Nebraska Nurses Association; Nebraska Occupation Therapy Association, Inc.; Nebraska Propane Gas Association; Westside Community Schools

Vodvarka, Dan - Lincoln; Nebraska Society of Certified Public Accountants

Wagner, Connie - Lincoln; Licensed Practical Nurse Association of Nebraska; Nebraska Health Care Association

Wallace Jr., Edward B. - Earth City, MO; General Motors Corporation

Watson, Carol S. - Lincoln; Lincoln Benefit Life Company

Weaver, James T. - Omaha; Bishop Clarkson Memorial Hospital

Widholm, Paula - Lincoln; Nebraska Farm Bureau Federation

Wiitala, Steve - Omaha; Omaha Public Schools

Williams, David M. - Lincoln; American Council of Life Insurance; Ameritas Life Insurance Corporation

Wilson, Rob - Lincoln; Nebraska Public Power District

Wininger, Dwight R. - Lincoln; Nebraska Rural Telecommunications Coalition

Wurtz, Thomas A. - Omaha; Metropolitan Utilities District
Wylie, Ruth Ann - Lincoln; Lincoln Education Association
Yost, Kurt T. - Lincoln; Midwest Check Cashing Inc.; Nebraska Independent Bankers Association; The Central Nebraska Public Power & Irrigation District
Young, Harry D. - Waverly; Norris Public Power District
Young, Loyd L. - Seward; Nebraska Association of County Extension Boards

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 211. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to require reports of ownership of real estate involved in farming or ranching and farming or ranching activities; to provide powers and duties for the Secretary of State; and to provide for dissolution for failure to comply.

LEGISLATIVE BILL 212. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 79-1021 and 79-1108, Reissue Revised Statutes of Nebraska, and sections 9-812 and 9-836.01, Revised Statutes Supplement, 1996; to change the distribution of lottery proceeds; to provide a termination date for a fund and a council; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 213. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for vocational rehabilitation.

RESOLUTION

LEGISLATIVE RESOLUTION 36CA. Introduced by Withem, 14; Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 "Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided. A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members, shall choose its own officers, including a Speaker to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor. No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. ~~The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate certain contempt powers of the Legislature.
For
Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 214. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

LEGISLATIVE BILL 215. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide record confidentiality; and to repeal the original section.

LEGISLATIVE BILL 216. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to courts; to amend section 33-106.04, Reissue Revised Statutes of Nebraska; to continue a court automation fee; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 217. Introduced by Hilgert, 7; Bruning, 3; Engel, 17; Jensen, 20; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-325 and 28-340, Reissue Revised Statutes of Nebraska, and section 28-326, Revised Statutes Supplement, 1996; to change provisions relating to abortion; to define partial-birth abortion; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 218. Introduced by Maurstad, 30; Brown, 6.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-905, Reissue Revised Statutes of Nebraska; to change provisions relating to operating a motor vehicle to avoid arrest; to change penalty provisions; and to repeal the original section.

LEGISLATIVE BILL 219. Introduced by Witek, 31.

A BILL FOR AN ACT relating to the Nebraska Health Care Certificate of Need Act; to amend sections 71-20,103, 71-20,105, 71-20,107, and 71-7518.04, Reissue Revised Statutes of Nebraska, and section 84-1409, Revised Statutes Supplement, 1996; to eliminate the act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 71-5801 to 71-5826, 71-5828 to 71-5832.01, 71-5833 to 71-5838, 71-5840, 71-5841, 71-5846, 71-5848 to 71-5849, 71-5851 to 71-5855, 71-5857, 71-5859 to 71-5859.04, 71-5865, 71-5866, and 71-5868 to 71-5870, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 220. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-480 and 60-6,310, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-4,112, Revised Statutes Supplement, 1996; to provide for operator's permits for mopeds as prescribed; to provide fees and penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 221. Introduced by Schimek, 27; Crosby, 29; Robinson, 16.

A BILL FOR AN ACT relating to elections; to amend sections 32-560, 32-603, 32-604, and 32-616, Revised Statutes Supplement, 1996; to define a term; to prohibit certain candidates and officeholders from filing for or holding more than one office; to change provisions relating to filing petitions for nomination; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 222. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to health care; to amend section 71-168, Reissue Revised Statutes of Nebraska; to authorize peer review committees for health clinics and health practitioner organizations and associations; to provide privileges from the disclosure of certain information; to authorize the disclosure of information; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 223. Introduced by Robak, 22.

A BILL FOR AN ACT relating to fees; to amend sections 33-114, 77-3523, and 79-1034, Reissue Revised Statutes of Nebraska, and section 14-554, Revised Statutes Supplement, 1996; to eliminate fees for county treasurers; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 224. Introduced by Hudkins, 21; Jones, 43; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202, 77-27,187, and 77-27,196, Reissue Revised Statutes of Nebraska; to provide for a personal property tax exemption for investments in certain business property; to provide for a tax-program review; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 225. Introduced by Hilgert, 7; Lynch, 13; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to employment security; to amend section 48-624 and 48-669, Revised Statutes Supplement, 1996; to change the weekly benefit amount; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 226. Introduced by Janssen, 15; Hillman, 48.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,288, Revised Statutes Supplement, 1996; to change weight restrictions for rubber-tired cranes; and to repeal the original section.

LEGISLATIVE BILL 227. Introduced by Robak, 22.

A BILL FOR AN ACT relating to proceedings in forma pauperis; to amend sections 25-2301 to 25-2307, 25-2309, and 25-2310, Reissue Revised Statutes of Nebraska; to define terms; to provide procedures for objections to applications; to provide for a time to proceed upon payment; to restate and rearrange current law; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to outright repeal section 25-2308, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 228. Introduced by Robinson, 16; Coordsen, 32; Dierks, 40; Kristensen, 37; Schellpeper, 18; Schimek, 27; Warner, 25; Withem, 14.

A BILL FOR AN ACT relating to elections; to amend section 32-1546, Revised Statutes Supplement, 1996; to provide a penalty for destroying a petition as prescribed; and to repeal the original section.

LEGISLATIVE BILL 229. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to courts; to amend section 24-1204, Reissue Revised Statutes of Nebraska; to change provisions relating to determination of judicial vacancies; and to repeal the original section.

LEGISLATIVE BILL 230. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-202 and 17-503, Revised Statutes Supplement, 1996; to provide for validation of signatures on remonstrance petitions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 231. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311.03, 60-311.04, 60-311.08, 60-311.09, and 60-311.13, Reissue Revised Statutes of Nebraska, and section 60-301, Revised Statutes Supplement, 1996; to provide for special interest license plates; to change provisions relating to veterans license plates; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 232. Introduced by Bromm, 23; Coordsen, 32; Engel, 17; Hudkins, 21; Janssen, 15; Jones, 43; Robinson, 16; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend section 79-266, Reissue Revised Statutes of Nebraska; to change provisions relating to alternative educational programs; and to repeal the original section.

LEGISLATIVE BILL 233. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-518, Reissue Revised Statutes of Nebraska; to change provisions relating to theft; and to repeal the original section.

LEGISLATIVE BILL 234. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-320, 25-702, and 25-21,180, Reissue Revised Statutes of Nebraska; to change provisions relating to joinder; and to repeal the original sections.

LEGISLATIVE BILL 235. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Hospital-Medical Liability Act; to amend section 44-2825, Reissue Revised Statutes of Nebraska; to change the amount recoverable under the act; and to repeal the original section.

LEGISLATIVE BILL 236. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to juveniles; to amend sections 25-2908, 25-2911, 25-2913, 25-2916, and 43-274 to 43-276, Reissue Revised Statutes of Nebraska, and sections 25-2901, 25-2921, 43-286, and 43-287, Revised Statutes Supplement, 1996; to provide duties for the Office of Dispute Resolution; to provide mediator qualification requirements; to state intent; to provide for mediation as a juvenile code prosecution and disposition alternative; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 237. Introduced by Hudkins, 21; Bromm, 23; Dierks, 40; Elmer, 44; Schrock, 38.

A BILL FOR AN ACT relating to aeronautics; to amend sections 3-403 and 3-406, Reissue Revised Statutes of Nebraska; to change provisions relating to the regulation of structures; and to repeal the original sections.

LEGISLATIVE BILL 238. Introduced by Maurstad, 30; Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-321, 17-568.01, 48-1501, and 48-1502, Reissue Revised Statutes of Nebraska; to change provisions relating to public works contracts and bids; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 239. Introduced by Crosby, 29; Dierks, 40; Hudkins, 21; Jensen, 20; Jones, 43; Preister, 5; Schrock, 38; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 37-1254.01, 37-1254.02, and 60-6,196, Reissue Revised Statutes of Nebraska, and section 60-4,182, Revised Statutes Supplement, 1996; to reduce the blood-alcohol concentration limits; and to repeal the original sections.

LEGISLATIVE BILL 240. Introduced by Hilgert, 7; Bruning, 3.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-507, Reissue Revised Statutes of Nebraska; to change provisions relating to burglary; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 241. Introduced by Hilgert, 7; Tyson, 19; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-180.07, Reissue Revised Statutes of Nebraska; to change provisions relating to prosecutions for sale of liquor to a minor; and to repeal the original section.

LEGISLATIVE BILL 242. Introduced by Hilgert, 7; Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-179, Reissue Revised Statutes of Nebraska; to change the hours to sell or dispense alcoholic liquor; and to repeal the original section.

LEGISLATIVE BILL 243. Introduced by Robak, 22.

A BILL FOR AN ACT relating to mental health care; to provide rights for patients; to state intent; to define terms; and to provide for civil actions.

LEGISLATIVE BILL 244. Introduced by Hilgert, 7; Bromm, 23; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Evidence Rules; to amend section 27-803, Reissue Revised Statutes of Nebraska; to provide for a learned treatise exception to the rule against hearsay; and to repeal the original section.

LEGISLATIVE BILL 245. Introduced by Hilgert, 7; Will, 8.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-1,110, Reissue Revised Statutes of Nebraska; to provide employment duties for employers of injured employees; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 246. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to courts; to amend section 24-1101, Reissue Revised Statutes of Nebraska; to provide for selection of the Chief Judge of the Court of Appeals by the judges of the court; and to repeal the original section.

LEGISLATIVE BILL 247. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Reissue Revised Statutes of Nebraska; to state intent; to prohibit furnishing alcoholic liquor to a visibly intoxicated person; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 248. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1; Will, 8.

A BILL FOR AN ACT relating to gambling; to amend sections 9-333, 9-343, 9-345, 9-430, and 9-638, Reissue Revised Statutes of Nebraska, and sections 9-1,104, 9-226, 9-232.02, 9-241.03, 9-241.08, 9-255.07, 9-255.09, 9-262, 9-322, 9-329.03, 9-330 to 9-332, 9-342, 9-346, 9-350, 9-352, 9-418, 9-434, 9-630, 9-631.01, 9-646, 9-646.01, and 9-652, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to fingerprinting, bingo occasions, age of participation, licensure, administrative fines, license fees, records, pickle card unit orders, pickle card requirements, and probationary licenses; to change penalty provisions; to provide for biennial license renewals; to change fee provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 9-329.04, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 249. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1; Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101.01, 53-116, 53-116.02, 53-117, 53-132 to 53-134, 53-134.03, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska, and sections 53-103, 53-122, 53-129, and 53-131, Revised Statutes Supplement, 1996; to change provisions relating to issuance of liquor licenses; to provide severability; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 250. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1; Will, 8.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 51-203 to 51-205, 51-209 to 51-211, and 51-414, Reissue Revised Statutes of Nebraska, and sections 13-501, 13-503, 13-2202, 23-2306, 23-2323.03, 23-2331, 51-201, 51-202, and 84-304, Revised Statutes Supplement, 1996; to change provisions relating to public libraries; to provide for mergers; to provide powers and duties; to provide retirement provisions for employees subject to mergers; to eliminate provisions relating to regional county libraries; to harmonize provisions; to repeal the original sections; and to outright repeal sections 51-301 to 51-305, 51-307 to 51-312, 51-315, and 51-317 to 51-319, Reissue Revised Statutes of Nebraska, and sections 51-313, 51-314, and 51-316, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 251. Introduced by Janssen, 15; Bromm, 23.

A BILL FOR AN ACT relating to school districts; to amend section 79-1078, Reissue Revised Statutes of Nebraska; to change provisions relating to the Class VI school system tax levy; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 252. Introduced by Janssen, 15; Bromm, 23.

A BILL FOR AN ACT relating to law enforcement; to provide for reimbursement of training costs for law enforcement officers; and to provide an operative date.

LEGISLATIVE BILL 253. Introduced by Janssen, 15; Robinson, 16.

A BILL FOR AN ACT relating to child custody; to provide for moving the residence of a child.

LEGISLATIVE BILL 254. Introduced by Robak, 22.

A BILL FOR AN ACT relating to physically disabled persons; to amend sections 20-127, 20-128, 20-131.02, and 20-131.04, Reissue Revised Statutes of Nebraska; to provide for service dogs; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 255. Introduced by Matzke, 47; Coordsen, 32; Elmer, 44.

A BILL FOR AN ACT relating to rail carriers; to amend sections 75-410 to 75-418 and 75-427, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Highway-Rail Grade Crossing Safety and Consolidation Act; to transfer provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 256. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311, 60-335, 60-462, and 60-479, Revised Statutes Supplement, 1996; to provide for undercover license plates and undercover driver's licenses; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

LEGISLATIVE BILL 257. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to common carriers; to amend sections 15-209, 15-261, 15-730, 16-211, 16-212, 17-143, 17-144, 17-225, 17-551, 17-552, 39-1730, 74-594, 74-1311, 74-1313, 74-1316, 74-1318, 75-405, 75-410 to 75-413, 75-415, 75-417 to 75-420, and 75-426 to 75-430, Reissue Revised Statutes of Nebraska; to transfer powers and duties relating to railroads and railroad crossings to the Department of Roads; to change penalty provisions; to eliminate a committee and certain powers and duties of the Public Service Commission; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to outright repeal sections 74-1323, 74-1325 to 74-1327, 75-401 to 75-403, 75-414, and 75-416, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 258. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to managed care; to provide for enrollment in and switching between plans as prescribed; and to declare an emergency.

LEGISLATIVE BILL 259. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health and human services; to amend section 71-1,132.30, Reissue Revised Statutes of Nebraska; to adopt the Centers for Independent Living Act and the Personal Care Assistance Services Act; to change provisions relating to performance of health maintenance activities by a designated caregiver; and to repeal the original section.

LEGISLATIVE BILL 260. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to design professions; to amend sections 2-3256, 21-2205, 39-1603, 39-2306, 46-701, 71-1564, 71-2601, 71-5305, 71-5311, 71-5832.01, 72-1237.01, 76-846, 76-881, 76-894, 81-502.01, 81-513, 81-8,126, 81-8,206, 81-1201.08, 81-1609, and 81-2103, Reissue Revised Statutes of Nebraska, and sections 23-1901, 33-150, 81-1108.43, 81-1504, and 81-15,155, Revised Statutes Supplement, 1996; to adopt the Engineers and Architects Regulation Act; to eliminate provisions relating to regulation of engineers and architects; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 81-839 to 81-856, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 261. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 1996; to change provisions relating to overweight vehicles; to provide for a waiver; and to repeal the original section.

LEGISLATIVE BILL 262. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to pesticides; to amend section 2-2645, Revised Statutes Supplement, 1996; to change damage report provisions; and to repeal the original section.

LEGISLATIVE BILL 263. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-854, 81-2,147.01 to 81-2,147.03, 81-2,147.06, and 81-2,147.10, Reissue Revised Statutes of Nebraska; to change noxious weed seed provisions; to change fees and penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 264. Introduced by Warner, 25; Robinson, 16.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4103 and 77-4909, Reissue Revised Statutes of Nebraska, and section 58-503, Revised Statutes Supplement, 1996; to redefine terms related to tax incentive programs; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 265. Introduced by Brown, 6; Cudaback, 36; Jensen, 20; Lynch, 13; Maurstad, 30; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-2608, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1996; to prohibit acts relating to stolen motor vehicles and major component parts; to create a presumption; to authorize inspections; to define terms; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 266. Introduced by Brown, 6; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to DNA analysis; to provide for confidentiality and ownership of analysis results; and to provide a penalty.

LEGISLATIVE BILL 267. Introduced by Hilgert, 7; Bruning, 3.

A BILL FOR AN ACT relating to postsecondary education; to provide for a tuition waiver.

LEGISLATIVE BILL 268. Introduced by Hudkins, 21; Abboud, 12; Jones, 43; Robak, 22; Stuhr, 24; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to civil actions; to adopt the Drug Dealer Liability Act; to provide an operative date; and to provide severability.

LEGISLATIVE BILL 269. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-504.02, 14-1805, 71-1637, 71-1638, 77-203, 77-1601 to 77-1601.02, 77-1606 to 77-1610, 77-1613, 77-1613.01, 77-1616, 77-3442, 77-3443, 77-3444, 79-1078, 80-202, and 80-407, Reissue Revised Statutes of Nebraska, and sections 2-958, 3-504, 3-613, 13-322, 13-323, 13-508, 13-518, 14-1821, 18-2107, 19-3315, 22-402, 22-402.03, 22-402.04, 22-405, 22-405.01, 22-416, 22-417, 51-201, and 51-501, Revised Statutes Supplement, 1996; to change provisions relating to determining and certifying property tax levies; to change provisions relating to consolidation agreements and elections; to change the date personal property taxes are delinquent; to eliminate provisions related to additional property tax levies, county board meetings, and personal property tax collection; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 23-153, 77-205, and 77-206, Reissue Revised Statutes of Nebraska, and sections 13-320 and 13-321, Revised Statutes Supplement, 1996; and to declare an emergency.

LEGISLATIVE BILL 270. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101, 77-103, 77-112, 77-117, 77-201, 77-202, 77-202.01, 77-202.03, 77-202.08, 77-367, 77-370, 77-415, 77-417, 77-420, 77-425, 77-508.01, 77-606, 77-623, 77-684, 77-1201, 77-1202, 77-1211, 77-1214, 77-1219, 77-1229, 77-1230, 77-1233.04, 77-1233.05, 77-1240.03, 77-1242.02, 77-1250, 77-1301, 77-1301.06, 77-1301.14, 77-1303, 77-1315, 77-1316.01, 77-1317, 77-1318, 77-1318.01, 77-1342, 77-1344, 77-1345, 77-1359, 77-1360.01, 77-1361, 77-1362, 77-1374, 77-1375, 77-1376, 77-1501, 77-1502, 77-1503.01, 77-1504, 77-1507, 77-1510, 77-1514, 77-1613.02, 77-1704.01, 77-5007, and 79-1016, Reissue Revised Statutes of Nebraska, and section 60-305.15, Revised Statutes Supplement, 1996; to change provisions relating to property taxation and assessment; to define and redefine terms; to change powers and duties of the Property Tax Administrator; to rename a fund; to eliminate provisions relating to property taxation and assessment; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-368, 77-399, 77-3,100, 77-416, 77-418, 77-419, 77-428, 77-1208, 77-1215, 77-1304, 77-1311.02, 77-1316, 77-1360, 77-1364, and 77-1365, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 271. Introduced by Warner, 25; Coordsen, 32; Hartnett, 45; Kristensen, 37; Schellpeper, 18; Wickersham, 49.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 37-1103, 39-2510, 39-2519, 39-2520, 60-302.01, 60-303, 60-305.04, 60-310, 60-311.02, 60-311.14, 60-311.21, 60-315, 60-318, 60-344, 60-1807, 70-651.05, 77-201 to 77-202.06, 77-202.24, 77-202.25, 77-1201, 77-1202, 77-1342, 77-1736.08, 77-4501, and 79-1016, Reissue Revised Statutes of Nebraska, and sections 23-186, 60-106, 60-302, 60-305.11, 60-305.15, 60-320, 60-1411.03, 60-1803, and 66-4,128, Revised Statutes Supplement, 1996; to define terms; to impose fees on motor vehicles; to provide exemptions from the fees; to provide fee schedules; to eliminate provisions relating to the valuation and taxation of motor vehicles; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 60-1806, 77-202.08, 77-1238, 77-1239 to 77-1239.02, 77-1239.05, 77-1239.06, 77-1240.01, 77-1240.03, 77-1240.04, 77-1241.01, 77-1242.01, and 77-1242.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 272. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend section 28-631, Reissue Revised Statutes of Nebraska, and sections 44-6603 to 44-6606, Revised Statutes Supplement, 1996; to change provisions relating to insurance fraud; to provide powers for the Director of Insurance; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 273. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to amend sections 44-319.01, 44-5103 to 44-5105, 44-5110, 44-5112, 44-5115, 44-5117, 44-5118, 44-5120, 44-5122, 44-5127 to 44-5129, 44-5131, 44-5132, 44-5134, 44-5137, 44-5138, 44-5141, 44-5144, 44-5149, 44-5151 to 44-5153, Reissue Revised Statutes of Nebraska; to change and eliminate investment provisions for insurance companies; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-5130, 44-5136, 44-5142, 44-5146, 44-5147, and 44-5148, Reissue Revised Statutes of Nebraska, and section 44-5133, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 274. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,135.01, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Supplement, 1996; to provide for mental health therapy; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 275. Introduced by Jensen, 20; Witek, 31.

A BILL FOR AN ACT relating to the investment of state funds; to amend sections 72-1262, 77-2387, and 77-2391, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Capital Expansion Act and the Public Funds Deposit Security Act; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 276. Introduced by Landis, 46; Hartnett, 45; Preister, 5.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide an income tax credit for earned income; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 277. Introduced by Schrock, 38; Coordsen, 32; Cudaback, 36; Dierks, 40; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-3444, Reissue Revised Statutes of Nebraska; to prohibit school districts from exceeding tax levy limits; to authorize school districts to impose local income taxes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 278. Introduced by Abboud, 12; Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Robak, 22; Witek, 31.

A BILL FOR AN ACT relating to law enforcement; to adopt the DNA Detection of Sexual and Violent Offenders Act; and to provide penalties.

LEGISLATIVE BILL 279. Introduced by Wesely, 26; Matzke, 47; Schimek, 27.

A BILL FOR AN ACT relating to insurance; to amend section 44-5408, Reissue Revised Statutes of Nebraska; to adopt the Managed Care Patient Protection Act; to redefine utilization review agent; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 37. Introduced by Kristensen, 37.

WHEREAS, targeted business incentive programs have proliferated into a counterproductive economic war between the states and now form the cornerstone of state-sponsored economic development policies; and

WHEREAS, these programs fail to promote healthy and equitable statewide economic growth and, in reality, result in states engaging in economic warfare by moving businesses from one location to another both within and between states, with no significant economic benefit in the aggregate; and

WHEREAS, America's future in the global economy lies within its educational, industrial, technological, and research capabilities throughout the entire fifty states; and

WHEREAS, disarmament of wasteful programs can be achieved through a combination of new state and federal policies; and

WHEREAS, states would be better off providing a less burdensome tax climate for all businesses and a quality educational system geared to providing an adequately trained and ready work force, support for research and development, and a quality transportation system, along with other high-quality traditional government services; and

WHEREAS, efforts are currently under way in the United States Congress to identify and eliminate federally funded programs that are used by the states to escalate this economic warfare.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature strongly urges the Nebraska Congressional delegation to embrace and support efforts in the United States Congress such as H.R. 1842 and other legislative initiatives that will begin to mitigate this economic warfare.

2. That the Legislature strongly urges the governors and other

legislatures in the respective states to promulgate this message.

3. That the Clerk of the Legislature send copies of this resolution to the members of the Nebraska Congressional delegation, to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United State Senate, and to the governors and the appropriate officers of the legislatures of all the other states.

Laid over.

LEGISLATIVE RESOLUTION 38CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 3:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall execute their signatures before such person and at such location as provided by law. In all cases the petition shall be signed by not less than three ~~be so distributed as to include five~~ percent of the registered voters of each of ~~two-fifths~~ a majority of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than ~~four~~ eight months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

III-3 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state~~, distributed as required for initiative petitions,~~ and shall include signatures of not less than three percent of the registered voters of each of a majority of the counties of the state. The registered voters signing such petition shall execute their signatures before such person and at such location as provided by law. Signed petitions shall be filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Each such ~~Such~~ petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state ~~distributed as aforesaid~~ including signatures of not less than three percent of the registered voters of each of a majority of the counties of the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to prescribe requirements for signing initiative and referendum petitions, to change the distribution of the number of signatures required on initiative and referendum petitions, and to change filing requirements for initiative petitions.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 39CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 3:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject."

III-3 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Each such ~~Such~~ petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. No more than one act or portion of an act shall be the subject of each referendum petition. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to limit initiative and referendum petitions to one subject.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 40CA. Introduced by Brashear, 4.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 9 to Article IV:

IV-9 "(1) An incumbent holder of a full-time elective office as defined in this section may become a candidate for any elective office if (a) the election for the office takes place in the final year of his or her then current term or (b) the elective office is one for which no salary is paid. In all other cases, an incumbent holder of a full-time elective office may not file as a candidate or accept the nomination for another different elective office unless he or she resigns the incumbent office prior to or at the time of filing as a candidate or accepting the nomination for the other office.

(2) No filing, petition, nomination, or election shall be invalidated as a result of this section. If an incumbent files as a candidate or accepts a nomination without resigning as required by this section, the Attorney General shall file an information in quo warranto to require the forfeiture of the incumbent's office. If the Attorney General is the incumbent who fails to resign, the county attorney of Lancaster County shall file an information in quo warranto to require the forfeiture of office by the Attorney General.

(3) For purposes of this section, full-time elective office means an elective office the requisite duties of which require attention thereto for such a period that the usual and customary working day to fulfill the requisite duties of the office approximates the usual and customary working day of nonelective employees.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require full-time incumbent elective officeholders to resign from the incumbent office upon filing as a candidate or accepting the nomination for a different, salaried elective office except in the final year of the officeholder's then
current term.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 41CA. Introduced by Robinson, 16; Coordsen, 32; Dierks, 40; Kristensen, 37; Schellpeper, 18; Schimek, 27; Warner, 25; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 3:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. Each proposed measure shall contain only one subject. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative."

III-3 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. Each petition shall refer to only one act or portion of one act of the Legislature. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.

For
Against".

Referred to the Reference Committee Report.

LEGISLATIVE RESOLUTION 42CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 27:

I-27 "The English language is hereby declared to be the official language of this state. All ~~;~~ ~~and~~ ~~all~~ official proceedings, records, and publications shall be in such language. The ~~;~~ ~~and~~ ~~the~~ common school branches shall be taught in ~~said~~ the English language in public~~,~~ ~~private,~~ ~~denominational~~ ~~and~~ ~~parochial~~ schools.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate a reference to 'public, private, denominational and parochial' schools.
For
Against".

Referred to the Reference Committee.

ANNOUNCEMENTS

Mr. Robinson announced the Government, Military and Veterans Affairs Committee elected Mr. Janssen as Vice Chairperson.

Mr. Dierks announced the Agriculture Committee elected Mr. Cudaback as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Suttle asked unanimous consent to have her name added as cointroducer to LB 232. No objections. So ordered.

Messrs. Coordsen, Bromm, and Jones asked unanimous consent to have their names added as cointroducers to LB 164. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LBs 61, 62, 113, 176, 177, 178, 181, and 182. No objections. So ordered.

Mr. Schellpeper asked unanimous consent to have his name added as cointroducer to LBs 176, 177, 178, and 182. No objection. So ordered.

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LBs 177, 178, and 182. No objection. So ordered.

Mr. Schmitt asked unanimous consent to have his name added as cointroducer to LB 155. No objection. So ordered.

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 167. No objection. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 27. No objection. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 280. Introduced by Jensen, 20; Bromm, 23; Bruning, 3; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Hartnett, 45; Hilgert, 7; Hudkins, 21; Janssen, 15; Jones, 43; Kristensen, 37; Matzke, 47; Maurstad, 30; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Robak, 22; Schellpeper, 18; Schmitt, 41; Schrock, 38; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Witek, 31.

A BILL FOR AN ACT relating to marriage; to amend sections 42-101, 42-103, and 42-117, Reissue Revised Statutes of Nebraska; to prohibit same sex marriages; and to repeal the original sections.

VISITORS

Visitors to the Chamber were Senator Suttle's daughter, Amber; and two students and teacher from Spalding.

ADJOURNMENT

At 11:25 a.m., on a motion by Mrs. Kiel, the Legislature adjourned until 9:00 a.m., Tuesday, January 14, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTH DAY - JANUARY 14, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 14, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Daryl Lauber, Bethany Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Hartnett, Hilgert, Landis, Lynch, Robinson, Schrock, Warner, Wesely, Wickersham, Mmes. Bohlke, Brown, Hillman, McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

MOTION - Adopt Temporary Rules

Mrs. Kiel moved that the Rules, as now in our possession, be adopted for today only, Tuesday, January 14, 1997.

The motion prevailed.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following legislative bills and resolutions:

LB	**Committee**
70	Government, Military and Veterans Affairs
71	Government, Military and Veterans Affairs

72	Transportation
73	Judiciary
74	Transportation
75	Transportation
76	Transportation
77	Judiciary
78	Natural Resources
79	Business and Labor
80	Judiciary
81	Education
82	General Affairs
83	Health and Human Services
84	Revenue
85	Government, Military and Veterans Affairs
86	Revenue
87	Judiciary
88	Judiciary
89	Banking, Commerce and Insurance
90	Judiciary
91	Transportation
92	Health and Human Services
93	Education
94	Judiciary
95	Appropriations
96	Nebraska Retirement Systems
97	Revenue
98	General Affairs
99	General Affairs
100	Business and Labor
101	General Affairs
102	Executive Board
103	Government, Military and Veterans Affairs
104	Transportation
105	Revenue
106	General Affairs
107	Agriculture
108	Judiciary
109	Judiciary
110	Judiciary
111	Health and Human Services
112	General Affairs
113	Revenue
114	Banking, Commerce and Insurance
115	Revenue
116	Urban Affairs
117	Revenue
118	Education
119	Health and Human Services
120	General Affairs

121	Banking, Commerce and Insurance
122	Transportation
123	Revenue
124	Business and Labor
125	Business and Labor
126	Education
127	Business and Labor
128	Business and Labor
129	Business and Labor
130	Business and Labor
131	Government, Military and Veterans Affairs
132	Education
133	Transportation

LR	**Committee**
5CA	Government, Military and Veterans Affairs
6CA	Education
7CA	Government, Military and Veterans Affairs
8CA	Government, Military and Veterans Affairs
9CA	Government, Military and Veterans Affairs
12CA	Government, Military and Veterans Affairs
19CA	Judiciary
20CA	Judiciary
21CA	Government, Military and Veterans Affairs
22CA	Judiciary
24CA	Judiciary
26CA	Judiciary
27CA	Judiciary
30CA	Judiciary
31CA	Transportation

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

ANNOUNCEMENT

Mrs. Bohlke announced the Education Committee elected Mrs. McKenzie as Vice Chairperson.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 37 was referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 281. Introduced by Dw. Pedersen, 39; Bruning, 3;

Hartnett, 45; Matzke, 47; Schmitt, 41; Withem, 14.

A BILL FOR AN ACT relating to fees and costs; to amend section 33-117, Revised Statutes Supplement, 1996; to change fees for service of process; and to repeal the original section.

LEGISLATIVE BILL 282. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to employment security; to amend section 48-628, Revised Statutes Supplement, 1996; to change benefit conditions; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 43CA. Introduced by Warner, 25; Kristensen, 37; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, sections 1, 10, and 12:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, and the heads of such other executive departments as set forth ~~herein~~ in this Constitution or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and the Treasurer shall be chosen at the general election held in November, 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified. In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government, and such officers, excepting the Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office. Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided ~~herein~~ in this Constitution or by law, shall be appointed by the Governor. Officers ~~; with the consent of a majority of all members elected to the Legislature, but officers~~ so appointed may be removed by the Governor at any time with or without cause. The Legislature may provide by law for legislative confirmation of appointments made for a specific term as provided in section 12 of this article. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments."

IV-10 "The Governor shall appoint ~~with the approval of a majority of the Legislature,~~ all persons whose offices are established by ~~the~~ this Constitution, or which may be created by law for a specific term, and whose appointment or election is not otherwise provided for in this Constitution or by law. No ~~or herein provided for; and no~~ such person shall be appointed or elected by the Legislature. The Governor shall have power to remove, for cause and after a public hearing, any person whom he or she may appoint for a term except officers provided for in Article V of ~~the~~ this Constitution, and ~~he~~ the Governor may declare ~~his~~ the office vacant~~;~~ and fill the same as ~~herein~~ provided ~~as~~ in section 12 of this article. ~~other cases of vacancy.~~ The Governor shall have power to remove any other person whom he or she appoints at any time ~~and for any reason~~ with or without cause. The Legislature may provide by law for legislative confirmation of appointments made for a specific term as provided in section 12 of this article. The Governor may withdraw and rescind from consideration any appointment requiring legislative confirmation up to the point of the confirmation vote of the Legislature on the appointee."

IV-12 "If any ~~nonelective~~ state office filled by appointment for a specific term, except offices provided for in Article V of this Constitution, ~~shall be~~ is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill that office by appointment.

The Legislature shall determine by law which offices filled by appointment by the Governor for a specific term require confirmation by a majority of the Legislature. By January 1, 2002, the Legislature shall identify in law those existing offices filled by appointment by the Governor for a specific term which thereafter will require legislative confirmation. For offices filled by appointment by the Governor for a specific term created after the adoption of this provision, the Legislature shall, at the time of creation of the offices, identify which offices require legislative confirmation. ~~If the Legislature is in session, such appointment shall be subject to the approval of a majority of the members of the Legislature. If the Legislature is not in session~~ If an appointment requires legislative confirmation, the Governor shall make a temporary appointment. ~~until the next session of the Legislature, at which time a majority of the members of the Legislature shall have the right to approve or disapprove the appointment. All appointees shall hold their office until their successors shall be appointed and qualified.~~ Any person receiving a temporary appointment shall exercise the authority of the office as if confirmed. The Legislature shall have thirty consecutive legislative days, in one or more regular or special legislative sessions, to act on any appointment requiring confirmation. A majority vote of the Legislature shall be required to approve such appointment. If the Legislature fails to vote upon an appointment within such thirty-day period, the temporary appointee shall be considered confirmed. No person after being rejected by the Legislature shall be again nominated for the same office at the same session, unless at request of the Legislature, or be appointed to the same office during the recess or adjournment of the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change provisions relating to legislative confirmation of gubernatorial appointments.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 44CA. Introduced by Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article IV, section 20, and Article X, sections 1 to 8:

"Article IV, section 20, and Article X, sections 1 to 8, of the Constitution of Nebraska are repealed.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate provisions relating to the Public Service Commission and provisions relating to common carriers and public utility corporations.
For
Against".

Referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 1. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 2. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 3. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 4. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 5. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

MOTION - Adopt Permanent Rules

Mr. Will moved to adopt the permanent rules for the Ninety-Fifth Legislature, First Session.

Mr. Will, Rules Committee Chairperson, and Messrs. Bromm, Beutler, Matzke, and Withem renewed the proposed rules change, No. 1, found on pages 153 and 154, to Rule 3, Sec. 6(b) and Rule 3, Sec. 9.

Mr. Chambers offered the following amendment:
Proposal #1
In line 1, strike "deciding" and insert "which decides"; and strike "must" and insert "shall".

The Chambers amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Messrs. Withem and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
to delete the new language from Rule 3, § 9 which reads: "The committee chairperson may waive this requirement at his or her discretion"

The Chambers amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The proposed rules change, No. 1, as amended, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Will, Rules Committee Chairperson, and Messrs. Bromm, Beutler, Matzke, and Withem renewed the proposed rules change, No. 2, found on page 154, to Rule 3, Section 16(a).

The proposed rules change, No. 2, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Will, Rules Committee Chairperson, and Messrs. Bromm, Beutler, Matzke, and Withem renewed the proposed rules change, No. 5, found on pages 154 and 155, to Rule 3, Section 12 and Rule 6, Section 3.

Messrs. Schmitt, Dw. Pedersen, Janssen, Lynch, Mrs. Robak, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
Proposal #5
In next to the last line, after "introducer", insert "or any co-sponsor"

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 1 nay, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 17:

Bruning
Chambers
Crosby
Cudaback
Hartnett
Hilgert
Hudkins
Kiel
Kristensen
McKenzie
Pedersen, Dw.
Peterson, C.
Schimek
Suttle
Tyson
Witek
Withem

Voting in the negative, 23:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Dierks
Elmer
Engel
Hillman
Jensen
Jones
Landis
Matzke
Maurstad
Pederson, D.
Preister
Schellpeper
Schrock
Stuhr
Wickersham
Will

Excused and not voting, 9:

Janssen
Lynch
Robak
Robinson
Schmitt
Vrtiska
Warner
Wehrbein
Wesely

The Chambers amendment lost with 17 ayes, 23 nays, and 9 excused and not voting.

Mr. Wickersham asked unanimous consent to pass over proposed rules change No. 5. No objections. So ordered.

The Chair declared the call raised.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 283. Introduced by Withem, 14; Jensen, 20; D. Pederson, 42.

A BILL FOR AN ACT relating to personal property; to amend sections 69-204 and 69-208, Reissue Revised Statutes of Nebraska; to change provisions relating to pawnbrokers and junk dealers; and to repeal the original sections.

LEGISLATIVE BILL 284. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to trust deeds; to amend sections 76-1004 and 76-1015, Reissue Revised Statutes of Nebraska; to change provisions relating to record filings; to specify the statutes of limitations applicable to sales of property; and to repeal the original sections.

LEGISLATIVE BILL 285. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Nonprofit Corporation Act; to amend section 21-1914, Revised Statutes Supplement, 1996; to redefine a term; to exempt from the act certain corporations created to carry out a federal mandate; and to repeal the original section.

LEGISLATIVE BILL 286. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to adopt the Digital Signature Act.

LEGISLATIVE BILL 287. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to campaigns; to amend section 49-1405, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1996; to provide limits for campaign contributions and expenditures; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 288. Introduced by Witek, 31; Abboud, 12; Brashear, 4; Bromm, 23; Brown, 6; Bruning, 3; Chambers, 11; Crosby, 29; Cudaback, 36; Dierks, 40; Engel, 17; Hilgert, 7; Hillman, 48; Hudkins, 21; Jensen, 20; Jones, 43; Kiel, 9; Kristensen, 37; Matzke, 47; Dw. Pedersen, 39; Preister, 5; Schrock, 38; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to gambling; to amend section 9-812, Revised Statutes Supplement, 1996; to change the distribution of proceeds from the state lottery; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 289. Introduced by Witek, 31; Jensen, 20; Jones, 43; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to juvenile crime; to amend sections 29-2204 and 43-279, Reissue Revised Statutes of Nebraska, and sections 43-247 and 83-472, Revised Statutes Supplement, 1996; to change court jurisdiction; to eliminate certain juvenile fingerprinting provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 43-252, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 290. Introduced by Witek, 31.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-516, Reissue Revised Statutes of Nebraska; to change a penalty for unauthorized use of a propelled vehicle; and to repeal the original section.

LEGISLATIVE BILL 291. Introduced by Witek, 31.

A BILL FOR AN ACT relating to gang-related crime; to amend sections 28-105 and 28-109, Reissue Revised Statutes of Nebraska; to change certain penalties; and to repeal the original sections.

LEGISLATIVE BILL 292. Introduced by Wehrbein, 2; Beutler, 28.

A BILL FOR AN ACT relating to school district reorganization; to require a plan; and to declare an emergency.

LEGISLATIVE BILL 293. Introduced by Robak, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-904, Reissue Revised Statutes of Nebraska; to change provisions relating to resisting arrest; and to repeal the original section.

LEGISLATIVE BILL 294. Introduced by Robak, 22.

A BILL FOR AN ACT relating to agriculture; to provide the measure of damages for perennial crop destruction.

LEGISLATIVE BILL 295. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,283, Reissue Revised Statutes of Nebraska; to require flaps and splash aprons for new motor vehicles as prescribed; and to repeal the original section.

LEGISLATIVE BILL 296. Introduced by Robak, 22; Lynch, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to provide an income tax adjustment for federal governmental pensions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 297. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Elmer, 44; McKenzie, 34; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to motor fuel; to amend section 66-1225, Reissue Revised Statutes of Nebraska; to establish a standard for gasoline sold in Nebraska; to provide exceptions to the standard; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 298. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to parking permits; to amend section 18-1736, Revised Statutes Supplement, 1996; to change provisions relating to placement of permits; and to repeal the original section.

LEGISLATIVE BILL 299. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to handicapped parking infractions; to amend section 18-1741.01, Revised Statutes Supplement, 1996; to provide for agreements for enforcement of handicapped parking provisions; and to repeal the original section.

LEGISLATIVE BILL 300. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.14, Reissue Revised Statutes of Nebraska; to change provisions relating to license plates issued to handicapped or disabled persons; and to repeal the original section.

LEGISLATIVE BILL 301. Introduced by Withem, 14; Brown, 6; Hillman, 48; Janssen, 15; Dw. Pedersen, 39; C. Peterson, 35; Suttle, 10.

A BILL FOR AN ACT relating to children; to amend section 43-272, Reissue Revised Statutes of Nebraska; to adopt the Court Appointed Special Advocate Act; to change provisions relating to guardians ad litem; to provide duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 302. Introduced by Brashear, 4; Abboud, 12; Beutler, 28; Bromm, 23; Bruning, 3; Hilgert, 7; Kristensen, 37; Matzke, 47; D. Pederson, 42; Wickersham, 49; Will, 8.

A BILL FOR AN ACT relating to trademarks and trade names; to amend section 28-601, Reissue Revised Statutes of Nebraska; to adopt the Counterfeiting Prevention and Trademark Protection Act; to provide penalties; to redefine a term; to provide severability; and to repeal the original section.

LEGISLATIVE BILL 303. Introduced by Hartnett, 45; Brown, 6; Jensen, 20.

A BILL FOR AN ACT relating to the Nebraska Educational Finance Authority Act; to amend section 85-1707, Revised Statutes Supplement, 1996; to redefine a term; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 304. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,139.02 and 77-27,139.03, Reissue Revised Statutes of Nebraska; to change provisions relating to state aid to municipalities; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 305. Introduced by Warner, 25.

A BILL FOR AN ACT relating to local government; to amend sections 77-913 and 81-1113, Reissue Revised Statutes of Nebraska, and sections 13-2305 and 13-2307, Revised Statutes Supplement, 1996; to provide funding for innovation and restructuring; to provide for grant administration after fund termination; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 306. Introduced by Warner, 25.

A BILL FOR AN ACT relating to public buildings; to require state approval of certain capital construction projects proposed by political subdivisions; to define terms; to create the Government Efficiency Commission; and to provide an operative date.

LEGISLATIVE BILL 307. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health and human services; to amend sections 28-406 to 28-408, 28-428, 28-430, 28-431, 28-434, 29-2204, 43-119, 43-121, 43-124 to 43-127, 43-130 to 43-135, 43-137 to 43-146, 43-146.02, 43-146.04 to 43-146.16, 43-279, 43-2002, 43-2004 to 43-2006, 43-2009, 43-2012, 43-2401, 68-126, 68-716, 68-717, 68-1019 to 68-1019.05, 68-1020, 68-1021, 68-1023, 68-1026 to 68-1028, 68-1030 to 68-1036.03, 68-1037.03, 68-1037.04, 68-1047, 69-2409.01, 70-101, 71-121, 71-121.01, 71-141, 71-151, 71-157, 71-158, 71-161.10, 71-172.01, 71-174.01, 71-1,136.01, 71-1,142, 71-1,147.08, 71-1,147.41, 71-1,154, 71-1,234, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334, 71-390, 71-604, 71-604.05, 71-605, 71-606, 71-608.01, 71-612, 71-614, 71-616.04, 71-616.05, 71-617.02, 71-617.06 to 71-617.15, 71-626 to 71-630, 71-636, 71-639, 71-640.02, 71-641, 71-642, 71-649, 71-1405, 71-1536, 71-1901, 71-1903, 71-1906.02, 71-1907, 71-1909, 71-1910, 71-1913, 71-1913.02, 71-2003, 71-2017.07, 71-2097 to 71-20,101, 71-20,103, 71-2610.01, 71-3406, 71-3708, 71-3710, 71-5043, 71-5044, 71-5048, 71-5049, 71-5509, 71-5514, 71-5515.01, 71-6043, 71-6048, 71-6059, 71-6066, 71-7804, 71-7806, 77-2602, 77-27,160, 77-27,161, 77-27,163.01 to 77-27,169, 77-27,171 to 77-27,173, 77-27,208, 79-215, 79-1152, 79-1178, 80-605, 81-502, 81-505.01, 81-604.03, 81-683, 83-175, 83-1,119, 83-1,124, 83-473, 83-4,101 to 83-4,104, 83-905, 83-925.01, 83-925.05, 83-925.06, 83-925.10, and 83-925.11, Reissue Revised Statutes of Nebraska, and sections 9-810, 28-343, 28-401, 28-410, 28-414, 28-713, 30-2487, 32-327, 42-347, 42-358, 42-358.08, 42-723, 43-104.07, 43-106.02, 43-107, 43-245, 43-247, 43-250, 43-253, 43-254, 43-258, 43-281, 43-286, 43-512.02, 43-512.03, 43-512.05 to 43-512.07, 43-512.12 to 43-512.15, 43-512.17, 43-536, 43-701, 43-702, 43-705, 43-707, 43-708, 43-1301, 43-1314.01, 43-1408.01, 43-1704, 43-1706, 43-1718.02, 43-1720, 43-2003, 43-2508, 43-2606, 43-2608 to 43-2613, 43-2615 to 43-2617, 43-2620, 43-2622, 43-2624, 43-2625, 44-3,144, 46-656.28, 46-656.51, 48-647, 58-710, 81-15,102, 81-2229, 81-2265, 81-2267, 81-2268, 83-107.01, 83-108, 83-125, 83-126, 83-227.01, 83-305.04, 83-308, 83-324, 83-336, 83-339, 83-340, 83-472, 83-901, 83-925.02, 83-925.07, 83-925.12, 83-1068, 83-1214, 90-511, and 90-522, Revised Statutes Supplement, 1996; to eliminate the Bureau of Examining Boards, section of Hospitals and Medical Facilities, and Bureau of Vital 1 307 LB 307 1 Statistics; to change references to departments and directors which no longer exist; to transfer duties; to change provisions relating to the medicaid program and false claims; to change funding procedures; to consolidate juvenile evaluations and corrections provisions; to eliminate obsolete and duplicative provisions; to provide and change Juvenile Services Director provisions; to integrate and harmonize youth secure treatment center provisions; to change temporary custody, preadjudication, evaluation, and commitment provisions; to provide for juvenile assessment centers; to correct internal references; to harmonize provisions; to eliminate a provision transferring an advisory commission to the Department of Public Institutions; to provide operative dates; to repeal the original sections; to outright repeal sections 71-2206, 81-601.01, 83-465, 83-467 to 83-471, 83-473.01, 83-474.01, 83-487, and 83-4,100, Reissue Revised Statutes of Nebraska, and sections 43-120, 43-122, 43-287, 83-162.05, 83-925.03, 83-925.04, 83-925.08, and 83-925.09, Revised Statutes Supplement, 1996; and to declare an emergency.

LEGISLATIVE BILL 308. Introduced by Stuhr, 24; Bohlke, 33; Maurstad, 30; McKenzie, 34.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701, Reissue Revised Statutes of Nebraska; to authorize an income tax credit for vegetative filter strips; to provide requirements for vegetative filter strips; to provide powers and duties for natural resources districts, the Department of Agriculture, the Nebraska Natural Resources Commission, and the Tax Commissioner; to provide a termination date; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 309. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Bruning, 3; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16; and Crosby, 29.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 28-106, 28-431, 37-1254.06, 60-4,110, 60-6,196, 60-6,202, and 60-6,206, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-4,118, 60-4,131, and 60-6,197, Revised Statutes Supplement, 1996; to change provisions relating to penalties, operator's license suspension, revocation, or impoundment, and motor vehicle impoundment; to provide for a hearing; to eliminate provisions allowing for the reduction of a license revocation term; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,209, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 310. Introduced by Janssen, 15; Bohlke, 33.

A BILL FOR AN ACT relating to child care; to amend sections 29-2264, 71-1909 to 71-1911, 71-1912, 71-1913, 71-1914, 71-1915, 71-1916, and 71-1917, Reissue Revised Statutes of Nebraska, and sections 43-2606 and 43-2618, Revised Statutes Supplement, 1996; to provide for nonexpiring licenses; to add and change provisions relating to inspections and enforcement; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 311. Introduced by Janssen, 15; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to authorize a county income tax; to authorize a property tax credit; and to provide duties for the Department of Revenue.

LEGISLATIVE BILL 312. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2701.02, 77-27,132, and 77-27,142, Reissue Revised Statutes of Nebraska; to impose a sales and use tax for municipalities; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 313. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Elmer, 44; McKenzie, 34; Schrock, 38.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 37-306, 37-501, 37-501.01, 37-513, 37-537, 37-712 to 37-718, 37-726, 37-901, 37-902 to 37-906, 37-908 to 37-911, 81-805, 81-811, and 81-814.02, Reissue Revised Statutes of Nebraska, and sections 2-5005, 37-101, 37-102, 37-304.01, 37-505, 37-702, 37-703, 37-705 to

37-707, 37-711, and 37-711.01, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to aquaculture, game and fur farming, dog training, and controlled shooting areas; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-901.01, 37-907, and 37-912 to 37-914, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 314. Introduced by Landis, 46.

A BILL FOR AN ACT relating to state personnel; to amend sections 81-1302, 81-1307, 81-1315, 81-1318, 81-1321, 81-1322, 81-1324, and 81-1391, Reissue Revised Statutes of Nebraska; to eliminate definitions; to change provisions relating to the Director of Personnel and the State Personnel Board; to eliminate provisions relating to the merit system, rules and regulations, transferred employees, and pay plans; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-8,106, 81-8,107, 81-1308, 81-1309, 81-1310, 81-1313, 81-1327, 81-1328.01, 81-1328.02, 81-1328.03, 81-1329, 81-1330, 81-1331, 81-1332, 81-1333, and 81-1334, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 315. Introduced by Schimek, 27; Crosby, 29; Hudkins, 21.

A BILL FOR AN ACT relating to cities and villages; to provide for purchases without competitive bidding; and to define terms.

LEGISLATIVE BILL 316. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to the State Boat Act; to amend section 37-1270, Reissue Revised Statutes of Nebraska, and section 37-1291, Revised Statutes Supplement, 1996; to prohibit the operation of motorboats and personal watercraft by persons under sixteen years of age; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 317. Introduced by Schellpeper, 18; Hartnett, 45; Landis, 46; Wickersham, 49.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax Act; to amend sections 77-3001 to 77-3004 and 77-3009, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions related to fees, licenses, and occupation taxes; to change a penalty; to provide an operative date; and to repeal the original sections.

UNANIMOUS CONSENT - Member Excused

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Adopt Permanent Rules

Mr. Will, Rules Committee Chairperson, and Messrs. Bromm, Beutler, Matzke, and Withem renewed the proposed rules change, No. 6, found on page 155, to Rule 3, Sec. 19(b).

Mr. Beutler offered the following amendment:
In the new language strike "a vote" & insert after the word "to" add "when debate is initiated"

The Beutler amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The proposed rules change, No. 6, as amended, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Will, Rules Committee Chairperson, and Messrs. Bromm, Beutler, Matzke, and Withem renewed the proposed rules change, No. 3, found on page 154, to Rule 3, Sec. 5(c)(ii) and Rule 3, Sec. 5(c)(iii).

Mr. Withem offered the following amendment:
Add new language to proposed change entitled Rule 3, Section 5(c)(iii): "The Legislative Program Evaluation Committee may have jurisdiction over legislative bills that have arisen as a result of its program review.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem withdrew his amendment.

Mr. Will requested a division of the question on the proposed rules change, No. 3.

The Chair sustained the division of the question.

The first division of proposed rules change to No. 3 is to Rule 3, Sec. 5(c)(ii).

Mmes. Bohlke and C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

The first division of proposed rules change to No. 3 was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Pending.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 318. Introduced by Bromm, 23; Preister, 5.

A BILL FOR AN ACT relating to natural gas regulation; to amend sections 19-4603, 19-4603.01, and 19-4605, Reissue Revised Statutes of Nebraska, and sections 19-4602, 19-4604, and 19-4622, Revised Statutes Supplement, 1996; to define and redefine terms; to change provisions relating to regulation of rates and enforcement of the regulation; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 319. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to transcripts; to amend sections 14-813 and 19-2424, Reissue Revised Statutes of Nebraska; to change provisions relating to the costs of transcripts of certain municipal proceedings; and to repeal the original sections.

LEGISLATIVE BILL 320. Introduced by Bohlke, 33; Crosby, 29; Engel, 17; Kristensen, 37.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend sections 60-480, 60-4,123, and 60-4,125, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-4,112, and 60-4,118, Revised Statutes Supplement, 1996; to provide for provisional operator's permits; to change provisions relating to learner's permits; to provide penalties; to require a driver improvement course for minors as prescribed; to provide for waiver of examinations as prescribed; to harmonize provisions; to provide severability; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 321. Introduced by Schimek, 27; Beutler, 28; Brashear, 4.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1401 and 49-1463.01, Revised Statutes Supplement, 1996; to require reports of late expenditures as prescribed; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 322. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the option enrollment program; to amend section 79-240, Reissue Revised Statutes of Nebraska; to change provisions relating to acceptance of siblings of option students; and to repeal the original section.

LEGISLATIVE BILL 323. Introduced by Wesely, 26; Beutler, 28; Bromm, 23; Brown, 6; Crosby, 29; Cudaback, 36; Engel, 17; Hilgert, 7; Hudkins, 21; Jensen, 20; Jones, 43; McKenzie, 34; Dw. Pedersen, 39; Preister, 5; Robak, 22; Schimek, 27; Schmitt, 41; Schrock, 38; Suttle, 10;

Will, 8.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105, 28-317, 28-318, and 47-603, Reissue Revised Statutes of Nebraska; to adopt the Sexual Predator Act; to provide duties for the Department of Health and Human Services; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 324. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-320, Reissue Revised Statutes of Nebraska; to change a penalty for sexual assault in the third degree; and to repeal the original section.

LEGISLATIVE BILL 325. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to victims; to amend section 81-1850, Reissue Revised Statutes of Nebraska, and section 83-109, Revised Statutes Supplement, 1996; to provide notice of certain mental health commitment petitions and dispositions; to provide duties for the Department of Health and Human Services; and to repeal the original sections.

LEGISLATIVE BILL 326. Introduced by Schimek, 27; Janssen, 15; Preister, 5; Stuhr, 24; Suttle, 10.

A BILL FOR AN ACT relating to insurance; to require coverage for diabetes-related equipment, supplies, medications, and education; and to provide an operative date.

ANNOUNCEMENTS

Mr. Kristensen announced the Transportation Committee elected Mr. Elmer as Vice Chairperson.

Mr. Hartnett announced the Urban Affairs Committee elected Ms. Schimek as Vice Chairperson.

Mr. Schrock announced the Intergovernmental Cooperation Committee elected Mr. Tyson as Vice Chairperson.

Mr. Brashear announced the Judiciary Committee elected Mr. Dw. Pedersen as Vice Chairperson.

NOTICE OF COMMITTEE HEARINGS
Education

LB 13	Tuesday, January 21, 1997	1:30 p.m.
LB 50	Tuesday, January 21, 1997	1.30 p.m.
LB 118	Tuesday, January 21, 1997	1.30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

Urban Affairs

LB 67	Tuesday, January 21, 1997	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Banking, Commerce and Insurance

LB 29	Tuesday, January 21, 1997	1.30 p.m.
LB 35	Tuesday, January 21, 1997	1.30 p.m.
LB 44	Tuesday, January 21, 1997	1:30 p.m.
LB 47	Tuesday, January 21, 1997	1.30 p.m.
LB 55	Tuesday, January 21, 1997	1.30 p.m.

(Signed) David M. Landis, Chairperson

Transportation

LB 9	Tuesday, January 21, 1997	1:30 p.m.
LB 10	Tuesday, January 21, 1997	1:30 p.m.
LB 21	Tuesday, January 21, 1997	1.30 p.m.
LB 22	Tuesday, January 21, 1997	1:30 p.m.
LB 72	Tuesday, January 21, 1997	1.30 p.m.
LB 74	Tuesday, January 21, 1997	1.30 p.m.
LB 122	Tuesday, January 21, 1997	1.30 p.m.

(Signed) Douglas A. Kristensen, Chairperson

Agriculture

LB 6	Tuesday, January 21, 1997	1:30 p.m.
LB 107	Tuesday, January 21, 1997	1.30 p.m.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LR 5CA and LB 48. No objections. So ordered.

Mr. Tyson asked unanimous consent to have his name added as cointroducer to LB 281. No objections. So ordered.

Mmes. Brown, Stuhr, Crosby, Hudkins, Messrs. Engel, Jones, Dierks, Lynch, and Chambers asked unanimous consent to have their names added as cointroducers to LB 27. No objections. So ordered.

Mrs. Hillman asked unanimous consent to have her name added as cointroducer to LB 164. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 267. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 310. No objections. So ordered.

Mmes. Stuhr, Brown, Hudkins, Witek, Messrs. Jensen, Engel, Bromm, Vrtiska, Jones, and Coordsen asked unanimous consent to have their names added as cointroducers to LB 24. No objections. So ordered.

RECESS

At 11:58 a.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mr. Dw. Pedersen who was excused; and Mmes. Bohlke, Crosby, Hudkins, Messrs. Coordsen, Cudaback, Hilgert, Jensen, Jones, Kristensen, Lynch, Robinson, Schmitt, Schrock, Vrtiska, and Warner who were excused until they arrive.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 327. Introduced by Hilgert, 7; McKenzie, 34; C. Peterson, 35; Preister, 5; Will, 8; at the request of the Governor.

A BILL FOR AN ACT relating to economic development; to adopt the Microenterprise Development Act.

LEGISLATIVE BILL 328. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,122, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-479, 60-488, 60-4,114, and 60-4,149.01, Revised Statutes Supplement, 1996; to change provisions relating to renewal of operator's licenses; and to repeal the original sections.

LEGISLATIVE BILL 329. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska; to state findings; to authorize loans as provided; to harmonize provisions; to repeal the original section; and to declare an emergency.

UNANIMOUS CONSENT - Member Excused

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Adopt Permanent Rules

Mr. Will withdrew the second division of proposed rules change to No. 3 to Rule 3, Sec. 5(c)(iii).

MR. HARTNETT PRESIDING

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will, Rules Committee Chairperson, and Messrs. Bromm, Beutler, Matzke, and Withem renewed the proposed rules change, No. 4, found on page 154, to Rule 7, Sec. 5.

Mr. Will offered the following amendment:
In the last line, after "vote", insert "would",

The Will amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 6 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on the proposed rules change, No. 4, as amended.

Voting in the affirmative, 32:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Dierks
Elmer
Engel
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Robinson
Schimek
Stuhr
Warner
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 6:

Chambers
Hilgert
Preister
Suttle
Tyson
Witek

Present and not voting, 2:

Hartnett
Schrock

Excused and not voting, 9:

Abboud
Coordsen
Cudaback
Jensen
Pedersen, Dw.
Robak
Schellpeper
Schmitt
Vrtiska

The proposed rules change, No. 4, as amended, was adopted with 32 ayes, 6 nays, 2 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Wehrbein and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will, Rules Committee Chairperson, and Messrs. Bromm, Beutler, Matzke, and Withem renewed the proposed rules change, No. 5, found on pages 154 and 155, to Rule 3, Section 12 and Rule 6, Section 3.

Mr. Maurstad offered the following amendment:
(1) striking the proposed new language in Rule 3, Section 12, and Rule 6, Section 3;

(2) by amending Rule 6, Sec. 3 by adding a new subsection (c) as follows, and renumbering the remaining subsections:
(c) For bills scheduled for General File debate on consent calendar, committee amendments which are adopted by the committee shall be deemed adopted by the Legislature unless the principle introducer of the bill or resolution objects prior to General File consideration.

(3) by amending Rule 5, Sec. 5(g) as follows:
Insert in line 12 after "calendar." "Committee amendments to bills placed on consent calendar which are adopted by the committee shall be deemed adopted by the Legislature unless the primary introducer of the bill or resolution objects prior to General File consideration."

Mrs. C. Peterson and Mr. Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will requested a record vote on the Maurstad amendment.

Voting in the affirmative, 8:

Brown
Dierks
Engel
Maurstad
Pederson, D.
Suttle
Wickersham
Will

Voting in the negative, 16:

Bohlke
Bruning
Chambers
Crosby
Hartnett
Hilgert
Hudkins
Janssen
Kristensen
Landis
Matzke
Preister
Robinson
Schimek
Stuhr
Witek

Present and not voting, 12:

Beutler
Brashear
Bromm
Elmer
Hillman
Kiel
McKenzie
Schrock
Tyson
Warner
Wesely
Withem

Excused and not voting, 13:

Abboud
Coordsen
Cudaback
Jensen
Jones
Lynch
Pedersen, Dw.
Peterson, C.
Robak
Schellpeper
Schmitt
Vrtiska
Wehrbein

The Maurstad amendment lost with 8 ayes, 16 nays, 12 present and not voting, and 13 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 330. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Public Employees Retirement Board; to amend section 84-1504, Revised Statutes Supplement, 1996; to change provisions relating to deferred compensation; to provide duties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 331. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 23-3406, 24-1106, 25-1140.09, 27-609, 27-803, 28-104, 28-105, 28-201, 28-202, 28-303, 29-742, 29-744, 29-1822, 29-2005, 29-2006, 29-2020, 29-2282, 29-2407, 29-2801, 29-3205, 29-3920, 29-3928, 29-3929, 29-3930, and 55-480, Reissue Revised Statutes of Nebraska; to change a penalty from death to maximum of life imprisonment without possibility of parole; to provide for restitution and standards for sentencing; to harmonize provisions; to eliminate capital punishment provisions; to repeal the original sections; and to outright repeal sections 24-1105, 28-105.01, 29-2519 to 29-2525, 29-2527, 29-2528, 29-2532 to 29-2546, 29-2811, and 83-1,132, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 332. Introduced by Wickersham, 49; Dierks, 40; Jones, 43.

A BILL FOR AN ACT relating to snowmobiles; to amend section 60-6,342, Reissue Revised Statutes of Nebraska; to exempt persons hunting coyotes from certain snowmobile safety provisions; and to repeal the original section.

LEGISLATIVE BILL 333. Introduced by Brown, 6; Robinson, 16.

A BILL FOR AN ACT relating to schools; to amend sections 77-3442, 79-1081, 79-10,110, 79-10,120, 79-10,124, and 79-10,126, Reissue Revised Statutes of Nebraska; to change provisions relating to tax levies for environmental hazards, accessibility barriers, and building funds; to change an exception to levy limitations; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 334. Introduced by Matzke, 47; Elmer, 44; Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska Oil and Gas Conservation Commission; to amend section 57-905, Reissue Revised Statutes of Nebraska; to authorize contracts for appraisals of oil and gas interests; and to repeal the original section.

LEGISLATIVE BILL 335. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1104, 8-1108, 8-1114, 8-1123, and 59-1715, Reissue Revised Statutes of Nebraska, and sections 8-1101, 8-1103, 8-1108.01, 8-1110, 8-1111, and 45-101.04, Revised Statutes Supplement, 1996; to define and redefine terms; to change provisions relating to the registration of sellers of securities, exemptions for registration of securities, registration of securities, and securities transactions exempt from registration; to provide powers for the Director of Banking and Finance; to provide for federal covered advisers and federal covered securities; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 336. Introduced by Landis, 46.

A BILL FOR AN ACT relating to uninsured and underinsured motorist insurance; to amend section 44-6412, Revised Statutes Supplement, 1996; to change provisions relating to settlements; and to repeal the original section.

LEGISLATIVE BILL 337. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the State Employees Retirement Act; to amend sections 84-1308, 84-1311, and 84-1331, Revised Statutes Supplement, 1996; to change provisions relating to investments and contributions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 338. Introduced by Crosby, 29; Schmitt, 41.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 1996; to restrict the use of a cellular telephone while operating a motor vehicle; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 339. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to elections; to amend sections 32-560, 32-603, 32-604, 32-616, 32-1547, and 49-14,103.01, Revised Statutes Supplement, 1996; to prohibit multiple office holding and filing for more than one office; to change provisions relating to filing petitions for nomination; to eliminate provisions relating to multiple office holding; to harmonize provisions; to repeal the original sections; and to outright repeal section 70-624.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 340. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to mentally ill persons; to amend section 68-1006.01, Reissue Revised Statutes of Nebraska; to change provisions relating to a personal needs allowance; and to repeal the original section.

LEGISLATIVE BILL 341. Introduced by Crosby, 29; Lynch, 13; Dw. Pedersen, 39; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to blind persons; to amend section 72-1237.01, Reissue Revised Statutes of Nebraska, and sections 83-210.01 to 83-210.03, and 83-211 to 83-211.02, Revised Statutes Supplement, 1996; to adopt the Commission for the Blind and Visually Impaired Act; to eliminate provisions relating to the Department of Health and Human Services; to harmonize a provision; to provide an operative date; to repeal the original sections; to outright repeal sections 83-210.04 to 83-210.07 and 83-212, Revised Statutes Supplement, 1996; and to declare an emergency.

LEGISLATIVE BILL 342. Introduced by Warner, 25; Bohlke, 33.

A BILL FOR AN ACT relating to school finance; to amend sections 77-112, 77-508.01, 77-1365, and 79-1016, Reissue Revised Statutes of Nebraska; to provide for the correction of clerical errors; to change terminology; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 343. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3444, Reissue Revised Statutes of Nebraska; to permit election officials to establish a uniform date for a special election regarding levy authority; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 344. Introduced by Withem, 14; Brashear, 4; Brown, 6; Warner, 25.

A BILL FOR AN ACT relating to the Nebraska Redevelopment Act; to amend section 58-504, Revised Statutes Supplement, 1996; to change provisions relating to designated blighted and substandard areas; to provide an operative date; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 45CA. Introduced by Revenue Committee: Warner, 25, Chairperson; Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Schellpeper, 18; Wickersham, 49; Will, 8.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1:

VIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles. The ~~;~~ ~~PROVIDED,~~ ~~that~~ ~~such~~ tax proceeds from motor vehicles taxed in each county shall be allocated to the ~~counties,~~ county and the townships, cities, villages, and school districts~~,~~ ~~and other governmental subdivisions~~ of such county; ~~in the same proportion that the levy of each bears to the total levy of the county on taxable property;~~ (4)

the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.".

Sec. 2. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1, and Article XV, section 18:

VIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for differences in tax rates within and outside municipalities and on different classes of property so long as any such differences and classifications are reasonable and are required by either or both (a) an agreement between local governments for the support of a joint exercise of powers, duties, or conduct of an office or offices or (b) an agreement governing a merger or consolidation of local governments; (4) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the counties, townships, cities, villages, school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on taxable property; ~~(4)~~ (5) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; ~~(5)~~ (6) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; ~~(6)~~ (7) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; ~~(7)~~ (8) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and ~~(8)~~ (9) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. ~~Each~~ Except as provided in subdivision (3) of this section, each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature."

XV-18 "(1) The state or any local government may exercise any of its powers or perform any of its functions, including financing the same, jointly or in cooperation with any other governmental entity or entities, either within or without the state, except as the Legislature shall provide otherwise by law.

(2) The Legislature may provide for the merger or consolidation of counties or other local governments. No merger or consolidation of municipalities or counties shall occur without the approval of a majority of the people voting in each municipality or county to be merged or consolidated as provided by law. Any merger or consolidation of local governments may be initiated by petition as provided by law. Annexation shall not be considered a merger or consolidation for purposes of this section.

(3) In providing for the financing of (a) the joint exercise of powers, duties, or conduct of an office or offices or (b) an agreement governing a merger or consolidation of local governments, the Legislature may provide for differences in tax rates as authorized in Article VIII, section 1, of this Constitution.".

Sec. 3. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 2:

VIII-2 "Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 1 or 4, of this Constitution or any other provision of this Constitution to the contrary: (1) The property of the state and its governmental subdivisions shall constitute a separate class of property and shall be exempt from taxation to the extent such property is used by the state or governmental subdivision for public purposes authorized to the state or governmental subdivision by this Constitution or the Legislature. To the extent such property is not used for public purposes, the Legislature may classify such property, exempt such classes, and impose or authorize some or all of such property to be subject to property taxes or payments in lieu of property taxes; (2) the Legislature by general law may classify and exempt from taxation property owned by and used exclusively for agricultural and horticultural societies and property owned and used exclusively for educational, religious, charitable, or cemetery purposes, when such property is not owned or used for financial gain or profit to either the owner or user; (3) household goods and personal effects, as defined by law, may be exempted from taxation in whole or in part, as may be provided by general law, and the Legislature may prescribe a formula for the determination of value of household goods and personal effects; (4) the Legislature by general law may provide that the increased value of land by reason of shade or ornamental trees planted along the highway shall not be taken into account in the assessment of such land; (5) the Legislature, by general law and upon any terms, conditions, and restrictions it prescribes, may provide that the increased value of real property resulting from improvements designed primarily for energy conservation may be exempt from taxation; (6) the value of a home substantially contributed by the United States Department of Veterans Affairs for a paraplegic veteran or multiple amputee shall be exempt from taxation during the life of such veteran or until the death or remarriage of his or her surviving spouse; (7) the Legislature may exempt from an intangible property tax life insurance and life insurance annuity contracts and any payment connected therewith and any right to pension or retirement payments; (8) the Legislature may exempt inventory from taxation; (9) the Legislature may define and classify personal property in such manner as it sees fit, whether by type, use, user, or owner, and may exempt any such class or classes of property from taxation if such exemption is reasonable or may exempt all personal property from taxation; (10) no property shall be exempt from taxation except as permitted by or as provided in this Constitution; and (11) the Legislature may by general law provide that a portion of the value of any residence actually occupied as a homestead by any classification of owners as determined by the Legislature shall be exempt from taxation.".

Sec. 4. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 18, Article VIII, sections 1, 4, and 6, Article IX, section 4, Article XI, section 1, and Article XVII, section 4, and repeal Article IX, section 5:

III-18 "The Legislature shall not pass local or special laws in any of the following cases, that is to say:

For granting divorces.

Changing the names of persons or places.

Laying out, opening altering and working roads or highways.

Vacating roads, ~~Town~~ plats, streets, alleys, and public grounds.

Locating or changing County seats.

Regulating County ~~and Township~~ offices.

Regulating the practice of Courts of Justice.

Regulating the jurisdiction and duties of Justices of the Peace, Police Magistrates, and Constables.

Providing for changes of venue in civil and criminal cases.

Incorporating Cities~~,~~ ~~Towns~~ and Villages, or changing or amending the charter of any ~~Town,~~ City~~,~~ or Village.

Providing for the election of Officers in ~~Townships, incorporated Towns or~~ Cities.

Summoning or empaneling Grand or Petit Juries.

Providing for the bonding of cities, ~~towns,~~ precincts, school districts, or other municipalities.

Providing for the management of Public Schools.

The opening and conducting of any election, or designating the place of voting.

The sale or mortgage of real estate belonging to minors, or others under disability.

The protection of game or fish.

Chartering or licensing ferries~~;~~ or toll bridges, remitting fines, penalties, or forfeitures, creating, increasing, and decreasing fees, percentage, or allowances of public officers, during the term for which ~~said~~ the officers are elected or appointed.

Changing the law of descent.

Granting to any corporation, association, or individual~~;~~ the right to lay down railroad tracks, or amending existing charters for such purpose.

Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever; ~~PROVIDED,~~ except that notwithstanding any other provisions of this Constitution, the Legislature shall have authority to separately define and classify loans and installment sales, to establish maximum rates within classifications of loans or installment sales which it establishes, and to regulate with respect thereto. In all other cases where a general law can be made applicable, no special law shall be enacted."

VIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the counties, ~~townships,~~ cities, villages, school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on taxable property; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature."

VIII-4 "Except as to tax and assessment charges against real property remaining delinquent and unpaid for a period of fifteen years or longer, the Legislature shall have no power to release or discharge any county, city, ~~township,~~ ~~town,~~ or district whatever, or the inhabitants thereof, or any corporation, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, or due any municipal corporation, nor shall commutation for such taxes be authorized in any form whatever; ~~PROVIDED,~~ except that the Legislature may provide by law for the payment or cancellation of taxes or assessments against real estate remaining unpaid against real estate owned or acquired by the state or its governmental subdivisions."

VIII-6 "The Legislature may vest the corporate authorities of cities~~,~~ ~~towns~~ and villages~~,~~ with power to make local improvements, including facilities for providing off-street parking for vehicles, by special assessments or by special taxation of property benefited, and to redetermine and reallocate from time to time the benefits arising from the acquisition of such off-street parking facilities, and the Legislature may vest the corporate authorities of cities and villages with power to levy special assessments for the maintenance, repair, and reconstruction of such off-street parking facilities. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes, but such taxes shall be uniform in respect to persons and property within the jurisdiction of the body imposing the same, except that cities and villages may be empowered by the Legislature to assess and collect separate and additional taxes within off-street parking districts created by and within any city or village on such terms as the Legislature may prescribe."

IX-4 "The Legislature shall provide by law for the election of such county ~~and township~~ officers as may be necessary and for the consolidation of county offices for two or more counties. Each ~~; PROVIDED, that each~~ of the counties affected may disapprove such consolidation by a majority vote in each of such counties."

XI-1 "No city, county, ~~town,~~ precinct, municipality, or other ~~sub-division~~ subdivision of the state~~,~~ shall ever become a subscriber to the capital stock, or owner of such stock, or any portion or interest therein of any railroad, ~~or~~ private corporation, or association."

XVII-4 "The general election of this state shall be held on the Tuesday succeeding the first Monday of November in the year 1914 and every two years thereafter. All state, district, county, precinct, ~~township~~ and other officers, by the constitution or laws made elective by the people, except school district officers, and municipal officers in cities~~,~~ and villages, ~~and towns,~~ shall be elected at a general election to be held as aforesaid. An incumbent of any office shall hold over until his or her successor is duly elected and qualified."

"Article IX, section 5, of the Constitution of Nebraska, is repealed.".

Sec. 5. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change a restriction on allocation of proceeds from motor vehicle taxes.
For
Against".

"A constitutional amendment to authorize the Legislature to provide for differences in tax rates within and outside municipalities and to authorize legislation relating to mergers and consolidations by local governments.
For
Against".

"A constitutional amendment to provide that property of the state and its governmental subdivisions is exempt from taxation to the extent such property is used for public purposes and to authorize classification and taxation of such property.
For
Against".

"A constitutional amendment to repeal and eliminate provisions dealing with township organization and towns.
For
Against".

Referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of legislative bills and resolutions.

LB	**Committee**
134	Judiciary
135	Natural Resources
136	Banking, Commerce and Insurance
137	Banking, Commerce and Insurance
138	Health and Human Services
139	Revenue
140	Natural Resources
141	Natural Resources
142	Banking, Commerce and Insurance
143	Transportation
144	Revenue
145	Government, Military and Veterans Affairs
146	Health and Human Services
147	Nebraska Retirement Systems
148	General Affairs
149	Judiciary
150	Judiciary
151	Judiciary
152	Banking, Commerce and Insurance
153	Judiciary
154	Natural Resources
155	Natural Resources
156	Transportation
157	Education
158	Judiciary
159	Banking, Commerce and Insurance
160	Government, Military and Veterans Affairs
161	Judiciary
162	Government, Military and Veterans Affairs
163	Education
164	Appropriations
165	Judiciary
166	Health and Human Services
167	Judiciary
168	Revenue
169	Revenue

170	Banking, Commerce and Insurance
171	Business and Labor
172	Natural Resources
173	Natural Resources
174	Education
175	Judiciary
176	Revenue
177	Government, Military and Veterans Affairs
178	Government, Military and Veterans Affairs
179	Revenue
180	Revenue
181	Revenue
182	Revenue
183	Health and Human Services
184	Health and Human Services
185	Health and Human Services
186	Health and Human Services
187	Revenue
188	Natural Resources
189	Agriculture
190	Revenue
191	Agriculture
192	Agriculture
193	Agriculture
194	Health and Human Services
195	Health and Human Services
196	Judiciary
197	Health and Human Services
198	Revenue
199	Agriculture
200	Agriculture
201	Agriculture
202	Agriculture
203	Judiciary
204	Judiciary
205	Education
206	Education
207	Judiciary
208	Natural Resources
209	Education
210	Transportation

LR	**Committee**
32CA	Government, Military and Veterans Affairs
35	Executive Board

MOTION - Adopt Permanent Rules

Mr. Will withdrew the proposed rules change, No. 5, found on pages 154 and 155, to Rule 3, Section 12 and Rule 6, Section 3.

Messrs. Wickersham, Will, Chambers, and Matzke offered the following proposed rules change:
Amend Rule 6, Sec. 3(b) as follows:
(b) Each section shall be open to amendment. Following the reading of the title of the bill, the introducer shall first be recognized for ten minutes to move to advance and explain the bill. The amendments, if any, recommended by standing committees, shall then ~~first~~ be considered. The introducer's amendments, if any, shall be considered following the consideration of the standing committee amendments and any amendments thereto~~, after which he or she may move to advance and explain the bill~~. Other amendments and motions permitted by these rules may then be offered and shall be considered after the introducer has explained the bill in the order in which they are filed with the Clerk, subject to the provisions of Rule 7, Section 3 and Rule 1, Section 17.

The Wickersham et al. proposed rules change was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

MRS. CROSBY PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will, Rules Committee Chairperson, and Messrs. Bromm, Beutler, Matzke, and Withem renewed the proposed rules change, No. 7, found on page 155 to Rule 5 and 6.

Mr. Kristensen offered the following amendment:
Add the following:
Rule 6

Sec. 8. Final Reading, Motions.
(a) On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken, unless three-fifths of all of the members elected to the Legislature vote to dispense with the at large reading under this section. The Speaker shall designate which bills will be considered for a vote without an at large reading. This vote shall be taken without amendment, motion, or debate. If the Legislature confirms the Speaker's designation, the title of the bill will be read, and the final vote will be take with voting being held open for five minutes. If the motion fails to receive the support of three-fifths of the elected members of the Legislature, then the bills and all amendments thereto will be read at large prior to the vote being taken.

(b) At any time before the role call shall have begun on Final Reading of the bill, it shall be in order to move:

(1) ~~(a)~~ To recommit the bill to Enrollment and Review to correct an error

and for reengrossment.
(2) ~~(b)~~ To recommit the bill to the proper standing committee, with or without instructions.
(3) ~~(c)~~ To recommit the bill to Select File for specific amendment, which amendment may be adopted by a vote of a majority of the elected members.
(4) ~~(d)~~ Any bill returned to Select File for specific amendment, may if the amendment is rejected, be readvanced to Final Reading without going through Enrollment and Review. A motion to so advance shall require a concurrence of a majority of the elected members.

Messrs. Landis and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. Chambers offered the following amendment:
Proposal #7
Rule 6, section 8(a)
In line 3, after "designate", add "on the published agenda";
In line 5, after "taken", insert "on each bill individually";
In line 6, strike "take" and insert "taken"
In line 7 after "motion", insert "on any bill";
In line 8, strike "the bills" and insert "such bill"
In line 7, strike "five" and insert "three".

Mrs. Stuhr asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

The proposed rules change, No. 7, as amended, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 345. Introduced by Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to schools; to amend sections 53-138.01, 66-528 to 66-530, 79-101, 79-102, 79-104, 79-406, 79-407, 79-411, 79-420, 79-423, 79-447, 79-451, 79-472, 79-473, 79-4,106, 79-510, 79-519, 79-540, 79-543, 79-548, 79-549, 79-565, 79-569, 79-574, 79-576, 79-594, 79-1029, 79-1035, 79-1099, 79-10,101, 79-10,103, 79-10,105, 79-10,111 to 79-10,113, 79-10,117, 79-10,118, 79-10,121, 79-10,122, 79-10,125, 79-1207, 79-1217, 79-1405, and 79-1406, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for funds; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 346. Introduced by Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to schools; to amend sections 79-238, 79-241, 79-244, 79-245, 79-816, 79-1103, 79-1110, 79-1117, 79-1120, 79-1121, 79-1124 to 79-1127, 79-1129 to 79-1138, 79-1140, 79-1142 to 79-1144, 79-1147, 79-1148, 79-1152 to 79-1157, 79-1160 to 79-1163, 79-1165, 79-1167, 79-1168, 79-1170, 79-1185, 79-1187, 79-1191, 79-11,109 to 79-11,111, 79-11,113, 79-11,119, 79-1231, and 85-179, Reissue Revised Statutes of Nebraska, and section 43-2505, Revised Statutes Supplement, 1996; to redefine terms; to change terminology; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 347. Introduced by Bohlke, 33; McKenzie, 34.

A BILL FOR AN ACT relating to schools; to amend sections 79-203, 79-233, 79-245, 79-301, 79-411, 79-424, 79-431, 79-440, 79-462, 79-463, 79-479, 79-482, 79-526, 79-540, 79-581, 79-705, 79-743, 79-744, 79-748, 79-756, 79-802, 79-814, 79-850, 79-902, 79-962, 79-978, 79-1003, 79-1015, 79-1018, 79-1032, 79-1105 to 79-1107, 79-1140, 79-1181, 79-1182, 79-1198, 79-11,100, 79-11,102, 79-11,103, 79-11,106, 79-11,109, 79-11,114, 79-11,115, 79-1217, 79-1222, 79-1301, 79-1313, 79-1314 to 79-1316, 79-1322, 79-1323, and 79-1325, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to schools, education, penalties, and school districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-224 to 79-231, 79-247, 79-2,108 to 79-2,113, 79-428 to 79-430, 79-456, 79-457, 79-459, 79-529, 79-538, 79-710, 79-711, 79-749, 79-751 to 79-755, 79-823, 79-879, 79-8,102 to 79-8,105, 79-1054 to 79-1061, 79-1109, 79-1189 to 79-1195, 79-1197, 79-1205, and 79-1401 to 79-1416, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 348. Introduced by Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 and 77-3443, Reissue Revised Statutes of Nebraska, and section 13-320, Revised Statutes Supplement, 1996; to change provisions relating to tax levies by transit authorities; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 349. Introduced by Bohlke, 33; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for state aid to public school districts.

LEGISLATIVE BILL 350. Introduced by Robak, 22; Bruning, 3; Engel, 17; Janssen, 15; Jensen, 20; Jones, 43; Dw. Pedersen, 39; D. Pederson, 42; Preister, 5; Schellpeper, 18; Schmitt, 41; Schrock, 38; Tyson, 19; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to firearm ranges; to define terms; and to provide for owner liability and immunity as prescribed.

LEGISLATIVE BILL 351. Introduced by Landis, 46.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1996; to adopt the Interstate Branching By Merger Act of 1997; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 352. Introduced by Schrock, 38; Elmer, 44.

A BILL FOR AN ACT relating to pharmacy; to amend sections 71-1,145 and 71-1,147.03, Reissue Revised Statutes of Nebraska; to change a licensing provision for foreign applicants; to change provisions relating to the designated pharmacist in charge; and to repeal the original sections.

LEGISLATIVE BILL 353. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,108, Reissue Revised Statutes of Nebraska; to authorize municipalities to apply the Nebraska Rules of the Road as prescribed; and to repeal the original section.

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Vrtiska, Hartnett, Jones, Preister, and Schrock asked unanimous consent to have their names added as cointroducers to LB 23. No objections. So ordered.

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 186. No objections. So ordered.

Mr. Jones asked unanimous consent to have his name added as cointroducer to LB 167. No objections. So ordered.

ADJOURNMENT

At 3:57 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Wednesday, January 15, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTH DAY – JANUARY 15, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 15, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Nancy Redman, First Presbyterian Church, Lincoln.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Chambers, Coordsen, Dierks, Hartnett, Hilgert, Kristensen, Landis, Warner, Wesely, Wickersham, Will, Mmes. Bohlke, Brown, McKenzie, Stuhr, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifth day was approved.

MOTION - Adopt Temporary Rules

Mr. Jones moved that the Rules, as now in our possession, be adopted for today only, Wednesday, January 15, 1997.

The motion prevailed.

MRS. CROSBY PRESIDING

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1996 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE

Lewis & Clark Natural Resources District John Thomas, Attorney	$10.20

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
  Progress Report on Activities of the Intergovernmental Data Services Division
Education, Department of
  Annual Report of School Districts Not Providing for or Contracting for Approved Special Education Programs (1996-97 School Year)
  Annual Report of Services Provided to Children Birth to Age Five with Disabilities

Insurance, Department of
  Annual Profitability Analysis of Property and Casualty Insurance Report

Nebraska Investment Finance Authority
  Notice on the 1996 Series E Single Family Issue
  Quarterly Report - Use of Proceeds of Series 1996
  Quarterly Report - Use of Proceeds of Series 1994
  Quarterly Report - Use of Proceeds of 1995 Series A and B Community Development Loan Notes

Public Service Commission
  Annual Report on Telecommunications

Revenue, Department of
  Report of Examination of Auditor of Public Accounts for June 30, 1995

State of Nebraska Comprehensive Annual Financial Report

REPORT OF THE EXECUTIVE BOARD

Mr. Coordsen, Chairperson of the Executive Board, reported the appointments of the following members, as required by statute.

Building Maintenance - Lynch, Chairperson

Wehrbein
Suttle
Janssen
Vrtiska
Cudaback

Education Commission of the States

Bohlke
Wickersham
McKenzie

Midwestern Higher Education Compact Commission

Bohlke	Warner

Legislative Program Evaluation - Hillman, Chairperson

Coordsen	Warner
Wehrbein	Withem

MOTION - Adopt Permanent Rules

Mr. Will, Rules Committee Chairperson, and Messrs. Bromm, Beutler, Matzke, and Withem reoffered the second division of proposed rules change to No. 3 to Rule 3, Sec. 5(c)(iii).

The second division of proposed rules change to No. 3 was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

The Will pending motion, found on page 221, to adopt the permanent rules for the Ninety-Fifth Legislature, First Session, as amended, was renewed.

The motion to adopt the permanent rules prevailed with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

PRESIDENT ROBAK PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 354. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-490 and 60-4,148, Reissue Revised Statutes of Nebraska, and sections 60-4,115, 60-4,120, 60-4,146.01, and 60-4,181, Revised Statutes Supplement, 1996; to change provisions relating to operator's licenses and state identification cards and fees; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 355. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-104, 29-827, 29-2317, 29-2319, and 29-3602, Reissue Revised Statutes of Nebraska; to allow city attorneys in cities of the primary class to appeal from preliminary rulings in criminal cases and to seek approval for pretrial diversion programs from the city council; and to repeal the original sections.

LEGISLATIVE BILL 356. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreation; to amend section 37-1501, Reissue Revised Statutes of Nebraska; to eliminate a termination date; to harmonize provisions; to repeal the original section; and to outright repeal section 37-1509, Reissue Revised Statutes of Nebraska.

EASE

The Legislature was at ease from 9:21 a.m. until 9:42 a.m.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 357. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public lettings; to amend section 73-101, Reissue Revised Statutes of Nebraska; to require certain contracts be let to the lowest responsible bidder; and to repeal the original section.

LEGISLATIVE BILL 358. Introduced by Jensen, 20; Engel, 17.

A BILL FOR AN ACT relating to grandparent visitation; to amend sections 43-1801 and 43-1802, Reissue Revised Statutes of Nebraska, and section 43-1803, Revised Statutes Supplement, 1996; to state intent; to change conditions for the action; to provide for mediation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 359. Introduced by Will, 8.

A BILL FOR AN ACT relating to gambling; to amend sections 28-1101, 28-1105, and 28-1113, Reissue Revised Statutes of Nebraska, and sections 2-219, 14-102, 15-258, 16-226, 17-120, and 17-207, Revised Statutes Supplement, 1996; to adopt the Sports Wagering Act; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 360. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,101, Revised Statutes Supplement, 1996; to prohibit the use of public property and personnel for campaigning; and to repeal the original section.

LEGISLATIVE BILL 361. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-14,126, Reissue Revised Statutes of Nebraska; to change a civil penalty; and to repeal the original section.

LEGISLATIVE BILL 362. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to judges; to amend section 24-201.01, Reissue Revised Statutes of Nebraska; to change Supreme Court salaries; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 363. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to county court; to amend section 25-2704, Reissue Revised Statutes of Nebraska; to change filing deadlines for pleadings; and to repeal the original section.

LEGISLATIVE BILL 364. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-126, 8-143.01, and 8-224, Revised Statutes Supplement, 1996; to change provisions relating to bank director qualifications and loans to bank executive officers, directors, or principal shareholders; to exempt bank trust departments from publication requirements; and to repeal the original sections.

LEGISLATIVE BILL 365. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2014.01, Revised Statutes Supplement, 1996; to provide a cost-of-living adjustment to retirees; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 366. Introduced by Robak, 22.

A BILL FOR AN ACT relating to occupant protection systems; to amend sections 60-6,265, 60-6,266, and 60-6,270, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 1996; to require occupant protection systems for school buses; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 367. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the County Employees Retirement Act; to amend section 23-2301, Revised Statutes Supplement, 1996; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 368. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,227, Revised Statutes Supplement, 1996; to change provisions relating to lights; and to repeal the original section.

LEGISLATIVE BILL 369. Introduced by Schrock, 38; Coordsen, 32; Dierks, 40; Elmer, 44; Engel, 17; Hudkins, 21; Jones, 43; Preister, 5; Schmitt, 41; Stuhr, 24; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to optometry; to amend sections 71-1,133 to 71-1,135.02 and 71-1,135.04, Reissue Revised Statutes of Nebraska; to redefine the practice of optometry; to change examination requirements; to redefine pharmaceutical agents; to provide for education regarding glaucoma; to change provisions relating to educational requirements; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 370. Introduced by Will, 8; Brashear, 4; Brown, 6; Hilgert, 7; Kiel, 9; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to district courts; to amend section 24-301.02, Reissue Revised Statutes of Nebraska; to change the number of judges; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 371. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-160, Reissue Revised Statutes of Nebraska, and section 53-103, Revised Statutes Supplement, 1996; to provide for a gallonage tax on cider; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 372. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to homesteads; to amend section 40-103, Reissue Revised Statutes of Nebraska; to provide for satisfaction of judgments obtained on debts secured by deeds of trust; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 373. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to controlled substances; to amend section 28-405, Revised Statutes Supplement, 1996; to change the schedule of controlled substances; and to repeal the original section.

LEGISLATIVE BILL 374. Introduced by Preister, 5; Beutler, 28; Bromm, 23; Cudaback, 36; Dierks, 40; Hartnett, 45; Hilgert, 7; Janssen, 15; Landis, 46; Robinson, 16; Schimek, 27; Schmitt, 41; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to hazardous substances; to adopt the Nebraska Emergency Planning and Community Right to Know Act; and to provide severability.

LEGISLATIVE BILL 375. Introduced by Preister, 5; Dierks, 40; Hartnett, 45; Jensen, 20; Matzke, 47; Robinson, 16.

A BILL FOR AN ACT relating to smoking; to state intent; to prohibit smoking in state buildings and vehicles as prescribed; to provide assistance to employees; and to provide a penalty.

LEGISLATIVE BILL 376. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to counties; to amend section 23-175, Revised Statutes Supplement, 1996; to change provisions relating to liability insurance procurement; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 377. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend sections 60-6,209, 83-1,127, and 83-1,129, Reissue Revised Statutes of Nebraska; to change provisions relating to license revocation; to provide for an application with the Board of Pardons as prescribed; to provide duties for the Department of Motor Vehicles; and to repeal the original sections.

LEGISLATIVE BILL 378. Introduced by Robinson, 16; Coordsen, 32; Dierks, 40; Kristensen, 37; Schellpeper, 18; Schimek, 27; Warner, 25; Withem, 14.

A BILL FOR AN ACT relating to elections; to amend sections 32-628 to 32-631, 32-1303, 32-1304, 32-1404, 32-1409, and 32-1546, Revised Statutes Supplement, 1996; to change provisions relating to petition circulators; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 379. Introduced by Robinson, 16; Coordsen, 32; Kristensen, 37; Schellpeper, 18; Schimek, 27; Warner, 25; Withem, 14.

A BILL FOR AN ACT relating to initiative petitions; to amend section 32-1407, Revised Statutes Supplement, 1996; to change and provide filing requirements; and to repeal the original section.

LEGISLATIVE BILL 380. Introduced by Jensen, 20; Jones, 43; Witek, 31.

A BILL FOR AN ACT relating to the State Lottery Act; to amend sections 9-801 and 9-803, Revised Statutes Supplement, 1996; to define a term; to change provisions relating to advertising lottery games; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 381. Introduced by Jensen, 20; Jones, 43; Schrock, 38; Witek, 31.

A BILL FOR AN ACT relating to gambling; to amend section 83-162.04, Revised Statutes Supplement, 1996; to prohibit the advertisement of casino gambling activity; to define terms; to state intent; to provide penalties; to eliminate provisions establishing the Gaming Commission; to harmonize provisions; to provide severability; to repeal the original section; and to outright repeal section 9-1,102, Reissue Revised Statutes of Nebraska.

RESOLUTIONS

LEGISLATIVE RESOLUTION 46CA. Introduced by Will, 8.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 24:

III-24 "(1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money for the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.

(2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

(3) The Legislature may establish a lottery to be operated and regulated by the State of Nebraska. The proceeds of the lottery shall be appropriated by the Legislature for the costs of establishing and maintaining the lottery and for other purposes as directed by the Legislature. No lottery game shall be conducted as part of the lottery unless the type of game has been approved by a majority of the members of the Legislature.

(4) Nothing in this section shall be construed to prohibit (a) the enactment of laws providing for the licensing and regulation of wagering on the results of horseraces, wherever run, either within or outside of the state, by the parimutuel method, when such wagering is conducted by licensees, ~~within a licensed racetrack enclosure or~~ (b) the enactment of laws providing for the licensing and regulation of wagering on the results of sporting events as defined by the Legislature, or (c) the enactment of laws providing for the licensing and regulation of bingo games conducted by nonprofit associations which have been in existence for a period of five years immediately preceding the application for license, except that bingo games cannot be conducted by agents or lessees of such associations on a percentage basis.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to eliminate a restriction on the enactment of laws relating to parimutuel wagering and to permit enactment of laws providing for licensing and regulation of wagering on the results of sporting events.
>
> For
>
> Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 47CA. Introduced by Withem, 14; Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 10 and 14:

III-10 "Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. ~~The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided.~~ A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members~~;~~ and shall choose its own officers, including a Speaker. ~~to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor.~~ No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior."

III-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected to the Legislature vote not to read the bill and all amendments at large. No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the subject shall be clearly expressed in the title. No law shall be amended unless the new act contains the section or sections as amended and the section or sections so amended shall be repealed. The ~~Lieutenant Governor, or the Speaker if acting as~~ presiding officer, shall sign, in the presence of the Legislature while it is in session and capable of transacting business, all bills and resolutions passed by the

Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate references to the Lieutenant Governor as the presiding officer of the Legislature.
For
Against".

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 33	Wednesday, January 22, 1997	1:30 p.m.
LB 34	Wednesday, January 22, 1997	1:30 p.m.
LB 40	Wednesday, January 22, 1997	1:30 p.m.
LB 15	Wednesday, January 22, 1997	1:30 p.m.
LB 57	Wednesday, January 22, 1997	1:30 p.m.
LB 12	Thursday, January 23, 1997	1:30 p.m.
LB 14	Thursday, January 23, 1997	1:30 p.m.
LR 5CA	Thursday, January 23, 1997	1:30 p.m.
LR 21CA	Thursday, January 23, 1997	1:30 p.m.
LB 64	Thursday, January 23, 1997	1:30 p.m.

(Signed) C. N. Bud Robinson, Chairperson

Judiciary

LR 19CA	Wednesday, January 22, 1997	1:30 p.m.
LR 20CA	Wednesday, January 22, 1997	1:30 p.m.
LR 24CA	Wednesday, January 22, 1997	1:30 p.m.
LR 26CA	Wednesday, January 22, 1997	1:30 p.m.
LR 27CA	Wednesday, January 22, 1997	1:30 p.m.
LR 30CA	Wednesday, January 22, 1997	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

MOTION - Escort Governor

Mr. Withem moved that a committee of five be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver his State of the State Address.

The motion prevailed.

The Chair appointed Messrs. D. Pederson, Matzke, Mmes. Bohlke, McKenzie, and Suttle to serve on said committee.

The Committee returned and escorted Governor Ben Nelson to the rostrum where he delivered the following State of the State Address.

STATE OF THE STATE ADDRESS

ONE NEBRASKA - AHEAD OF ITS TIME

Sixty years ago, the legendary Senator George Norris stood here in this chamber now bearing his name in a Capitol building just five years old. He was here to address the very first session of the Nebraska Unicameral, the non-partisan body he fought so hard to establish.

He reminded them that the entire country was watching this great Nebraska experiment. This Unicameral was part of Senator Norris's vision for his home state. He saw Nebraska as a national leader, a state that took risks, a state on the cutting edge.

As most of you know, Senator Norris has been a hero and an inspiration to me since I was a young boy growing up in McCook, the hometown we share. His vision for the state, his willingness to explore new ideas, his belief in the spirit of Nebraskans - those are qualities I have made a living part of my public service.

Like Senator Norris, I am not content to stay in the comfort zone - that familiar area where all too often, change is avoided. And I believe it is a mistake for our state to stay in its comfort zone simply because "that's the way we've always done it." The comfort zone is a place of no growth, a place that allows others to pass you by. And that's not what Nebraska is all about.

This is a state that has progressed from the Pony Express to e-mail, from textbooks to a virtual university. Even this historic chamber has a different look this year. The stacks of bills we're used to seeing on your desks are gone - replaced by lap-top computers. I'm using a state-of-the-art computer to help me deliver this message, which you'll also be able to find on the state's home page on the Internet.

In the six years I've been in office, we've become leaders in welfare reform, mandate relief, education, job growth, ethanol production and promotion, international trade, technology and re-inventing government.

By working together, we can keep this state ahead of its time as we move into a new century.

Now, I know stepping outside of that comfort zone can be difficult; and we are not always anxious to embrace changes, especially those that appear to be over- whelming and risky. I was reminded of that last month when I was asked to conduct a little experiment for the television show "Candid

Camera."

We brought unsuspecting people into the Governor's office, where I told them that I had decided to change the name of the state. We needed something more futuristic to position us for the next century, I said, something like "Zenmar" or "Quentron."

As you can imagine, most of our victims looked at me as if I had gone mad. One woman accused me of forgetting my Nebraska heritage. After struggling for an answer, our Secretary of State diplomatically told me the idea was "bold."

Of course, some thought it would be a good idea. Eight-year-old Tyler Bullock thought Zenmar would certainly be easier to spell. Wanda Essex said the idea was worth considering, but thought we should let the young people decide. One has to wonder how the visionary George Norris would have responded!

What can we learn from this experiment?

First, that Nebraskans truly treasure this state we call home, and that we are very proud of our past. But it's also clear that Nebraskans are looking ahead to the beginning of a new century. They are wondering how we can position our state to remain a world competitor, how we can work together to take Nebraska into that 21st century ahead of its time.

No, we don't want to change the name of the state. But we know we need to move this state into a 21st century way of doing business. And we all know that this is the time to do it.

All big changes begin with a change in attitude. And too often, progress is defined in terms of the negatives. We hear about unemployment, and not about those who are employed. We hear about young people in trouble, not about those who are turning their lives around. We hear about government inefficiency and waste, but not about individuals, organizations and agencies that are working together to save taxpayer dollars.

I'm certainly not saying we should ignore our problems. But I believe we must move away from expecting the worst to planning for the best.

When I took office six years ago, I started with the recognition that Nebraska has both demographic and geographic challenges - we have a relatively sparse population scattered across a vast landscape.

Instead of giving in to these challenges, we developed the idea of One Nebraska - pulling together these very different areas of the state to achieve our common purpose.

We've helped develop partnerships and build consensus with a reliance on local decision-making. And we've built on the belief that government doesn't have to grow for the state to grow.

Today, we are seeing the results:

* More than half of our counties are now growing in population.

* Over the last decade, we've seen a 30-percent increase in manufacturing, compared to 10 percent for our neighboring states and a decline nationally.

* Our exports have more than tripled since 1990.

* Our unemployment rate continues to be the lowest in the nation; or to state it more positively, our employment rate continues to be the highest in the nation.

* National and state experts predict our economy will outpace the nation during the next two years with continued growth in jobs and income.

* Our quality of life is unsurpassed - we live in one of the safest and healthiest states in the country and one of the best states for raising families.

Now is the time to recapture Norris's vision of Nebraska as a leader. Now is the time to renew our efforts to pull this state together, to continue this great experiment we call One Nebraska into the new century ahead of our time.

The challenge Senator Norris issued that very first day of the Unicameral was this:

> Your constituents do not expect perfection...but they do expect and have the right to expect absolute honesty, unlimited courage and a reasonable degree of efficiency and wisdom.

Six decades later, that remains our challenge. This is where the future begins. And every day, every hour counts.

No state can progress unless it has a firm financial foundation, and ours is solid. That strong economy did not happen by accident or chance. Our economy grew job by job, community by community, with state and local leaders working side by side.

With an emphasis on fiscal restraint, we have rebuilt our state's cash reserve fund - our number one budget priority last session. We have provided for a pay increase for our valued state employees over the next two years. And our projections show a continued surplus in tax revenue.

The projected surplus is expected to spark a firestorm of proposals for new programs and new spending. But I want to make it clear right now that those surplus dollars should be off the table. We must continue to spend only what we must, save what we can and give the rest back to Nebraskans through tax cuts.

For the third year in a row, I am proposing that we share our economic success with Nebraskans by letting them keep more of their hard-earned dollars. Our Economic Growth Income Tax Reduction is an across-the-board income tax cut of five-and-a-half percent for the average Nebraskan. The reduction recognizes the investments Nebraska taxpayers have made to our economy and gives them a return on that investment.

Reducing the property tax burden remains a priority in Nebraska. There is no doubt that voters gave us a mandate in the last election - a mandate to continue to work for true, long-lasting property tax relief.

This past session, we delivered important property tax relief measures by working together to curb local spending. We also will continue to provide funding to local school districts under the LB 1059 state aid formula, with increases totaling $47.3 million over the biennium.

This session, I am also calling for the adoption of a Resident-Homeowners Property Tax Credit. This $160 annual credit would be direct relief, much like the former food tax credit.

Together, the income tax cut and the property tax credit would provide $450 in tax relief to the average Nebraska homeowner over the biennium. That's a reduction in the average homeowner's tax bill of nearly 20 percent each year.

I am also supporting a one-year study of a Local Option Property Tax Relief measure. That measure would give taxpayers the option, with local voter approval, of initiating a local income tax, not for new spending, but only for directly reducing local property taxes.

This is a bold idea and deserves careful consideration. A task force would conduct the study of how a local income tax fits into the state aid formula and our current levy and spending limits. Our goal is to enact this measure during the current biennium.

Our state budget priorities must be clear - spending only what is necessary for the continued prosperity of Nebraska.

To continue to remain a state that's ahead of its time, we need to invest in job training, to customize that training and to provide state-of-the-art equipment for that training. By working as partners with the University, the community colleges and the private sector, we will make those investments work for Nebraska.

Agriculture continues to be the driving force behind Nebraska's economic prosperity. Our farmers and ranchers will generate nearly $9 billion in economic activity in Nebraska this year.

The past year has been a good one with a near record harvest and high grain prices. But challenges remain, especially for our beef producers. As the nation's number one exporter of red meat, the concerns of the cattle industry concern all of us.

Ten leading beef states have now supported the report of last year's Beef States Summit in Omaha, and we continue to press Congress and the Secretary of Agriculture for action on our recommendations. I have directed our State Agriculture Department to pursue re-implementation of a state meat inspection program. And we are requesting funding to increase livestock market reporting.

Our goal is to keep Nebraska on the cutting edge. That includes expanding international trade, promoting the "good life" through our "Work Nebraska" campaign and building on the success of the Nebraska Cooperative Initiative. It's a cutting edge that includes improving Enterprise Zones, working for more affordable housing, helping small businesses get started and boosting the efforts of our Tourism Division and Film Office.

By working together, we can position Nebraska as a state willing to work with employers and customers worldwide to establish long-term successful partnerships.

One of the keys to selling Nebraska as the good life is our safe streets. An essential public safety issue - one we have delayed too long - is to clarify the aggravating circumstances under which the death penalty can be applied. We owe it to our law enforcement officers to pass legislation, clearly spelling out that the killing of an officer while in the performance of his or her duties is such an aggravating circumstance.

Public safety is an area we can't afford not to invest in. Because we have been putting more dangerous offenders behind bars for longer periods of time, our prisons and other correctional facilities have become overcrowded. Immediate action is necessary to keep this issue in the hands of Nebraskans instead of federal courts.

The Public Safety Act of 1997 will mean adding space for more than 1,100 offenders over the next four years. That includes a medium-security facility for 800 inmates, more space for inmates who need to be separated from the general prison population and a work camp and treatment center.

Together, we must find ways to prevent our young people from turning to crime and to keep those who are in trouble from becoming more serious offenders.

We propose a $5-million investment to increase community services and provide more help for young people and their families closer to home. This investment will ease the burden on our youth facilities in Geneva and Kearney.

We must also support continued funding for the DARE program and funding to match federal dollars for gang prevention.

The key is to give our young people in Nebraska a good start in life by giving them and their families the kind of support they need to be successful.

That's why I'm so pleased we will begin statewide implementation this year of our "Employment First" welfare reform program - a program that is improving the lives of welfare recipients like Rhonda Strong of Lincoln and her two daughters.

Rhonda was featured in a newspaper article just last month. This single mom had trouble keeping a job before she signed the program's self sufficiency contract. Today, she's been working for more than a year at a day care center and is planning to open her own center this year.

I've been paired with a welfare recipient through the "Walk a Mile" program and have learned firsthand that most of these Nebraskans want to get out of the spider web of welfare - that what they really need and want is a safety net to help them turn their lives around.

Rhonda and others like her are living proof that with the right kind of programs, we can move people from welfare to the workplace and improve the quality of life for all.

The restructuring of our human services agencies will also have a positive impact on Nebraska families needing help. Our new system was designed by Nebraskans for Nebraskans. It will result in better service and taxpayer savings. Interest from across the country proves that, once again, Nebraska has taken the lead in finding a better way to do business.

The project was led by Lieutenant Governor Kim Robak. Kim, I want to thank you for your excellent work.

An essential component in building strong children is financial and emotional support from both parents. In Nebraska, we believe all children have a right to that support. That's why we must go after the parents who deprived their children of $52 million in child support in Nebraska last year alone. They are cheating their children and they are cheating the taxpayers, who so often end up paying the bill.

We need to let parents know that failing to pay child support could cost them their professional, occupational, driver's and recreational licenses.

This is one of the few areas where Nebraska has fallen behind - 39 other states have already found that license suspension laws work.

I remain opposed to federal mandates, but there's no escaping the fact that the federal welfare reform bill has added a new financial dimension to this year's debate. Failure to pass a license suspension bill will cost this state $11 million in federal child support enforcement funds. Passing the law will increase collections by an estimated $10 million. The choice is clear for both our children and our taxpayers.

We also owe it to our children to keep our environment healthy. That remains a major priority for my administration, and I am proud of our accomplishments.

We have taken the lead through the Nebraska Environmental Trust Fund by providing more than $14 million in lottery funds for environmental projects statewide.

Nebraska has taken the lead in the area of renewable and sustainable energy. And I believe we must continue working toward a future in which we produce more energy in this state than we consume.

This state also took the lead in promoting common sense reforms in the federal Safe Drinking Water Act to reduce the expensive federal mandates imposed on our communities.

We can keep that lead by helping the many communities that still face major expenses in bringing their water systems into compliance with federal regulations. We propose enrolling in a federal low-interest loan program that will provide those communities with the funds they need to test and treat their drinking water.

It is also essential that we strengthen our efforts to clean up the piles of old tires - 2.5 million tires - and the illegal dumpsites that fill too many ditches and ravines in our beautiful state. The resources are there, but we need to make them easier to use so we can leave our children with a cleaner environment.

It is said that our children are 20 percent of our population, but 100 percent of our future. And perhaps no issue is more important to that future than education. This past year, we brought together parents, teachers, administrators, business people and community leaders for the first Nebraska Education Summit. We now have a draft of statewide academic standards which go to the public for comment this spring.

I strongly support the idea of establishing broad standards and letting local communities decide how best to meet them. And I believe those standards are necessary if we expect our children to be ahead of their competitors in the global marketplace of today and of the 21st century.

We are blessed in Nebraska with dedicated, committed and caring teachers - classroom heroes like Jane Edwards of Southeast High School in Lincoln, who recently won the American Teacher Award as the nation's outstanding vocational educator.

Our students are high achievers compared to many of their peers across the nation. What we need to do is to keep those best and brightest here in Nebraska, to stop the "brain drain." My budget includes additional funding for scholarships and the establishment of a grant program to promote a "brain gain" by providing incentives for graduates of Nebraska's institutions of higher education to live and work in Nebraska.

A major priority in our educational efforts is the rapidly growing technology that is reshaping our future. It is said that today's average consumers wear more computing power on their wrists than existed in the entire world before 1961.

We have a record in Nebraska of not just keeping up with high tech advances but taking the lead. The century date change issue is just one example where others are looking to Nebraska to see how we are solving the problem.

"Wired Magazine" says "most of the progress (in technology) is inevitable. Government, however, can block or accelerate progress...a state can do right or wrong in this area." We must work together to see that we "do right" in Nebraska.

The Information Science, Technology and Engineering Institute is a key to those efforts. It's an idea whose time has definitely come. This Institute will use the latest technology to teach the latest technology.

Like the Institute of Agriculture and Natural Resources based in Lincoln, this new Institute will have statewide benefit. Although the actual bricks and mortar will go up in Omaha, students in Scottsbluff will be able to attend this virtual university without leaving their hometown. Workers in Valentine will be able to get the latest job training on site.

University of Nebraska President Dennis Smith calls the Institute "the future of economic development in our state." It will provide the educational resources needed to help keep our best and brightest in Nebraska and to train our work force for the jobs of tomorrow. It also ties directly into our continued planning for the Western Governors University, our multi-state university without walls.

As we march into an increasingly high-tech future, we must also be careful not to let our history slip away. And I want to assure all the schoolchildren who are listening today: I promise you that we will not let our State Capitol fall down!

This beautiful building is a symbol of all that is good in Nebraska - our appreciation of history and nature, our common vision and our common sense, especially our good financial sense. It took ten years to build. But when it was dedicated, this Capitol was paid for.

It's been an important year for our Capitol. With last November's dedication of the eight murals in the Memorial Chamber, this building, as originally designed, was finally completed.

This year we also found out that it will take twice as much to repair the Capitol as it originally cost to build.

Of course, we all care about our Capitol. But our schoolchildren have a special attachment to this grand building that they call their own. Thousands of young Nebraskans tour this building every year.

Students across the state have already started projects to raise money for the Capitol. I want to thank them for those efforts, and I want to help them out by including, in our budget, funding to begin the restoration of our Capitol this year.

I hope the restoration of the Capitol will come to symbolize a restoration of optimism across Nebraska. I came across a new term for our times from the editor of an international techno-culture magazine. He refers to outbreaks of "pro-noia" - the sneaking feeling that someone is conspiring behind our backs to help us.

I hope we will see outbreaks of pro-noia all across Nebraska - that people will see that their leaders are working on their behalf to help them improve their lives and to prepare this state for the future. Together, we can do it.

To our Senators, I'd like to offer these words of advice on the hundreds of bills that you'll be facing this session:

> Some legislation is needed at each session of the Legislature. Much legislation is seldom needed. Let us remember that a successful session can be based on what is not done as well as by what is done.

Those aren't my words. They are the comments of Governor Robert Leroy Cochran to the first Unicameral shortly after Norris's historic address 60 years ago.

Your job is to decide what we don't need as well as what we do. Those are very difficult decisions, and I call on you to muster the honesty, courage and wisdom of Senator Norris to make the best decisions possible.

One of the lawmakers who was in that very first Unicameral in 1937 was Senator Charles J. Warner, who later became Lieutenant Governor. His son, Jerome Warner, has served in the Unicameral longer than any other Senator. With their combined service, there has been a Warner in the Unicameral for 41 of its 60 years.

Senator Warner, all Nebraskans owe your family a great deal of appreciation for your commitment to this state.

The historical ties that bind us together in this state are strong. My parents were of the generation that financed and built this great Capitol. My new granddaughter's generation will be using the new Information Science, Technology and Engineering Institute.

Our generation is the one making today's decisions. We must never forget Nebraska's role as a leader, a state on the cutting edge.

Every once in a while someone will be tempted to promote the idea of making political parties a bigger factor in how we run our state. But Senator George Norris knew how divisive excessive partisanship can be. And this non-partisan Unicameral he envisioned has now been validated by 60 years of experience.

I am confident that this body will continue to reject calls for increased partisanship. I believe this body realizes that we have something unique and special in Nebraska. And I know we all recognize that we have achieved our greatest successes when we have worked together as One Nebraska.

For continued success, we must avoid the temptation to put personal and partisan agendas ahead of Nebraska's agenda. Politicians may get headlines, but statesmen and women get things done.

I challenge you to keep that in mind as you make the decisions for the future of this state and its people, decisions that will keep this One Nebraska ahead of its time.

The Committee escorted Governor Ben Nelson from the Chamber.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 382. Introduced by Will, 8.

A BILL FOR AN ACT relating to elections; to amend sections 32-560, 32-604, and 49-14,103.01, Revised Statutes Supplement, 1996; to prohibit multiple office holding; to change provisions relating to filing petitions for nomination; to eliminate provisions relating to multiple office holding; to harmonize provisions; to repeal the original sections; and to outright repeal section 70-624.04, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 383. Introduced by Schimek, 27; Bohlke, 33; Crosby, 29.

A BILL FOR AN ACT relating to charitable solicitation; to adopt the Charitable Solicitation Registration Act; to provide penalties; and to provide severability.

LEGISLATIVE BILL 384. Introduced by Speaker Withem, 14; Wehrbein, 2; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY1997-98 and FY1998-99; to define terms; and to declare an emergency.

LEGISLATIVE BILL 385. Introduced by Speaker Withem, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY1997-98 and FY1998-99; and to declare an emergency.

LEGISLATIVE BILL 386. Introduced by Speaker Withem, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 387. Introduced by Speaker Withem, 14; at the request of the Governor.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to define terms; to appropriate funds; to provide duties; to state intent; to provide for transfers; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 388. Introduced by Speaker Withem, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to amend sections 90-511, Revised Statutes Supplement, 1996; Laws 1995, LB 391, sections 12 and 13; Laws 1995, LB 392, sections 68, 74, 85, 111, 122, and 148; Laws 1996, LB 1044A, section 37; and Laws 1996, LB 1189, sections 67 to 69, 73, 76, 83, 89, 90, 99, 102, 103, 105, 115, 124 to 127, and 129; to define terms; to change appropriations as prescribed; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to state and eliminate intent;

to repeal the original sections; to outright repeal Laws 1996, LB 1189, section 47; and to declare an emergency.

LEGISLATIVE BILL 389. Introduced by Speaker Withem, 14; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1999; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

LEGISLATIVE BILL 390. Introduced by Jensen, 20; Bromm, 23.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2528, 29-3001, 29-3002, 29-3003, and 29-3004, Reissue Revised Statutes of Nebraska; to change provisions relating to capital cases and postconviction proceedings; and to repeal the original sections.

LEGISLATIVE BILL 391. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-416 and 29-433, Reissue Revised Statutes of Nebraska; to provide penalties for minors in possession of marijuana; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 392. Introduced by Hillman, 48; Bromm, 23; Engel, 17; Robak, 22; Suttle, 10.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-251, 43-255, and 43-256, Reissue Revised Statutes of Nebraska, and sections 43-245, 43-250, and 43-253, Revised Statutes Supplement, 1996; to change provisions relating to temporary custody and detention or placement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 393. Introduced by Hillman, 48; Brown, 6; Kiel, 9; McKenzie, 34; C. Peterson, 35; Suttle, 10.

A BILL FOR AN ACT relating to the Protection from Domestic Abuse Act; to amend sections 42-924.01 and 42-924.02, Reissue Revised Statutes of Nebraska; to eliminate court and enforcement fees except as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 42-923, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 394. Introduced by Hillman, 48; Engel, 17; Schellpeper, 18; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to the state colleges; to state intent; to provide funds for capital improvements as prescribed; and to create a fund.

LEGISLATIVE BILL 395. Introduced by Kristensen, 37; Bromm, 23.

A BILL FOR AN ACT relating to environmental audits; to state intent; to define terms; to provide for confidentiality; to provide exceptions; to provide for access; to provide penalties; to provide applicability; to provide for jurisdiction; and to provide a termination date.

LEGISLATIVE BILL 396. Introduced by Dierks, 40; at the request of the Governor.

A BILL FOR AN ACT relating to veterans homes; to amend sections 23-107.01, 30-2627, 72-1237.01, 80-301, 80-301.02, 80-302, 80-304, 80-304.01, 80-305, 80-306, 80-307, 80-308, 80-309, 80-311, 80-312, 80-313, 80-401.02, 83-124, 83-175, 83-1,119, and 83-1,124, Reissue Revised Statutes of Nebraska, and sections 83-107.01 and 83-108, Revised Statutes Supplement, 1996; to provide for a Division of Veterans Homes; to create the Veterans Coordinating Committee; to harmonize provisions; to eliminate provisions relating to trusteeship of a fund; to repeal the original sections; and to outright repeal section 80-111, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 397. Introduced by Kristensen, 37; Hartnett, 45; Landis, 46; Schellpeper, 18; Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-425, 77-505, 77-506, 77-507.01, 77-507.03 to 77-510, 77-1234, 77-1301.16, 77-1311, 77-1311.02, 77-1338, 77-1380, 77-1381, 77-1384, 77-1504.01, 77-1510, 77-1775.01, 77-27,137, 77-3523, 77-5001, 77-5004, 77-5007, 77-5011, 77-5012, 77-5016, 77-5018, 79-1018, and 79-1028, Reissue Revised Statutes of Nebraska, and sections 13-501, 13-504, 13-509, and 46-133, Revised Statutes Supplement, 1996; to transfer powers and duties from the State Board of Equalization to the Tax Equalization and Review Commission; to authorize certain appeals to the Tax Equalization and Review Commission and the district court; to provide powers and duties for the Tax Equalization and Review Commission; to create a fund; to provide for a per diem; to provide duties for county assessors; to change publication date for statewide equalization plan; to create penalties; to eliminate powers and duties of the State Board of Equalization and Assessment; to eliminate a fund; to harmonize provisions; to repeal the original sections; to outright repeal sections 13-513, 77-511, 77-1314, 77-3616, and 77-3617, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 398. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1912, Reissue Revised Statutes of Nebraska; to clarify time for filing a notice of appeal; and to repeal the original section.

LEGISLATIVE BILL 399. Introduced by Legislative Program Evaluation Committee: Hillman, 48, Chairperson; Coordsen, 32; Warner, 25; Wehrbein, 2; Withem, 14.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 75-101.01, 75-101.03, 75-128, and 75-137, Reissue Revised Statutes of Nebraska, and section 32-509, Revised Statutes Supplement, 1996; to change the number of members and the composition of public service commissioner districts; to change provisions relating to hearings; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 400. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to public records; to amend section 84-712.05, Revised Statutes Supplement, 1996; to exclude job application materials from public record requirements; and to repeal the original section.

LEGISLATIVE BILL 401. Introduced by Warner, 25; at the request of the Governor.

A BILL FOR AN ACT relating to income tax; to amend sections 77-2715.02 and 79-1031, Reissue Revised Statutes of Nebraska; to change rate multipliers and the percentage of revenue allocated to school districts; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 402. Introduced by Schrock, 38; Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend section 39-102, Reissue Revised Statutes of Nebraska, and section 60-6,298, Revised Statutes Supplement, 1996; to change provisions relating to special permits for vehicle size, weight, and load; and to repeal the original sections.

LEGISLATIVE BILL 403. Introduced by Bromm, 23; Hartnett, 45; Jones, 43; Robinson, 16.

A BILL FOR AN ACT relating to the enrollment option program; to amend sections 79-234 and 79-238, Reissue Revised Statutes of Nebraska; to change provisions relating to applicability of the program; and to repeal the original sections.

NOTICE OF COMMITTEE HEARINGS

Revenue

LB 16	Wednesday, January 22, 1997	1:30 p.m.
LB 46	Wednesday, January 22, 1997	1:30 p.m.
LB 61	Wednesday, January 22, 1997	1:30 p.m.
LB 62	Wednesday, January 22, 1997	1:30 p.m.
LB 113	Wednesday, January 22, 1997	1:30 p.m.
LB 123	Wednesday, January 22, 1997	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Natural Resources

LB 188	Wednesday, January 22, 1997	1:30 p.m.
LB 78	Wednesday, January 22, 1997	1:30 p.m.
LB 141	Wednesday, January 22, 1997	1:30 p.m.
LB 173	Wednesday, January 22, 1997	1:30 p.m.

(Signed) Chris Beutler, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Kiel asked unanimous consent to have her name added as cointroducer to LB 281. No objections. So ordered.

Mrs. Robak and Mr. Tyson asked unanimous consent to have their names added as cointroducers to LB 23. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 292. No objections. So ordered.

Messrs. Abboud, Beutler, Brashear, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hilgert, Janssen, Jensen, Jones, Kristensen, Matzke, Dw. Pedersen, D. Pederson, Preister, Robinson, Schellpeper, Schmitt, Schrock, Tyson, Vrtiska, Warner, Wehrbein, Mmes. Brown, Crosby, Hudkins, McKenzie, C. Peterson, Robak, Stuhr, Witek, and Ms. Schimek asked unanimous consent to have their names added as cointroducers to LR 3. No objections. So ordered.

ADJOURNMENT

At 11:06 a.m., on a motion by Mrs. Hillman, the Legislature adjourned until 10:00 a.m., Thursday, January 16, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTH DAY – JANUARY 16, 1997

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 16, 1997

Pursuant to adjournment, the Legislature met at 10:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Lee Spitzer, First Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Dierks, Janssen, Dw. Pedersen, Will, Mmes. Robak, and Suttle who were excused; and Messrs. Abboud, Bromm, Cudaback, Robinson, Schrock, Warner, Wesely, Wickersham, Withem, Mmes. Brown, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 250, after line 4, insert "Amend Rule 6, Sec. 3(b) as follows:".
The Journal for the fifth day was approved as corrected.
The Journal for the sixth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following legislative bills and resolutions:

LB	**Committee**
211	Agriculture
212	General Affairs
213	Appropriations
214	Appropriations
215	Business and Labor
216	Judiciary
217	Judiciary

218	Judiciary
219	Health and Human Services
220	Transportation
221	Government, Military and Veterans Affairs
222	Health and Human Services
223	Revenue
224	Revenue
225	Business and Labor
226	Transportation
227	Judiciary
228	Government, Military and Veterans Affairs
229	Judiciary
230	Urban Affairs
231	Transportation
232	Education
233	Judiciary
234	Judiciary
235	Judiciary
236	Judiciary
237	Government, Military and Veterans Affairs
238	Urban Affairs
239	Transportation
240	Judiciary
241	Judiciary
242	General Affairs
243	Health and Human Services
244	Judiciary
245	Business and Labor
246	Judiciary
247	General Affairs
248	General Affairs
249	General Affairs
250	General Affairs
251	Education
252	Government, Military and Veterans Affairs
253	Judiciary
254	Health and Human Services
255	Transportation
256	Transportation
257	Transportation
258	Health and Human Services
259	Health and Human Services
260	Health and Human Services
261	Transportation
262	Agriculture
263	Agriculture
264	Revenue
265	Judiciary
266	Health and Human Services

267	Education
268	Judiciary
269	Revenue
270	Revenue
271	Revenue
272	Banking, Commerce and Insurance
273	Banking, Commerce and Insurance
274	Judiciary
275	Banking, Commerce and Insurance
276	Revenue
277	Revenue
278	Judiciary
279	Health and Human Services
280	Judiciary

LR	**Committee**
1	Executive Board
10CA	Executive Board
11CA	Government, Military and Veterans Affairs
13CA	Government, Military and Veterans Affairs
14CA	Executive Board
15CA	Government, Military and Veterans Affairs
16CA	Judiciary
17CA	Government, Military and Veterans Affairs
18CA	Judiciary
23CA	Executive Board
25CA	Executive Board
28CA	Government, Military and Veterans Affairs
29CA	Government, Military and Veterans Affairs
36CA	Judiciary
38CA	Government, Military and Veterans Affairs
39CA	Government, Military and Veterans Affairs
40CA	Government, Military and Veterans Affairs
41CA	Government, Military and Veterans Affairs
42CA	Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 4. Read. Considered.

LR 4 was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 404. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to judges; to amend sections 24-301.02 and 24-503, Reissue Revised Statutes of Nebraska; to change the number of county court and district court judges; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 405. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2204, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Supplement, 1996; to change and provide provisions relating to indeterminate sentences; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 406. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to civil rights; to amend section 28-307, Reissue Revised Statutes of Nebraska; to adopt the Physician Aid-In-Dying Act; to provide a penalty; to change provisions relating to murder, homicide, assault, and assisting suicide; and to repeal the original section.

LEGISLATIVE BILL 407. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to marriage; to amend sections 28-701, 42-101, 42-102, 42-103, 42-109, and 42-117, Reissue Revised Statutes of Nebraska; to provide for same sex marriages and for recognition of marriages contracted outside Nebraska; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 408. Introduced by Bohlke, 33; Beutler, 28; Brown, 6; Coordsen, 32; Crosby, 29; Cudaback, 36; Elmer, 44; Engel, 17; Hartnett, 45; Hillman, 48; Kiel, 9; Kristensen, 37; Lynch, 13; Matzke, 47; Maurstad, 30; McKenzie, 34; D. Pederson, 42; Stuhr, 24; Suttle, 10; Tyson, 19; Vrtiska, 1; Warner, 25; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to community colleges; to amend sections 77-3442, 85-1501, 85-1511, 85-1516, 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska, and sections 85-1503, 85-1515, 85-1517, and 85-1536, Revised Statutes Supplement, 1996; to change provisions relating to funding and tax levies; to create a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 409. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701 and 77-2703, Reissue Revised Statutes of Nebraska; to authorize issuance and use of direct payment permits for sales and use tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 410. Introduced by Warner, 25.

A BILL FOR AN ACT relating to income tax; to amend section 77-2701.01, Reissue Revised Statutes of Nebraska; to change the income tax rate; and to repeal the original section.

LEGISLATIVE BILL 411. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 53-160, 77-2602, 77-2701.02, 77-2702.07, 77-2702.13, 77-2702.14, 77-2702.17, and 77-2703, Reissue Revised Statutes of Nebraska; to create a fund for property tax relief purposes; to change liquor, cigarette, and sales and use tax rates; to impose sales and use taxes on certain services; to provide operative dates for the changes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 412. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend section 9-105, Uniform Commercial Code; to change provisions relating to secured transactions; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 413. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to insurance; to amend section 44-513, Revised Statutes Supplement, 1996; to provide reimbursement of pharmacy services; and to repeal the original section.

LEGISLATIVE BILL 414. Introduced by Vrtiska, 1; Schimek, 27.

A BILL FOR AN ACT relating to state agencies; to amend section 81-118.01, Reissue Revised Statutes of Nebraska; to authorize credit card payments; to define a term; to provide duties for the Department of Administrative Services; and to repeal the original section.

LEGISLATIVE BILL 415. Introduced by Warner, 25; Coordsen, 32; Hartnett, 45.

A BILL FOR AN ACT relating to the Community Development Law; to amend sections 18-2101, 18-2147, and 77-27,144, Reissue Revised Statutes of Nebraska; to provide for distribution of local option sales tax collected in community redevelopment areas; to require approval of division of ad valorem tax; to provide procedures for approval; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 416. Introduced by Elmer, 44.

A BILL FOR AN ACT relating to water wells; to amend sections 46-235.04, 46-637, Reissue Revised Statutes of Nebraska, and sections 46-235.04, 46-602, 46-1204.01, and 46-1207.01, Revised Statutes Supplement, 1996; to change provisions relating to registration of water wells; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 417. Introduced by Elmer, 44 .

A BILL FOR AN ACT relating to political subdivisions; to amend section 28-522, Reissue Revised Statutes of Nebraska; to provide for entry upon property as prescribed; to provide for damages; to provide an affirmative defense to criminal trespass; and to repeal the original section.

RESOLUTION

LEGISLATIVE RESOLUTION 48CA. Introduced by Kristensen, 37; Warner, 25; Withem, 14.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 20:

III-20 "Gas and other minerals in and under ~~The salt springs, coal, oil, minerals, or other natural resources on or contained in~~ the land belonging to the state shall never be alienated, ~~;~~ but provision may be made by law for the leasing or development of the same.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to prohibit the alienation of gas and other minerals in and under state land.
For
Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 418. Introduced by Hartnett, 45; Bohlke, 33.

A BILL FOR AN ACT relating to educational service units; to amend sections 77-3442, 79-1202, 79-1203, 79-1209, and 79-1210, Reissue Revised Statutes of Nebraska; to change provisions relating to a maximum tax levy; to provide for reorganization; to eliminate an obsolete provision; to repeal the original sections; and to outright repeal section 79-1216, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 419. Introduced by Hartnett, 45; Bohlke, 33.

A BILL FOR AN ACT relating to educational service units; to amend sections 79-1202 to 79-1204, 79-1209, and 79-1210, Reissue Revised Statutes of Nebraska; to provide for reorganization; to change provisions relating to role and mission; to repeal the original sections; and to outright repeal section 79-1216, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 420. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to campaign contributions; to amend sections 32-1603, 32-1608, 49-1403, 49-1446, 49-1455, 49-14,122, and 49-14,129, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-14,123, and 49-14,140, Revised Statutes Supplement, 1996; to prohibit the acceptance of certain campaign contributions; to repeal the Campaign Finance Limitation Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 32-1601, 32-1602, 32-1604 to 32-1607, 32-1608.01 to 32-1609, 32-1611, and 77-27,119.04, Reissue Revised Statutes of Nebraska, and section 32-1610, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 421. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-14,124 and 49-14,125, Reissue Revised Statutes of Nebraska; to provide and change enforcement powers of the Nebraska Accountability and Disclosure Commission; and to repeal the original sections.

LEGISLATIVE BILL 422. Introduced by Matzke, 47; at the request of the Governor.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-2523, Reissue Revised Statutes of Nebraska; to change the definition of aggravating circumstances; and to repeal the original section.

LEGISLATIVE BILL 423. Introduced by Landis, 46.

A BILL FOR AN ACT relating to child support; to amend sections 42-364.13 and 42-369, Reissue Revised Statutes of Nebraska; to provide for retroactive modification; and to repeal the original sections.

LEGISLATIVE BILL 424. Introduced by Landis, 46.

A BILL FOR AN ACT relating to juvenile services; to amend sections 43-2404, 43-2405, 43-2407, 43-2409, 43-2410, and 43-2412, Reissue Revised Statutes of Nebraska, and sections 43-2403, 43-2406, and 43-2411, Revised Statutes Supplement, 1996; to change Juvenile Services Act provisions; and to repeal the original sections.

LEGISLATIVE BILL 425. Introduced by Banking, Commerce and Insurance Committee: Landis, 46, Chairperson; Brashear, 4; Jensen, 20; Jones, 43; Schmitt, 41; Wesely, 26.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-113, 8-114, 8-115, 8-116, 8-121, 8-124, 8-128, 8-129, 8-132, 8-169, 8-185, 8-187, 8-190, 8-193, 8-197, 8-198, 8-1,102, 8-1,103, 8-1,104, 8-1,116, 8-1,119, 8-1,120, 8-1602, and 8-1603, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-122, 8-126, 8-143.01, 8-206, 8-909, 8-910, and 21-2028, Revised Statutes Supplement, 1996; to define terms; to provide for charters for savings banks; to provide for asset tests; to provide for notice, requalification, or conversion for failure to meet asset tests; to provide for a mutual form of corporate organizations; to provide for savings bank investments; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 426. Introduced by Cudaback, 36 .

A BILL FOR AN ACT relating to cities and villages; to amend section 19-927, Reissue Revised Statutes of Nebraska; to change provisions relating to planning commission meetings; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 427. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-2102.01, Reissue Revised Statutes of Nebraska; to change provisions relating to appointments to a community redevelopment authority; and to repeal the original section.

LEGISLATIVE BILL 428. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to energy; to create the Biopower Steering Committee; to provide powers and duties; and to create a fund.

LEGISLATIVE BILL 429. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to taxation; to amend section 77-1239, Reissue Revised Statutes of Nebraska; to change provisions relating to motor vehicles; and to repeal the original section.

LEGISLATIVE BILL 430. Introduced by Wickersham, 49; Beutler, 28.

A BILL FOR AN ACT relating to the Attorney General; to amend sections 84-202, 84-203, and 84-207, Reissue Revised Statutes of Nebraska, and 84-205, Revised Statutes Supplement, 1996; to change and eliminate powers and duties of the Attorney General; to repeal the original sections; and to outright repeal section 84-208, Reissue Revised Statutes of Nebraska.

NOTICE OF COMMITTEE HEARING
Judiciary

LB 18	Thursday, January 23, 1997	1:30 p.m.
LB 58	Thursday, January 23, 1997	1:30 p.m.
LB 77	Thursday, January 23, 1997	1:30 p.m.
LB 80	Thursday, January 23, 1997	1:30 p.m.
LB 87	Thursday, January 23, 1997	1:30 p.m.
LB 88	Thursday, January 23, 1997	1:30 p.m.
LB 108	Thursday, January 23, 1997	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 1. Placed on Select File.
LEGISLATIVE BILL 2. Placed on Select File.

LEGISLATIVE BILL 3. Placed on Select File as amended.
E & R amendment to LB 3:
AM7000
1. On page 2, line 24, strike "(5)".

LEGISLATIVE BILL 4. Placed on Select File.
LEGISLATIVE BILL 5. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 431. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3501, 77-3507, 77-3508, and 77-3509, Reissue Revised Statutes of Nebraska; to change homestead exemption calculations for closely related persons; to provide a duty for the Revisor of Statutes; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 432. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to insurance; to require infertility coverage as prescribed; and to define terms.

LEGISLATIVE BILL 433. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1002, Reissue Revised Statutes of Nebraska; to provide and change provisions relating to legislative findings and intent; and to repeal the original section.

LEGISLATIVE BILL 434. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to marriage; to amend section 42-372.01, Revised Statutes Supplement, 1996; to change decree dissolution provisions; and to repeal the original section.

LEGISLATIVE BILL 435. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2703, Reissue Revised Statutes of Nebraska; to change a collection fee for county treasurers; and to repeal the original section.

LEGISLATIVE BILL 436. Introduced by Brown, 6.

A BILL FOR AN ACT relating to insurance; to require policies providing fire or weather-related coverage to pay governmental demolition liens and other obligations out of loss payments.

LEGISLATIVE BILL 437. Introduced by Brown, 6.

A BILL FOR AN ACT relating to child support collection; to create a task force; and to declare an emergency.

LEGISLATIVE BILL 438. Introduced by Brown, 6.

A BILL FOR AN ACT relating to compulsory attendance; to amend sections 79-201 and 79-208 to 79-210, Reissue Revised Statutes of Nebraska, and sections 60-462, 60-479, and 60-4,115, Revised Statutes Supplement, 1996; to change provisions relating to truancy; to provide duties; to change provisions relating to and to provide for denial of eligibility for motor vehicle operator's licenses and permits as prescribed; to change and provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 439. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1996; to adopt the Street Gang Recision Act; to provide penalties; and to repeal the original section.

LEGISLATIVE BILL 440. Introduced by Abboud, 12; Hudkins, 21; Janssen, 15; Stuhr, 24.

A BILL FOR AN ACT relating to crimes and punishments; to amend sections 28-204 and 60-690, Reissue Revised Statutes of Nebraska; to change provisions relating to being an accessory to felony; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 441. Introduced by Hilgert, 7; Brown, 6; Kiel, 9; Schrock, 38.

A BILL FOR AN ACT relating to veterans; to amend sections 80-401.03 and 80-403, Reissue Revised Statutes of Nebraska; to redefine a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 442. Introduced by Abboud, 12; Hilgert, 7.

A BILL FOR AN ACT relating to product liability; to amend section 25-21,181, Reissue Revised Statutes of Nebraska; to change provisions relating to strict liability; and to repeal the original section.

LEGISLATIVE BILL 443. Introduced by Will, 8; Coordsen, 32; McKenzie, 34.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend section 77-27,193, Reissue Revised Statutes of Nebraska; to change a provision relating to the computation of credits; and to repeal the original section.

LEGISLATIVE BILL 444. Introduced by Hartnett, 45; Bruning, 3.

A BILL FOR AN ACT relating to the option enrollment program; to amend sections 79-233, 79-1018, 79-1032, and 79-1140, Reissue Revised Statutes of Nebraska; to provide for termination of and ineligibility for option enrollment as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 445. Introduced by Crosby, 29; Jensen, 20.

A BILL FOR AN ACT relating to telemarketing; to adopt the Telemarketer Registration Act.

LEGISLATIVE BILL 446. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to schools; to amend section 79-724, Reissue Revised Statutes of Nebraska; to provide for singing of the Star-Spangled Banner; and to repeal the original section.

LEGISLATIVE BILL 447. Introduced by Will, 8; Bruning, 3; Hilgert, 7.

A BILL FOR AN ACT relating to fire and ambulance service; to amend sections 13-303 and 35-514.02, Revised Statutes Supplement, 1996; to change provisions relating to contracts; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 448. Introduced by Schimek, 27; Crosby, 29; Hillman, 48.

A BILL FOR AN ACT relating to domestic violence; to amend sections 42-901, 42-902, 42-918, 42-919, 42-920, 42-921, 42-922, 42-923, and 42-927, Reissue Revised Statutes of Nebraska; to provide for the creation of an incident report form; to provide duties for law enforcement agencies and the Attorney General; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 449. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to the Nebraska Construction Lien Act; to amend section 52-125, Reissue Revised Statutes of Nebraska; to provide duties for prime contractors, primary lenders, and mortgagees; to provide penalties; to eliminate obsolete lien provisions; to harmonize provisions; to repeal the original section; and to outright repeal section 52-158, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 450. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health care; to amend sections 71-2017.01, 71-5805.01, 71-5814, and 71-5870, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates of need; to redefine terms; to provide a penalty; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 451. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to developmental disabilities; to amend sections 83-1201 and 83-1213, Reissue Revised Statutes of Nebraska; to provide for contracts to review the quality of life of recipients of developmental disabilities services and the quality of the services; to change provisions relating to quality review teams; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 452. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-1,102 and 71-1,103, Reissue Revised Statutes of Nebraska; to redefine practice of medicine and surgery; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 453. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to trade practices; to amend sections 87-123, 87-208 to 87-218, and 87-220, Reissue Revised Statutes of Nebraska, and sections 21-1931, 21-19,151, 21-2028, and 21-20,173, Revised Statutes Supplement, 1996; to change provisions relating to trademarks and trade names; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 454. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4108, Reissue Revised Statutes of Nebraska; to limit use of income tax credits; and to repeal the original section.

LEGISLATIVE BILL 455. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4103, 77-4104.01, 77-4107, 77-4110, 77-4929, and 77-4931, Reissue Revised Statutes of Nebraska; to provide restrictions on employment of unauthorized aliens for purposes of tax incentive programs; and to repeal the original sections.

LEGISLATIVE BILL 456. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Employment and Investment Growth Act; to amend section 77-4103, Reissue Revised Statutes of Nebraska; to redefine a term; and to repeal the original section.

LEGISLATIVE BILL 457. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Quality Jobs Act; to amend section 77-4928, Reissue Revised Statutes of Nebraska; to change provisions relating to wage benefit credits, the board, and application procedures; and to repeal the original section.

LEGISLATIVE BILL 458. Introduced by Will, 8.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-224, Reissue Revised Statutes of Nebraska; to change commencement provisions of certain product liability actions; and to repeal the original section.

LEGISLATIVE BILL 459. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to retirement; to adopt the Employees of Elected Constitutional Offices Supplemental Retirement Plan Act; to provide retirement benefits for employees of constitutional offices; and to provide a penalty.

LEGISLATIVE BILL 460. Introduced by Robinson, 16; Coordsen, 32; Kristensen, 37; Schellpeper, 18; Schimek, 27; Warner, 25; Withem, 14.

A BILL FOR AN ACT relating to elections; to amend sections 32-628 to

32-631, 32-716, 32-1401 to 32-1404, 32-1407, 32-1409 to 32-1411, and 32-1546, Revised Statutes Supplement, 1996; to change provisions relating to petitions, petition signers and circulators, and initiative and referendum procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 461. Introduced by Bromm, 23; Jones, 43; Robinson, 16; Schellpeper, 18; Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to the Education Innovation Fund; to amend section 9-812, Revised Statutes Supplement, 1996; to change provisions relating to disbursements from the fund; to repeal the original section; and to declare and emergency.

LEGISLATIVE BILL 462. Introduced by Bromm, 23; Jensen, 20; Jones, 43.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3001, Reissue Revised Statutes of Nebraska; to change provisions relating to postconviction proceedings; to establish limits on postconviction proceedings; and to repeal the original section.

LEGISLATIVE BILL 463. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-129, Reissue Revised Statutes of Nebraska, and sections 23-186, 60-105, 60-106, 60-111.01, and 81-2004.02, Revised Statutes Supplement, 1996; to eliminate the vehicle identification inspection program; to harmonize provisions; to repeal the original sections; and to outright repeal sections 60-118 to 60-127, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 464. Introduced by Crosby, 29; Kristensen, 37; Schimek, 27.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-6,206 and 60-6,211.01 to 60-6,211.03, Reissue Revised Statutes of Nebraska, and sections 60-601, 60-6,197, and 60-6,205, Revised Statutes Supplement, 1996; to define refusal to take a chemical test; to change hearing procedures and penalties for driving under the influence of alcohol; to change provisions relating to zero tolerance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 465. Introduced by Schellpeper, 18; Bromm, 23; Bruning, 3; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Maurstad, 30; Dw. Pedersen, 39; D. Pederson, 42; Robak, 22; Schmitt, 41; Schrock, 38; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Witek, 31.

A BILL FOR AN ACT relating to handguns; to amend section 28-1202, Reissue Revised Statutes of Nebraska; to adopt the Concealed Handgun

License Act; to provide penalties; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 466. Introduced by Bromm, 23; Matzke, 47; D. Pederson, 42.

A BILL FOR AN ACT relating to guardians and conservators; to amend sections 30-1601, 30-2201, 30-2220, 30-2601, 30-2619, 30-2620, 30-2625 to 30-2629, 30-2630.01, 30-2633, 30-2634, 30-2637, and 30-2639, Reissue Revised Statutes of Nebraska; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to change certain bond requirements; to state intent; to redefine a term; to change provisions relating to temporary guardianship and conservatorship proceedings, expedited hearings, the authority of the court pursuant to the creation of a will by a protected person or the creation or alteration of his or her estate plan, and limitations on proceedings against trustees; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 467. Introduced by Hilgert, 7; Crosby, 29; Elmer, 44; Hudkins, 21; Janssen, 15; Jones, 43; Robinson, 16.

A BILL FOR AN ACT relating to tobacco products; to amend sections 28-1418, 28-1419, 28-1421 to 28-1423, 28-1425, and 28-1426, Reissue Revised Statutes of Nebraska; to define terms; to change provisions relating to tobacco licenses and tobacco products and minors; to require posting of signs; to provide penalties; to authorize testing for compliance by law enforcement; to eliminate provisions relating to misrepresentation of age and transfer of tobacco licenses; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 28-1427 and 28-1428, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 468. Introduced by Cudaback, 36; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2708, 77-202, 77-506, 77-1360.01, 77-2701, 77-2702.07, 77-2702.13, 77-2702.14, 77-2702.17, 77-2703, 77-2704.24, 77-2704.31, 77-2711, 77-4105, 77-4106, 79-401, 79-402, 79-431, 79-1016, 79-1085, 79-1086, and 79-1225, Reissue Revised Statutes of Nebraska, and sections 13-319, 13-326, and 18-2713, Revised Statutes Supplement, 1996; to change provisions relating to sales and use taxes, income taxes, property taxes, and aid to education; to impose sales and use taxes and income taxes; to require school district mergers; to provide funding for special education costs; to eliminate the Local Option Revenue Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 77-27,142 to 77-27,148, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 469. Introduced by Schellpeper, 18; Coordsen, 32; Cudaback, 36; Jones, 43; Vrtiska, 1; Wickersham, 49.

A BILL FOR AN ACT relating to county agricultural societies; to amend sections 2-202, 2-204, 2-207, 2-209, 2-210, 2-220.02, 2-220.04, and 2-1204, Reissue Revised Statues of Nebraska, and sections 2-203.01, 2-203.06, 2-206, 2-220.01, 2-238 to 2-249, Revised Statutes Supplement, 1996; to adopt the County Agricultural Society Act; to change and eliminate formation, operation, security, and dissolution provisions; to eliminate obsolete provisions; to separate provisions; to transfer provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-208 and 2-211 to 2-218, Reissue Revised Statutes of Nebraska, and sections 2-201, 2-203, 2-203.02 to 2-203.05, 2-205, and 2-219, Revised Statutes Supplement, 1996.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following legislative bills and resolutions:

LB	Committee
281	Government, Military and Veterans Affairs
282	Business and Labor
283	Judiciary
284	Judiciary
285	Banking, Commerce and Insurance
286	Transportation
287	Government, Military and Veterans Affairs
288	General Affairs
289	Judiciary
290	Judiciary
291	Judiciary
292	Education
293	Judiciary
294	Judiciary
295	Transportation
296	Revenue
297	Natural Resources
298	Urban Affairs
299	Urban Affairs
300	Transportation
301	Judiciary
302	Judiciary
303	Education
304	Revenue
305	Revenue
306	Revenue
307	Health and Human Services
308	Revenue
309	Transportation
310	Health and Human Services
311	Revenue

312	Revenue
313	Natural Resources
314	Government, Military and Veterans Affairs
315	Urban Affairs
316	Natural Resources
317	Revenue
318	Urban Affairs
319	Urban Affairs
320	Transportation
321	Government, Military and Veterans Affairs
322	Education
323	Judiciary
324	Judiciary
325	Health and Human Services
326	Banking, Commerce and Insurance
327	Banking, Commerce and Insurance
328	Transportation
329	Natural Resources
330	Nebraska Retirement Systems
331	Judiciary
332	Transportation
333	Revenue
334	Natural Resources
335	Banking, Commerce and Insurance
336	Banking, Commerce and Insurance
337	Nebraska Retirement Systems
338	Transportation
339	Government, Military and Veterans Affairs
340	Health and Human Services
341	Health and Human Services
342	Revenue
343	Revenue
344	Revenue
345	Education
346	Education
347	Education
348	Revenue
349	Appropriations
350	Judiciary
351	Banking, Commerce and Insurance
352	Health and Human Services
353	Transportation

LR	**Committee**
37	Revenue
43CA	Government, Military and Veterans Affairs
44CA	Transportation
45CA	Revenue

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS

Natural Resources

LB 19	Thursday, January 23, 1997	1:30 p.m.
LB 43	Thursday, January 23, 1997	1:30 p.m.
LB 155	Thursday, January 23, 1997	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Executive Board

LB 102	Thursday, January 23, 1997	12:00 noon

(Signed) George Coordsen, Chairperson

Government, Military and Veterans Affairs

Governor Appointments	Friday, January 24, 1997	1:30 p.m.

Nebraska Accountability & Disclosure Commission
Ellen Lierk
Neil B. Danberg Jr.
Nebraska State Personnel Board
Virgie Louis

LR 32CA	Friday, January 24, 1997	1:30 p.m.
LR 39CA	Friday, January 24, 1997	1:30 p.m.
LR 41CA	Friday, January 24, 1997	1:30 p.m.
LB 131	Friday, January 24, 1997	1:30 p.m.
LB 71	Friday, January 24, 1997	1:30 p.m.

(Signed) C. N. Bud Robinson, Chairperson

Revenue

LB 269	Thursday, January 23, 1997	1:30 p.m.
LB 115	Thursday, January 23, 1997	1:30 p.m.
LB 343	Thursday, January 23, 1997	1:30 p.m.
LB 176	Thursday, January 23, 1997	1:30 p.m.
LB 304	Thursday, January 23, 1997	1:30 p.m.
LR 45CA	Thursday, January 23, 1997	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Health and Human Services

LB 194	Thursday, January 23, 1997	1:30 p.m.
LB 195	Thursday, January 23, 1997	1:30 p.m.
LB 254	Thursday, January 23, 1997	1:30 p.m.
LB 83	Thursday, January 23, 1997	1:30 p.m.
LB 222	Friday, January 24, 1997	1:30 p.m.
LB 92	Friday, January 24, 1997	1:30 p.m.
LB 185	Friday, January 24, 1997	1:30 p.m.
LB 279	Wednesday, January 29, 1997	1:30 p.m.
LB 258	Wednesday, January 29, 1997	1:30 p.m.

(Signed) Don Wesely, Chairperson

ANNOUNCEMENTS

Mr. Wehrbein announced the Appropriations Committee elected Mrs. Hillman as Vice Chairperson.

Mr. Will announced the Rules Committee elected Mr. Bromm as Vice Chairperson.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. C. Peterson asked unanimous consent to have her name added as cointroducer to LB 396. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as cointroducer to LB 397. No objections. So ordered.

Mr. Warner asked unanimous consent to have his name added as cointroducer to LB 164. No objections. So ordered

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 111, LB 266, and LB 408. No objections. So ordered.

VISITORS

Visitors to the Chamber were Greg Meades from Tenby, South Wales, U.K. and David Barr from Lincoln.

The Doctor of the Day was Rob Rhodes from Lincoln.

ADJOURNMENT

At 11:20 a.m., on a motion by Mrs. Hudkins, the Legislature adjourned until 10:00 a.m., Friday, January 17, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTH DAY - JANUARY 17, 1997

LEGISLATIVE JOURNAL

EIGHTH DAY – JANUARY 17, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 17, 1997

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Ron Buchinski, People's City Mission, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Dierks who was excused; and Messrs. Abboud, Beutler, Brashear, Bromm, Chambers, Coordsen, Elmer, Hartnett, Hilgert, Janssen, Kristensen, Lynch, Robinson, Warner, Wesely, Wickersham, Will, Mmes. Kiel, McKenzie, Suttle, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventh day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 16, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Anderson, Britt - Lincoln; ASUN - UNL Student Government
Boucher Law Firm
  Boucher, Richard - Lincoln; American Massage Therapy Association Nebraska Chapter
  Campbell, Leslie - Lincoln; American Massage Therapy Association Nebraska Chapter

Bredthauer, Trudy - Omaha; Nebraska Methodist Health System, Inc.; Omaha Public Schools
Christiansen, Craig R. - Lincoln; Nebraska State Education Association
Cutshall, Bruce A. - Lincoln; Pfizer, Inc.
Ferrell, Beth Bazyn - Lincoln; Nebraska Association of County Officials
Hiatt, Loren D. - Omaha; AT&T Corp.
Jensen Associates, Inc.
  Jensen Ronald L. - Lincoln; Nebraska Sierra Club; (Withdrawn 10/1/96)
Lindsay, John - Lincoln; Cox Nebraska Telecommunications, Inc.; TCG Omaha
Mikkelsen, Brian - Lincoln; Nebraska Sierra Club
Moody, Randall - Lincoln; Real Estate Owners and Managers Association (REOMA)
Moors, H. Jack - Lincoln; Cargill, Inc.
Potter, Cara E. - Lincoln; Nebraska Retail Grocers Association
Reilly, Tara - Fairfax, VA; National Rifle Association
Scarpello, Sam M. - Omaha; Omaha Building & Construction Trades Council
Schoenrock, Robert L. - Lincoln; Brotherhood of Maintenance of Way Employees
Uhe, Fred J. - Papillion; Sarpy County Board of Commissioners
Wylie, William M. - Elgin; Nebraska Insurance Information Service

RESOLUTIONS

LEGISLATIVE RESOLUTION 33. Read. Considered.

LEGISLATIVE RESOLUTION 34. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 33 and 34 were adopted with 17 ayes, 0 nays, 14 present and not voting, and 18 excused and not voting.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 4.

SELECT FILE

LEGISLATIVE BILL 1. Advanced to E & R for engrossment.
LEGISLATIVE BILL 2. Advanced to E & R for engrossment.

LEGISLATIVE BILL 3. E & R amendment, AM7000, found on page 288, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 4. Advanced to E & R for engrossment.

LEGISLATIVE BILL 5. Advanced to E & R for engrossment.

MOTION - Suspend Rules

Mr. Cudaback moved to suspend the rules, Rule 5, Section 11, to permit withdrawal of LB 468.

The motion to suspend the rules prevailed with 30 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

MOTION - Withdraw LB 468

Mr. Cudaback moved to withdraw LB 468.

The Cudaback motion prevailed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Jensen's birthday.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 470. Introduced by Kiel, 9.

A BILL FOR AN ACT relating to employment; to prohibit certain actions by employers based on use of lawful products; to provide for damages; and to provide exceptions as prescribed.

LEGISLATIVE BILL 471. Introduced by Coordsen, 32; Schellpeper, 18.

A BILL FOR AN ACT relating to public power; to amend sections 70-1005 and 70-1008, Reissue Revised Statutes of Nebraska; to eliminate provisions dealing with modification of service areas; to harmonize provisions; to repeal the original sections; and to outright repeal sections 70-1009 and 70-1010, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 472. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to controlled substances; to amend sections 71-1,143 and 71-1,147.01, Reissue Revised Statutes of Nebraska, and section 28-410, Revised Statutes Supplement, 1996; to restrict the dispensing of certain controlled substances; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 473. Introduced by Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to hunting permits; to amend section 37-215.03, Revised Statutes Supplement, 1996; to change provisions relating to limited permits; and to repeal the original section.

LEGISLATIVE BILL 474. Introduced by Vrtiska, 1; Brashear, 4; Bromm, 23; Bruning, 3; Coordsen, 32; Crosby, 29; Cudaback, 36; Hudkins, 21; Jensen, 20; Jones, 43; Kristensen, 37; Landis, 46; Matzke, 47; Maurstad, 30; Dw. Pedersen, 39; Robinson, 16; Schmitt, 41; Schrock, 38; Stuhr, 24; Warner, 25; Wehrbein, 2; Wesely, 26; Witek, 31.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-103, 48-145, 48-146, 48-147, and 48-1,110, Reissue Revised Statutes of Nebraska, and section 48-115, Revised Statutes Supplement, 1996; to provide for compensation for employment involving leased commercial motor vehicles by agreement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 475. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Reissue Revised Statutes of Nebraska; to adopt the Postsecondary Education Expense Act; to provide an adjustment for income tax purposes; and to repeal the original section.

LEGISLATIVE BILL 476. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend section 71-110, Reissue Revised Statutes of Nebraska; to change provisions for reinstatement of certain revoked licenses, certificates, and registrations; and to repeal the original section.

LEGISLATIVE BILL 477. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,296, Reissue Revised Statutes of Nebraska; to change provisions relating to overloading of vehicles; to provide a penalty; to provide liability for the owner of the load; and to repeal the original section.

LEGISLATIVE BILL 478. Introduced by Robak, 22.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-10,113 and 2-10,115, Revised Statutes Supplement, 1996; to require genetically engineered labeling; to provide a penalty; and to repeal the original sections.

LEGISLATIVE BILL 479. Introduced by Schellpeper, 18; Wehrbein, 2.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.11, Reissue Revised Statutes of Nebraska; to change provisions relating to farm wineries; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 480. Introduced by Witek, 31.

A BILL FOR AN ACT relating to sex offenders; to amend section 29-4009, Revised Statutes Supplement, 1996; to provide public access to certain information obtained pursuant to the Sex Offender Registration Act; and to repeal the original section.

LEGISLATIVE BILL 481. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to political subdivisions; to authorize rent control for certain persons; and to provide powers.

LEGISLATIVE BILL 482. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend sections 53-101.01, 53-116, 53-116.02, 53-117, 53-117.05, 53-132 to 53-134, 53-134.04, 53-135, 53-135.01, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska, and sections 53-101, 53-103, 53-117.06, 53-122, 53-124, 53-129, and 53-131, Revised Statutes Supplement, 1996; to change provisions relating to licenses and penalties; to create a fund; to change and eliminate provisions relating to policy, powers and duties, license forfeiture, copies of rules and regulations, a cash fund, elections, licenses, fees, location of licensed premises, license applications and issuance, hearings, protests, disciplinary proceedings, and appeals; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal sections 53-134.02 and 53-134.03, Reissue Revised Statutes of Nebraska; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Education

LB 132	Monday, January 27, 1997	1:30 p.m.
LB 345	Monday, January 27, 1997	1:30 p.m.
LB 346	Monday, January 27, 1997	1:30 p.m.
LB 347	Monday, January 27, 1997	1:30 p.m.
LR 6CA	Monday, January 27, 1997	1:30 p.m.

Governor Appointment Tuesday, January 28, 1997 1:15 p.m.
Jeff Renner - College Board of Trustees

LB 206	Tuesday, January 28, 1997	1:30 p.m.
LB 303	Tuesday, January 28, 1997	1:30 p.m.
LB 174	Tuesday, January 28, 1997	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

General Affairs

Governor Appointments	Monday, January 27, 1997	1:30 p.m.

Nebraska Arts Council
Ms. Gail Erwin
Don Hinds
Marilyn Mitchell
Harry Richardson
Fred Teller

Nebraska Liquor Control Commission
Richard Coyne

State Electrical Board
William Whitmer

LB 82	Monday, January 27, 1997	1:30 p.m.
LB 106	Monday, January 27, 1997	1:30 p.m.
LB 112	Monday, January 27, 1997	1:30 p.m.
LB 250	Monday, January 27, 1997	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

Transportation

LB 42	Monday, January 27, 1997	1:30 p.m.
LB 75	Monday, January 27, 1997	1:30 p.m.
LB 76	Monday, January 27, 1997	1:30 p.m.
LB 226	Monday, January 27, 1997	1:30 p.m.
LB 256	Monday, January 27, 1997	1:30 p.m.
LB 286	Monday, January 27, 1997	1:30 p.m.
LB 338	Monday, January 27, 1997	1:30 p.m.

(Signed) Douglas A. Kristensen, Chairperson

Revenue

LB 342	Friday, January 24, 1997	1:30 p.m.
LB 270	Friday, January 24, 1997	1:30 p.m.
LB 86	Friday, January 24, 1997	1:30 p.m.
LB 187	Friday, January 24, 1997	1:30 p.m.
LB 28	Friday, January 24, 1997	1:30 p.m.
LB 317	Friday, January 24, 1997	1:30 p.m.

(Signed) Jerome Warner, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 49. Introduced by Kiel, 9; Dw. Pedersen, 39.

WHEREAS, Dr. Dale Dunn of Omaha served his community honorably during his long career as a family physician; and

WHEREAS, Dr. Dunn's caring dedication to his patients will be remembered with deep appreciation, and he will be greatly missed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its sympathy to Dr. Dale Dunn's wife and family on Dr. Dunn's death.
2. That the Clerk of the Legislature send a copy of this resolution to Mrs. Dunn.

Laid over.

MS. SCHIMEK PRESIDING

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 483. Introduced by Hillman, 48; Robinson, 16.

A BILL FOR AN ACT relating to surveys; to adopt the Nebraska Plane Coordinate System Act.

LEGISLATIVE BILL 484. Introduced by Suttle, 10; Kiel, 9; Preister, 5.

A BILL FOR AN ACT relating to tobacco products; to amend sections 28-1424 and 28-1425, Reissue Revised Statutes of Nebraska; to provide for the suspension of tobacco licenses; to provide powers to municipalities and counties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 485. Introduced by Hudkins, 21; Crosby, 29; Lynch, 13; Schrock, 38; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Reissue Revised Statutes of Nebraska; to change provisions relating to examination and maintenance costs of individuals determined to be mentally incompetent; to limit confinement; and to repeal the original section.

LEGISLATIVE BILL 486. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1917, Reissue Revised Statutes of Nebraska; to change provisions relating to foreclosure proceedings; and to repeal the original section.

LEGISLATIVE BILL 487. Introduced by Hartnett, 45; Preister, 5.

A BILL FOR AN ACT relating to political subdivisions; to prohibit the controlling of rent.

LEGISLATIVE BILL 488. Introduced by Kiel, 9; Brashear, 4; Bruning, 3; Hillman, 48; Schimek, 27; Schrock, 38; Suttle, 10.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,144, Reissue Revised Statutes of Nebraska; to change a collection fee; and to repeal the original section.

LEGISLATIVE BILL 489. Introduced by Hartnett, 45; Bruning, 3; Dw. Pedersen, 39; Preister, 5; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to taxation; to amend sections 77-3201, 77-3203, 77-3204, and 77-3205, Reissue Revised Statutes of Nebraska; to change provisions relating to county land reutilization authorities and commissions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 490. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to the child protection case central registry; to amend section 28-723, Reissue Revised Statutes of Nebraska; to provide for attorney's fees; and to repeal the original section.

LEGISLATIVE BILL 491. Introduced by Stuhr, 24; Crosby, 29; Lynch, 13.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend section 79-901, Reissue Revised Statutes of Nebraska; to authorize purchase of service relating to service in certain private, denominational, and parochial schools; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 492. Introduced by Will, 8; Hartnett, 45; Hilgert, 7.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide a tax credit for educational expenses; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 493. Introduced by Will, 8; at the request of the Governor.

A BILL FOR AN ACT relating to income tax; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide for a homestead credit; to harmonize provisions; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 494. Introduced by Beutler, 28; Preister, 5.

A BILL FOR AN ACT relating to license plates; to provide for Nebraska Environmental Heritage License Plates; to provide powers and duties for the Department of Motor Vehicles and the Game and Parks Commission; to provide fees; and to create a fund.

LEGISLATIVE BILL 495. Introduced by Beutler, 28; at the request of the Governor.

A BILL FOR AN ACT relating to the Integrated Solid Waste Management Act; to amend section 13-2042, Revised Statutes Supplement, 1996; to provide for disbursements from a fund; and to repeal the original section.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 496. Introduced by Engel, 17; Hartnett, 45.

A BILL FOR AN ACT relating to International Fuel Tax Agreement Act; to amend section 66-1404, Reissue Revised Statutes of Nebraska; to authorize local reciprocal exemption agreements; and to repeal the original section.

LEGISLATIVE BILL 497. Introduced by Will, 8; Brown, 6; Hartnett, 45; Hilgert, 7; Kiel, 9; Dw. Pedersen, 39; Preister, 5; Suttle, 10; Withem, 14.

A BILL FOR AN ACT relating to retirement; to amend sections 79-902, 79-916, 79-940, 79-942, 79-944, 79-947, 79-978 to 79-981, 79-984, 79-986, 79-988, 79-988.01, 79-994, 79-995, 79-997, 79-998, 79-9,100, 79-9,102 to 79-9,104, 79-9,107, 79-9,113, 79-9,115, and 79-1043, Reissue Revised Statutes of Nebraska, and section 84-1511, Revised Statutes Supplement, 1996; to change provisions relating to school employee retirement for Class V school districts; to name an act; to change the monthly formula retirement annuity; to provide cost-of-living adjustments; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 498. Introduced by Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to authorize a state refund for increased property taxes imposed on homesteads.

LEGISLATIVE BILL 499. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to public power districts; to amend sections 18-412.07, 18-412.08, 18-2458, 18-2459, 70-628.02 to 70-628.04, 70-637, and 70-641, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to sale or lease of equipment and property of districts; to harmonize provisions; to repeal the original sections; and to outright repeal sections 70-646 and 70-657, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 500. Introduced by Wickersham, 49; Warner, 25.

A BILL FOR AN ACT relating to state agencies; to require performance evaluations of the administrative head of certain agencies; and to provide powers and duties.

LEGISLATIVE BILL 501. Introduced by Schimek, 27; Kiel, 9; Preister, 5.

A BILL FOR AN ACT relating to electricity; to require net billing for certain electricity generators.

LEGISLATIVE BILL 502. Introduced by Preister, 5; Hartnett, 45.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-818, Reissue Revised Statutes of Nebraska; to prohibit the establishment of slaughterhouses near residential areas; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 503. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 to 79-1003, Reissue Revised Statutes of Nebraska; to change provisions relating to calculation of district formula need; and to repeal the original sections.

LEGISLATIVE BILL 504. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1416 and 76-1446, Reissue Revised Statutes of Nebraska; to change provisions relating to security deposits and actions for possession; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 505. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to judges; to amend sections 24-301.02, 24-503, and 24-1206, Reissue Revised Statutes of Nebraska; to change the number of county court and district court judges; to change procedures relating to judicial districts; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 506. Introduced by Beutler, 28; Bohlke, 33; Bromm, 23; Elmer, 44; McKenzie, 34; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to public power; to amend sections 18-2401, 18-2403, 18-2414, 70-301, 70-601, 70-604, 70-604.02, 70-626, 70-628.01 to 70-628.04, 70-631, 70-632, 70-636, 70-637, 70-646, 70-655, 70-657, 70-667, 70-802, 70-1402, 70-1404, 70-1409, 70-1413, 70-1416, and 70-1417, Reissue Revised Statutes of Nebraska; to authorize cooperating municipalities, public power districts, and joint power districts to provide natural gas and telecommunications services; to eliminate provisions relating to construction of microwave communications facilities; to harmonize provisions; to repeal the original sections; and to outright repeal sections 70-1021 and 70-1022, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 507. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 11-126, 23-102, 23-121, 23-1114.03 to 23-1114.06, 23-2504, 23-2518, 24-345, 25-1625, 33-106.02, and 33-131, Reissue Revised Statutes of Nebraska, and sections 11-119, 11-125, 22-417, and 23-120, Revised Statutes Supplement, 1996; to eliminate the positions of clerk magistrate of the county court and clerk of the district court; to create the position of clerk of the court; to eliminate election of clerks of the district court and obsolete provisions; to provide for salaries and benefits; to require the state to pay for certain costs of county and district courts; to change duties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 32-524, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 508. Introduced by Bromm, 23; Engel, 17; Hudkins, 21; Jensen, 20; Maurstad, 30; D. Pederson, 42; Schrock, 38; Witek, 31.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-213, 25-2308, and 83-183, Reissue Revised Statutes of Nebraska, and section 83-1,116, Revised Statutes Supplement, 1996; to change provisions relating to actions brought by prisoners; to informally name the Nebraska Prison Litigation Reform Act of 1997; to eliminate a provision relating to witness fees; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; to repeal the original sections; and to outright repeal section 33-139.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 509. Introduced by Brashear, 4; Bohlke, 33; Brown, 6; Crosby, 29; Hartnett, 45; Hilgert, 7; Hillman, 48; Hudkins, 21; Kiel, 9; Lynch, 13; Robak, 22; Schimek, 27; Schrock, 38; Stuhr, 24; Suttle, 10.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105 and 28-106, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1996; to create the offense of domestic violence; to provide penalties; to define terms; and to repeal the original sections.

LEGISLATIVE BILL 510. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to public meetings; to amend section 84-1409, Revised Statutes Supplement, 1996; to redefine a term; to provide an exception; and to repeal the original section.

LEGISLATIVE BILL 511. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-204, Reissue Revised Statutes of Nebraska; to change penalties relating to being an accessory to felony; and to repeal the original section.

LEGISLATIVE BILL 512. Introduced by Will, 8.

A BILL FOR AN ACT relating to juveniles; to amend sections 43-284, 43-286, 43-290, and 43-2,101, Revised Statutes Supplement, 1996; to change placement and transportation costs provisions; and to repeal the original sections.

LEGISLATIVE BILL 513. Introduced by Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-913 and 77-27,144, Reissue Revised Statutes of Nebraska; to change the allocation of insurance funds to incorporated municipalities and school districts; to eliminate the Municipal Equalization Fund; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 77-27,139.01 to 77-27,139.04, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 514. Introduced by Maurstad, 30; Bohlke, 33; Brown, 6; Kiel, 9; Dw. Pedersen, 39; Preister, 5; Suttle, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the Foster Grandparent Program.

LEGISLATIVE BILL 515. Introduced by Wesely, 26; Crosby, 29; Hilgert, 7.

A BILL FOR AN ACT relating to insurance; to require insurance coverage for necessary formulas and low-protein foods prescribed for treatment of inherited metabolic diseases; and to provide an operative date.

LEGISLATIVE BILL 516. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to recreation; to amend section 81-815.56, Reissue Revised Statutes of Nebraska, and sections 39-1390 and 60-302, Revised Statutes Supplement, 1996; to require a hearing; to change motor vehicle registration fees; to provide for distribution and use of the fees; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 50. Introduced by Wehrbein, 2.

WHEREAS, the SAC Museum Memorial Society, Inc., has conveyed to the Nebraska Game and Parks Foundation, property located in Cass County, Nebraska, which will be maintained as an addition to the Eugene T. Mahoney State Park for public outdoor recreation activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Nebraska Game and Parks Foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature approves the gift from the Nebraska Game and Parks Foundation to the Game and Parks Commission of all of the real estate described as follows:

A parcel of land in the west half of the southeast quarter of section 8, township 12 north, range 10 east of the 6th principal meridian, Cass County, Nebraska, further described as follows: Commencing at the south quarter corner of said section 8; thence south 89 degrees, 52 minutes, 00 seconds east along the southerly line of the southeast quarter of said section 8 for a distance of 1002.74 feet to the point of beginning; thence continuing south 89 degrees, 52 minutes, 00 seconds east along the said southerly line of the southeast quarter of section 8 for a distance of 320.01 feet to the southeast corner of the said west half of section 8; thence north 00 degrees, 40 minutes, 51 seconds east along the easterly line of the said west half of the southeast quarter of section 8 for a distance of 1518.45 feet to a point; thence north 89 degrees, 47 minutes, 09 seconds west for a distance of 200.01 feet to a point; thence south 00 degrees, 40 minutes, 51 seconds west along a line that is 200.00 feet distance from and parallel with the said easterly line of the west half of the southeast quarter of section 8 for a distance of 1278.72 feet to a point; thence north 89 degrees, 52 minutes, 00 seconds west along a line 240.00 feet distance from and parallel with the south southerly line of the southeast quarter of section 8 for a distance of 120.01 feet to a point; thence south 00 degrees, 40 minutes, 51 seconds west along a line 320.00 feet distance from and parallel with the said easterly line of the west half of the southeast quarter of section 8 for a distance of 240.01 feet to the point of beginning containing 332.518.95 square feet or 7.63 acres more or less which includes a thirty-three-foot wide public road along the southerly line of said section 8.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as an addition to the Eugene T. Mahoney State Park.

Referred to the Reference Committee.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 50 was referred to the Reference Committee.

RESOLUTIONS

LEGISLATIVE RESOLUTION 51. Introduced by Suttle, 10.

WHEREAS, the Nebraska Unicameral recognizes the importance of communications technology in the education and employment of the citizens of this state; and

WHEREAS, the Nebraska Unicameral wishes to encourage and applaud the active participation of the business community in this endeavor; and

WHEREAS, Cox Communications has designated Northwest High School in Omaha, Nebraska, as "A National Model Technology School"; and

WHEREAS, Cox Communications has committed to provide $110,000 in funding to Northwest High School during the next three years; and

WHEREAS, Cox Communication has provided cable and constructed a fiber optic link to the Northwest High School building; and

WHEREAS, in celebration of the 50th anniversary of the end of World War II, Cox Communications sponsored a live video teleconference between students at Northwest High School and students at Wigan, England; and

WHEREAS, Cox Communications sponsored the V-Chip Town Hall Forum, televised live from Northwest High School, which included Northwest students and Omaha community participants in an open discussion about the impact of the new law; and

WHEREAS, Cox Communications sponsored the production of "Hello from the Heartland" which was an international welcome from the students of Northwest High School to the athletes at the 1996 Summer Olympics; and

WHEREAS, Cox Communications donated the necessary equipment and technical expertise for Northwest High School students to produce and direct their own in-building programming.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature applauds Cox Communications for the support that it has provided to Northwest High School.
2. That the Legislature congratulates the students and faculty of Northwest High School for their recognition as "A National Model Technology School".
3. That copies of this resolution be furnished to the President of Cox Communications, the Superintendent of Omaha Public Schools, and the Principal of Northwest High School, Omaha, Nebraska.

Laid over.

LEGISLATIVE RESOLUTION 52CA. Introduced by Hillman, 48; Brown, 6; Engel, 17; Maurstad, 30; Robinson, 16.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IX, section 4:

IX-4 "The Legislature shall provide methods for governing counties and procedures for classifying, merging, consolidating, and dissolving counties and altering their boundaries. The Legislature may provide optional or alternative forms of government that counties or combinations of counties may adopt, amend, or abandon by a majority vote of those voting on the question. The Legislature may provide for at least two optional forms of county government:

(1) One of the options shall provide for the election of a governing board consisting of at least three county commissioners and such elected county officials as determined to be appropriate by the Legislature; and

(2) Another option shall provide for the election of a governing board consisting of at least three county commissioners, the appointment of a county administrator by the governing board, and the appointment of other county officials as determined to be appropriate by the Legislature. ~~by law for the election of such county and township officers as may be necessary and for the consolidation of county offices for two or more counties; PROVIDED, that each of the counties affected may disapprove such consolidation by a majority vote in each of such counties.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate provisions relating to county and township officers and to require the Legislature to provide methods for governing and procedures for classifying, merging, consolidating, and dissolving counties.

For

Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 53. Introduced by Schimek, 27; Beutler, 28; Robak, 22; Vrtiska, 1.

WHEREAS, on the 25th of September in 1789, the 1st Congress of the United States offered as Article 2 of the original Bill of Rights to the Federal Constitution, a constitutional amendment for consideration by the state legislatures delaying any variances in the compensation of Members of Congress until an election of the United States House of Representatives has first intervened; and

WHEREAS, during the forenoon on the 7th of May in 1992, the Legislature of the State of Michigan provided the 38th and, therefor, determinative ratification of this 207-year-old constitutional amendment; and

WHEREAS, on the 18th of May in 1992, the Archivist of the United States issued a proclamation declaring the then 203-year-old constitutional amendment to have been duly approved by the requisite number of state legislatures pursuant to Article 5 of the United States Constitution, which proclamation was then reproduced in Volume 57 of the Federal Register at pages 21187 and 21188; and

WHEREAS, within 48 hours of the Archivist's actions, both houses of the 102nd Congress did adopt resolutions, by roll-call votes, concurring with the

Archivist's conclusion that the proposal had in fact become Amendment 27 to the United States Constitution; and

WHEREAS, after the Michigan's Legislature's pivotal 38th approval of Amendment 27, the legislatures of California, Hawaii, Illinois, Kentucky, New Jersey, Rhode Island, and Washington saw fit to post-ratify it; and

WHEREAS, in general, it is not unusual for a state's legislature to post-ratify an amendment that has already become part of the United States Constitution. In addition to the legislatures of those states listed in the preceding paragraph, the legislatures of Alabama, Connecticut, Delaware, Florida, Georgia, Louisiana, Maryland, Massachusetts, Mississippi, North Carolina, Oregon, South Carolina, and Virginia have likewise post-ratified various amendments to the Federal Constitution; and

WHEREAS, until now, Nebraska had been among the handful of states whose legislatures have not, as of yet, approved Amendment 27 to the Nation's highest legal document -- even though the Nebraska State Constitution contains a provision parallel to Amendment 27; and

WHEREAS, it is important that Nebraska place its special imprint upon Amendment 27, as has been done by the legislatures of 45 other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the amendment to the Constitution of the United States delaying any variances in the compensation of Members of Congress, until an election of the United States House of Representatives has first intervened, is hereby post-ratified, which reads more particularly as follows: Amendment 27

> "No law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened."

2. That properly-endorsed copies of this resolution, attested by the Secretary of State of the State of Nebraska, with the Great Seal of Nebraska attached thereto, be forwarded by the Secretary of State to the following officials in Washington, D.C.: The Archivist of the United States, the Vice-President of the United States, and the Speaker of the United States House of Representatives with the respectful request that this resolution be reproduced in the Congressional Record.

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 54. Introduced by Preister, 5.

WHEREAS, a Constitution which protects our personal security is the heart of the American system; and

WHEREAS, the Constitution of the United States seeks to ensure that each person is free of the threat of attack and free of actions by others that diminish life, liberty, health, or property or that prevent the "pursuit of happiness"; and

WHEREAS, we are the custodians of the health of our children and of future generations whose ability to breathe clean air, drink healthful water, and enjoy America's many wilderness areas and natural resources is in danger; and

WHEREAS, a constitutional remedy is necessary to accomplish this goal.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature proposes to the Congress of the United States that procedures be instituted in the Congress to add a new section to the Constitution of the United States and requests the Congress to prepare and submit to the several states the following amendment to the Constitution of the United States:

> The natural resources of the nation are the heritage of present and future generations. The rights of each person to clean and healthful air and water and to the protection of the other natural resources of the nation shall not be infringed upon by any person.

2. That the Clerk of the Legislature shall send copies of this resolution to the Nebraska Congressional Delegation, to the Secretary of State and presiding officers of both Houses of the Legislature of each of the other States of the Union, to the Clerk of the United States House of Representatives, Washington, D.C., and to the Secretary of the United States Senate, Washington, D.C.

Referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following legislative bills and resolutions:

LB	**Committee**
354	Transportation
355	Judiciary
356	Natural Resources
357	Government, Military and Veterans Affairs
358	Judiciary
359	General Affairs
360	Government, Military and Veterans Affairs
361	Government, Military and Veterans Affairs
362	Judiciary
363	Judiciary
364	Banking, Commerce and Insurance
365	Nebraska Retirement Systems
366	Transportation
367	Nebraska Retirement Systems
368	Transportation
369	Health and Human Services
370	Judiciary
371	Revenue
372	Judiciary

373	Judiciary
374	Natural Resources
375	Health and Human Services
376	Banking, Commerce and Insurance
377	Transportation
378	Government, Military and Veterans Affairs
379	Government, Military and Veterans Affairs
380	General Affairs
381	General Affairs
382	Government, Military and Veterans Affairs
383	Judiciary
384	Appropriations
385	Appropriations
386	Appropriations
387	Appropriations
388	Appropriations
389	Appropriations
390	Judiciary
391	Judiciary
392	Judiciary
393	Judiciary
394	Appropriations
395	Natural Resources
396	Government, Military and Veterans Affairs
397	Revenue
398	Judiciary
399	Transportation
400	Government, Military and Veterans Affairs
401	Revenue
402	Transportation
403	Education
404	Judiciary
405	Judiciary
406	Judiciary
407	Judiciary
408	Revenue
409	Revenue
410	Revenue
411	Revenue
412	Banking, Commerce and Insurance
413	Banking, Commerce and Insurance
414	Government, Military and Veterans Affairs
415	Revenue
416	Natural Resources
417	Government, Military and Veterans Affairs
418	Revenue
419	Education
420	Government, Military and Veterans Affairs
421	Government, Military and Veterans Affairs

422	Judiciary
423	Judiciary
424	Health and Human Services
425	Banking, Commerce and Insurance
426	Urban Affairs
427	Urban Affairs
428	Natural Resources
429	Revenue
430	Judiciary
431	Revenue
432	Banking, Commerce and Insurance
433	Education
434	Judiciary
435	Revenue
436	Banking, Commerce and Insurance
437	Judiciary
438	Judiciary

LR	**Committee**
46CA	General Affairs
47CA	Government, Military and Veterans Affairs
48CA	Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 140	Friday, January 24, 1997	1:30 p.m.
LB 297	Friday, January 24, 1997	1:30 p.m.

Governor Appointment Friday, January 24, 1997 1:30 p.m.
Toby Dellamano - Nebraska Ethanol Board

(Signed) Chris Beutler, Chairperson

Judiciary

LR 22CA	Friday, January 24, 1997	1:30 p.m.
LB 7	Friday, January 24, 1997	1:30 p.m.
LB 8	Friday, January 24, 1997	1:30 p.m.
LB 73	Friday, January 24, 1997	1:30 p.m.
LB 109	Friday, January 24, 1997	1:30 p.m.
LB 68	Friday, January 24, 1997	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Business and Labor

LB 79	Monday, January 27, 1997	1:30 p.m.
LB 128	Monday, January 27, 1997	1:30 p.m.
LB 127	Monday, January 27, 1997	1:30 p.m.
LB 129	Monday, January 27, 1997	1:30 p.m.
LB 130	Monday, January 27, 1997	1:30 p.m.

(Signed) Chris Abboud, Chairperson

Banking, Commerce and Insurance

LB 52	Monday, January 27, 1997	1:30 p.m.
LB 114	Monday, January 27, 1997	1:30 p.m.
LB 170	Monday, January 27, 1997	1:30 p.m.
LB 272	Monday, January 27, 1997	1:30 p.m.

(Signed) David M. Landis, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 517. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Bruning, 3; Elmer, 44; McKenzie, 34; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to petroleum regulation; to amend sections 66-1509 and 66-1518, Reissue Revised Statutes of Nebraska, and section 81-15,119, Revised Statutes Supplement, 1996; to redefine terms; to change provisions relating to rules and regulations; and to repeal the original sections.

LEGISLATIVE BILL 518. Introduced by Beutler, 28; Preister, 5; at the request of the Governor.

A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to amend sections 71-5301, 71-5302, 71-5304.01, 71-5306, and 71-5313, Reissue Revised Statutes of Nebraska; to provide for loans to public water supply systems as prescribed; to define terms; to provide for and transfer funds; to provide powers and duties; to provide for penalties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Engel and Mrs. Robak asked unanimous consent to have their names added as cointroducers to LB 467. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 369. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 106 and LB 254. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 106. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 90, LB 207, LR 20CA, and LR 15CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were eight home school students from Hampton.

The Doctor of the Day was Dwight L. Larson from North Platte.

ADJOURNMENT

At 11:14 a.m., on a motion by Mr. Will, the Legislature adjourned until 10:00 a.m., Tuesday, January 21, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

NINTH DAY - JANUARY 21, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 21, 1997

Pursuant to adjournment, the Legislature met at 10:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Steve Wing, Hickman Presbyterian Church, Hickman, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Robak who was excused; and Messrs. Abboud, Beutler, Brashear, Hartnett, Jones, Kristensen, Preister, Robinson, Schrock, Warner, Wehrbein, Wesely, Wickersham, Will, Mmes. Bohlke, Hillman, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighth day was approved.

ANNOUNCEMENT

Speaker Withem designates LB 344 as a priority bill.

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 156	Tuesday, January 28, 1997	1:30 p.m.
LB 210	Tuesday, January 28, 1997	1:30 p.m.
LB 220	Tuesday, January 28, 1997	1:30 p.m.
LB 231	Tuesday, January 28, 1997	1:30 p.m.
LB 261	Tuesday, January 28, 1997	1:30 p.m.
LB 295	Tuesday, January 28, 1997	1:30 p.m.
LB 328	Tuesday, January 28, 1997	1:30 p.m.
LB 354	Tuesday, January 28, 1997	1:30 p.m.

(Signed) Douglas A. Kristensen, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 33 and 34.

RESOLUTIONS

LEGISLATIVE RESOLUTION 49. Read. Considered.

LR 49 was adopted with 20 ayes, 0 nays, 14 present and not voting, and 15 excused and not voting.

LEGISLATIVE RESOLUTION 51. Read. Considered.

LR 51 was adopted with 15 ayes, 1 nay, 18 present and not voting, and 15 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Mr. Engel and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 519. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to the Commission of Industrial Relations; to amend sections 48-801, 48-818, and 48-838, Reissue Revised Statutes of Nebraska, and sections 48-801.01, 48-816, and 48-824, Revised Statutes Supplement, 1996; to eliminate definitions; to define terms; to provide analysis methods for industrial disputes involving wages, rates, and conditions for municipal employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 520. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to cities and villages; to eliminate bond requirements as prescribed for cities of the first and second class and villages.

LEGISLATIVE BILL 521. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to cities and villages; to amend section 17-505, Reissue Revised Statutes of Nebraska, and section 17-207, Revised Statutes Supplement, 1996; to increase the fine a city of the second class or village may impose for the violation of an ordinance; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 522. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to gambling; to amend sections 9-313, 9-317, 9-337, 9-647, 9-651, 77-3001, 77-3004, and 77-3009, Reissue Revised Statutes of Nebraska, and sections 9-315, 9-345.01, 9-345.03, 9-346, 9-601, 9-607, 9-646.01, and 9-648, Revised Statutes Supplement, 1996; to authorize lotteries by the sale of pickle cards that are dispensed electronically; to change provisions relating to licensure, hours of operation, the regulation of mechanical amusement devices, and lottery and occupation taxes; to define and redefine terms; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 523. Introduced by Landis, 46.

A BILL FOR AN ACT relating to partnerships; to amend sections 67-248.02 and 67-294, Reissue Revised Statutes of Nebraska; to adopt the Uniform Partnership Act; to eliminate provisions relating to partnerships; to harmonize provisions; to provide an operative date; to provide severability; to repeal the original sections; and to outright repeal sections 67-301 to 67-346, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 524. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1002, and 79-1031, Reissue Revised Statutes of Nebraska; to change provisions relating to legislative findings, intent, and reports; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 525. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the State Lottery Act; to amend section 9-812, Revised Statutes Supplement, 1996; to authorize salary stipends for incentive grant purposes; to eliminate an obsolete provision; and to repeal the original section.

LEGISLATIVE BILL 526. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to elections; to amend section 32-1041, Revised Statutes Supplement, 1996; to provide powers and duties for the Secretary of State; and to repeal the original section.

LEGISLATIVE BILL 527. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,239, Reissue Revised Statutes of Nebraska; to change provisions relating to liability for damages involving leased trucks; and to repeal the original section.

LEGISLATIVE BILL 528. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to counties; to provide a rebuttable presumption in certain cases of death or disability of sheriffs and deputy sheriffs as prescribed; and to provide applicability.

LEGISLATIVE BILL 529. Introduced by Hilgert, 7; Kiel, 9.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-320.01, Reissue Revised Statutes of Nebraska; to change provisions relating to unregistered motor vehicles; to require In Transit decals; to provide duties; to eliminate a provision relating to motor vehicle purchases from the state or its political subdivisions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 530. Introduced by Hilgert, 7; Abboud, 12; Beutler, 28; Crosby, 29; Hartnett, 45; Kiel, 9; Lynch, 13; Dw. Pedersen, 39; Preister, 5; Robak, 22; Suttle, 10; Wesely, 26; Will, 8; Witek, 31.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3501.01 and 77-3507 to 77-3509, Reissue Revised Statutes of Nebraska; to change the exempt amount and income eligibility amounts; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 531. Introduced by Withem, 14.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-744, Revised Statutes Supplement, 1996; to provide for payment of costs of certain improvements; and to repeal the original section.

LEGISLATIVE BILL 532. Introduced by Robak, 22; Crosby, 29.

A BILL FOR AN ACT relating to retirement; to amend sections 79-901 and 79-973, Reissue Revised Statutes of Nebraska; to provide a supplemental retirement benefit for certain school employee retirees; to change provisions relating to funding; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 533. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Uniform Residential Landlord and Tenant Act; to amend sections 76-1401, 76-1431, and 76-1440, Reissue Revised Statutes of Nebraska; to provide for a special detainer action for a material and irreparable breach of a rental agreement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 534. Introduced by Robak, 22.

A BILL FOR AN ACT relating to gaming; to amend section 28-1101, Reissue Revised Statutes of Nebraska, and section 9-607, Revised Statutes Supplement, 1996; to change provisions relating to lotteries and gambling; to redefine terms; and to repeal the original sections.

LEGISLATIVE BILL 535. Introduced by Robak, 22.

A BILL FOR AN ACT relating to Class III school districts; to amend sections 79-234, 79-407, 79-474, 79-475, 79-479, and 79-850, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-473, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 536. Introduced by Withem, 14.

A BILL FOR AN ACT relating to juveniles; to amend section 43-290, Revised Statutes Supplement, 1996; to change provisions relating to costs of care and treatment; and to repeal the original section.

LEGISLATIVE BILL 537. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-105 and 28-106, Reissue Revised Statutes of Nebraska; to change provisions relating to classifications of penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 538. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3444, Reissue Revised Statutes of Nebraska; to change the manner in which school districts may exceed levy limits; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 539. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to students; to adopt the Student Freedom of Expression Act.

LEGISLATIVE BILL 540. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources districts; to amend sections 2-3213 and 2-3214, Revised Statutes Supplement, 1996; to change provisions relating to the election of directors and the creation of subdistricts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 541. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to environmental laws; to provide for environmental audits; to provide for confidentiality; to provide penalties; and to provide a termination date.

LEGISLATIVE BILL 542. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend section 79-1007, Reissue Revised Statutes of Nebraska; to change provisions relating to calculation of adjusted tiered cost per student as prescribed; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 543. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to insurance; to amend section 44-1540, Revised Statutes Supplement, 1996; to change provisions relating to unfair claims settlement practices; and to repeal the original section.

LEGISLATIVE BILL 544. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to medical records; to provide access to medical records for patients and former patients as provided.

LEGISLATIVE BILL 545. Introduced by Withem, 14.

A BILL FOR AN ACT relating to counties; to amend section 23-908, Reissue Revised Statutes of Nebraska; to change provisions relating to budget revisions by the county board; and to repeal the original section.

LEGISLATIVE BILL 546. Introduced by Janssen, 15; Robinson, 16; Schmitt, 41.

A BILL FOR AN ACT relating to emergency management; to amend section 81-829.65, Reissue Revised Statutes of Nebraska; to grant authority to law enforcement personnel; and to repeal the original section.

LEGISLATIVE BILL 547. Introduced by Legislative Program Evaluation Committee: Hillman, 48, Chairperson; Coordsen, 32; Warner, 25; Wehrbein, 2; Withem, 14.

A BILL FOR AN ACT relating to school lands; to amend sections 72-232.02, 72-232.04, and 72-232.06, Reissue Revised Statutes of Nebraska; to provide a duty for the Board of Educational Lands and Funds; to change provisions relating to administrative costs of the board; to create and eliminate funds; to repeal the original sections; and to outright repeal section 72-232.07, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 548. Introduced by Legislative Program Evaluation Committee: Hillman, 48, Chairperson; Coordsen, 32; Warner, 25; Wehrbein, 2; Withem, 14.

A BILL FOR AN ACT relating to discrimination; to amend sections 13-1102, 20-113, 20-139 to 20-141, 48-524, 48-1101, 48-1102, 48-1104 to 48-1107, 48-1108, 48-1111, 48-1113 to 48-1119, and 48-1122 to 48-1126, Reissue Revised Statutes of Nebraska; to combine and eliminate sections; to eliminate obsolete language; to redefine a penalty; to harmonize provisions; to repeal the original sections; and to outright repeal sections 48-1001 to 48-1010 and 48-1219 to 48-1227.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 549. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-719, Revised Statutes Supplement, 1996; to change provisions relating to the importation and possession of certain animals; and to repeal the original section.

LEGISLATIVE BILL 550. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-406 and 28-407, Reissue Revised Statutes of Nebraska, and section 28-410, Revised Statutes Supplement, 1996; to change registration fees and provide for biennial registration; to provide a time period for preparing registrant inventories; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 551. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1006, 28-1011, and 28-1012, Reissue Revised Statutes of Nebraska; to provide for reimbursement for costs and disposition relating to animal offenses; and to repeal the original sections.

LEGISLATIVE BILL 552. Introduced by Dierks, 40; Preister, 5; Schellpeper, 18.

A BILL FOR AN ACT relating to the Central Interstate Low-Level Radioactive Waste Compact; to withdraw from the compact; to outright repeal section 71-3521, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 553. Introduced by Landis, 46.

A BILL FOR AN ACT relating to government; to amend sections 72-812, 72-816, 81-154, 81-161.03, 81-174, 81-179, 81-1118, and 81-1376, Reissue Revised Statutes of Nebraska; and sections 81-1317 and 81-1317.01, Revised Statutes Supplement, 1996; to change provisions relating to vacant state buildings, state agency purchases, building renewal, and state personnel; to create, transfer, and eliminate funds; to eliminate a provision relating to informal bidding procedures; to repeal the original sections; to outright repeal section 81-188, Reissue Revised Statutes of Nebraska, and section 84-1354.05, Revised Statutes Supplement, 1996; and to declare an emergency.

LEGISLATIVE BILL 554. Introduced by Landis, 46.

A BILL FOR AN ACT relating to mortgage loans; to amend section 45-101.05, Reissue Revised Statutes of Nebraska; to change provisions relating to escrow accounts; and to repeal the original section.

LEGISLATIVE BILL 555. Introduced by Landis, 46.

A BILL FOR AN ACT relating to installment loans; to amend sections 44-1703, 45-114, 45-116 to 45-120, 45-123, 45-128, 45-129, 45-132 to 45-134, 45-139, 45-145 to 45-147, 45-150, 45-155, 45-197, and 45-1,110, Reissue Revised Statutes of Nebraska, sections 8-319, 45-126, 45-137, 45-138, and 45-1,116, Revised Statutes Supplement, 1996; to change provisions relating to charges and penalties; to provide powers for the Department of Banking and Finance; to provide for an administrative fine; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 556. Introduced by Withem, 14; Brown, 6.

A BILL FOR AN ACT relating to common carriers; to amend section 75-311, Reissue Revised Statutes of Nebraska; to change certification provisions for passenger carriers; and to repeal the original section.

LEGISLATIVE BILL 557. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to health and safety regulations; to amend section 48-446, Revised Statutes Supplement, 1996; to change inspection provisions; and to repeal the original section.

LEGISLATIVE BILL 558. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to certified industrial hygienists; to adopt the Certified Industrial Hygienist Title Protection Act.

LEGISLATIVE BILL 559. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to county court; to amend section 24-517, Revised Statutes Supplement, 1996; to change jurisdictional provisions; and to repeal the original section.

LEGISLATIVE BILL 560. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to civil procedure; to eliminate a duty of the Revisor of Statutes to publish practice notes; and to outright repeal section

25-543, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 561. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-201, Reissue Revised Statutes of Nebraska; to provide penalties for criminal attempt; and to repeal the original section.

LEGISLATIVE BILL 562. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-504, Reissue Revised Statutes of Nebraska; to change provisions relating to preliminary hearings; and to repeal the original section.

LEGISLATIVE BILL 563. Introduced by Janssen, 15; Withem, 14.

A BILL FOR AN ACT relating to school district reorganization; to amend sections 79-413, 79-415, 79-418, 79-419, 79-431, 79-432, 79-437, 79-438, 79-440, 79-441 to 79-447, and 79-479, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to the petition and election methods of reorganization; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-428 to 79-430, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 564. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicle registration; to amend sections 60-108, 60-117, 60-305.01, 60-305.04, 60-310, 60-311.02 to 60-311.04, 60-311.08, 60-311.09, 60-311.13, 60-311.14, 60-311.21, 60-315, 60-315.01, 60-323, 60-324, 60-331, 60-334, 60-347, 60-501, 60-1901, 60-1902, 60-1903, 60-1908, and 81-2005, Reissue Revised Statutes of Nebraska, and sections 18-1736, 18-1737, 60-301, 60-311, 60-311.05, 60-311.07, 60-311.11, 60-311.12, 60-311.16, 60-311.23, 60-320, 60-321, 60-335, and 60-383, Revised Statutes Supplement, 1996; to provide for the issuance of one license plate; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 565. Introduced by Schmitt, 41; Jensen, 20.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-601, Revised Statutes Supplement, 1996; to provide for pretrial diversion programs for persons charged with minor traffic offenses; to provide for fees; to define a term; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 566. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to insurance; to require notice when an insurer discontinues or substantially reduces a line or subline of insurance.

LEGISLATIVE BILL 567. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2014, Revised Statutes Supplement, 1996; to redefine surviving spouse; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 568. Introduced by Bruning, 3.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend sections 86-1302 and 86-1304, Revised Statutes Supplement, 1996; to provide vouchers for certain individuals; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 569. Introduced by Wesely, 26; Beutler, 28; Chambers, 11; Hartnett, 45; Hilgert, 7; Landis, 46; Lynch, 13; Preister, 5; Schimek, 27; Will, 8; Withem, 14.

A BILL FOR AN ACT relating to labor; to amend sections 48-1203 and 48-1203.01, Reissue Revised Statutes of Nebraska; to change wage provisions; and to repeal the original sections.

LEGISLATIVE BILL 570. Introduced by Suttle, 10; Brown, 6; Coordsen, 32; Hartnett, 45.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Reissue Revised Statutes of Nebraska; to change the calculation of the levy limitation for school districts; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 571. Introduced by Hartnett, 45; Dierks, 40; Preister, 5.

A BILL FOR AN ACT relating to wind energy resources; to amend section 70-655, Reissue Revised Statutes of Nebraska, and section 18-418, Revised Statutes Supplement, 1996; to provide for different rates, tolls, rents, or other charges; and to repeal the original sections.

LEGISLATIVE BILL 572. Introduced by Hartnett, 45; Dierks, 40; Hilgert, 7; Dw. Pedersen, 39; Preister, 5; Schellpeper, 18.

A BILL FOR AN ACT relating to the Education Innovation Fund; to amend section 9-812, Revised Statutes Supplement, 1996; to change provisions relating to pilot projects and model programs; and to repeal the original section.

LEGISLATIVE BILL 573. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to courts; to amend section 25-2706, Reissue Revised Statutes of Nebraska, and section 24-517, Revised Statutes

Supplement, 1996; to change county court jurisdiction; and to repeal the original sections.

LEGISLATIVE BILL 574. Introduced by Cudaback, 36; Vrtiska, 1.

A BILL FOR AN ACT relating to counties; to adopt the County Initiative and Referendum Act.

LEGISLATIVE BILL 575. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to the Local Option Revenue Act; to amend section 77-27,142.03, Reissue Revised Statutes of Nebraska; to change a provision authorizing a ballot issue; and to repeal the original section.

LEGISLATIVE BILL 576. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to compressed fuel tax; to amend sections 66-697, 66-699, and 66-6,107 to 66-6,109, Reissue Revised Statutes of Nebraska; to change the tax rate on liquified petroleum gas; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 577. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5654, 71-5662, 71-5663, 71-5665, and 71-5668, Reissue Revised Statutes of Nebraska; to include additional professions in the loan repayment program and commission; to provide duties; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 578. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to school employees; to amend sections 79-840 and 79-841, Reissue Revised Statutes of Nebraska; to change provisions relating to hearing officers; and to repeal the original sections.

LEGISLATIVE BILL 579. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to the Environmental Lead Hazard Control Act; to amend sections 71-6318 to 71-6333, Reissue Revised Statutes of Nebraska; to rename the act; to define and redefine terms and to eliminate definitions; to change and eliminate provisions relating to licensure and certification; to change penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 580. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska; to provide and eliminate powers of districts; and to repeal the original section.

LEGISLATIVE BILL 581. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to horseracing; to amend section 2-1203.02, Revised Statutes Supplement, 1996; to change provisions relating to fingerprinting; and to repeal the original section.

NOTICE OF COMMITTEE HEARINGS

Agriculture

LB 199	Tuesday, January 28, 1997	1:30 p.m.
LB 200	Tuesday, January 28, 1997	1:30 p.m.
LB 201	Tuesday, January 28, 1997	1:30 p.m.
LB 202	Tuesday, January 28, 1997	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

Education

LB 81	Tuesday, January 28, 1997	1:30 p.m.
LB 205	Tuesday, January 28, 1997	1:30 p.m.

(Signed) Janis McKenzie, Chairperson

Banking, Commerce and Insurance

LB 56	Tuesday, January 28, 1997	1:30 p.m.
LB 137	Tuesday, January 28, 1997	1:30 p.m.
LB 142	Tuesday, January 28, 1997	1:30 p.m.
LB 275	Tuesday, January 28, 1997	1:30 p.m.
LB 351	Tuesday, January 28, 1997	1:30 p.m.

(Signed) David M. Landis, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 582. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1204, 2-1205, 2-1208.03, and 23-390, Reissue Revised Statutes of Nebraska, and section 2-1228, Revised Statutes Supplement, 1996; to change provisions relating to licensure qualification; to eliminate provisions relating to the Track Distribution Fund; to harmonize provisions; to repeal the original sections; and to outright repeal section 2-1208.04, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 583. Introduced by Wickersham, 49; Coordsen, 32; Hartnett, 45; Janssen, 15; Jensen, 20; Jones, 43; Schellpeper, 18; Schimek, 27; Schmitt, 41.

A BILL FOR AN ACT relating to budgets; to amend sections 79-1022 and 79-1024, Reissue Revised Statutes of Nebraska, and sections 13-501, 13-503, 13-504, 13-508, 13-511, 13-522, 18-2805, and 23-905, Revised Statutes Supplement, 1996; to transfer duties from the Auditor of Public Accounts to the Property Tax Administrator; to create a board; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 584. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-15,163, Reissue Revised Statutes of Nebraska; to change provisions relating to a waste reduction and recycling fee; to harmonize provisions; to repeal the original section; and to outright repeal section 81-1566.01, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 585. Introduced by Schimek, 27; Vrtiska, 1; Will, 8.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 81-801, 81-801.01, and 81-803.01, Reissue Revised Statutes of Nebraska; to change the number of members and the districts of the Game and Parks Commission; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 586. Introduced by Wehrbein, 2.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-401 and 85-1415, Reissue Revised Statutes of Nebraska; to change provisions relating to capital construction projects; to require legislative approval; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 587. Introduced by Wesely, 26; Withem, 14; at the request of the Governor.

A BILL FOR AN ACT relating to health and human services; to amend sections 68-1021, 68-1030, 68-1048 to 68-1053, 68-1056, 68-1057, 60-1059, 68-1061 to 68-1063, 68-1101, 71-101, 71-5001 to 71-5003, 71-5004, 71-5006, 71-5007, 71-5009, 71-5013 to 71-5016, 71-5021, 71-5022, 71-5027, 71-5032, 71-5038, 71-5040, 71-5044, 71-7501 to 71-7504, 71-7506, 71-7514, 71-7518.02, 71-7518.03, 71-7520, 71-7524 to 71-7528, 79-11,130, 79-11,132, 81-2208, 81-2220, 81-2252, and 83-1,143.06, Reissue Revised Statutes of Nebraska, and sections 44-32,180, 44-4726, 81-1316, 81-2213, 81-2232, 81-2235, 81-3003, 81-3009, 81-3201, 83-159, 83-163, and 83-164, Revised Statutes Supplement, 1996; to adopt the Community-State Partnership Act; to change and eliminate the Managed Care Plan Act; to adopt the Integrated Health Services Plan Act; to change responsibility for social security disability determinations; to provide for common regions for certain health and human services; to state intent; to provide powers and duties; to eliminate a committee, references to regional entities, certain powers and duties, and a termination date; to exempt certain personnel from the State Personnel System; to provide for a health director; to harmonize provisions; to repeal the original sections; to outright repeal sections 68-1058, 68-1060, 68-1064, 68-1065, 68-1066, 71-5020, 71-5024 to 71-5026, 71-5033, 71-5034, 71-7515 to 71-7517, 71-7518.01, 71-7518.04 to 71-7518.09, 71-7520 to 71-7523, 71-7529, 81-2215, 81-2217, and 83-161.02, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 588. Introduced by Vrtiska, 1; Wehrbein, 2.

A BILL FOR AN ACT relating to the Attorney General; to provide a duty with respect to the state's boundary lines.

LEGISLATIVE BILL 589. Introduced by Hartnett, 45; Bruning, 3; Jensen, 20; Withem, 14.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend sections 31-740 and 31-744, Revised Statutes Supplement, 1996; to authorize contracts for intersection and traffic control improvements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 590. Introduced by Withem, 14; Brashear, 4; Brown, 6; Hillman, 48; Kristensen, 37; Robinson, 16.

A BILL FOR AN ACT relating to state government; to amend sections 84-1202, 84-1204, and 84-1220, Reissue Revised Statutes of Nebraska; to state intent; to define terms; to change the membership of the State Records Board; to provide duties for the board relating to dissemination of public information electronically; to authorize fees; to provide for approval of contracts and arrangements relating to electronic access; to require reports; to eliminate provisions relating to the Task Force on Electronic Access to State Government Information; to repeal the original sections; to outright repeal sections 84-713 to 84-713.05, Revised Statutes Supplement, 1996; and to declare an emergency.

LEGISLATIVE BILL 591. Introduced by Withem, 14; Coordsen, 32; Dierks, 40; Robinson, 16; Schellpeper, 18; Schimek, 27; Warner, 25.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1402, 49-1403, 49-1405, 49-1413, 49-1416, 49-1478, and 49-14,124, Reissue Revised Statutes of Nebraska, and sections 49-1401 and 49-1419, Revised Statutes Supplement, 1996; to define and redefine terms; to restate intent; to provide filing requirements for major out-of-state contributors; to change expenditure requirements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 592. Introduced by Withem, 14.

A BILL FOR AN ACT relating to schools; to amend sections 79-431, 49-471, 79-479, 79-498, 79-499, 79-598, 79-5,100, 79-5,103, and 79-1001, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to depopulated districts; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-458, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 593. Introduced by Withem, 14; Brashear, 4; Brown, 6; Chambers, 11; Coordsen, 32; Schimek, 27.

A BILL FOR AN ACT relating to attorneys at law; to adopt the Attorney-Client Conference Act; and to provide civil and criminal liability.

LEGISLATIVE BILL 594. Introduced by Robinson, 16; Schimek, 27; at the request of the Governor.

A BILL FOR AN ACT relating to scrap tires; to amend sections 81-15,158.01, 81-15,159.01, 81-15,159.02, 81-15,160, 81-15,161, 81-15,162.02, and 81-15,162.07, Reissue Revised Statutes of Nebraska, and section 81-15,161.01, Revised Statutes Supplement, 1996; to change provisions relating to disbursements; to eliminate provisions relating to loans; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-15,162.03 to 81-15,162.06, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 595. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to Class III school districts; to amend section 79-550, Reissue Revised Statutes of Nebraska, and sections 32-543 and 32-553 to 32-555, Revised Statutes Supplement, 1996; to provide for the nomination of members of the board of education by district or ward and election at large; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 596. Introduced by Robinson, 16; Janssen, 15.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3234, Reissue Revised Statutes of Nebraska; to change eminent domain procedures; and to repeal the original section.

LEGISLATIVE BILL 597. Introduced by Robinson, 16; Brown, 6; Janssen, 15; Stuhr, 24; Witek, 31.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Reissue Revised Statutes of Nebraska; to change levy limitations for school districts and systems; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 598. Introduced by Robinson, 16; Brown, 6; Janssen, 15.

A BILL FOR AN ACT relating to schools; to amend section 77-3444, Reissue Revised Statutes of Nebraska; to change the manner of exceeding levy limitations; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 599. Introduced by Robinson, 16; Janssen, 15; Stuhr, 24.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3444, Reissue Revised Statutes of Nebraska; to change provisions for exceeding levy limitations; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 600. Introduced by Hillman, 48; Brown, 6; Kiel, 9.

A BILL FOR AN ACT relating to domestic violence; to amend sections 28-311.02, 28-311.03, 42-924, 42-924.01, and 42-924.02, Reissue Revised Statutes of Nebraska, and section 42-903, Revised Statutes Supplement, 1996; to define a term; to change provisions relating to stalking and the Protection from Domestic Abuse Act; to eliminate court and enforcement fees except as prescribed; to harmonize provisions; to repeal the original sections; and to outright repeal section 42-923, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 601. Introduced by Hillman, 48; Brown, 6; Kiel, 9.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-101 and 28-318, Revised Statutes Supplement, 1996; to create the offense of indecency with a child; to provide penalties; to define a term; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 602. Introduced by Beutler, 28; Bohlke, 33; Landis, 46; C. Peterson, 35; Wesely, 26.

A BILL FOR AN ACT relating to municipal power suppliers; to amend sections 16-901, 17-1001, and 70-1008 to 70-1010, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to service areas; to repeal the original sections; and to outright repeal section 70-1007, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 603. Introduced by Dw. Pedersen, 39; Crosby, 29.

A BILL FOR AN ACT relating to minors in possession of alcohol; to amend sections 53-180.04, 53-180.05, 60-6,211.01, 60-6,211.02, and 60-6,211.04, Reissue Revised Statutes of Nebraska, and sections 60-601 and 60-6,205, Revised Statutes Supplement, 1996; to change provisions relating to suspension of operator's licenses as prescribed; to change penalty provisions; to change provisions relating to zero tolerance; to eliminate provisions relating to sealed records and employment licenses; to harmonize provisions; to repeal the original sections; and to outright repeal section 60-6,211.03, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 604. Introduced by Jones, 43.

A BILL FOR AN ACT relating to certificated school employees; to amend sections 79-824, 79-825, and 79-1234, Reissue Revised Statutes of Nebraska; to change provisions relating to tenure; and to repeal the original sections.

LEGISLATIVE BILL 605. Introduced by Robak, 22.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-419, Reissue Revised Statutes of Nebraska; to change provisions relating to inhaling or drinking certain compounds; and to repeal the original section.

LEGISLATIVE BILL 606. Introduced by Bromm, 23; Hudkins, 21; Janssen, 15; Jones, 43; Matzke, 47; Schellpeper, 18; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to crime victims; to provide intent; to define terms; to provide for certain rights; to require notice; and to prohibit certain remedies.

LEGISLATIVE BILL 607. Introduced by Bromm, 23; Cudaback, 36; Robinson, 16.

A BILL FOR AN ACT relating to redistricting; to define terms; to provide procedures for drawing legislative and congressional district boundaries; to create an advisory commission; and to provide powers and duties.

LEGISLATIVE BILL 608. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health care facilities; to amend sections 30-2627, 30-2639, 68-1006.01, 68-1038, 71-507, 71-516.02, 71-516.03, 71-1637, 71-2017, 71-2017.01, 71-2017.07, 71-2024, 71-5805.01, 71-5809.01, 71-5810, 71-5813, 71-5828, 71-5830, 71-6054, 71-6702, 81-651, and 81-2243, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to residential care facilities and domiciliary facilities; to provide for assisted-living facilities; to provide for rules and regulations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 71-5818.02, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 609. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to mental health programs; to state findings and intent relating to funding.

LEGISLATIVE BILL 610. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to metabolic diseases; to amend sections 71-520 and 71-523, Reissue Revised Statutes of Nebraska; to provide a screening fee; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 611. Introduced by Dw. Pedersen, 39; Bruning, 3; Hartnett, 45; Hilgert, 7.

A BILL FOR AN ACT relating to cities of the metropolitan class; to amend section 14-117, Reissue Revised Statutes of Nebraska; to change provisions relating to annexation; and to repeal the original section.

LEGISLATIVE BILL 612. Introduced by Hartnett, 45; Bromm, 23; Janssen, 15.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-3442 to 77-3444, Reissue Revised Statutes of Nebraska, and sections 35-508, 35-509, and 35-514.02, Revised Statutes Supplement, 1996; to change levy provisions for rural and suburban fire protection districts; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 613. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-168.06, Revised Statutes Supplement, 1996; to change provisions relating to the employment of minors as servers and sellers of alcoholic liquor as prescribed; and to repeal the original section.

LEGISLATIVE BILL 614. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to medical care; to provide qualified immunity for certain providers at free clinics as prescribed; and to provide for voluntary contributions to free clinics.

LEGISLATIVE BILL 615. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to county treasurers; to amend section 23-1601, Revised Statutes Supplement, 1996; to change duties related to Class III school districts; and to repeal the original section.

LEGISLATIVE BILL 616. Introduced by Elmer, 44; Bromm, 23; Bruning, 3; McKenzie, 34; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to the Nebraska Environmental Trust Act; to amend sections 81-15,168 and 81-15,173, Reissue Revised Statutes of Nebraska, and section 81-15,176, Revised Statutes Supplement, 1996; to change provisions relating to priorities; and to repeal the original sections.

LEGISLATIVE BILL 617. Introduced by Schrock, 38; Bromm, 23; Cudaback, 36; Elmer, 44; Engel, 17; McKenzie, 34; Robinson, 16; Schellpeper, 18; Stuhr, 24; Vrtiska, 1.

A BILL FOR AN ACT relating to motor vehicle fuel tax; to amend sections 66-482, 66-489, and 66-4,105, Reissue Revised Statutes of Nebraska; to decrease the fuel tax rate for gasohol; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 618. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the University of Nebraska; to require contractors to provide health care coverage on projects at the University of Nebraska Medical Center.

LEGISLATIVE BILL 619. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to public health and welfare; to require labels on human immunodeficiency virus home collection kits as prescribed.

LEGISLATIVE BILL 620. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1428, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1996; to define and redefine terms; to provide restrictions on publishing and broadcasting campaign materials; to require filings for an intent to expend; to provide penalties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 621. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to campaign finance; to amend sections 32-1603 to 32-1606 and 49-1459, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions for distribution of public funds and reporting under the Campaign Finance Limitation Act; to provide a penalty; to change the filing schedule for postelection campaign statements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 622. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Matzke, 47; C. Peterson, 35; Suttle, 10.

A BILL FOR AN ACT relating to health; to amend sections 43-248, 43-251, 43-278, 48-224, 71-147, 71-162, 71-1,235, 71-1,314, 71-201, 71-203, 71-208, 71-211.01, 71-212, 71-217, 71-219.01, 71-219.02, 71-219.04, 71-220.01, 71-223.01, 71-225, 71-227, 71-232, 71-245, 71-1903, 71-1913, 71-2017.01, 71-2021.01, 71-3101, 71-3102, 71-4629, 71-6801, and 81-8,240, Reissue Revised Statutes of Nebraska, and sections 43-245, 43-247, 43-250, 43-272.01, 43-284, and 43-2,129, Revised Statutes Supplement, 1996; to provide for mental health placement for juveniles; to change a wage withholding provision for nonprofit health federations; to provide for provisional licensure and certification of certain professionals as prescribed; to provide an exemption from regulation for certain respiratory therapy techniques; to change licensure qualifications for mental health practitioners; to clarify licensing provisions for barber schools and barber shops; to provide and clarify fees; to transfer duties from the Department of Health and Human Services Regulation and Licensure to the Board of Barber Examiners; to make references to the Barber Act consistent; to eliminate and transfer health and sanitation inspection provisions; to change provisions and definitions relating to nursing home licensure; to redefine recreation camp; to change fees for recreation camps; to change utility and sanitary standards for mobile home parks; to require certain contract provisions; to change an operative date for the Clinical Laboratories Certification Act; to eliminate regulation of and penalties for unlawful toys; to repeal the Nursing Incentive Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 28-1430, 28-1431, 28-1433, 71-901 to 71-905, and 71-1766 to 71-1771, Reissue Revised Statutes of Nebraska, and section 28-1432, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 623. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2315.01, 24-703.01, 24-703.02, 24-709.02, 24-713, 48-1401, 79-902, 79-908, 79-916, 79-920, 79-921, 79-933.02 to 79-933.06, 79-936, 79-937, 79-939, 79-951, 79-953, 79-958, 79-978, 79-979, 79-986, 79-9,102, 79-9,104, 79-9,113, 81-2020, 81-2025, 81-2030, 84-1309, 84-1323.01, and 85-606, Reissue Revised Statutes of Nebraska, and sections 23-2310.01, 23-2310.02, 23-2331, 81-2026, 81-2027.01, 81-2027.02, 84-1311.01, 84-1311.02, 84-1331, 84-1501, 84-1503.01, 84-1503.03, 84-1504, and 84-1505, Revised Statutes Supplement, 1996; to change provisions relating to benefit limitations, board physicians, custodial funds, deferred compensation, payments for purchases of service credit, custodians of school funds, payments under qualified domestic relations orders, mandatory retirement, retirement ages of Nebraska State Patrol officers, dependents of Nebraska State Patrol officers, and Public Employees Retirement Board member terms; to redefine and eliminate terms; to provide powers and duties; to create expense funds; to eliminate provisions relating to benefit limitations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 624. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

A BILL FOR AN ACT relating to retirement; to amend sections 24-708, 79-902, 79-910, 79-921, 79-922, 79-955, 79-957, 79-978, 79-979, 79-988, 79-991, 79-992, 79-9,111, 81-2025, and 84-1322, Reissue Revised Statutes of Nebraska, and sections 23-2301, 23-2306, 23-2310, 23-2319, 23-2320, 23-2323.03, 23-2331, 24-701, 24-701.01, 24-706, 24-707, 24-710, 81-2014, 81-2014.01, 81-2016, 81-2026, 81-2031, 81-2033, 84-1301, 84-1307, 84-1313, 84-1317, 84-1321, 84-1331, and 84-1511, Revised Statutes Supplement, 1996; to change provisions relating to membership, service, termination of employment, reemployment, repayment of benefits, cash rollover contributions, interest, prior service credit, investments, deferred annuities, breaks in service, and retirement age; to define and redefine terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 625. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to budgets; to amend sections 13-519 and 13-520, Revised Statutes Supplement, 1996; to change budget limitations and restrictions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 626. Introduced by Wesely, 26; Matzke, 47; Wickersham, 49.

A BILL FOR AN ACT relating to health care; to adopt the Statewide Trauma System Act.

LEGISLATIVE BILL 627. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to bingo and other gambling; to amend section 9-241.03, Revised Statutes Supplement, 1996; to change provisions relating to bingo occasions; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 628. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2280, 29-2281, and 29-2286, Reissue Revised Statutes of Nebraska; to change provisions relating to restitution; to authorize restitution for certain criminalistics procedures; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 629. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to schools; to amend section 79-102, Reissue Revised Statutes of Nebraska; to change provisions relating to classification of school districts; and to repeal the original section.

LEGISLATIVE BILL 630. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to title insurance; to amend section 44-3904, Revised Statutes Supplement, 1996; to change continuing education requirements; and to repeal the original section.

LEGISLATIVE BILL 631. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 21-2603 to 21-2606, 21-2608, 21-2610, 21-2612, 21-2615 to 21-2622, 21-2628, 21-2631, 21-2633, 21-2640, 21-2647 to 21-2649, and 21-2651 to 21-2653, Revised Statutes Supplement, 1996; to change provisions relating to management, formation, member contributions, dissolution, taxation, and merger; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 632. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to campaign statements; to amend section 49-1459, Reissue Revised Statutes of Nebraska; to change provisions relating to filing campaign statements; and to repeal the original section.

LEGISLATIVE BILL 633. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to food stamp assistance; to amend section 43-512, Revised Statutes Supplement, 1996; to provide state-funded assistance for certain residents; to provide duties for agencies; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 634. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to enterprise zones; to amend section 77-27,188, Reissue Revised Statutes of Nebraska, and sections 13-2101.01 to 13-2104, Revised Statutes Supplement, 1996; to revoke the enterprise zone designation of an area located within a city of the metropolitan class; to change provisions relating to enterprise zones; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 635. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to public records; to amend sections 37-1278, 37-1278.01, 60-106, 60-111.01, 60-308, 60-483, 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1996; to adopt the Uniform Motor Vehicle Records Disclosure Act; to change provisions relating to motorboat certificates of title, motor vehicle certificates of title, motor vehicle registration certificates, motor vehicle operator's licenses, and state identification cards; to harmonize provisions; to provide an operative date;

to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 636. Introduced by Kristensen, 37; Cudaback, 36; Withem, 14.

A BILL FOR AN ACT relating to fire protection systems; to provide for certificates for contractors who work on water-based fire protection systems; to provide duties for the State Fire Marshal; and to provide penalties.

LEGISLATIVE BILL 637. Introduced by Coordsen, 32; Schellpeper, 18.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-266, Reissue Revised Statutes of Nebraska, and section 32-101, Revised Statutes Supplement, 1996; to provide for the election of the board of directors of a municipal electric utility; to provide and eliminate powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal section 15-222, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 638. Introduced by Robinson, 16; Bromm, 23; Brown, 6; Cudaback, 36; Dierks, 40; Janssen, 15; Jensen, 20; Jones, 43; Schimek, 27; Schmitt, 41; Stuhr, 24; Tyson, 19; Vrtiska, 1; Wesely, 26; Witek, 31.

A BILL FOR AN ACT relating to lobbying; to amend sections 49-1433, 49-1480, 49-1481, 49-1492, and 84-906.03, Reissue Revised Statutes of Nebraska, and sections 49-1480.01, 49-1482, 49-1483, 49-1483.03, 49-1484 to 49-1486, 49-1488, 49-1488.01, 50-114.05, and 84-907.03, Revised Statutes Supplement, 1996; to require lobbyists who lobby regarding rules and regulations to register with the Secretary of State; to provide powers and duties; to provide fees and penalties; to eliminate obsolete provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 49-1483.04, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 639. Introduced by Robinson, 16; Abboud, 12; Crosby, 29; Hartnett, 45; Hilgert, 7; Janssen, 15; Jensen, 20; Lynch, 13; Dw. Pedersen, 39; Stuhr, 24; Will, 8.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-1412, Reissue Revised Statutes of Nebraska; to adopt the Resident Tuition Assistance Grant Program Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 640. Introduced by Coordsen, 32; Cudaback, 36; Engel, 17; Hudkins, 21; Jones, 43; Matzke, 47; D. Pederson, 42; Schmitt, 41; Schrock, 38; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to license plates; to provide for brand license plates; to provide fees; and to provide powers and duties for the Department of Motor Vehicles and the Nebraska Brand Committee.

LEGISLATIVE BILL 641. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Boiler Safety Act; to amend section 48-720, Reissue Revised Statutes of Nebraska, and section 48-726, Revised Statutes Supplement, 1996; to redefine a term; to provide for an exemption and change certain inspection requirements; and to repeal the original sections.

LEGISLATIVE BILL 642. Introduced by Abboud, 12; Bruning, 3; Hartnett, 45; Hilgert, 7; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to courts; to amend section 24-503, Reissue Revised Statutes of Nebraska; to change the number of county judges in certain districts; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 643. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1926, Reissue Revised Statutes of Nebraska; to provide restrictions on the release of videotapes of child victims of sexual assault or child abuse as prescribed; to provide for a court order; to provide a penalty; and to repeal the original section.

LEGISLATIVE BILL 644. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Sex Offender Registration Act; to amend sections 29-4004 and 29-4009, Revised Statutes Supplement, 1996; to change provisions relating to access to information; to provide duties for the Nebraska State Patrol; and to repeal the original sections.

LEGISLATIVE BILL 645. Introduced by Lynch, 13; Crosby, 29; Engel, 17; Kiel, 9.

A BILL FOR AN ACT relating to appropriations; to state intent; and to appropriate funds for the Postsecondary Education Award Program.

LEGISLATIVE BILL 646. Introduced by Cudaback, 36; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 79-1018, Reissue Revised Statutes of Nebraska; to authorize a local income tax for school districts; to require an election; to provide for collection; to provide duties for the Department of Revenue; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 647. Introduced by Schimek, 27; Withem, 14.

A BILL FOR AN ACT relating to the temporary school fund; to amend sections 79-1018, 79-1035 to 79-1037, and 79-1039, Reissue Revised Statutes of Nebraska; to change provisions relating to distribution of money in the fund; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 79-1036, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 648. Introduced by Kiel, 9; Brashear, 4; Brown, 6; Hilgert, 7; C. Peterson, 35; Preister, 5; Schrock, 38; Suttle, 10; Tyson, 19.

A BILL FOR AN ACT relating to students; to amend sections 28-929 to 28-931.01, 28-1204.03, 28-1204.04, 43-801, 79-254, 79-258, 79-266, 79-2,105, and 79-526, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-479, Revised Statutes Supplement, 1996; to provide for criminal penalties for assault on educational employees; to change provisions relating to criminal penalties for possession of firearms and deadly weapons as prescribed; to change provisions relating to parental liability; to provide for suspension of drivers' licenses as prescribed; to change provisions relating to student files or records and student discipline; to harmonize provisions; to eliminate provisions relating to corporal punishment; to repeal the original sections; and to outright repeal section 79-295, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 649. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to animal damage control; to amend section 81-2,236, Reissue Revised Statutes of Nebraska; to provide for program funding; and to repeal the original section.

RESOLUTIONS

LEGISLATIVE RESOLUTION 55CA. Introduced by Withem, 14; Kristensen, 37; Warner, 25.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 1, 5, and 7, and Article V, section 25:

III-1 "~~Commencing with the regular session of the Legislature to be held in January, nineteen hundred and thirty-seven,~~ ~~the~~ The legislative authority of the state shall be vested in a Legislature consisting of one chamber. The people reserve for themselves~~,~~ ~~however,~~ the power to propose laws~~,~~ and amendments to the ~~constitution,~~ Constitution and to enact or reject the same at the polls, independent of the Legislature, which power shall be called the power of initiative. The people ~~and~~ also reserve power at their own option to approve or reject at the polls any act, item, section, or part of any act passed by the Legislature, which power shall be called the power of referendum. ~~All authority vested by the constitution or laws of the state in~~

~~the Senate, House of Representatives, or joint session thereof, in so far as applicable, shall be and hereby is vested in said Legislature of one chamber. All provisions in the constitution and laws of the state relating to the Legislature, the Senate, the House of Representatives, joint sessions of the Senate and House of Representatives, Senator, or member of the House of Representatives, shall, in so far as said provisions are applicable, apply to and mean said Legislature of one chamber hereby created and the members thereof. All references to Clerk of House of Representatives or Secretary of Senate shall mean, when applicable, the Clerk of the Legislature of one chamber. All references to Speaker of the House of Representatives or temporary president of the Senate shall mean Speaker of the Legislature. Whenever any provision of the constitution requires submission of any matter to, or action by, the House of Representatives, the Senate, or joint session thereof, or the members of either body or both bodies, it shall after January first, nineteen hundred and thirty-seven, be construed to mean the Legislature herein provided for.~~"

III-5 "The ~~At the regular session of the Legislature held in the year nineteen hundred and thirty-five the~~ Legislature shall by law determine the number of members to be elected and divide the state into legislative districts. In the creation of such districts, any county that contains population sufficient to entitle it to two or more members of the Legislature shall be divided into separate and distinct legislative districts, as nearly equal in population as may be and composed of contiguous and compact territory. One member of the Legislature shall be elected from each such district. The basis of apportionment shall be the population excluding aliens, as shown by the next preceding federal census. The Legislature shall redistrict the state after each federal decennial census. In any such redistricting, county lines shall be followed whenever practicable, but other established lines may be followed at the discretion of the Legislature."

III-7 "All ~~At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all~~ members of the Legislature shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of not to exceed one thousand dollars per month during the term of his or her office. In addition to his or her salary, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her~~ their salary and expenses, and employees of the Legislature shall receive no compensation other than their salary or per diem."

V-25 "For the effectual administration of justice and the prompt disposition of judicial proceedings, the supreme court may promulgate rules of practice and procedure for all courts, uniform as to each class of courts, and not in conflict with laws governing such matters. To the same end, the court may, and when requested by the Legislature by ~~joint~~ resolution~~,~~ shall, certify to the Legislature~~,~~ its conclusions as to desirable amendments or changes in the general laws governing such practice and proceedings.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 56CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people. ~~independently of the Legislature.~~ This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State.

An initiative petition shall be filed with the Secretary of State on or before the Tuesday prior to the regular session of the Legislature in the year of the general election in which the proposal would be submitted to the voters. The Secretary of State shall transmit the petition to the Legislature as soon as the Legislature convenes and organizes. If the petition is for the enactment of a law, the Legislature shall consider the proposal and may enact or reject it without change or amendment by the end of the legislative session. If the proposed law is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, the law shall be subject to referendum petition as provided in Article III, section 3, of this Constitution. If a law proposed by an initiative is rejected by the Legislature or if no action is taken on the proposed law by the end of the legislative session or if the petition is for the amendment of the Constitution, the Secretary of State shall submit the proposal to the voters at the general election if the signed petitions are found to be valid and sufficient. If the Legislature rejects the proposed law, the Legislature may propose a different law on the same subject and the Secretary of State shall submit the proposal to the voters at the same general election. ~~who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed.~~

The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for legislative consideration of measures proposed by initiative petitions.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 57CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 7 and 19 and add a new section 30 to Article III:

III-7 "At the general election to be held in November 1964, one-half the members of the Legislature, or as nearly thereto as may be practicable, shall be elected for a term of four years and the remainder for a term of two years, and thereafter all members shall be elected for a term of four years, with the manner of such election to be determined by the Legislature. When the Legislature is redistricted, the members elected prior to the redistricting shall continue in office, and the law providing for such redistricting shall ~~where~~ when necessary specify the newly established district which they shall represent for the balance of their term. Each member shall be nominated and elected in a nonpartisan manner and without any indication on the ballot that he or she is affiliated with or endorsed by any political party or organization. Each member of the Legislature shall receive a salary of ~~not to exceed~~ one thousand dollars per month during the term of his or her office until his or her compensation is changed in the manner provided by Article III, section 30, of this Constitution. In addition to his or her ~~salary~~ compensation, each member shall receive an amount equal to his or her actual expenses in traveling by the most usual route once to and returning from each regular or special session of the Legislature. Members of the Legislature shall receive no pay nor perquisites other than ~~his or her salary~~ the compensation provided by this section and Article III, section 30, of this Constitution and expenses. ~~; and employees of the Legislature shall receive no compensation other than their salary or per diem.~~"

III-19 "The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, except that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement. The ~~; nor shall the~~ compensation of any public officer, including any officer whose compensation is fixed by the Legislature, shall not be increased or diminished during his or her term of office except that, when there are ~~members elected or appointed to the Legislature or~~ officers elected or appointed to a court, board, or commission having more than one member and the terms of one or more members commence and end at different times, the compensation of all members ~~of the Legislature or~~ of such court, board, or commission may be increased or diminished at the beginning of the full term of any member thereof and except as provided in Article III, section 30, of this Constitution. Nothing in this section shall prevent local governing bodies from reviewing and adjusting vested pension benefits periodically as prescribed by ordinance.

The surviving spouse of any retired public officer, agent, or servant~~,~~ who has retired under a pension plan or system~~,~~ shall be considered as having pensionable status and shall be entitled to the same benefits which may, at any time, be provided for or available to spouses of other public officers, agents, or servants who have retired under such pension plan or system at a later date, and such benefits shall not be prohibited by the restrictions of this section or of Article XIII, section 3, of ~~the~~ this Constitution. ~~of Nebraska.~~"

III-30 "There is hereby created the Compensation Review Commission. The members of the commission shall be appointed by the Governor with the approval of the Legislature. There shall be two members appointed from each congressional district and three members from the state at large. Members of the commission shall serve for terms of six years, except that of the members initially appointed, one from each of the congressional districts and one of the at-large members shall be appointed for terms of two years. No more than five members of the commission may belong to the same political party at any one time, and no elected official or employee of the state or any political subdivision or registered lobbyist may serve as a member. The term of an existing member shall terminate on the date a new member is appointed. A member may serve no more than two terms on the commission and shall receive no compensation for the performance of his or her duties, but may be reimbursed for actual and necessary expenses.

The Compensation Review Commission shall prepare and present to the Legislature prior to November 1, 1999, a legislative code of ethics which shall be adopted by the Legislature at the beginning of the legislative session in the year 2000 as part of its permanent rules. The code of ethics shall include procedures for implementing such code. After January 1, 2002, the Legislature may modify the code of ethics as it deems necessary or advisable to effectuate Article III, sections 10 and 16, of this Constitution.

After the Compensation Review Commission has presented a code of ethics to the Legislature and a code of ethics has been adopted as part of the Legislature's permanent rules, the commission shall review compensation for members of the Legislature and submit a report to the Governor and the Legislature recommending any adjustment to such compensation the commission deems appropriate. The Legislature may by legislative bill approve, disapprove, or reduce the recommended adjustment but may not increase the recommended adjustment. Adjustments shall not become effective until so approved by the Legislature, and when so approved shall become effective three calendar months following the end of the legislative session in which the adjustments were approved. If the Legislature maintains a code of ethics in its permanent rules, the commission shall review and submit a report recommending any adjustment to compensation every fourth year.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to create the Compensation Review Commission, to change provisions relating to compensation for members of the Legislature and their employees, and to provide for the adoption of a legislative code of ethics.
For
Against".

Referred to the Reference Committee.

NOTICE OF COMMITTEE HEARING
Urban Affairs

LB 116	Tuesday, January 28, 1997	1:30 p.m.
LB 230	Tuesday, January 28, 1997	1:30 p.m.
LB 238	Tuesday, January 28, 1997	1:30 p.m.
LB 315	Tuesday, January 28, 1997	1:30 p.m.
LB 319	Tuesday, January 28, 1997	1:30 p.m,

(Signed) D. Paul Hartnett, Chairperson

ANNOUNCEMENT

Mrs. Hillman announced the Legislative Program Evaluation Committee elected Mr. Warner as Vice Chairperson.

UNANIMOUS CONSENT - Announcement

Mr. Abboud asks unanimous consent to permit the Business and Labor Committee to conduct its hearing on Monday, January 27, 1997, in Room 1520 instead of Room 2102. No objections. So ordered.

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 15:
AM0005

1. Strike the original sections and insert the following new sections:

"Section 1. Section 81-2706, Revised Statutes Supplement, 1996, is amended to read:

81-2706. (1) The Public Counsel shall receive any allegation of a violation of section 81-2705 and investigate to determine whether there are ~~reasonable~~ grounds to believe that a violation has occurred or is about to occur.

(2) When investigating an allegation of a violation of section 81-2705, the Public Counsel shall have access to all information maintained by any agency or employee directly or indirectly involved.

(3) If the Public Counsel terminates the investigation of an alleged violation of section 81-2705, the Public Counsel shall, in writing, promptly inform the employee who raised the allegation.

(4) If the Public Counsel finds that there are ~~reasonable~~ grounds to believe by a preponderance of the evidence that a violation of section 81-2705 has occurred or is about to occur, he or she shall transmit his or her finding in writing to the employee who raised the allegation. The Public Counsel shall also transmit his or her findings in writing to the Governor and (a) the State Personnel Board if the employee is employed by an agency that is subject to the State Personnel System or (b) the personnel appeals board of the employee's agency if the employee is employed by an agency that is not subject to the state personnel system. If no such personnel appeals board exists, the Public Counsel shall transmit his or her finding to the director or chief operating officer of the agency, or if the director or chief operating officer has committed or is about to commit the violation of section 81-2705, the finding shall be transmitted to the Governor or his or her authorized representative.

(5) Any finding that is made and transmitted by the Public Counsel pursuant to subsection (4) of this section shall include a finding regarding whether an alleged violation of section 81-2705 has occurred or will occur within two years after the date the employee engaged in an action for which he or she is protected from retaliation pursuant to section 81-2705.

Sec. 2. Section 81-2707, Revised Statutes Supplement, 1996, is amended to read:

81-2707. (1) Upon receiving the Public Counsel's finding that ~~there is reason to believe~~ a violation of section 81-2705 has occurred or is about to occur, the employee who raised the allegation may petition the State Personnel Board, personnel appeals board, or director or chief operating officer of the agency to hold a hearing to determine whether a violation of section 81-2705 has occurred or is about to occur. Upon the receipt of such a petition, the State Personnel Board, personnel appeals board, or director or chief operating officer of the agency shall within ninety days hold a hearing to determine whether a violation of section 81-2705 has occurred or is about to occur. If the finding transmitted by the Public Counsel pursuant to section 81-2706 includes a finding that the alleged violation of section 81-2705 has occurred or will occur within two years after the date the employee engaged in an action for which he or she is protected from retaliation pursuant to section 81-2705, the State Personnel Board, personnel appeals board, or director or chief operating officer of the agency ~~shall~~ may, without further proceedings, stay or reverse the personnel action until a hearing can be held to determine if ~~there is reason to believe that~~ a violation of section 81-2705 is contemplated or has occurred. In any case in which the personnel action is not stayed or reversed until a hearing is held pursuant to this subsection, the State Personnel Board, personnel appeals board, or director or chief operating officer of the agency shall within ten days of receipt of the employee's petition hold a hearing to determine whether a violation of section 81-2705 has occurred or is about to occur. In any case in which the personnel action is stayed or reversed pursuant to this subsection, the board, director, or chief operating officer shall~~,~~ ~~at the earliest possible date,~~ within ninety days hold a hearing to determine whether a violation has occurred or is about to occur. The employee may be represented by counsel at such hearing.

(2) After determining that a violation has occurred, the State Personnel Board, personnel appeals board, or director~~,~~ or chief operating officer of the agency shall be authorized to grant backpay or other relief as it deems appropriate, including reasonable attorney's fees. The relief authorized in this subsection, including reasonable attorney's fees, shall be paid from funds of the agency in which the violation occurred.

(3) An employee or agency aggrieved by the decision rendered pursuant to subsection (2) of this section may appeal such decision. The appeal shall be in accordance with the Administrative Procedure Act. An employee prevailing on appeal shall receive reasonable attorney's fees incurred during the appeal and any previous hearings held on the matter appealed pursuant to this section.

(4) In any proceeding held pursuant to this section, if an employee establishes that a personnel action was taken against him or her after he or she submitted an allegation of wrongdoing or provided information to the Public Counsel, his or her investigators, employees, or agents, or an official in conjunction

with a preliminary or formal investigation undertaken pursuant to section 81-2704, the personnel action shall be presumed to have been taken against such employee because of such allegation. Such presumption may be rebutted by appropriate evidence.

(5) No appeal by the state shall operate as a supersedeas of any judgment, decision, or order of a district court or the Court of Appeals in any matter relating to the enforcement of the State Government Effectiveness Act.

Sec. 3. Original sections 81-2706 and 81-2707, Revised Statutes Supplement, 1996, are repealed.".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LB 308. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 217. No objections. So ordered.

Mrs. C. Peterson asked unanimous consent to have her name added as cointroducer to LB 514. No objections. So ordered.

Mrs. Kiel asked unanimous consent to have her name added as cointroducer to LB 511. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 461. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 396 and LB 445. No objections. So ordered.

VISITORS

Visitors to the Chamber were Shelly Dahl and Becky Von Seggern from Scribner; 18 eighth grade students and teacher from Helen Hyatt School, Lincoln; and Senator Matzke's grandson, Jered, from Omaha.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 11:58 a.m., on a motion by Mrs. Crosby, the Legislature adjourned until 9:00 a.m., Wednesday, January 22, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TENTH DAY – JANUARY 22, 1997

LEGISLATIVE JOURNAL

TENTH DAY - JANUARY 22, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 22, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Homer Clements, Bennet Community Church, Bennet, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Robak who was excused; and Messrs. Abboud, Chambers, Robinson, Tyson, Warner, Wesely, Will, Withem, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 353, line 32, strike "January 21" and insert "January 22".
The Journal for the ninth day was approved as corrected.

UNANIMOUS CONSENT - Member Excused

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following legislative bills and resolutions, and on the rereferral of a Governor appointment:

LB	Committee
439	Judiciary
440	Judiciary
441	Government, Military and Veterans Affairs
442	Judiciary

443	Revenue
444	Education
445	Transportation
446	Education
447	Urban Affairs
448	Judiciary
449	Government, Military and Veterans Affairs
450	Health and Human Services
451	Health and Human Services
452	Health and Human Services
453	Banking, Commerce and Insurance
454	Revenue
455	Revenue
456	Revenue
457	Revenue
458	Judiciary
459	Nebraska Retirement Systems
460	Government, Military and Veterans Affairs
461	Education
462	Judiciary
463	Transportation
464	Transportation
465	Judiciary
466	Judiciary
467	Judiciary
469	Agriculture
470	Business and Labor
471	Natural Resources
472	Health and Human Services
473	Natural Resources
474	Business and Labor
475	Revenue
476	Health and Human Services
477	Transportation
478	Agriculture
479	General Affairs
480	Judiciary
481	Urban Affairs
482	General Affairs
483	Government, Military and Veterans Affairs
484	Judiciary
485	Judiciary
486	Revenue
487	Urban Affairs
488	Revenue
489	Revenue
490	Judiciary
491	Nebraska Retirement Systems
492	Revenue

493	Revenue
494	Transportation
495	Natural Resources
496	Revenue
497	Nebraska Retirement Systems
498	Revenue
499	Natural Resources
500	Government, Military and Veterans Affairs

LR	**Committee**
50	Natural Resources
52CA	Government, Military and Veterans Affairs

Jorgensen, Dennis D. - Nebraska Investment Council - Nebraska Retirement Systems

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Revenue

LB 397	Wednesday, January 29, 1997	1:30 p.m.
LB 489	Wednesday, January 29, 1997	1:30 p.m.
LB 486	Wednesday, January 29, 1997	1:30 p.m.
LB 344	Wednesday, January 29, 1997	1:30 p.m.
LB 496	Wednesday, January 29, 1997	1:30 p.m.
LB 97	Wednesday, January 29, 1997	1:30 p.m.

(Signed) Jerome Warner, Chairperson

NATURAL RESOURCE DISTRICT REPORT

In compliance with Section 2-3262 (R.R.S. 1943) a summary of all fees paid to date during calendar year 1996 to attorneys, lobbyists, and public relations representatives is indicated below by individual and by amount paid thereto.

DISTRICT	FEE
Lower Niobrara Natural Resources District	
Shelley Horak, Attorney at Law	$ 93.75
	434.72
	570.67
	6.50
	197.50
	16.25
	56.25
	75.00
	37.50

REPORT

The following report was received by the Legislature:

Roads, Department of
Highway Cash Fund for December 1996

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 49 and 51.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 650. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska State Patrol Retirement Act; to amend section 81-2014.01, Revised Statutes Supplement, 1996; to provide a cost-of-living adjustment for certain retirees; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 651. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to metropolitan utilities districts; to amend section 14-2150, Revised Statutes Supplement, 1996; to authorize the donation of certain personal property to political subdivisions; to provide powers and duties; and to repeal the original section.

LEGISLATIVE BILL 652. Introduced by Withem, 14.

A BILL FOR AN ACT relating to special education; to amend sections 79-1142, 79-1144, and 79-1145, Reissue Revised Statutes of Nebraska; to provide for distribution of state funds through the equalization aid formula; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 653. Introduced by Warner, 25.

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend section 48-720, Reissue Revised Statutes of Nebraska, and sections 48-719 and 48-731, Revised Statutes Supplement, 1996; to provide an exemption for hobby boilers; to define a term; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 654. Introduced by Coordsen, 32; Schellpeper, 18.

A BILL FOR AN ACT relating to electric utilities; to provide for merger of municipally owned electric utilities.

LEGISLATIVE BILL 655. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505, Reissue Revised Statutes of Nebraska; to establish air quality standards for hydrogen sulfide gas; to provide duties; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 656. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources; to state intent; to appropriate funds to the Niobrara Council as prescribed.

LEGISLATIVE BILL 657. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to water; to amend sections 46-233.01 and 46-235, Reissue Revised Statutes of Nebraska, and section 46-209, Revised Statutes Supplement, 1996; to change provisions relating to permits for appropriation of water; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 658. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Radiation Control Act; to amend section 71-3505, Reissue Revised Statutes of Nebraska; to change provisions relating to fees and costs associated with nuclear power plant emergency response and environmental surveillance; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 659. Introduced by Withem, 14.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.14, Reissue Revised Statutes of Nebraska; to create the Nebraska Industrial Competitiveness Alliance; to create the Nebraska Industrial Competitiveness Alliance Board; to provide powers and duties; to provide a limitation on liability; and to repeal the original section.

LEGISLATIVE BILL 660. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109, 75-604, and 86-801 to 86-803, Reissue Revised Statutes of Nebraska; to change local competition provisions; to authorize and enforce a federal act; to provide powers and duties; to provide intent and a definition; to authorize a fund; and to repeal the original sections.

LEGISLATIVE BILL 661. Introduced by Dierks, 40; at the request of the Governor.

A BILL FOR AN ACT relating to agriculture; to state intent relating to meat and poultry inspection.

LEGISLATIVE BILL 662. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2702.07, 77-2702.13, 77-2702.14, 77-2703, 79-1132, 79-1142, and 79-1144, Reissue Revised Statutes of Nebraska; to impose a sales tax on business services; to change funding of special education costs; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 663. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to county superintendents; to state intent; and to provide a duty.

LEGISLATIVE BILL 664. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-901 to 37-912 and 81-814.02, Reissue Revised Statutes of Nebraska, and section 37-102, Revised Statutes Supplement, 1996; to change provisions relating to controlled shooting areas and game breeding operations; to define terms; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal sections 37-913 and 37-914, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 665. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to state agencies; to require publication of the Nebraska Register and the Nebraska Administrative Code.

LEGISLATIVE BILL 666. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1901, Revised Statutes Supplement, 1996; to change a bond requirement for members of plumbing boards; and to repeal the original section.

LEGISLATIVE BILL 667. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the State Boat Act; to amend section 37-1291, Revised Statutes Supplement, 1996; to authorize nonpublic lake associations to adopt and promulgate rules and regulations as prescribed; to define a term; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 668. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to boating; to amend sections 66-499, 66-4,140, and 66-4,147, Reissue Revised Statutes of Nebraska, and section 37-102, Revised Statutes Supplement, 1996; to require motorboat operator education as prescribed; to create a fund; to provide for transfers of motor vehicle fuel tax funds; to provide duties; to define terms; to provide penalties; and to repeal the original sections.

LEGISLATIVE BILL 669. Introduced by Wehrbein, 2; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Kiel, 9; Lynch, 13; Maurstad, 30; D. Pederson, 42.

A BILL FOR AN ACT relating to appropriations; to state intent relating to Laws 1996, LB 1044A; and to declare an emergency.

LEGISLATIVE BILL 670. Introduced by Preister, 5.

A BILL FOR AN ACT relating to hazardous materials; to adopt the Nebraska Emergency Planning and Community Right to Know Act; and to provide severability.

LEGISLATIVE BILL 671. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to sales and use tax; to amend section 77-2701, Reissue Revised Statutes of Nebraska; to provide an exemption for certain voluntary fire and rescue organizations; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 672. Introduced by Warner, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-27,119, 79-528, 79-1001 to 79-1003, 79-1005, 79-1007 to 79-1011, 79-1014 to 79-1018, 79-1022, and 79-1031, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to calculation and disbursement of state aid to schools; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 79-1004, 79-1006, and 79-1013, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 673. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Nebraska State Historical Society.

LEGISLATIVE BILL 674. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to children; to amend sections 42-718, 43-158, 43-1209, 43-1210, 43-1801, 43-1802, 43-2903, and 43-2905 to 43-2917, Reissue Revised Statutes of Nebraska, and sections 42-351, 42-364, 43-104.13, 43-2,113, 43-1202, 43-1803, 43-2904, 43-2919, and 84-205, Revised Statutes Supplement, 1996; to change visitation references to parenting time; to change custody, visitation, and Parenting Act provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 675. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to children; to amend sections 77-2702.07, 77-2702.13, 77-2702.14, 77-2703, 77-27,132, and 79-205, Reissue Revised Statutes of Nebraska; to adopt the Kids First Health Care Act; to impose sales and use tax on funeral and crematory services; to transfer funds; to create a fund; to provide a duty for schools; to harmonize provisions; and to repeal the original sections

LEGISLATIVE BILL 676. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-631 and 29-110, Reissue Revised Statutes of Nebraska; to require restitution for fraudulent insurance acts; to change statute of limitation provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 677. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 42-349, 42-350, 42-353, 42-360, 42-362, 42-370, 42-373, 42-377, 42-803 to 42-810, 42-813, 42-821, 42-924, and 71-615, Reissue Revised Statutes of Nebraska, sections 24-517, 25-2739, 42-347, 42-348, 42-351, 42-352, 42-357, 42-358.08, 42-371, 42-812, 42-822, 43-2,113, 43-512.03, 43-512.04, and 43-1803, Revised Statutes Supplement, 1996, and Laws 1996, LB 1296, section 29; to change filing and jurisdiction provisions in domestic relations matters; to harmonize provisions; to provide a duty for the Revisor of Statutes; to eliminate an obsolete provision and correct internal references; to provide operative dates; to repeal the original sections; and to outright repeal section 42-379, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 678. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to campaigns; to amend sections 32-1601, 32-1607, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, and section 49-14,123, Revised Statutes Supplement, 1996; to provide for enforcement of the Campaign Finance Limitation Act; to provide civil and criminal penalties; to provide a limitation on civil enforcement; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 679. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to solid waste; to amend section 28-523, Reissue Revised Statutes of Nebraska, and sections 39-310 and 39-311, Revised Statutes Supplement, 1996; to change littering and solid waste penalties; and to repeal the original sections.

LEGISLATIVE BILL 680. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to state aid to schools; to amend section 79-1001, Reissue Revised Statutes of Nebraska; to change provisions relating to calculation of aid; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 681. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Legislative Council; and to state intent.

LEGISLATIVE BILL 682. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to drainage districts; to amend sections 31-301.01, 31-401.01, 31-410.01, 31-424.01, and 31-447, Reissue Revised Statutes of Nebraska; to limit tax levy authority; to require merger with natural resources districts; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 31-411.02, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 683. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to trail development; to amend section 37-1503, Revised Statutes Supplement, 1996; to impose a fee on the sale of bicycles; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 684. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to low-level radioactive waste; to amend section 81-15,113.01, Revised Statutes Supplement, 1996; to change provisions relating to compact commission funds; and to repeal the original section.

LEGISLATIVE BILL 685. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-609.01, 86-802, 86-803, 86-806, 86-809, and 86-811, Reissue Revised Statutes of Nebraska; to define and redefine terms; to change provisions relating to telecommunication service rates and regulation; to harmonize provisions; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 686. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to adopt the Nebraska Telecommunications Universal Service Fund Act.

LEGISLATIVE BILL 687. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to amend section 75-604, Reissue Revised Statutes of Nebraska; to change provisions relating to certificates of convenience and necessity; and to repeal the original section.

LEGISLATIVE BILL 688. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to telecommunications; to authorize the provision of services by cities and villages.

LEGISLATIVE BILL 689. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to public power districts; to amend section 70-625, Reissue Revised Statutes of Nebraska; to eliminate a restriction relating to communications services; and to repeal the original section.

LEGISLATIVE BILL 690. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-202.01 and 77-202.03, Reissue Revised Statutes of Nebraska; to change application procedures and penalty provisions for tax-exempt property; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 691. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-1601.01 and 77-1601.02, Reissue Revised Statutes of Nebraska; to change procedures relating to preliminary property tax levies; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 692. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to health and human services; to provide legislative oversight for contracts relating to the Nebraska Partnership for Health and Human Service Act.

LEGISLATIVE BILL 693. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to appropriations; to state intent relating to the Women In Military Service For America Memorial; and to provide duties.

LEGISLATIVE BILL 694. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-310, 60-311.03, 60-311.04, 60-311.08, 60-311.09, and 60-315.01, Reissue Revised Statutes of Nebraska, and sections 60-311.05 and 60-311.12, Revised Statutes Supplement, 1996; to change and eliminate fees; to change provisions relating to renewal and transfer of license plates; and to repeal the original sections.

LEGISLATIVE BILL 695. Introduced by Cudaback, 36.

A BILL FOR AN ACT relating to counties; to amend sections 29-1002, 29-1004, 47-120, and 47-121, Reissue Revised Statutes of Nebraska; to change provisions relating to the custody and maintenance of prisoners; to state intent; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to outright repeal section 47-119, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 696. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend section 77-27,187, Reissue Revised Statutes of Nebraska; to provide for a conversion of unused credits; to provide a duty; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 697. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to the Nebraska Highway Bond Act; to amend sections 39-2201 and 39-2223, Reissue Revised Statutes of Nebraska; to redefine a term; to provide loans to political subdivisions; and to repeal the original sections.

LEGISLATIVE BILL 698. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to highways; to provide for a reassessment of state highway needs; to state intent; and to provide duties for the Department of Roads.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 22. Placed on General File.
LEGISLATIVE BILL 72. Placed on General File.

(Signed) Douglas A. Kristensen, Chairperson

NOTICE OF COMMITTEE HEARING
Judiciary

LB 30	Wednesday, January 29, 1997	1:30 p.m.
LB 175	Wednesday, January 29, 1997	1:30 p.m.
LB 153	Wednesday, January 29, 1997	1:30 p.m.
LB 294	Wednesday, January 29, 1997	1:30 p.m.
LB 36	Wednesday, January 29, 1997	1:30 p.m.
LB 218	Wednesday, January 29, 1997	1:30 p.m.
LB 161	Wednesday, January 29, 1997	1:30 p.m.
LB 293	Wednesday, January 29, 1997	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 699. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bromm, 23; Elmer, 44; McKenzie, 34; Preister, 5; Schrock, 38.

A BILL FOR AN ACT relating to propane; to adopt the Propane Education and Research Act.

LEGISLATIVE BILL 700. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to natural resources; to amend sections 87-112 and 87-209, Reissue Revised Statutes of Nebraska; to adopt the Geologists Regulation Act; to harmonize provisions; to provide an operative date; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 701. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to game and parks; to amend sections 28-109, 28-1008, 29-215, 37-603, 49-801, 60-646, 81-805, and 83-1011, Reissue Revised Statutes of Nebraska, and sections 60-489 and 81-1401, Revised Statutes Supplement, 1996; to provide powers and duties for conservation and deputy conservation officers; to redefine terms; to provide a penalty; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 702. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend sections 81-805.04, 81-809, and 81-810, Reissue Revised Statutes of Nebraska; to provide for credentialing of certain federal officers as conservation officers; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 703. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-535 to 37-538, Reissue Revised Statutes of Nebraska; to change provisions relating to the importation, exportation, and release of birds and mammals; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 704. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-227, Reissue Revised Statutes of Nebraska, and section 37-215, Revised Statutes Supplement, 1996; to change provisions for the issuance of certain permits issued by the Game and Parks Commission; and to repeal the original sections.

LEGISLATIVE BILL 705. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to game and parks; to amend sections 37-102, 37-201, 37-216.03, 37-216.04, and 37-216.06 to 37-216.09, Revised Statutes Supplement, 1996; to provide for lifetime habitat stamps; to provide fees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 706. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to courts; to amend sections 24-301.02, 24-503, 24-516, 24-1101, 25-1140, 25-1140.09, 25-1542, 25-1904, 25-1907, 25-1908, 25-1911 to 25-1916, 25-1920, 25-1923, 25-1925, 25-1935 to 25-1937, 25-2728, 25-2731 to 25-2734, 25-2807, 29-611, 29-2302, 29-2306, 29-2308, 29-2317, 29-2319, 29-2525, 30-1601, 31-329, 33-106, 76-715, 76-717, and 76-718, Reissue Revised Statutes of Nebraska, and sections 24-312, 25-1901, 25-2739, 43-112, 43-287.05, and 43-2,106.01, Revised Statutes Supplement, 1996; to change the number of county court, district court, and Court of Appeals judges; to change and eliminate provisions relating to appeals from county court and Small Claims Court; to harmonize provisions; to repeal the original sections; to provide operative dates; to outright repeal sections 25-2729, 25-2730, and 25-2735 to 25-2738, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 707. Introduced by Bohlke, 33; Janssen, 15.

A BILL FOR AN ACT relating to environmental protection; to amend section 81-1505.04, Revised Statutes Supplement, 1996; to change provisions relating to the annual emission fee; to eliminate an obsolete provision; to harmonize provisions; and to repeal the original section.

UNANIMOUS CONSENT - Member Excused

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 708. Introduced by Janssen, 15; Hartnett, 45.

A BILL FOR AN ACT relating to utilities; to amend section 71-6316, Reissue Revised Statutes of Nebraska, and sections 14-2101, 14-2116, 14-2122, and 19-4601, Revised Statutes Supplement, 1996; to provide for gas furnace inspections of residential and commercial structures by utilities or gas companies as prescribed; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 709. Introduced by Schmitt, 41.

A BILL FOR AN ACT relating to military personnel; to amend section

80-901, Reissue Revised Statutes of Nebraska; to phase out the tuition credit for members of the Nebraska-based unit of the Active Selective Reserve of the armed forces; and to repeal the original section.

LEGISLATIVE BILL 710. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to school finance; to amend sections 79-1003, 79-1005, 79-1015, 79-1018, 79-1024, 79-1026, 79-1031, 79-1033, 79-1035, 79-1065, 79-1070, 79-1084, 79-1089, and 79-10,110, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to adjusted valuation, county nonresident high school tuition funds, other actual receipts, withheld funds, growth percentages, repayments, distribution of funds, borrowing, publication, and a date; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 711. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend sections 79-215, 79-237, 79-240, 79-413, 79-447, 79-463, 79-479, 79-528, 79-556, 79-602, 79-608, 79-808, 79-809, 79-1128, 79-1177, 79-1223, and 79-1310, Reissue Revised Statutes of Nebraska; to change provisions relating to nonresident students, the enrollment option program, reorganization of districts, reports, meetings, transportation, certificates, special education, educational service unit property, and school technology; to eliminate provisions relating to property transfer and year-round school and a definition; to repeal the original sections; and to outright repeal sections 79-224 to 79-231, 79-506 to 79-511, and 79-1118, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 712. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to education; to require testing.

LEGISLATIVE BILL 713. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1007, 79-1016, 79-1018, and 79-1022, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to reports and certification of aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 714. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, 79-1005, and 79-1015, Reissue Revised Statutes of Nebraska; to change provisions relating to distribution of state aid; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 715. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to postsecondary education; to amend section 85-9,139.02, Revised Statutes Supplement, 1996; to change provisions relating to loan default cost fees; to require a study; and to repeal the original section.

LEGISLATIVE BILL 716. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to schools; to amend section 79-458, Reissue Revised Statutes of Nebraska; to change provisions relating to freeholder petitions; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 717. Introduced by Preister, 5; Kiel, 9; Lynch, 13; C. Peterson, 35; Suttle, 10.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3510 and 77-3512, Reissue Revised Statutes of Nebraska; to change provisions relating to application forms and application deadlines; and to repeal the original sections.

LEGISLATIVE BILL 718. Introduced by Preister, 5; Hartnett, 45; Kiel, 9; Landis, 46; Lynch, 13; Schimek, 27; Wesely, 26.

A BILL FOR AN ACT relating to water; to amend sections 46-2,107 and 46-2,109, Reissue Revised Statutes of Nebraska, and section 46-2,111, Revised Statutes Supplement, 1996; to change instream appropriations provisions; to provide duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 719. Introduced by Schrock, 38; Coordsen, 32; Schellpeper, 18; Vrtiska, 1.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 13-1612, 77-2701, 77-2704.24, 77-2715.07, 77-27,142, 77-3442, 77-3443, 77-3445, 79-1021, 79-1205, 79-1206, 79-1211, 79-1212, 79-1213, 79-1215, 79-1217, 79-1222, 79-1224, 79-1226, 79-1227, 79-1233, 81-1113, 81-1118.02, 85-121.03, 85-1416, 85-1418, 85-1501, 85-1511, 85-1516, 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska, and sections 13-319 to 13-321, 13-501, 13-503, 13-517, 13-518, 48-621, 81-1201.21, 85-933, 85-1503, 85-1515, and 85-1536, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to tax funding of community colleges and educational service units; to provide a sales tax on food and an income tax credit; to create the Local Educational Assistance Fund; to transfer certain revenue raised to the Tax Equity and Educational Opportunities Fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 79-1225, 85-1518, 85-1537, and 85-1538, Reissue Revised Statutes of Nebraska, and sections 85-1517 and 85-1540, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 720. Introduced by Transportation Committee:

Kristensen, 37, Chairperson; Bruning, 3; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16.

A BILL FOR AN ACT relating to the Department of Motor Vehicles; to amend sections 60-104, 60-133, 60-310, 60-311.09, and 60-320.01, Reissue Revised Statutes of Nebraska, and sections 37-1214, 37-1216, 37-1276 to 37-1278.01, 37-1286, 37-1289, 60-302, 60-311.07, 60-312, 60-320, and 60-483, Revised Statutes Supplement, 1996; to change provisions relating to certificates of title and registration of motorboats; to change and provide fees; to change provisions relating to certificates of title, odometers, proof of financial responsibility, and registration of motor vehicles; to provide for and change provisions relating to In Transit decals as prescribed; to eliminate provisions relating to rules and regulations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 721. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Bruning, 3; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,290, Revised Statutes Supplement, 1996; to change provisions relating to overall vehicle length; and to repeal the original section.

LEGISLATIVE BILL 722. Introduced by Transportation Committee: Kristensen, 37, Chairperson; Bruning, 3; Coordsen, 32; Elmer, 44; Matzke, 47; Dw. Pedersen, 39; C. Peterson, 35; Robinson, 16.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Reissue Revised Statutes of Nebraska; to update state adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; and to repeal the original sections.

LEGISLATIVE BILL 723. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Pickle Card Lottery Act; to amend section 9-337, Reissue Revised Statutes of Nebraska, and section 9-346, Revised Statutes Supplement, 1996; to authorize the use of electronic dispensing devices; to provide duties; to provide a fee; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 724. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-901, 79-902, 79-924, and 79-933.02, Reissue Revised Statutes of Nebraska; to authorize agreements for purchases of service credit; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 725. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to school retirement; to amend sections 79-958 and 79-966, Reissue Revised Statutes of Nebraska; to increase the state deposit to a fund; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 726. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1499.01, 49-14,103.02, and 49-14,103.07, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1499, 49-14,101, and 49-14,103.01, Revised Statutes Supplement, 1996; to change and eliminate conflict of interest provisions; to provide and change penalty provisions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 727. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Uniform Interstate Family Support Act; to amend sections 42-701, 42-702, 42-709, 42-711, 42-714, 42-717 to 42-720, 42-734, 42-740, 42-741, 42-746, and 42-747, Reissue Revised Statutes of Nebraska, and section 42-748, Revised Statutes Supplement, 1996; to change provisions relating to recognition and enforcement of child support orders; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

LEGISLATIVE BILL 728. Introduced by Landis, 46.

A BILL FOR AN ACT relating to personal property; to amend sections 69-201, 69-204, 69-205, 69-206, and 69-210, Reissue Revised Statutes of Nebraska; to change provisions relating to pawnbrokers, dealers in secondhand goods or jewelry, coin dealers, or junk dealers; and to repeal the original sections.

LEGISLATIVE BILL 729. Introduced by Landis, 46.

A BILL FOR AN ACT relating to legal services for the indigent; to provide court fees; to create a fund; to define terms; to provide duties for the State Court Administrator; and to provide an operative date.

LEGISLATIVE BILL 730. Introduced by Landis, 46.

A BILL FOR AN ACT relating to exemptions; to amend sections 25-1552, 25-1556, 25-1557, 40-101, 40-102, and 40-105, Reissue Revised Statutes of Nebraska; to change execution and homestead exemption provisions; to eliminate a defined term; to harmonize provisions; to repeal the original sections; and to outright repeal section 40-115, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 731. Introduced by Landis, 46.

A BILL FOR AN ACT relating to filings and recordings; to amend sections 52-202, 52-501, 52-701, 52-902, 52-1001, 52-1004, 52-1102, 52-1202, 52-1307, 52-1312, 52-1313, 52-1316, 52-1601, 52-1603, 54-201, 54-208, and 77-3903, Reissue Revised Statutes of Nebraska, and sections 9-401, 9-402, 9-403, 9-408, 9-413, 9-415, and 9-420, Uniform Commercial code; to change filing provisions relating to liens and secured transactions; to provide duties for the Secretary of State; to eliminate provisions relating to filing; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 9-412 and 9-414, Uniform Commercial Code.

LEGISLATIVE BILL 732. Introduced by Will, 8.

A BILL FOR AN ACT relating to gambling; to amend sections 9-204, 9-312, 9-315, 9-338, and 9-346, Revised Statutes Supplement, 1996; to redefine terms; to change provisions relating to pickle cards played in conjunction with the conduct of bingo; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 733. Introduced by Wickersham, 49; Beutler, 28.

A BILL FOR AN ACT relating to mountain sheep; to amend sections 37-105 and 37-215, Revised Statutes Supplement, 1996; to provide for permits to hunt and kill mountain sheep; to provide for fees and an auction; and to repeal the original sections.

LEGISLATIVE BILL 734. Introduced by Robinson, 16.

A BILL FOR AN ACT relating to cities and villages; to amend section 16-309, Reissue Revised Statutes of Nebraska, and sections 32-568 and 32-569, Revised Statutes Supplement, 1996; to change provisions relating to terms of office and filling of vacancies; and to repeal the original sections.

LEGISLATIVE BILL 735. Introduced by Robak, 22.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-102 and 37-216.01, Revised Statutes Supplement, 1996; to authorize special fishing permits for developmentally disabled persons; to provide a fee; to define a term; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 736. Introduced by Robak, 22.

A BILL FOR AN ACT relating to mental health services; to amend sections 71-5002 and 71-5654, Reissue Revised Statutes of Nebraska, and sections 83-101.06, 83-125, 83-227.01, 83-306, 83-308, 83-324, 83-336, 83-339, 83-340, 83-1021, and 83-1040, Revised Statutes Supplement, 1996; to state intent; to provide for psychiatric or psychosocial rehabilitation; to change the title, qualifications, and duties of the Director of Medical Services of the

Department of Public Institutions; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 737. Introduced by Will, 8.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3442, Reissue Revised Statutes of Nebraska; to authorize school districts to exceed levy limitations as prescribed; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 738. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to the Attorney General; to amend sections 32-507, 32-609, and 32-813, Revised Statutes Supplement, 1996; to provide for the nonpartisan election of the Attorney General; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 739. Introduced by Landis, 46.

A BILL FOR AN ACT relating to the Nebraska Bank Holding Company Act of 1995; to amend section 8-911, Revised Statutes Supplement, 1996; to change provisions relating to the acquisition of banks; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 740. Introduced by Landis, 46.

A BILL FOR AN ACT relating to insurance; to adopt the Mutual Insurance Holding Company Act; and to provide a duty for the Revisor of Statutes.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 13. Placed on General File.
LEGISLATIVE BILL 118. Placed on General File.

(Signed) Janis McKenzie, Vice Chairperson

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 70	Wednesday, January 29, 1997	1:30 p.m.
LB 414	Wednesday, January 29, 1997	1:30 p.m.
LB 103	Wednesday, January 29, 1997	1:30 p.m.
LB 252	Wednesday, January 29, 1997	1:30 p.m.
LB 441	Wednesday, January 29, 1997	1:30 p.m.
LB 237	Thursday, January 30, 1997	1:30 p.m.
LB 160	Thursday, January 30, 1997	1:30 p.m.
LB 221	Thursday, January 30, 1997	1:30 p.m.

LB 339	Thursday, January 30, 1997	1:30 p.m.
LB 85	Thursday, January 30, 1997	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 741. Introduced by Landis, 46.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1222.01, Reissue Revised Statutes of Nebraska, and section 44-6409, Revised Statutes Supplement, 1996; to change provisions relating to certain advance settlement payments; and to repeal the original sections.

LEGISLATIVE BILL 742. Introduced by Wickersham, 49; Jones, 43.

A BILL FOR AN ACT relating to school reorganization; to amend section 79-419, Reissue Revised Statutes of Nebraska; to change provisions relating to merger of Class I and Class VI districts; and to repeal the original sections.

LEGISLATIVE BILL 743. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to the County Purchasing Act; to amend sections 13-1414, 23-315, 23-342, 23-355, 23-366, 23-3102, 23-3104, 23-3106 to 23-3108, 23-3110 to 23-3113, 31-118, 31-120, 31-355, 31-512, 31-741, 31-748, 31-912, 39-810, 39-817, 39-820, 39-822, 39-1407, 39-1408, 39-1503, 39-1524, 39-1620, 39-1644, and 86-404, Reissue Revised Statutes of Nebraska, and sections 23-175 and 23-3615, Revised Statutes Supplement, 1996; to define and redefine terms; to change provisions relating to the County Purchasing Act; to change procedures relating to public bidding; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 744. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to electric utilities; to amend section 70-604, Reissue Revised Statutes of Nebraska; to state intent; to provide requirements for reorganization, consolidation, or merger; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 745. Introduced by Hartnett, 45; Hillman, 48; McKenzie, 34; Preister, 5; Tyson, 19; Wickersham, 49; at the request of the Governor.

A BILL FOR AN ACT relating to the Employment Expansion and Investment Incentive Act; to amend sections 77-27,188 and 77-27,189, Reissue Revised Statutes of Nebraska; to change provisions relating to enterprise zones; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 746. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-3301, Reissue Revised Statutes of Nebraska; to provide for alternate uses of levies and assessments for offstreet parking districts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 747. Introduced by Tyson, 19; Wesely, 26.

A BILL FOR AN ACT relating to natural resources districts; to amend section 2-3203, Reissue Revised Statutes of Nebraska, and sections 2-3202 and 2-3213, Revised Statutes Supplement, 1996; to provide for the creation of new districts; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 748. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to hazardous substances; to define terms; and to provide liability for cleanup costs as a result of a hazardous substance emergency.

LEGISLATIVE BILL 749. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to solid waste; to amend section 25-2803, Reissue Revised Statutes of Nebraska, and sections 13-2001 and 13-2020, Revised Statutes Supplement, 1996; to authorize combined billing of charges; to provide for transportation permits; to change Small Claims Court procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 750. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to solid waste; to amend sections 81-15,177 and 81-15,179, Reissue Revised Statutes of Nebraska, and sections 9-812 and 9-836.01, Revised Statutes Supplement, 1996; to rename a fund; to change and eliminate grant procedures; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-15,177.01 and 81-15,178, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 751. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to firearms; to amend sections 28-1204.01, 28-1204.02, 28-1204.04, 28-1206, and 69-2404, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1996; to eliminate the offense of unlawful possession of a revolver; to create the offense of illegal possession of a firearm; to change provisions relating to a certificate to purchase a handgun; to harmonize provisions; to repeal the original sections; and to outright repeal section 28-1204, Reissue Revised

Statutes of Nebraska.

LEGISLATIVE BILL 752. Introduced by Beutler, 28; at the request of the Governor.

A BILL FOR AN ACT relating to families; to amend sections 42-701, 42-702, 42-709, 42-711, 42-714, 42-717 to 42-720, 42-734, 42-740, 42-741, 42-746, 42-747, 48-149, 48-161, and 60-4,129, Reissue Revised Statutes of Nebraska, and sections 42-748, 43-512.03, 43-1409, 43-1414, 43-1718.02, 43-1723, 43-2904, 60-4,105, and 60-4,130, Revised Statutes Supplement, 1996; to adopt the License Suspension Act; to provide for enforcement of support orders by subpoena power, access to information, and administrative attachment and bank matching; to adopt the New Hire Reporting Act; to change provisions of the Uniform Interstate Family Support Act relating to recognition and enforcement of child support orders; to change child support provisions relating to acknowledgment of paternity; to change provisions in paternity actions relating to genetic testing; to harmonize provisions; to provide for severability; and to repeal the original sections.

LEGISLATIVE BILL 753. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1,131, Revised Statutes Supplement, 1996; to authorize banks to act as trustee or custodian of a medical savings account; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 754. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to health carriers; to prohibit certain acts by health carriers relating to health care providers and services.

LEGISLATIVE BILL 755. Introduced by C. Peterson, 35; Bruning, 3; Dierks, 40; Hudkins, 21; Janssen, 15; Kiel, 9; McKenzie, 34; Schmitt, 41; Stuhr, 24; Suttle, 10; Vrtiska, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Veterans' affairs; to state intent; and to declare an emergency.

LEGISLATIVE BILL 756. Introduced by C. Peterson, 35; Hilgert, 7; Hudkins, 21; Kiel, 9; McKenzie, 34; Preister, 5; Stuhr, 24; Suttle, 10.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-404.02 and 29-908, Reissue Revised Statutes of Nebraska; to change provisions relating to arrests without warrants and violations of bail, recognizance, or a conditioned release; and to repeal the original sections.

LEGISLATIVE BILL 757. Introduced by C. Peterson, 35; Hilgert, 7; Hudkins, 21; Kiel, 9; McKenzie, 34; Dw. Pedersen, 39; Preister, 5; Stuhr, 24.

A BILL FOR AN ACT relating to the Nebraska Mental Health Commitment Act; to amend sections 83-1014, 83-1022, 83-1027, 83-1028, 83-1029, 83-1036, 83-1044, 83-1045, 83-1045.02, 83-1046, 83-1064, 83-1067, and 83-1068, Revised Statutes Supplement, 1996; to make the act applicable to juveniles; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 758. Introduced by Withem, 14.

A BILL FOR AN ACT relating to state officers; to amend sections 23-1201, 49-14,133, and 55-161.01, Reissue Revised Statutes of Nebraska, and sections 32-1548 and 84-205, Revised Statutes Supplement, 1996; to provide duties for the Attorney General; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 759. Introduced by Withem, 14.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701.02, 79-1008, and 79-1018, Reissue Revised Statutes of Nebraska; to adopt the Local Schools Sales Tax Option Act; to create a fund; to change the state sales tax rate; to change provisions relating to state-aid to schools; to harmonize provisions; to provide operative dates; and to repeal the original sections.

LEGISLATIVE BILL 760. Introduced by Dw. Pedersen, 39; at the request of the Governor.

A BILL FOR AN ACT relating to juvenile corrections; to amend sections 83-905, 83-925.05, and 83-925.06, Reissue Revised Statutes of Nebraska, and section 83-925.07, Revised Statutes Supplement, 1996; to change oversight and control of the secure youth facility; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 761. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Department of Correctional Services; to provide for adopting and promulgating rules and regulations.

LEGISLATIVE BILL 762. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to athletic trainers; to amend sections 71-1,238 and 71-1,239, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to practices allowed; and to repeal the original sections.

LEGISLATIVE BILL 763. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to plumbing; to adopt the Plumbing License Law.

LEGISLATIVE BILL 764. Introduced by Robinson, 16; Matzke, 47; Maurstad, 30; Schimek, 27; Withem, 14.

A BILL FOR AN ACT relating to elections; to amend sections 2-233, 19-2202, 19-3015, 19-3032, 39-1002, 70-611, and 79-549, Reissue Revised Statutes of Nebraska, sections 23-222, 23-501, 32-101, 32-103, 32-107, 32-115, 32-204, 32-208, 32-210, 32-211, 32-214, 32-215, 32-221, 32-222, 32-228, 32-230, 32-235 to 32-238, 32-240 to 32-242, 32-305, 32-306, 32-308, 32-310, 32-312, 32-314 to 32-316, 32-319, 32-321 to 32-325, 32-329, 32-330, 32-404, 32-530, 32-543, 32-552, 32-554, 32-560, 32-565, 32-568, 32-606, 32-607, 32-609, 32-612 to 32-614, 32-616, 32-618 to 32-621, 32-624, 32-631, 32-632, 32-703, 32-707, 32-710, 32-715, 32-801, 32-803, 32-808, 32-903, 32-904, 32-910, 32-913 to 32-916, 32-929, 32-933 to 32-935, 32-943, 32-946, 32-950, 32-1016, 32-1032, 32-1033, 32-1044, 32-1203, 32-1208, 32-1516, 32-1544, and 49-209, Revised Statutes Supplement, 1996; to change and eliminate provisions regarding elections; to provide and eliminate penalties; to harmonize provisions; to repeal the original sections; to outright repeal sections 70-642.03 and 70-642.04, Reissue Revised Statutes of Nebraska, and sections 32-1014 and 32-1509, Revised Statutes Supplement, 1996; and to declare an emergency.

LEGISLATIVE BILL 765. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to Employment Security Law; to amend sections 48-601 and 48-649, Revised Statutes Supplement, 1996; to change combined tax rate computation; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 766. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to sports agents; to adopt the Athlete Agent Registration and Accountability Act; to create a penalty; and to provide severability.

LEGISLATIVE BILL 767. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to political accountability and disclosure; to amend sections 49-1453, 49-1493, 49-14,126, and 81-1117.02, Reissue Revised Statutes of Nebraska, and section 49-14,103.01, Revised Statutes Supplement, 1996; to change provisions relating to dissolution of committees and conflicts of interest; to provide duties for the Nebraska Accountability and Disclosure Commission and the Department of Administrative Services; to provide for restitution; to provide access to computer records; and to repeal the original sections.

LEGISLATIVE BILL 768. Introduced by Brashear, 4; Landis, 46; Maurstad, 30.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and

Disclosure Act; to amend section 49-1479, Reissue Revised Statutes of Nebraska; to change contribution restrictions on campaign committees; and to repeal the original section.

LEGISLATIVE BILL 769. Introduced by Brashear, 4; at the request of the Governor.

A BILL FOR AN ACT relating to treatment and corrections; to amend sections 28-913, 83-181, 83-4,114, 83-4,121, and 83-4,122, Reissue Revised Statutes of Nebraska, and sections 43-254, 43-290, and 83-4,114.01, Revised Statutes Supplement, 1996; to change a penalty; to change provisions relating to costs of treatment and health care and disciplinary restrictions and procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 770. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to taxation of estates; to amend sections 30-2467, 30-2469, and 77-398, Reissue Revised Statutes of Nebraska; to require the personal representative to file a duplicate original of the inventory of the estate; to eliminate a duty of the county judge; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-397, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 771. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to garnishment; to amend section 25-1056, Revised Statutes Supplement, 1996; to change provisions relating to payments and liens; and to repeal the original section.

LEGISLATIVE BILL 772. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to sentencing; to amend sections 28-1467 to 28-1469, 60-4,108, 60-4,109, and 60-698, Reissue Revised Statutes of Nebraska; to change penalty provisions relating to operating an aircraft while under the influence of liquor or drug, operating a motor vehicle during a period of suspension, revocation, or impoundment, and failing to stop after a motor vehicle accident; and to repeal the original sections.

LEGISLATIVE BILL 773. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to health professional education; to amend section 85-1412, Reissue Revised Statutes of Nebraska; to adopt the Resident Health Education Tuition Assistance Grant Program Act; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 774. Introduced by Witek, 31; Bruning, 3; Jensen, 20; Jones, 43; Robinson, 16; Schmitt, 41; Schrock, 38; Stuhr, 24.

A BILL FOR AN ACT relating to criminal procedure; to amend section

29-2523, Reissue Revised Statutes of Nebraska; to change provisions relating to aggravating circumstances in applying the sentence of death; and to repeal the original section.

LEGISLATIVE BILL 775. Introduced by Bohlke, 33; Janssen, 15; Robinson, 16.

A BILL FOR AN ACT relating to schools; to amend sections 79-102, 79-401, 79-403, 79-413, 79-415 to 79-417, 79-419, 79-431, 79-434, 79-443, 79-447, 79-452, 79-454, 79-455, 79-459, 79-470, 79-479, 79-4,100, 79-4,101, 79-556, 79-1001, 79-1005, 79-1007, 79-1008, 79-1015, 79-1036, 79-1077, and 79-1078, Reissue Revised Statutes of Nebraska, and section 32-542, Revised Statutes Supplement, 1996; to require reorganization of school districts as provided; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-402, 79-404, 79-406, 79-424 to 79-430, and 79-472, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 776. Introduced by Jensen, 20.

A BILL FOR AN ACT relating to public buildings; to amend section 79-10,105, Reissue Revised Statutes of Nebraska; to define terms; to provide for energy financing contracts; to change provisions relating to certain agreements regarding school buildings; and to repeal the original section.

LEGISLATIVE BILL 777. Introduced by Jensen, 20; Brown, 6; Hudkins, 21; Kiel, 9; Dw. Pedersen, 39; Schimek, 27; Stuhr, 24.

A BILL FOR AN ACT relating to parenting; to amend section 43-2901, Reissue Revised Statutes of Nebraska; to provide for parenting education courses; to harmonize provisions; to provide a duty; and to repeal the original section.

LEGISLATIVE BILL 778. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to archaeological resource preservation; to adopt the Nebraska Archeological Resources Preservation Act; to provide penalties; and to provide for a property tax exemption.

LEGISLATIVE BILL 779. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to landlords and tenants; to amend sections 76-1401 and 76-1410, Reissue Revised Statutes of Nebraska; to define a term; to provide for the termination of a rental agreement due to a serious and clear danger; to provide procedures; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 780. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to courts; to amend Laws 1996, LB 1296, section 29; to change the operative date for changes in county court jurisdiction; and to repeal the original section.

LEGISLATIVE BILL 781. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to temporary state employees; to amend section 84-1601, Reissue Revised Statutes of Nebraska; to authorize certain health insurance benefits; and to repeal the original section.

LEGISLATIVE BILL 782. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to medical assistance; to amend sections 68-1020 and 68-1037, Reissue Revised Statutes of Nebraska; to change provisions relating to qualification for certain programs and services; and to repeal the original sections.

LEGISLATIVE BILL 783. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to medication aides; to amend sections 71-1911, 71-2017.01, 71-2023, 71-2024, 71-6008, 71-6015, 71-6038, and 71-6605, Reissue Revised Statutes of Nebraska; to adopt the Medication Aide Act; to provide a penalty; to change provisions relating to certain licenses as prescribed; to eliminate provisions relating to care staff members and medication assistants; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-2050 to 71-2055, 71-6009, 71-6501, and 71-6701 to 71-6717, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 784. Introduced by Wickersham, 49; McKenzie, 34; Stuhr, 24.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-27,119, 79-1001, 79-1003, and 79-1005, Reissue Revised Statutes of Nebraska; to provide for adjustment of district formula resources; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 785. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to medical expenses; to amend section 42-369, Reissue Revised Statutes of Nebraska, and section 43-290, Revised Statutes Supplement, 1996; to provide that both parents are liable for medical expenses of their minor child; and to repeal the original sections.

LEGISLATIVE BILL 786. Introduced by Warner, 25.

A BILL FOR AN ACT relating to the Public Service Commission; to amend sections 86-801 and 86-808, Reissue Revised Statutes of Nebraska; to exclude interactive computer services from regulation; to provide intent; and to repeal the original sections.

LEGISLATIVE BILL 787. Introduced by Warner, 25.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2715.07, Reissue Revised Statutes of Nebraska; to provide an income tax credit; to provide an operative date; and to repeal the original section.

LEGISLATIVE BILL 788. Introduced by D. Pederson, 42; Bromm, 23; Bruning, 3; Engel, 17; Hillman, 48; Matzke, 47.

A BILL FOR AN ACT relating to adoption; to amend section 43-117, Revised Statutes Supplement, 1996; to provide payment for medical expenses for certain adopted children; and to repeal the original section.

LEGISLATIVE BILL 789. Introduced by Bohlke, 33; Hillman, 48; McKenzie, 34; Vrtiska, 1; Warner, 25; Wickersham, 49.

A BILL FOR AN ACT relating to education; to amend sections 11-126, 23-121, 68-621, 71-208, 71-212, 79-203, 79-205, 79-206, 79-208, 79-209, 79-213, 79-224, 79-225 to 79-228, 79-413, 79-414, 79-418, 79-421, 79-424, 79-429, 79-431, 79-437, 79-438, 79-440, 79-444, 79-450 to 79-456, 79-458, 79-461 to 79-467, 79-470, 79-478 to 79-481, 79-483 to 79-485, 79-487, 79-490, 79-495, 79-497 to 79-499, 79-4,103, 79-524, 79-528, 79-537, 79-544, 79-569, 79-575, 79-577 to 79-579, 79-588, 79-598, 79-605, 79-611, 79-709, 79-724, 79-804, 79-818, 79-819, 79-902, 79-960, 79-1024, 79-1033, 79-1035 to 79-1037, 79-1039, 79-1044 to 79-1048, 79-1051 to 79-1053, 79-1060, 79-1076 to 79-1078, 79-1083, 79-1089, 79-1090, 79-1094, 79-10,112, 79-1403, 79-1404, 79-1407, 79-1416, and 79-1605, Reissue Revised Statutes of Nebraska, and sections 11-119, 11-125, 23-120, 32-570, 32-608, 32-609, and 48-302, Revised Statutes Supplement, 1996; to provide for regional superintendents of public instruction and regional superintendent of public instruction districts; to eliminate provisions relating to county superintendents of schools; to provide operative dates; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-3303, 23-3304, 23-3307, 23-3308, and 23-3310, Reissue Revised Statutes of Nebraska, and sections 23-3301, 23-3302, 23-3305, 23-3306, 23-3311, and 32-527, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 790. Introduced by Bromm, 23; Bruning, 3; Hudkins, 21; Jensen, 20; Jones, 43; Maurstad, 30.

A BILL FOR AN ACT relating to employment; to provide immunity in actions relating to job references; and to define terms.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 29. Placed on General File.

LEGISLATIVE BILL 35. Placed on General File.

LEGISLATIVE BILL 44. Placed on General File as amended.
Standing Committee amendment to LB 44:
AM0002

1. Insert the following new section:

"Sec. 10. Section 87-209, Reissue Revised Statutes of Nebraska, is amended to read:

87-209. A trade name shall not be registered if it:

(1) Consists of or comprises immoral, deceptive, or scandalous matter;

(2) Consists of or comprises matter which may disparage, bring into contempt or disrepute, or falsely suggest a connection with, persons living or dead, institutions, beliefs, or national symbols;

(3) Consists of, comprises, or simulates the flag or coat of arms or other insignia of the United States, any state or municipality, or any foreign nation;

(4) Consists of or comprises the name, signature, or portrait of any living individual without his or her consent;

(5)(a) Is merely descriptive or misdescriptive, or is primarily geographically descriptive or geographically misdescriptive as applied to the business of the applicant, or (b) is primarily merely a surname, but nothing in this subdivision shall prevent the registration of a trade name which has become distinctive of the applicant's business in this state. The Secretary of State may accept as evidence that a trade name has become distinctive proof of continuous use by the applicant as a trade name in this state or elsewhere for five years preceding the date of the filing of the application for registration; or

(6) Consists of or comprises a trade name which so resembles a trade name registered under sections 87-208 to 87-219, registered in this state, or the name of a ~~corporation incorporated or authorized to do business in this state as a foreign corporation~~ business entity on file or registered with the Secretary of State pursuant to Nebraska law as to be likely to cause confusion, mistake, or deception of purchasers, except that a name, although similar, may be used if the ~~corporation~~ business entity affected ~~shall consent~~ consents in writing and such writing is filed with the Secretary of State. The ~~words~~ word incorporated, inc., or corporation shall not be a part of the trade name being registered unless the firm is duly incorporated in the State of Nebraska or some other state.".

2. On page 15, line 12, strike "and 67-345" and insert ", 67-345, and 87-209".

3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 55. Placed on General File as amended.
Standing Committee amendment to LB 55:

AM0013

1. On page 2, line 6, after the period insert "Assessments paid to the pool are paid in lieu of premium or retaliatory tax payments under section 44-150 or 77-908 and shall be deemed premium or retaliatory tax payments under section 44-150 or 77-908.".

(Signed) David M. Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 1, 2, 3, 4, and 5.

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

LB 197	Thursday, January 30, 1997	1:30 p.m.
LB 111	Thursday, January 30, 1997	1:30 p.m.
LB 266	Thursday, January 30, 1997	1:30 p.m.
LB 260	Thursday, January 30, 1997	1:30 p.m.

(Signed) Don Wesely, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 791. Introduced by Bromm, 23; Engel, 17; Jones, 43; D. Pederson, 42; Stuhr, 24.

A BILL FOR AN ACT relating to certificated school employees; to amend sections 79-831, 79-840, and 79-1236, Reissue Revised Statutes of Nebraska; to change provisions relating to contracts; and to repeal the original sections.

LEGISLATIVE BILL 792. Introduced by Bromm, 23; Coordsen, 32; Cudaback, 36; Engel, 17; Janssen, 15; Preister, 5; Robinson, 16; Schmitt, 41; Stuhr, 24; Witek, 31.

A BILL FOR AN ACT relating to public records; to amend sections 84-713 and 84-713.02, Revised Statutes Supplement, 1996; to provide for access to state public records; to authorize fees for access; to provide for appeals; to eliminate a task force; to harmonize provisions; to repeal the original sections; and to outright repeal section 84-713.05, Revised Statutes

Supplement, 1996.

LEGISLATIVE BILL 793. Introduced by Bromm, 23; Cudaback, 36; Jones, 43; Robinson, 16; Schrock, 38; Witek, 31.

A BILL FOR AN ACT relating to schools; to amend sections 84-1601, 84-1604, 84-1610, and 84-1612, Reissue Revised Statutes of Nebraska; to provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units; to permit such coverage for noncertificated employees; and to repeal the original sections.

LEGISLATIVE BILL 794. Introduced by Bromm, 23.

A BILL FOR AN ACT relating to homesteads; to amend sections 77-3501.01 and 77-3506.02, Reissue Revised Statutes of Nebraska; to change and provide for adjustment of the exempt amount; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 795. Introduced by Bromm, 23; Cudaback, 36.

A BILL FOR AN ACT relating to appropriations; to state intent relating to an appropriation to the Department of Veterans' Affairs.

LEGISLATIVE BILL 796. Introduced by Bromm, 23; Brashear, 4; Janssen, 15.

A BILL FOR AN ACT relating to the Judges Retirement Act; to amend sections 24-703 and 24-708, Reissue Revised Statutes of Nebraska; to change a fee; to change provisions relating to retirement age and annuities; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 797. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to the Special Education Act; to amend sections 79-1110, 79-1115, 79-1142, 79-1144, 79-1145, 79-1155, 79-1156, and 79-1158, Reissue Revised Statutes of Nebraska; to change provisions relating to appropriations; to provide for reimbursement for support services; to eliminate a termination date; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-1184, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 798. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-5831, Reissue Revised Statutes of Nebraska; to provide a certificate of need exemption; to eliminate obsolete provisions; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 799. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to amend section 82-315, Reissue Revised Statutes of Nebraska; to create a trust fund; to provide funding; to provide for expenditure of the fund; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 800. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to insurance; to require health insurance coverage for certain joint disorders.

LEGISLATIVE BILL 801. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to common carriers; to amend section 75-126, Reissue Revised Statutes of Nebraska; to provide for certain services to be performed free or at a reduced rate for persons who are legally blind or visually handicapped; and to repeal the original section.

LEGISLATIVE BILL 802. Introduced by Lynch, 13; Stuhr, 24.

A BILL FOR AN ACT relating to assistive devices; to adopt the Assistive Technology Regulation Act.

LEGISLATIVE BILL 803. Introduced by Lynch, 13; Coordsen, 32; Crosby, 29; Hartnett, 45; Stuhr, 24.

A BILL FOR AN ACT relating to health and human services; to adopt the Community-Based Neurobehavioral Rehabilitation Act.

LEGISLATIVE BILL 804. Introduced by Janssen, 15; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to create the Local Option Property Tax Relief Committee; to provide duties; and to declare an emergency.

LEGISLATIVE BILL 805. Introduced by Preister, 5.

A BILL FOR AN ACT relating to public lettings and contracts; to amend sections 73-303, 73-304, 73-306, 73-307, and 81-8,240, Reissue Revised Statutes of Nebraska; to change public letting and contract requirements; to provide public record requirements; to create a duty; to provide a remedy; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 806. Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; McKenzie, 34; Suttle, 10; Warner, 25.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 77-1601.02, 77-27,119, 79-528, 79-1001 to 79-1003, 79-1005, 79-1007 to 79-1011, 79-1014 to 79-1018, 79-1022, and 79-1031, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to calculation and disbursement of state aid to schools; to harmonize provisions; to eliminate a provision relating to the aggregate school tax; to repeal the original sections; and to outright repeal sections 79-1004, 79-1006, 79-1013, and 79-1073, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 807. Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to vocational education; to adopt the First Chance Vocational Education Act.

LEGISLATIVE BILL 808. Introduced by Stuhr, 24; Bromm, 23; Coordsen, 32; Jensen, 20; Maurstad, 30; Robinson, 16; Vrtiska, 1; Witek, 31.

A BILL FOR AN ACT relating to county superintendents; to state intent; and to provide a duty.

LEGISLATIVE BILL 809. Introduced by Landis, 46; Brashear, 4.

A BILL FOR AN ACT relating to finance; to adopt the Nebraska Elementary and Secondary School Finance Authority Act.

LEGISLATIVE BILL 810. Introduced by Crosby, 29; Coordsen, 32; Dw. Pedersen, 39; Schimek, 27.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-150 to 20-154, 20-156, 20-157, 20-159, 25-2401 to 25-2405, 71-4728, and 71-4728.01, Reissue Revised Statutes of Nebraska; to change provisions related to interpreters; to provide for auxiliary devices; to define, redefine, and eliminate terms; to provide powers and duties for the Commission of the Hearing Impaired and the State Department of Education; to harmonize provisions; to repeal the original sections; and to outright repeal sections 20-155 and 20-158, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 811. Introduced by McKenzie, 34; Bromm, 23; Wickersham, 49.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001 and 79-1005, Reissue Revised Statutes of Nebraska; to change provisions relating to income tax allocation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 812. Introduced by Kiel, 9; Brown, 6; McKenzie, 34; Schrock, 38.

A BILL FOR AN ACT relating to political subdivisions; to define terms; to change payment requirements by certain employees for employee benefit plans; and to exempt certain officials from pension or retirement plans.

LEGISLATIVE BILL 813. Introduced by Kiel, 9; Brown, 6; Bruning, 3; Coordsen, 32; Engel, 17; Hilgert, 7; Hillman, 48; Hudkins, 21; Jensen, 20; Jones, 43; Lynch, 13; McKenzie, 34; D. Pederson, 42; C. Peterson, 35; Preister, 5; Robinson, 16; Schimek, 27; Schrock, 38; Stuhr, 24; Suttle, 10; Tyson, 19; at the request of the Governor.

A BILL FOR AN ACT relating to postsecondary education; to adopt the Quality Work Force Academic Grant Program Act.

LEGISLATIVE BILL 814. Introduced by Kiel, 9; Brashear, 4; Bruning, 3; Coordsen, 32; Crosby, 29; Engel, 17; Hartnett, 45; Hillman, 48; Hudkins, 21; Jensen, 20; Lynch, 13; McKenzie, 34; Dw. Pedersen, 39; Preister, 5; Robinson, 16; Schrock, 38; Witek, 31.

A BILL FOR AN ACT relating to service dogs; to amend sections 15-220, 16-206, 17-526, 54-602, and 54-614, Reissue Revised Statutes of Nebraska, and sections 14-102 and 28-101, Revised Statutes Supplement, 1996; to create a penalty for crimes against service dogs; to provide an exemption from licensing taxes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 815. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1001, 79-1003, and 79-1005, Reissue Revised Statutes of Nebraska; to change provisions related to income tax allocation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 816. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to jails; to amend sections 15-264, 16-252, 17-566, 29-1002, 29-3809, 47-111, 47-112, 47-120, 47-121, 47-307, 83-423, and 83-424, Reissue Revised Statutes of Nebraska, and section 47-110, Revised Statutes Supplement, 1996; to require the state to pay costs for state law violations; to harmonize provisions; to eliminate a definition and costs paid by the county; to repeal the original sections; and to outright repeal sections 29-1004 and 29-1005, Reissue Revised Statutes of Nebraska, and section 47-119, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 817. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to courts; to amend sections 11-126, 23-102, 23-121, 23-1114.03 to 23-1114.06, 23-2504, 23-2518, 24-345, 25-1625, 33-106.02, and 33-131, Reissue Revised Statutes of Nebraska, and sections

11-119, 11-125, 22-417, 23-120, and 84-1301, Revised Statutes Supplement, 1996; to change the status of clerks and employees of the district courts; to eliminate election of clerks of the district court and obsolete provisions; to provide for salaries and benefits; to change duties; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 32-524, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 818. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to district attorneys and district public defenders; to amend sections 23-1201, 23-1202, 23-1206, 23-1212, 23-1216 to 23-1220, 23-1222, 29-119, 29-3903, 29-3904, 29-3918, 43-272, and 43-273, Reissue Revised Statutes of Nebraska, and sections 23-1206.01, 23-1223, and 32-567, Revised Statutes Supplement, 1996; to create district attorney and district public defender offices and districts; to provide powers and duties; to provide for the filling of vacancies; to change duties of the Nebraska Commission on Law Enforcement and Criminal Justice; to eliminate provisions relating to certain powers and duties of county attorneys; to eliminate provisions relating to public defenders; to eliminate the County Revenue Assistance Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 23-3402 to 23-3408, 29-3909 to 29-3917, and 29-3919 to 29-3931, Reissue Revised Statutes of Nebraska, and sections 23-3401 and 32-523, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 819. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Game and Parks Commission; to state intent; and to provide duties.

LEGISLATIVE BILL 820. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to veterans; to provide for creation of a state veteran cemetery system; to create a fund; and to provide duties.

LEGISLATIVE BILL 821. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2702.07, 77-2702.13, 77-2702.14, 77-2702.17, 77-2703, 77-2704.24, 77-2715.07, 77-2734.03, and 77-3442, Reissue Revised Statutes of Nebraska; to require payments in lieu of taxes for certain tax-exempt property; to impose a sales and use tax on certain services and food and provide a sales tax credit; to provide value adjustments for property tax levy calculations; to eliminate sales and use tax exemptions for newspapers and magazines; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-2704.07 and 77-2704.22, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 822. Introduced by Robinson, 16; Brown, 6;

Crosby, 29; Janssen, 15; Lynch, 13; Stuhr, 24.

A BILL FOR AN ACT relating to school retirement; to amend sections 77-3442, 79-931, and 79-934, Reissue Revised Statutes of Nebraska; to change retirement annuity and retirement age provisions; to exempt certain retirement expenditures from levy limits; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 823. Introduced by Wickersham, 49; Bromm, 23; Coordsen, 32; Cudaback, 36; Elmer, 44; Hartnett, 45; Hillman, 48; Hudkins, 21; Janssen, 15; Jones, 43; McKenzie, 34; Robinson, 16; Schellpeper, 18; Schmitt, 41; Schrock, 38; Vrtiska, 1.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 10-127, 10-142, 13-916, 13-1612, 44-1615, 77-3442, 77-3443, 77-3445, 79-744, 79-902, 79-919, 79-922, 81-1118.02, 85-121, 85-121.03, 85-301, 85-304, 85-306, 85-307, 85-308.01, 85-310, 85-314 to 85-316, 85-317.01 to 85-319, 85-943, 85-966, 85-966.01, 85-1402, 85-1404, 85-1412 to 85-1414, 85-1416, 85-1418, 85-1504, 85-1541, and 85-1542, Reissue Revised Statutes of Nebraska, and sections 13-503, 13-518, 13-2202, 32-567, 32-607, 32-608, 32-1203, 32-1301, 32-1302, 48-621, 48-622.03, 48-811.02, 49-506, 81-1201.21, 85-308, 85-606.01, 85-917, 85-933, 85-949, 85-9,167, and 85-1503, Revised Statutes Supplement, 1996; to provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges; to change and eliminate provisions relating to the board of trustees; to eliminate a duty of the Coordinating Commission for Postsecondary Education and provisions relating to boards of governors; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 85-121.05, 85-312, 85-1501, 85-1502, 85-1505 to 85-1512, and 85-1514 to 85-1540, Reissue Revised Statutes of Nebraska, and section 32-514, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 824. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to schools; to amend sections 77-2701.01, 77-2701.02, 77-2715.01, 77-2734.02, 77-27,132, 79-1142, and 79-1145, Reissue Revised Statutes of Nebraska; to create the School Aid Trust Fund; to provide that a portion of income tax receipts and of sales and use tax receipts be credited to the School Aid Trust Fund; to provide for the use of the fund; to harmonize provisions; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 825. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to jails; to amend sections 15-263, 15-264, 16-225, 16-246, 16-252, 16-323, 16-6,100, 17-118, 17-127, 17-222, 17-505, 17-566, 23-1703, 47-115, 47-207, 47-208, 47-302, 47-305, 47-501, 47-603, and 47-617, Reissue Revised Statutes of Nebraska, and sections 10-409, 16-239, 19-1302, 47-202, 47-206, and 47-303, Revised Statutes Supplement, 1996; to provide that cities of the first and second classes, villages, and certain counties maintain jails under Interlocal Cooperation Act agreements; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 826. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to cities and villages; to amend sections 14-102.02, 14-213, 14-221, 15-314, 15-406, 16-122, 17-112, 17-405.04, 18-1706, 19-413, 19-414, and 48-1209.01, Reissue Revised Statutes of Nebraska, sections 13-608, 13-1801, 13-2101, 14-101, 14-102, 14-709, 14-815, 17-107, 17-121, 17-208, 18-1201, and 19-415, Revised Statutes Supplement, 1996; to eliminate police authority from cities and villages; to harmonize provisions; to repeal the original sections; and to outright repeal sections 14-601 to 14-609, 16-225, 16-323, 17-118, 17-124, 17-213, 18-1702, 18-1703, and 18-1704, Reissue Revised Statutes of Nebraska, and section 15-326, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 827. Introduced by Hillman, 48; Cudaback, 36; Engel, 17; Vrtiska, 1.

A BILL FOR AN ACT relating to the One-Call Notification System Act; to amend section 76-2323, Reissue Revised Statutes of Nebraska; to change provisions relating to location assistance provided by operators; and to repeal the original section.

LEGISLATIVE BILL 828. Introduced by Hillman, 48; Maurstad, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-27,142.03, Reissue Revised Statutes of Nebraska; to eliminate a restriction on voting for local option sales tax; and to repeal the original section.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 829. Introduced by Hillman, 48; Brown, 6; Kiel, 9; Schimek, 27.

A BILL FOR AN ACT relating to the Protection from Domestic Abuse Act; to amend sections 42-901, 42-924, and 42-928, Reissue Revised Statutes of Nebraska; to authorize full faith and credit be accorded valid foreign protection orders; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 830. Introduced by Hillman, 48; Hudkins, 21; Jones, 43; Schmitt, 41; Schrock, 38; Wickersham, 49.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-102, Revised Statutes Supplement, 1996; to define habitual offender; to provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish, and harvest fur as prescribed; to eliminate provisions relating to revocation and disqualification for licenses, permits, and stamps; to provide a penalty; to harmonize provisions; to repeal the original section; and to outright repeal section 37-207, Reissue Revised Statutes of Nebraska, and section 37-216.03, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 831. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 18-2528 and 77-3442, Reissue Revised Statutes of Nebraska; to change levy limitations for municipalities; to authorize limited referendums; to provide an operative date; and to repeal the original sections.

LEGISLATIVE BILL 832. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to schools; to provide for school bond state aid.

LEGISLATIVE BILL 833. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to state intent relating to funding for the Parents of All Ages Program.

LEGISLATIVE BILL 834. Introduced by Tyson, 19.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-648, Revised Statutes Supplement, 1996; to change a provision relating to combined tax; and to repeal the original section.

LEGISLATIVE BILL 835. Introduced by Hillman, 48; Brashear, 4; Crosby, 29; D. Pederson, 42; Tyson, 19; Wickersham, 49.

A BILL FOR AN ACT relating to education; to provide for the Seamless Delivery System Pilot Project.

LEGISLATIVE BILL 836. Introduced by Schimek, 27.

A BILL FOR AN ACT relating to handicapped parking permits; to amend sections 18-1738, 18-1738.01, and 18-1740, Revised Statutes Supplement, 1996; to change renewal provisions for permanent permits; and to repeal the original sections.

LEGISLATIVE BILL 837. Introduced by Wickersham, 49; Coordsen, 32; Dierks, 40; Elmer, 44; Jones, 43; Matzke, 47; Schellpeper, 18.

A BILL FOR AN ACT relating to hospitals; to amend sections 71-2017.01 and 71-2024, Reissue Revised Statutes of Nebraska; to provide for limited-service rural hospitals as prescribed; to state intent; to define and redefine a term; to provide duties; and to repeal the original sections.

LEGISLATIVE BILL 838. Introduced by Suttle, 10; Beutler, 28; McKenzie, 34; C. Peterson, 35.

A BILL FOR AN ACT relating to students; to amend sections 79-255, 79-262, 79-267, 79-283, and 79-285, Reissue Revised Statutes of Nebraska; to change provisions relating to student discipline; and to repeal the original sections.

LEGISLATIVE BILL 839. Introduced by Withem, 14.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend section 49-1405, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1996; to redefine ballot question; to require a declaration of intent; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 840. Introduced by Crosby, 29; Lynch, 13.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-901, 79-902, 79-924, and 79-933.02, Reissue Revised Statutes of Nebraska; to authorize purchase of service credit for certain employees; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 841. Introduced by Crosby, 29; Wesely, 26.

A BILL FOR AN ACT relating to medical services; to provide for the responsibility for the payment of costs of medical services for individuals who are arrested, detained, taken into custody, or incarcerated; and to declare an emergency.

LEGISLATIVE BILL 842. Introduced by Crosby, 29; Bromm, 23; Elmer, 44.

A BILL FOR AN ACT relating to interior design professionals; to adopt the Interior Design Profession Regulation Act; to provide an operative date; and to provide for severability.

LEGISLATIVE BILL 843. Introduced by Legislative Program Evaluation Committee: Hillman, 48, Chairperson; Coordsen, 32; Wehrbein, 2; Withem, 14.

A BILL FOR AN ACT relating to the Board of Educational Lands and Funds; to amend sections 31-601, 31-602, 33-104, 72-201, 72-202, 72-204 to 72-205.04, 72-222.02, 72-224.03, 72-229, 72-232, 72-232.01, 72-233, 72-234, 72-235 to 72-238, 72-240.02, 72-240.03, 72-240.05, 72-240.07, 72-240.10, 72-240.21 to 72-240.23, 72-241, 72-253, 72-302 to 72-305, 72-308, 72-907, and 77-1316, Reissue Revised Statutes of Nebraska; to change provisions relating to appraisals, leases, and board duties; to eliminate provisions relating to contracts of sale and leases; to harmonize provisions; to repeal the original sections; and to outright repeal sections 72-209, 72-210, 72-211, and 72-240.24, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 844. Introduced by Wehrbein, 2; at the request of the Governor.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Correctional Services; to repeal a power of the Department of Administrative Services; to outright repeal Laws 1996, LB 1189, section 47; and to declare an emergency.

LEGISLATIVE BILL 845. Introduced by Suttle, 10; Preister, 5.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-416, Reissue Revised Statutes of Nebraska; to change penalty provisions relating to possession of marijuana; to provide for certain fees to be charged as court costs; and to repeal the original section.

LEGISLATIVE BILL 846. Introduced by Will, 8.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-101, Revised Statutes Supplement, 1996; to provide for license sanctions for certain violations occurring on licensed premises; and to repeal the original section.

LEGISLATIVE BILL 847. Introduced by Will, 8.

A BILL FOR AN ACT relating to political subdivisions; to prohibit the enactment or enforcement of certain age-related ordinances, resolutions, and regulations; and to provide exceptions to such prohibitions.

LEGISLATIVE BILL 848. Introduced by Will, 8.

A BILL FOR AN ACT relating to horseracing; to amend sections 2-1203, 2-1203.02, 2-1226, and 2-1228, Revised Statutes Supplement, 1996; to provide for the use of a fund; to change provisions relating to fingerprinting and simulcast licenses; and to repeal the original sections.

LEGISLATIVE BILL 849. Introduced by Suttle, 10.

A BILL FOR AN ACT relating to insurance; to require coverage for certain drugs as prescribed.

LEGISLATIVE BILL 850. Introduced by Suttle, 10; Brown, 6.

A BILL FOR AN ACT relating to schools; to amend sections 79-234, 79-431, 79-471, 79-479, 79-498, 79-598, 79-613, and 79-848, Reissue Revised Statutes of Nebraska; to change and eliminate provisions relating to contracting for instruction and to dissolution; to harmonize provisions; to repeal the original sections; and to outright repeal section 79-470, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 851. Introduced by Crosby, 29; Dw. Pedersen, 39.

A BILL FOR AN ACT relating to the Commission for the Hearing Impaired; to amend sections 20-151, 20-156, 71-4720, 71-4721, 71-4724 to 71-4726, 71-4728 to 71-4729, 71-4731 to 71-4733, and 86-1307, Reissue Revised Statutes of Nebraska, and sections 83-101.14 and 86-1306, Revised Statutes Supplement, 1996; to change the name, membership, and duties of commission; to define terms; to rename a fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 852. Introduced by Crosby, 29; Dierks, 40; Lynch, 13; Tyson, 19; Vrtiska, 1.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend section 83-1217, Reissue Revised Statutes of Nebraska; to require criminal background checks as prescribed; and to repeal the original section.

LEGISLATIVE BILL 853. Introduced by Will, 8.

A BILL FOR AN ACT relating to workers' compensation; to amend section 48-122, Reissue Revised Statutes of Nebraska; to change burial compensation; and to repeal the original section.

LEGISLATIVE BILL 854. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-128 and 48-144.04, Reissue Revised Statutes of Nebraska, and section 48-118, Revised Statutes Supplement, 1996; to eliminate the Second Injury Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 855. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to emergency personnel; to amend sections 35-508, 35-513, 60-6,233, 60-6,234, and 60-6,285, Reissue Revised Statutes of Nebraska; to create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act; to state intent; to provide powers and duties; to provide restrictions on the use of sirens and horns; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 856. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3523, Reissue Revised Statutes of Nebraska; to provide for an expungement procedure of a person's criminal history record in cases of erroneous arrest; and to repeal the original section.

LEGISLATIVE BILL 857. Introduced by Wesely, 26; Crosby, 29.

A BILL FOR AN ACT relating to state government; to amend sections 77-2602, 81-179, 85-1,113, 85-1,114, 85-326, and 85-327, Reissue Revised Statutes of Nebraska; to provide funding for capital constructions projects at the University of Nebraska and Nebraska State Colleges; to change the distribution cigarette tax; to provide an operative date; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 858. Introduced by Wesely, 26; Beutler, 28; Crosby, 29; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to the University of Nebraska; to create the Excellence in Higher Education Fund Act.

LEGISLATIVE BILL 859. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to the University of Nebraska; to create the Center for Policy Studies; to provide intent; and to provide duties.

LEGISLATIVE BILL 860. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to labor; to create the Nebraska Commission on Jobs and Wages; to provide duties; and to provide a termination date.

LEGISLATIVE BILL 861. Introduced by Jensen, 20; Chambers, 11.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-1276, Reissue Revised Statutes of Nebraska; to change provisions relating to contract authorization for the Existing Business Assistance Division; and to repeal the original section.

LEGISLATIVE BILL 862. Introduced by Banking, Commerce and Insurance Committee: Landis, 46, Chairperson; Brashear, 4; Jensen, 20; Jones, 43; Schmitt, 41; Tyson, 19; Wesely, 26; Witek, 31; at the request of the Governor.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4201, 44-4203, 44-4221, and 44-4222, Reissue Revised Statutes of Nebraska, and sections 44-760, 44-4228, 44-5223, 44-5225, 44-5233, 44-5242, 44-5244, 44-5253, 44-5259, 44-5260, and 44-5261, Revised Statutes Supplement, 1996; to establish requirements for health coverages; to change provisions relating to the comprehensive health insurance pool and the Small Employer Health Insurance Availability Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 44-5249, Revised Statutes Supplement, 1996; and to declare an emergency.

LEGISLATIVE BILL 863. Introduced by Withem, 14; Wesely, 26.

A BILL FOR AN ACT relating to uniform taxation districts for schools; to state intent; to define terms; to provide for reorganization of school districts; and to provide duties.

LEGISLATIVE BILL 864. Introduced by Wesely, 26; at the request of the Governor.

A BILL FOR AN ACT relating to social services; to amend sections 68-1708, 68-1713, 68-1718, and 68-1726, Reissue Revised Statutes of Nebraska, and sections 43-504, 43-504.01, 43-512, and 48-647, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to aid to dependent children and welfare reform waivers; to provide for intercept of unemployment compensation to repay food stamp overissuances; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 68-1717, Reissue Revised Statutes of Nebraska; and to declare an emergency.

LEGISLATIVE BILL 865. Introduced by Education Committee: Bohlke, 33, Chairperson; Beutler, 28; Bromm, 23; McKenzie, 34; Stuhr, 24; Suttle, 10; Warner, 25; Wickersham, 49; and Brashear, 4; Engel, 17; Hartnett, 45; Hillman, 48; Maurstad, 30; Robinson, 16; Schimek, 27.

A BILL FOR AN ACT relating to special education; to amend sections 79-215, 79-1003, 79-1018, 79-1110, 79-1113, 79-1127, 79-1137 to 79-1139, 79-1143 to 79-1145, and 79-1184, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1996; to provide for, change, and eliminate provisions relating to special education; to provide for grants; to define a term; to establish a commission; to change a termination date; to harmonize provisions; to repeal the original sections; and to outright repeal sections 79-1129 and 79-1130, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 866. Introduced by Preister, 5.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-536, Reissue Revised Statutes of Nebraska; to change provisions relating to the commercial exploitation or exportation of certain aquatic organisms; and to repeal the original section.

LEGISLATIVE BILL 867. Introduced by Preister, 5; Beutler, 28; Hartnett, 45.

A BILL FOR AN ACT relating to renewable energy resources; to state intent; to define terms; to provide requirements for utility companies; to authorize renewable energy credits; to provide powers and duties; to provide for enforcement and civil actions; and to provide severability.

LEGISLATIVE BILL 868. Introduced by Schmitt, 41; Jones, 43.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1996; to provide a restriction on names for non-deposit-taking branch offices; and to repeal the original section.

LEGISLATIVE BILL 869. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to employment; to amend sections 13-1102, 20-113, 20-139, 23-2525, 23-2531, 48-1101 to 48-1107, 48-1107.02, 48-1108, 48-1109 to 48-1126, 79-2,123, 81-1355, and 81-1356, Reissue Revised Statutes of Nebraska, and sections 20-131, 23-2541, and 85-9,175, Revised Statutes Supplement, 1996; to define a term; to change provisions relating to employment discrimination based on sexual orientation; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 870. Introduced by Wesely, 26; Chambers, 11; Hillman, 48; Landis, 46; Schimek, 27.

A BILL FOR AN ACT relating to housing; to amend sections 76-901, 76-903, 77-908, and 77-912, Reissue Revised Statutes of Nebraska, and sections 58-701 and 58-703, Revised Statutes Supplement, 1996; to provide for a report; to provide revenue sources for the Affordable Housing Trust Fund; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 871. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to health and human services; to amend sections 68-114, 68-126, 68-131, 68-132, 68-133, 68-134, 68-137, 68-138, 68-139, 68-140, 68-141, 68-142, 68-146, 68-147, 68-148, 68-149, 68-152, 68-153, 68-154, 68-155, 71-1623, 81-2201, 83-364, 83-367, 83-370, 83-371, 83-375, 83-377, 83-378, 83-379, and 83-2201, Reissue Revised Statutes of Nebraska, and sections 83-227.01, 83-227.02, 83-306, 83-363, and 83-380.01, Revised Statutes Supplement, 1996; to transfer duties relating to provision of services from counties to the state; to state intent; to eliminate provisions relating to medical and general assistance, matching funds, alcohol treatment, and cost reimbursements; to harmonize provisions; to repeal the original sections; and to outright repeal sections 68-104, 68-135, 68-136, 68-143, 68-145, 68-150, 68-151, 68-156, 71-5010, 71-5013, 71-5027 to 71-5029, 81-1328.01 to 81-1328.03, 81-2224, 81-2225, and 81-2228, Reissue Revised Statutes of Nebraska, and sections 83-376 and 83-380, Revised Statutes Supplement, 1996.

LEGISLATIVE BILL 872. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to firefighters; to amend section 35-513, Reissue Revised Statutes of Nebraska, and section 35-508, Revised Statutes Supplement, 1996; to create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act; to state intent; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 873. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska; to change provisions relating to the election of trustees; and to repeal the original section.

LEGISLATIVE BILL 874. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 32-1302, Revised Statutes Supplement, 1996; to provide procedures for the recall of members of the board of trustees of sanitary and improvement districts; to harmonize provisions; and to repeal the original section.

LEGISLATIVE BILL 875. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Janssen, 15; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to community redevelopment; to amend sections 18-2101, 18-2102, 18-2105, 18-2109, 18-2118, 18-2147, 18-2149, and 18-2150, Reissue Revised Statutes of Nebraska, and sections 18-2103, 18-2107, 18-2115, Revised Statutes Supplement, 1996; to change provisions related to substandard and blighted areas; to change tax levy provisions; to change notice requirements; to require reports relating to tax-increment financing; to eliminate powers; to harmonize provisions; to repeal the original sections; and to outright repeal sections 18-2123 and 18-2142, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 876. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Janssen, 15; Preister, 5; Schimek, 27; Will, 8.

A BILL FOR AN ACT relating to housing; to adopt the Nebraska Housing Agency Act; to eliminate the Housing Cooperation Law and the Nebraska Housing Authorities Law; to provide severability; and to outright repeal sections 71-1501 to 71-1512 and 71-1518 to 71-1554, Reissue Revised Statutes of Nebraska.

LEGISLATIVE BILL 877. Introduced by McKenzie, 34; Brashear, 4; Bromm, 23; Coordsen, 32; Cudaback, 36; Dierks, 40; Elmer, 44; Engel, 17; Hillman, 48; Hudkins, 21; Jones, 43; Kiel, 9; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Schellpeper, 18; Schmitt, 41; Schrock, 38; Stuhr, 24; Tyson, 19; Wehrbein, 2; Wickersham, 49.

A BILL FOR AN ACT relating to water; to amend sections 46-2,108, 46-2,114, and 46-2,115, Reissue Revised Statutes of Nebraska; to require reviews of instream appropriation permits; to authorize hearings to cancel or modify the permits; to provide and change conditions for issuance of permits; to require studies as prescribed; to require mediation or arbitration of disputes; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 878. Introduced by Brown, 6; Maurstad, 30.

A BILL FOR AN ACT relating to state government; to authorize employee buy-out programs; and to provide procedures for approval of employee buy-outs.

RESOLUTIONS

LEGISLATIVE RESOLUTION 58CA. Introduced by Crosby, 29.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 11:

IV-11 "If any elected state office created by this Constitution, except offices provided for in Article V of this Constitution and the executive state offices listed in this section, shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill that office by appointment, and the appointee shall hold the office until his or her successor shall be elected and qualified in such manner as may be provided by law.

If the office of Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, or Attorney General shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill that office by appointment with the approval of a majority of the Legislature, and the appointee shall hold the office for the remainder of the term.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive state offices.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 59CA. Introduced by Beutler, 28.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article V, section 30:

V-30 "(1) A Justice or Judge of the Supreme Court or judge of any court of this state may be reprimanded, disciplined, censured, suspended without pay for a definite period of time, not to exceed six months, or removed from office for (a) willful misconduct in office, (b) willful disregard of or failure to perform his or her duties, (c) habitual intemperance, (d) conviction of a crime involving moral turpitude, (e) disbarment as a member of the legal profession licensed to practice law in the State of Nebraska, ~~or~~ (f) inadequate level of competence to perform the duties of the office, or (g) conduct prejudicial to the administration of justice that brings the judicial office into disrepute, or he or she may be retired for physical or mental disability seriously interfering with the performance of his or her duties if such disability is determined to be permanent or reasonably likely to become permanent. Any citizen of the State of Nebraska may request the Commission on Judicial Qualifications to consider the qualifications of any Justice or Judge of the Supreme Court or other judge, and in such event the commission shall make such investigation as the commission deems necessary and shall, upon a finding of probable cause, reprimand such Justice or Judge of the Supreme Court or other judge or order a formal open hearing to be held before it concerning the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge. In the alternative or in addition, the commission may request the Supreme Court to appoint one or more special masters who shall be judges of courts of record to hold a formal open hearing to take evidence in any such matter, and to report to the commission. If, after formal open hearing, or after considering the record and report of the masters, the commission finds that the charges are established by clear and convincing evidence, it shall recommend to the Supreme Court that the Justice or Judge of the Supreme Court or other judge involved shall be reprimanded, disciplined, censured, suspended without pay for a definite period of time not to exceed six months, removed, or retired as the case may be.

(2) The Supreme Court shall review the record of the proceedings and in its discretion may permit the introduction of additional evidence. The Supreme Court shall make such determination as it finds just and proper, and may order the reprimand, discipline, censure, suspension, removal, or retirement of such Justice or Judge of the Supreme Court or other judge, or may wholly reject the recommendation. Upon an order for retirement, the Justice or Judge of the Supreme Court or other judge shall thereby be retired with the same rights and privileges as if he or she had retired pursuant to statute. Upon an order for removal, the Justice or Judge of the Supreme Court or other judge shall be removed from office, his or her salary shall cease from the date of such order, and he or she shall be ineligible for judicial office. Upon an order for suspension, the Justice or Judge of the Supreme Court or other judge shall draw no salary and shall perform no

judicial functions during the period of suspension. Suspension shall not create a vacancy in the office of Justice or Judge of the Supreme Court or other judge.

(3) Upon order of the Supreme Court, a Justice or Judge of the Supreme Court or other judge shall be disqualified from acting as a Justice or Judge of the Supreme Court or other judge, without loss of salary, while there is pending (a) an indictment or information charging him or her in the United States with a crime punishable as a felony under Nebraska or federal law or (b) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for his or her removal or retirement.

(4) In addition to the procedure set forth in subsections (1) and (2) of this section, on recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court (a) shall remove a Justice or Judge of the Supreme Court or other judge from office when in any court in the United States such justice or judge pleads guilty or no contest to a crime punishable as a felony under Nebraska or federal law, and (b) may suspend a Justice or Judge of the Supreme Court or other judge from office without salary when in any court in the United States such justice or judge is found guilty of a crime punishable as a felony under Nebraska or federal law or of any other crime that involves moral turpitude. If his or her conviction is reversed, suspension shall terminate and he or she shall be paid his or her salary for the period of suspension. If he or she is suspended and his or her conviction becomes final the Supreme Court shall remove him or her from office.

(5) All papers filed with and proceedings before the ~~commission~~ Commission on Judicial Qualifications or masters appointed by the Supreme Court pursuant to this section prior to a reprimand or formal open hearing shall be confidential. The filing of papers with and the testimony given before the commission, the ~~or~~ masters, or the Supreme Court shall be deemed a privileged communication.

When the Commission on Judicial Qualifications determines that disciplinary action is warranted, whether it be a reprimand or otherwise, the Commission on Judicial Qualifications shall issue one or more short announcements confirming that a complaint has been filed; stating the subject and nature of the complaint, the disciplinary action recommended or reprimand issued, or the date of the hearing; clarifying the procedural aspects; and reciting the right of a judge to a fair hearing.

When the Commission on Judicial Qualifications determines that disciplinary action is not warranted, and the existence of any investigation or complaint has become publicly known, the judge against whom a complaint has been filed or investigation commenced may waive the confidentiality of papers and proceedings under this subsection.

The Supreme Court shall by rule provide for procedure under this section before the commission, the masters, and the Supreme Court.

(6) No Justice or Judge of the Supreme Court or other judge shall participate, as a member of the commission, or as a master, or as a member of the Supreme Court, in any proceedings involving his or her own reprimand, discipline, censure, suspension, removal, or retirement.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for disciplinary action against judges on the basis of an inadequate level of competence to perform the duties of the office of judge.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 60CA. Introduced by Kristensen, 37.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 17:

III-17 "(1) The Legislature shall have the sole power of impeachment, but a majority of the members elected must concur therein. Proceedings may be initiated in either a regular session or a special session of the Legislature. Upon the adoption of a resolution of impeachment, which resolution shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style, a notice of an impeachment of any officer, other than a Judge of the Supreme Court, shall be forthwith served upon the Chief Justice, by the Clerk of the Legislature, who shall thereupon call a session of the Supreme Court to meet at the Capitol in an expeditious fashion after such notice to try the impeachment. A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the Clerk of the Legislature, upon the clerk of the judicial district within which the Capitol is located, and he or she thereupon shall choose, at random, seven Judges of the District Court in the State to meet within thirty days at the Capitol, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside. The case against the impeached civil officer shall be brought in the name of the Legislature and shall be managed by two senators, appointed by the Legislature, who may make technical or procedural amendments to the articles of impeachment as they deem necessary. The trial shall be conducted in the manner of a civil proceeding and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that such person is guilty of one or more impeachable offenses, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. No officer shall exercise his or her official duties after he or she shall have been impeached and notified thereof, until he or she shall have been acquitted.

(2) A member of the Legislature is subject to recall from office by the voters of the senator's district. The grounds for recall shall be a serious malfeasance or nonfeasance during the term of office in the performance of the duties of the office or conviction of a serious crime during the term of office. The petition shall set forth the specific conduct that may warrant a recall. A petition shall not issue until the Supreme Court has determined that the facts alleged in the petition are true and are sufficient grounds for issuing a recall petition. A petition may only be circulated and signed by registered voters who reside in the district that the senator represents. A petition for recall must contain signatures of registered voters equal to or exceeding twenty-five percent of the number of votes cast for the office at the most recent general or special election. Upon determination by the Secretary of State that a petition has been signed by at least the minimum number of registered voters, a recall election must be conducted in the manner provided by law. A petition for recall may not circulate, nor shall a recall election be held, less than six months before the end of the senator's term. A senator who is removed from office by recall or who resigns from office after a petition for recall issues may not be appointed to fill the vacancy that is created.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide for recall of members of the Legislature.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 61CA. Introduced by Landis, 46.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 13:

I-13 "All courts shall be open, and every person, for any injury done him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law~~;~~ and justice administered without denial or delay, except that the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily and which are not revocable other than upon such grounds as exist at law or in equity for the revocation of any contract.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to provide for enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 62CA. Introduced by Maurstad, 30.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To add a new section 14 to Article VIII:

VIII-14 "Revenue collected from motor vehicle fuel taxes, motor vehicle license fees, and motor vehicle sales and use taxes shall constitute a trust fund which may only be used for construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, and village roads, streets, bridges, public transportation services, and offstreet public parking, payment of the interest on and retirement of bonds issued for such construction, reconstruction, maintenance, and repair, refunds of the fees or taxes paid, and administering laws under which the revenue is derived. Any program receiving funding as of January 1, 1997, from revenue collected from motor vehicle fuel taxes, motor vehicle license fees, and motor vehicle sales and use taxes may continue to be funded with such revenue on and after such date as the Legislature determines.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require that revenue from motor vehicle fuel taxes, license fees, and sales and use taxes only be used for construction, reconstruction, maintenance, and repair of public highways and bridges and county, city, and village roads, streets, bridges, public transportation services, and offstreet public parking, payments on bonds used to fund such construction, reconstruction, maintenance, and repair, refund payments, and administrative costs and to authorize continued use of such revenue for programs funded on January 1, 1997.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 63CA. Introduced by Maurstad, 30;

Brown, 6.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the special election in May 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1, and Article XV, section 18:

VIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution; (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for differences in tax rates within and outside municipalities and on different classes of property so long as any such differences and classifications are reasonable and are required by either or both (a) an agreement between local governments for the support of a joint exercise of powers, duties, or conduct of an office or offices or (b) an agreement governing a merger or consolidation of local governments; (4) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the counties, townships, cities, villages, school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on taxable property; ~~(4)~~ (5) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land; ~~(5)~~ (6) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; ~~(6)~~ (7)

the Legislature may prescribe standards and methods for the determination of the value of real property at uniform and proportionate values; ~~(7)~~ (8) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and ~~(8)~~ (9) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. ~~Each~~ Except as provided in subdivision (3) of this section, each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature."

XV-18 "(1) The state or any local government may exercise any of its powers or perform any of its functions, including financing the same, jointly or in cooperation with any other governmental entity or entities, either within or without the state, except as the Legislature shall provide otherwise by law.

(2) The Legislature shall provide for the merger or consolidation of counties or other local governments. No merger or consolidation of municipalities or counties shall occur without the approval of a majority of the people voting in each municipality or county to be merged or consolidated as provided by law. Any merger or consolidation of local governments may be initiated by petition as provided by law. Annexation shall not be considered a merger or consolidation for purposes of this section.

(3) In providing for the financing of (a) the joint exercise of powers, duties, or conduct of an office or offices or (b) an agreement governing a merger or consolidation of local governments, the Legislature may provide for differences in tax rates as authorized in Article VIII, section 1, of this Constitution.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to authorize the Legislature to provide for differences in tax rates within and

outside municipalities and to authorize legislation relating to mergers and consolidations by local governments.
For
Against".

Referred to the Reference Committee.

LEGISLATIVE RESOLUTION 64CA. Introduced by Will, 8.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1:

VIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) ~~Taxes~~ The Legislature may classify property for purposes of taxation; (2) taxes shall be levied by valuation uniformly and proportionately upon ~~all real property and franchises~~ all property within a class as defined by the Legislature except as otherwise provided in or permitted by this Constitution; ~~(2)~~ (3) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; ~~(3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the counties, townships, cities, villages, school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on taxable property; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land;~~ ~~(5)~~ (4) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; ~~(6)~~ (5) the Legislature may prescribe standards and methods for the determination of the value of ~~real~~ property in a class at uniform and proportionate values; ~~(7)~~ and (6) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines. ~~; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year.~~ Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to permit the Legislature to classify property for purposes of taxation, to require uniform and proportionate taxation of property within a class, and to eliminate provisions dealing with classification of property for purposes of taxation.
For
Against".

Referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 879. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to the Nebraska Probation Administration

Act; to amend section 29-2269, Reissue Revised Statutes of Nebraska; to provide for the payment of supervision fees as prescribed as a condition of probation; to create a fund; and to repeal the original section.

LEGISLATIVE BILL 880. Introduced by Engel, 17; Brashear, 4; Hartnett, 45; Hillman, 48; Robinson, 16; Schmitt, 41.

A BILL FOR AN ACT relating to motor vehicle registration; to amend section 60-302.03, Reissue Revised Statutes of Nebraska; to change provisions relating to operating or parking an unregistered motor vehicle; and to repeal the original section.

LEGISLATIVE BILL 881. Introduced by Engel, 17; Robinson, 16.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,192, Reissue Revised Statutes of Nebraska, and section 60-601, Revised Statutes Supplement, 1996; to authorize the use of an automated traffic enforcement system for detection of moving traffic violations; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 882. Introduced by Engel, 17; Crosby, 29; Dierks, 40; Jones, 43; Kiel, 9; D. Pederson, 42; Robinson, 16; Schrock, 38; Vrtiska, 1; Wehrbein, 2; Witek, 31; at the request of the Governor.

A BILL FOR AN ACT relating to probation; to amend section 29-2262, Reissue Revised Statutes of Nebraska; to create incarceration work camps; to provide duties for the Department of Correctional Services; and to repeal the original section.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 67. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

Agriculture

LEGISLATIVE BILL 6. Placed on General File.
LEGISLATIVE BILL 107. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 597. No objections. So ordered.

NOTICE OF COMMITTEE HEARING

Natural Resources

LR 50	Wednesday, January 29, 1997	1:30 p.m.
LB 172	Wednesday, January 29, 1997	1:30 p.m.
LB 334	Wednesday, January 29, 1997	1:30 p.m.

(Signed) Chris Beutler, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 883. Introduced by Lynch, 13.

A BILL FOR AN ACT relating to the Contractor Registration Act; to amend section 48-2114, Revised Statutes Supplement, 1996; to provide for waiver of a proposed administrative penalty as prescribed; and to repeal the original section.

LEGISLATIVE BILL 884. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to child custody; to amend section 42-364, Revised Statutes Supplement, 1996; to change custody determination provisions; and to repeal the original section.

LEGISLATIVE BILL 885. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to child support; to amend sections 42-364, 42-364.16, 43-512.12, and 43-512.15, Revised Statutes Supplement, 1996; to provide that the Director of Research of the Legislature formulate and recommend child support guidelines to the Legislature; to harmonize provisions; and to repeal the original sections.

VISITORS

The Doctor of the Day was Lynette Kramer from Lincoln.

ADJOURNMENT

At 11:59 a.m., on a motion by Ms. Schimek, the Legislature adjourned until 9:00 a.m., Thursday, January 23, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

ELEVENTH DAY - JANUARY 23, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

ELEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 23, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Jerry David, Church on the Rock, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Brashear who was excused; and Messrs. Abboud, Bromm, Dierks, Hartnett, Hilgert, Lynch, Schrock, Warner, Wehrbein, Wesely, Will, Withem, Mmes. Bohlke, Kiel, McKenzie, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the tenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 374 and the referral of the following legislative bills, resolutions, and Governor appointments:

LB	Committee
374	Government, Military and Veterans Affairs
501	Natural Resources
502	Urban Affairs
503	Education
504	Judiciary
505	Judiciary
506	Transportation
507	Judiciary
508	Judiciary

509	Judiciary
510	Government, Military and Veterans Affairs
511	Judiciary
512	Judiciary
513	Revenue
514	Appropriations
515	Banking, Commerce and Insurance
516	Natural Resources
517	Natural Resources
518	Natural Resources
519	Business and Labor
520	Urban Affairs
521	Urban Affairs
522	General Affairs
523	Banking, Commerce and Insurance
524	Education
525	Education
526	Government, Military and Veterans Affairs
527	Judiciary
528	Judiciary
529	Transportation
530	Revenue
531	Urban Affairs
532	Nebraska Retirement Systems
533	Judiciary
534	General Affairs
535	Education
536	Judiciary
537	Judiciary
538	Revenue
539	Education
540	Natural Resources
541	Natural Resources
542	Education
543	Banking, Commerce and Insurance
544	Health and Human Services
545	Government, Military and Veterans Affairs
546	Government, Military and Veterans Affairs
547	Education
548	Business and Labor
549	Natural Resources
550	Judiciary
551	Judiciary
552	Natural Resources
553	Government, Military and Veterans Affairs
554	Banking, Commerce and Insurance
555	Banking, Commerce and Insurance

LR **Committee**

53	Government, Military and Veterans Affairs
54	Natural Resources
55CA	Government, Military and Veterans Affairs

Anderson, G. Roderic - Commission of Industrial Relations - Business and Labor
French, Janet - Nebraska Advisory Commission on Compulsive Gambling - General Affairs
Lazure, Linda L. - State Board of Health - Health and Human Services
Rasmussen, Jessie, Director - Department of Services, Department of Health - Health and Human Services
Stalker, Dick - Nebraska Advisory Commission on Compulsive Gambling - General Affairs
Thomas, Deb, Director - Department of Regulation and Licensure, Department of Health - Health and Human Services
Vaughan, Jerry - State Board of Health - Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts
- State of Nebraska - CAFR
- Advisory Letter to NE State Treasurer and NE State Tax Commissioner, Distrib. of Aid to Incorp. Municipalities, Counties, and Natural Resources District
- Audit Report of the Nebraska Lottery
- Audit Report of the Nebraska Department of Revenue Program 164 - Compulsive Gambling Assistance
- Audit Report of the Nebraska Real Estate Appraiser Board
- Specific Procedures Report of the Contractual Obligation with Curtis and Assoc. and the NE Dept. of Social Services
- Audit Report of the NE Game and Parks Commission Program 550 - Planning and Federal Aid
- Audit Report of the NE Department of Administrative Services Division of Employee Relations Program 608
- Audit Report of Chadron State College
- Letter to the Management of Peru State College
- Audit Report of the NE Commission for the Hearing Impaired
- Audit Report of NE Public Employees' Retirement Systems - State and County Employees' Retirement Plans
- Letter to the Management of Wayne State College
- Audit Report of Wayne State College
- Audit Report of the NE Dept. of Revenue Charitable Gaming Division Petty Cash Fund

Audit Report of the NE Department of Correctional Services Program 376 Lincoln Correctional Center
Audit Report of the NE State Patrol Investigative and Auto Theft Cash Funds
Letter to the Management of Chadron State College
Audit Report of Peru State College

Economic Development, Department of
Nebraska Affordable Housing Trust Fund Report

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 886. Introduced by Warner, 25; at the request of the Governor.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,187, 77-27,188, 77-27,188.02, 77-27,190, and 77-27,192 to 77-27,195, Reissue Revised Statutes of Nebraska; to change provisions relating to the Employment Expansion and Investment Incentive Act; to define terms; to harmonize provisions; to provide for applicability of the provisions; and to repeal the original sections.

RESOLUTION

LEGISLATIVE RESOLUTION 65CA. Introduced by Warner, 25, at the request of the Governor.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article VIII, section 1:

VIII-1 "The necessary revenue of the state and its governmental subdivisions shall be raised by taxation in such manner as the Legislature may direct. Notwithstanding Article I, section 16, Article III, section 18, or Article VIII, section 4, of this Constitution or any other provision of this Constitution to the contrary: (1) Real property and franchises as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at a value determined either uniformly and proportionately or based upon the average of the actual value of the real property or franchises for the three years prior to the tax year; ~~Taxes shall be levied by valuation uniformly and proportionately upon all real property and franchises as defined by the Legislature except as otherwise provided in or permitted by this Constitution;~~ (2) tangible personal property, as defined by the Legislature, not exempted by this Constitution or by legislation, shall all be taxed at depreciated cost using the same depreciation method with reasonable class lives, as determined by the Legislature, or shall all be taxed by valuation uniformly and proportionately; (3) the Legislature may provide for a different method of taxing motor vehicles and may also establish a separate class of motor vehicles consisting of those owned and held for resale by motor vehicle dealers which shall be taxed in the manner and to the extent provided by the Legislature and may also establish a separate class for trucks, trailers, semitrailers, truck-tractors, or combinations thereof, consisting of those owned by residents and nonresidents of this state, and operating in interstate commerce, and may provide reciprocal and proportionate taxation of such vehicles; PROVIDED, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the counties, townships, cities, villages, school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on taxable property; (4) the Legislature may provide that agricultural land and horticultural land, as defined by the Legislature, shall constitute a separate and distinct class of property for purposes of taxation and may provide for a different method of taxing agricultural land and horticultural land which results in values that are either not uniform and proportionate with all other real property and franchises but which results in values that are uniform and proportionate upon all property within the class of agricultural land and horticultural land or based upon the average of the actual value of agricultural land and horticultural land for the three years prior to the tax year; (5) the Legislature may enact laws to provide that the value of land actively devoted to agricultural or horticultural use shall for property tax purposes be that value which such land has for agricultural or horticultural use without regard to any value which such land might have for other purposes or uses; (6) the Legislature may prescribe standards and methods for the determination of the value of real property; ~~at uniform and proportionate values;~~ (7) in furtherance of the purposes for which such a law of the United States has been adopted, whenever there exists a law of the United States which is intended to protect a specifically designated type, use, user, or owner of property or franchise from discriminatory state or local taxation, such property or franchise shall constitute a separate class of property or franchise under the laws of the State of Nebraska, and such property or franchise may not be taken into consideration in determining whether taxes are levied by valuation uniformly or proportionately upon any property or franchise, and the Legislature may enact laws which statutorily recognize such class and which tax or exempt from taxation such class of property or franchise in such manner as it determines; and (8) the Legislature may provide that livestock shall constitute a separate and distinct class of property for purposes of taxation and may further provide for reciprocal and proportionate taxation of livestock located in this state for only part of a year. Each actual property tax rate levied for a governmental subdivision shall be the same for all classes of taxed property and franchises. Taxes uniform as to class of property or the ownership or use thereof may be levied by valuation or otherwise upon classes of intangible property as the Legislature may determine, and such intangible property held in trust or otherwise for the purpose of funding pension, profit-sharing, or other employee benefit plans as defined by the

Legislature may be declared exempt from taxation. Taxes other than property taxes may be authorized by law. Existing revenue laws shall continue in effect until changed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require real property and franchises, not exempt from taxation, to be taxed either uniformly and proportionately or based upon a three-year average value.
For
Against".

Referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 22. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 72. Title read. Considered.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 1 nay, 12 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 13. Title read. Considered.

Messrs. Engel and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 118. Title read. Considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Withem offered the following amendment:
FA2
Strike on Pg 6 in lines 16 & 17. "A strategic school improvement plan is not required for this type of minigrant."

Mr. Bromm asked unanimous consent to be excused until he returns. No

objections. So ordered.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

The Withem amendment lost with 21 ayes, 9 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 28 ayes, 7 nays, 6 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 9. Placed on General File as amended.
Standing Committee amendment to LB 9:
AM0016

1. On page 4, line 3; and page 6, line 14, after the third comma insert "trailers, cabin trailers,".

2. On page 6, line 3, after "trucks" insert "and truck-tractors" and strike "over"; in line 4 after the first "tons" insert "or over"; and in line 16 strike "power units" and insert "motor vehicles".

3. On page 7, line 18, after "truck" insert "or truck-tractor", strike "over", and after "tons" insert "or over".

4. On page 8, line 4, after "truck" insert "or truck-tractor" and strike "over"; and in line 5 after "tons" insert "or over".

LEGISLATIVE BILL 10. Placed on General File as amended.
Standing Committee amendment to LB 10:
AM0017

1. On page 4, line 28, after the period insert "If the operator fails to respond to the notice on or before twenty days after the date of the notice, the director shall summarily suspend the operator's license or privilege and issue an order of suspension.".

LEGISLATIVE BILL 21. Placed on General File as amended.
Standing Committee amendment to LB 21:
AM0011

1. Insert the following new sections:

"Sec. 2. This act becomes operative on July 1, 1997.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining section accordingly.

(Signed) Douglas A. Kristensen, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 34. Placed on General File.
LEGISLATIVE BILL 57. Placed on General File.

LEGISLATIVE BILL 40. Placed on General File as amended.
Standing Committee amendment to LB 40:
AM0019

1. Insert the following new section:
"Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) C. N. "Bud" Robinson, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following legislative bills and resolutions:

LB	Committee
556	Transportation
557	Business and Labor
558	Health and Human Services
559	Judiciary
560	Judiciary
561	Judiciary
562	Judiciary
563	Education
564	Transportation
565	Transportation
566	Banking, Commerce and Insurance
567	Nebraska Retirement Systems
568	Transportation
569	Business and Labor
570	Revenue
571	Natural Resources
572	Education
573	Judiciary
574	Government, Military and Veterans Affairs
575	Revenue
576	Revenue
577	Health and Human Services
578	Education
579	Natural Resources
580	Natural Resources
581	General Affairs
582	General Affairs
583	Revenue
584	Natural Resources

585	Natural Resources
586	Education
587	Health and Human Services
588	Judiciary
589	Urban Affairs
591	Government, Military and Veterans Affairs
592	Education
593	Judiciary
594	Natural Resources
595	Government, Military and Veterans Affairs
596	Judiciary
597	Revenue
598	Revenue
599	Revenue
600	Judiciary
601	Judiciary
602	Natural Resources
603	Transportation
604	Education
605	Judiciary
606	Judiciary
607	Government, Military and Veterans Affairs
608	Health and Human Services
609	Health and Human Services
610	Health and Human Services
611	Urban Affairs
612	Revenue
613	General Affairs
614	Judiciary
615	Government, Military and Veterans Affairs
616	Natural Resources
617	Revenue
618	Banking, Commerce and Insurance
619	Health and Human Services
620	Government, Military and Veterans Affairs
621	Government, Military and Veterans Affairs
622	Health and Human Services
623	Nebraska Retirement Systems
624	Nebraska Retirement Systems
625	Revenue
626	Health and Human Services
627	General Affairs
628	Judiciary
629	Education
630	Banking, Commerce and Insurance
631	Banking, Commerce and Insurance
632	Government, Military and Veterans Affairs
633	Health and Human Services
634	Revenue

635	Transportation
636	Government, Military and Veterans Affairs
637	Urban Affairs
638	Government, Military and Veterans Affairs
639	Education
640	Transportation
641	Business and Labor
642	Judiciary
643	Judiciary
644	Judiciary
645	Appropriations
646	Revenue
647	Education
648	Judiciary
649	Agriculture

LR	**Committee**
56CA	Government, Military and Veterans Affairs
57CA	Executive Board

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS

Judiciary

LB 370	Thursday, January 30, 1997	1:30 p.m.
LB 216	Thursday, January 30, 1997	1:30 p.m.
LB 229	Thursday, January 30, 1997	1:30 p.m.
LB 246	Thursday, January 30, 1997	1:30 p.m.
LB 404	Thursday, January 30, 1997	1:30 p.m.
LB 362	Thursday, January 30, 1997	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Natural Resources

LB 516	Thursday, January 30, 1997	1:30 p.m.
LB 154	Thursday, January 30, 1997	1:30 p.m.
LB 356	Thursday, January 30, 1997	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Revenue

LB 264	Thursday, January 30, 1997	1:30 p.m.
LB 431	Thursday, January 30, 1997	1:30 p.m.
LB 182	Thursday, January 30, 1997	1:30 p.m.

LB 139	Thursday, January 30, 1997	1:30 p.m.
LB 530	Thursday, January 30, 1997	1:30 p.m.

(Signed) Jerome Warner, Chairperson

AMENDMENT - Print in Journal

Mr. Robinson filed the following amendment to LB 598:
AM0015
1. On page 3, line 20, strike "ten" and insert "thirty".

GENERAL FILE

LEGISLATIVE BILL 29. Title read. Considered.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 35. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 44. Title read. Considered.

SPEAKER WITHEM PRESIDING

Standing Committee amendment, AM0002, found on page 382, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 55. Title read. Considered.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0013, found on page 382, was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 67. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 6. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 12 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 107. Title read. Considered.

Messrs. Maurstad and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hudkins offered the following amendment:
FA1

Page 3 line 4 strike starting with the word "other" through the word "field" in line 5. And insert the following language "Discarded parts, including but not limited to horns and antlers, or parts of dead game animals and upland game birds, which have died from natural causes or causes which were not associated with any known illegal acts, which parts are discovered by individuals."

The Hudkins amendment was adopted with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Mr. Beutler offered the following amendment:
AM0020

1. On page 2, line 17, strike "provided in subsection (2) of" and insert "otherwise provided in"; and in line 19 after "of" insert "game animals or".

The Beutler amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

STANDING COMMITTEE REPORT
Transportation

LEGISLATIVE BILL 122. Placed on General File as amended.
Standing Committee amendment to LB 122:
AM0010

1. Insert the following new section:
"Sec. 3. Since an emergency exists, this act takes

effect when passed and approved according to law.".

(Signed) Douglas A. Kristensen, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 585. No objections. So ordered.

Messrs. Engel, Wehrbein, Warner, Maurstad, and Mrs. Robak asked unanimous consent to have their names added as cointroducers to LB 852. No objections. So ordered.

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 659, LB 572, LB 810, and LB 755 . No objections. So ordered.

Mr. Wehrbein asked unanimous consent to have his name added as cointroducer to LB 369. No objections. So ordered.

Mrs. Brown asked unanimous consent to have her name added as cointroducer to LB 752. No objections. So ordered.

Mrs. Bohlke asked unanimous consent to have her name added as cointroducer to LB 835 and 842. No objections. So ordered.

Mrs. C. Peterson asked unanimous consent to have her name added as cointroducer to LB 707. No objections. So ordered.

Mr. Warner asked unanimous consent to have his name added as cointroducer to LB 842. No objections. So ordered.

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 281. No objections. So ordered.

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 530. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Matzke's granddaughter, Sloan, from Omaha; Mike Direen, Greg Stofer, and Kevin Edwards from Millard; and 21 students and teacher from St. John's School, Seward.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 11:55 a.m., on a motion by Mr. Cudaback, the Legislature adjourned until 9:00 a.m., Friday, January 24, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

TWELFTH DAY - JANUARY 24, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWELFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, January 24, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Mike Young, Church of Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Matzke who was excused; and Messrs. Abboud, Beutler, Brashear, Bromm, Hilgert, Robinson, Vrtiska, Warner, Will, Withem, Mmes. Bohlke, Brown, Hillman, McKenzie, Stuhr, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eleventh day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 23, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Adams Jr., Donald D. - Lincoln; Nebraskans First, Inc.
Cavanaugh, James P. - Omaha; Nebraska Public Power District
Kulesher, Kate M. - Lincoln; American Home Products Corp.
Mendenhall, Frances - Omaha; Common Cause/Nebraska
Mueller, William J./Ruth & Mueller Law Firm
    Mueller, William J. - Lincoln; Lincoln Electric System
Pappas, James E. - Lincoln; Millard Public Schools; Northwestern Public

Service; UNO Faculty
Riibe, Diane - Hooper; Mothers Against Drunk Driving, Nebraska (MADD)
Ruth, Larry L./Ruth & Mueller Law Firm
Ruth, Larry L. - Lincoln; Lincoln Electric System
Scarpello, Sam M. - Omaha; Nebraska State Council of Electrical Workers; Nebraska State Utility Workers Conference; Omaha Federation of Labor
Schmit, Loran/Schmit Industries Inc.
Schmit, Loran - Lincoln; Community Lottery System, Inc.
Skochdopole, R. A. - Omaha; National Association of Independent Insurers

GENERAL FILE

LEGISLATIVE BILL 9. Title read. Considered.

Standing Committee amendment, AM0016, found on page 417, was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 10. Title read. Considered.

Standing Committee amendment, AM0017, found on page 417, was adopted with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 21. Title read. Considered.

Standing Committee amendment, AM0011, found on page 417, was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 34. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 57. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 40. Title read. Considered.

Standing Committee amendment, AM0019, found on page 418, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 78. Placed on General File.
LEGISLATIVE BILL 141. Placed on General File.
LEGISLATIVE BILL 188. Placed on General File.

(Signed) Chris Beutler, Chairperson

NOTICE OF COMMITTEE HEARING
Agriculture

LB 11	Tuesday, February 4, 1997	1:30 p.m.
LB 192	Tuesday, February 4, 1997	1:30 p.m.
LB 469	Tuesday, February 4, 1997	1:30 p.m.
LB 649	Tuesday, February 4, 1997	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

EASE

The Legislature was at ease from 9:54 a.m. until 10:45 a.m.

UNANIMOUS CONSENT - Members Excused

Mrs. C. Peterson and Mr. Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

SPEAKER WITHEM PRESIDING

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 46. Placed on General File.

(Signed) George Coordsen, Vice Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 5CA. Placed on General File as amended.
Standing Committee amendment to LR 5CA:
AM0022

1. Strike section 1 and insert the following new section:

"Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 "Regular ~~Beginning with the year 1975, regular~~ sessions of the Legislature shall be held ~~annually, commencing~~ for eighty legislative days and sixty legislative days on an alternating basis. Eighty-day sessions shall commence at 10 a.m. on the fifth Monday after the general election in each even-numbered year and sixty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in ~~January~~ December of each year. The terms of the members of the Legislature shall commence on the first day of the regular eighty-day legislative session and, notwithstanding the provisions of Article III, section 7, of this Constitution, the preceding terms shall terminate on such date. No more than five legislative days shall be spent in December during a regular session unless extended by the vote of four-fifths of all members of the Legislature. The duration of regular sessions held shall not exceed ~~ninety~~ eighty or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members ~~elected to~~ of the Legislature. ~~; and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a eighty-day regular session ~~held in an odd-numbered year~~ may be considered at the next regular sixty-day session~~;~~ as if there had been no such adjournment. The Lieutenant Governor shall preside~~;~~ but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to~~ of the Legislature shall constitute a quorum. The ~~; the~~ Legislature shall determine the rules of its proceedings, ~~and~~ be the judge of the election, returns, and qualifications of its members, ~~shall~~ and choose its own officers, including a Speaker to preside when the Lieutenant Governor is ~~shall be~~ absent, incapacitated, or acts ~~shall act~~ as Governor. No member shall be expelled except by a vote of two-thirds of all members ~~elected to~~ of the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.".

LEGISLATIVE BILL 12. Indefinitely postponed.

LEGISLATIVE RESOLUTION 21CA. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Natural Resources

LEGISLATIVE BILL 19. Placed on General File as amended.
Standing Committee amendment to LB 19:
AM0034

1. Insert the following new section:

"Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) Chris Beutler, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following legislative bills:

LB	**Committee**
650	Nebraska Retirement Systems
651	Urban Affairs
652	Education
653	Business and Labor
654	Natural Resources
655	Natural Resources
656	Natural Resources
657	Natural Resources
658	Health and Human Services
659	Banking, Commerce and Insurance
660	Transportation
661	Agriculture
662	Revenue
663	Education
664	Natural Resources
665	Government, Military and Veterans Affairs
666	Urban Affairs
667	Natural Resources
668	Natural Resources
669	Appropriations
670	Government, Military and Veterans Affairs
671	Revenue
672	Education
673	Appropriations
674	Judiciary

675	Banking, Commerce and Insurance
676	Judiciary
677	Judiciary
678	Government, Military and Veterans Affairs
679	Natural Resources
680	Education
681	Appropriations
682	Natural Resources
683	Natural Resources
684	Natural Resources
685	Transportation
686	Transportation
687	Transportation
688	Transportation
689	Transportation
690	Revenue
691	Revenue
692	Health and Human Services
693	Government, Military and Veterans Affairs
694	Transportation
695	Judiciary
696	Revenue
697	Transportation
698	Transportation
699	Natural Resources
700	Natural Resources
701	Natural Resources
702	Natural Resources
703	Natural Resources
704	Natural Resources
705	Natural Resources
706	Judiciary
707	Natural Resources
708	Urban Affairs
709	Government, Military and Veterans Affairs
710	Education
711	Education
712	Education
713	Education
714	Education
715	Education
716	Education
717	Revenue
718	Natural Resources
719	Revenue
720	Transportation
721	Transportation
722	Transportation
723	General Affairs

724	Nebraska Retirement Systems
725	Nebraska Retirement Systems
726	Government, Military and Veterans Affairs
727	Judiciary
728	Judiciary
729	Judiciary
730	Judiciary
731	Banking, Commerce and Insurance
732	General Affairs
733	Natural Resources
734	Urban Affairs
735	Natural Resources
736	Health and Human Services
737	Revenue
738	Government, Military and Veterans Affairs
739	Banking, Commerce and Insurance
740	Banking, Commerce and Insurance

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Cointroducers

Mr. Schrock asked unanimous consent to have his name added as cointroducer to LB 443. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 125 and LB 766. No objections. So ordered.

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 498. No objections. So ordered.

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 81. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 512 and LB 81. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 611. No objections. So ordered.

VISITORS

Visitors to the Chamber were 60 sixth grade students and teachers from Mickle Middle School, Lincoln.

ADJOURNMENT

At 10:50 a.m., on a motion by Mr. Preister, the Legislature adjourned until 9:00 a.m., Monday, January 27, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTEENTH DAY - JANUARY 27, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, January 27, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Vrtiska presiding.

PRAYER

The prayer was offered by Pastor Roger Morrow, Central Christian Missionary Alliance, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Bromm, Chambers, Engel, Hilgert, Kristensen, Schellpeper, Schrock, Warner, Wehrbein, Wesely, Will, Withem, Mmes. Brown, Hillman, McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 427, line 31, strike "Chairperson" and insert "Vice Chairperson". The Journal for the twelfth day was approved as corrected.

MESSAGES FROM THE GOVERNOR

January 17, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the State Board of Health.

APPOINTEES:

Linda L. Lazure, 2321 Country Club Avenue, Omaha, NE 68104
Jerry Vaughan, 1345 Memorial Drive, Broken Bow, NE 68822

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

January 17, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed Director of the Department of Regulation and Licensure, Department of Health and Human Services.

APPOINTEE: Deb Thomas, State Office Building, Lincoln, NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

January 17, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been reappointed to the Nebraska Advisory Commission on Compulsive Gambling.

APPOINTEES:
Dick Stalker, 4305 Saddle Horse Ct., Grand Island, NE 68803
Janet French, 5120 Cass, Omaha, NE 68132

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

January 17, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed Director of the Department of Services, Department of Health and Human Services.

APPOINTEE: Jessie Rasmussen, State Office Building, Lincoln, NE 68509

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 22. Placed on Select File.

LEGISLATIVE BILL 72. Placed on Select File as amended.
E & R amendment to LB 72:
AM7003

1. On page 3, line 16, after "plates" insert "issued pursuant to section 60-311".

LEGISLATIVE BILL 13. Placed on Select File.
LEGISLATIVE BILL 118. Placed on Select File.
LEGISLATIVE BILL 29. Placed on Select File.
LEGISLATIVE BILL 35. Placed on Select File.

LEGISLATIVE BILL 44. Placed on Select File as amended.
E & R amendment to LB 44:
AM7002

1. On page 1, line 1, strike "entities" and insert "names" and after "67-234" insert a comma; in line 2 strike the first "and" and after "67-345" insert ", and 87-209"; and in line 6 after "names" insert "and the registration of trade names".
2. On page 8, line 6, after "business" insert "entity".

LEGISLATIVE BILL 55. Placed on Select File.
LEGISLATIVE BILL 67. Placed on Select File.
LEGISLATIVE BILL 6. Placed on Select File.

LEGISLATIVE BILL 107. Placed on Select File as amended.
E & R amendment to LB 107:
AM7001

1. In the Hudkins amendment, FA1, on page 1, insert an underscored comma after "including" and after "to" and strike the third comma.

(Signed) Jon C. Bruning, Chairperson

GENERAL FILE

LEGISLATIVE BILL 122. Title read. Considered.

SPEAKER WITHEM PRESIDING

Standing Committee amendment, AM0010, found on page 422, was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 141. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 6 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 188. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 7 present and not voting, and 10 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Schellpeper's birthday.

GENERAL FILE

LEGISLATIVE BILL 46. Title read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 5 present and not voting, and 9 excused and not voting.

MR. COORDSEN PRESIDING

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 71. Placed on General File.
LEGISLATIVE BILL 131. Placed on General File.

(Signed) C. N. "Bud" Robinson, Chairperson

AMENDMENTS - Print in Journal

Mr. Cudaback filed the following amendment to LB 71:
AM0025

1. On page 2, line 12, after "district" insert "and is a resident of the State of Nebraska".

Mr. Robinson filed the following amendment to LB 40:
AM0033

1. On page 2, lines 6 and 26, after "location" insert "not smaller in size than the traditional meeting place".

GENERAL FILE

LEGISLATIVE RESOLUTION 5CA. Read. Considered.

Standing Committee amendment, AM0022, found on page 428, was considered.

Mr. Withem offered the following amendment to the Standing Committee amendment:
AM0046

1. On page 1, line 14, strike "December" and reinstate the stricken matter; and in line 19 strike "five" and insert "three".
2. On page 2, line 4, strike "a", show as stricken, and insert "an".

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Withem amendment was adopted with 26 ayes, 4 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Withem offered the following amendment to the Standing Committee amendment:
AM0043

(Amendments to Standing Committee amendments, AM0022)

1. On page 1, lines 10 and 22, strike "sixty" and insert "sixty-five"; in line 13 strike "sixty-day" and insert "sixty-five-day"; and in line 19 strike "five" and insert "three".

2. On page 2, line 4, strike "a", show as stricken, and insert "an"; and in line 6 strike "sixty-day" and insert "sixty-five-day".

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 27 ayes, 1 nay, and 21 not voting.

The Withem amendment lost with 16 ayes, 21 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Maurstad offered the following amendment to the Standing Committee amendment:
AM0056

(Amendments to Standing Committee amendments, AM0022)

1. On page 1, line 19, strike "five" and insert "ten".

Mr. Maurstad withdrew his amendment.

Mr. Maurstad offered the following amendment to the Standing Committee amendment:
AM0055

(Amendments to Standing Committee amendments, AM0022)

1. On page 1, line 10, strike "eighty" and insert "ninety"; in line 11 strike "Eighty-day" and insert "Ninety-day"; in line 16 strike "eighty-day" and insert "ninety-day"; and in line 22 strike "eighty" and reinstate the stricken language.

2. On page 2, line 4, strike "eighty-day" and insert

"ninety-day".

Mr. Lynch, Mmes. Hudkins, and C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Maurstad requested a record vote on his amendment.

Voting in the affirmative, 17:

Beutler
Bohlke
Brown
Chambers
Crosby
Elmer
Hartnett
Hilgert
Kristensen
Landis
Maurstad
McKenzie
Robak
Schellpeper
Wehrbein
Wickersham
Withem

Voting in the negative, 22:

Abboud
Bromm
Bruning
Coordsen
Cudaback
Engel
Hillman
Janssen
Jensen
Jones
Kiel
Pedersen, Dw.
Pederson, D.
Preister
Robinson
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Witek

Present and not voting, 3:

Brashear
Matzke
Suttle

Excused and not voting, 7:

Dierks
Hudkins
Lynch
Peterson, C.
Warner
Wesely
Will

The Maurstad amendment lost with 17 ayes, 22 nays, 3 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 16. Placed on General File.
LEGISLATIVE BILL 61. Placed on General File.
LEGISLATIVE BILL 62. Placed on General File.
LEGISLATIVE BILL 113. Placed on General File.

(Signed) George Coordsen, Vice Chairperson

Judiciary

LEGISLATIVE BILL 77. Placed on General File.
LEGISLATIVE BILL 108. Placed on General File.

LEGISLATIVE RESOLUTION 20CA. Placed on General File.
LEGISLATIVE RESOLUTION 26CA. Placed on General File.
LEGISLATIVE RESOLUTION 30CA. Placed on General File.

LEGISLATIVE BILL 18. Placed on General File as amended.
Standing Committee amendment to LB 18:
AM0021

1. Insert the following new section:

"Section 1. Section 42-358.02, Reissue Revised Statutes of Nebraska, is amended to read:

42-358.02. (1) All delinquent child support payments shall draw interest at the rate specified in section 45-103 in effect on the date of the most recent order or decree. Such interest shall be computed as simple interest.

(2) All child support payments shall become delinquent the day after they are due and owing, except that no obligor whose child support payments are automatically withheld from his or her paycheck shall be regarded or reported as being delinquent or in arrears if (a) any delinquency or arrearage is solely caused by a disparity between the schedule of the obligor's regular pay dates and the scheduled date the child support is due, (b) the total amount of child support to be withheld from the paychecks of the obligor and the amount ordered by the support order are the same on an annual basis, and (c) the automatic deductions for child support are continuous and occurring. Interest shall not accrue until thirty days after such payments are delinquent.

(3) The court shall order the determination of the amount of interest due, and such interest shall be payable in the same manner as the support payments upon which the interest accrues subject to subsection (2) of this section or unless it is waived by agreement of the parties. The clerk of the district court shall compute interest and identify delinquencies pursuant to this section and shall report such information to the court and to the county attorney or authorized attorney.

(4) The clerk of the district court shall credit child support payments first to the payment currently due, second toward any delinquency owing, and third toward the interest on the delinquency.

(5) Interest which may have accrued prior to September 6, 1991, shall not be affected or altered by changes to this section which take effect on such date. All delinquent child support payments and all decrees entered prior to such date shall draw interest at the effective rate as prescribed by this section commencing as of such date.".

2. On page 5, line 23, after "sections" insert "42-358.02," and before "and" insert a comma.

3. Renumber the remaining sections accordingly.

LEGISLATIVE RESOLUTION 19CA. Placed on General File as amended.
Standing Committee amendment to LR 19CA:
AM0037

1. On page 1, lines 10 and 11, strike "granted to the people" and insert "enumerated".

2. On page 2, line 1, strike "granted by" and insert "enumerated in".

(Signed) Kermit A. Brashear, Chairperson

NOTICE OF COMMITTEE HEARINGS
Nebraska Retirement Systems

LB 623	Friday, February 7, 1997	12:15 p.m.
Governor Appointments D.D. Jorgensen, N.I.C. A. Robinson, P.E.R.B.	Friday, February 7, 1997	12:15 p.m.
LB 624	Wednesday, February 19, 1997	12:15 p.m.
LB 367	Wednesday, February 19, 1997	12:15 p.m.
LB 365	Thursday, March 6, 1997	12:15 p.m.
LB 567	Thursday, March 6, 1997	12:15 p.m.
LB 650	Thursday, March 6, 1997	12:15 p.m.

(Signed) William R. Wickersham, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 9. Placed on Select File.

LEGISLATIVE BILL 10. Placed on Select File as amended.
E & R amendment to LB 10:
AM7006

1. On page 4, line 15, strike "at"; in lines 16 and 17 strike the new matter; and in line 18 after "suspension" insert "at his or her last-known mailing address as shown by the records of the department".

LEGISLATIVE BILL 21. Placed on Select File as amended.
E & R amendment to LB 21:
AM7004

1. On page 1, line 4, strike "and" and insert "to provide an operative date;" and after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 34. Placed on Select File.
LEGISLATIVE BILL 57. Placed on Select File.

LEGISLATIVE BILL 40. Placed on Select File as amended.
E & R amendment to LB 40:
AM7005

1. On page 1, line 5, strike "and"; and in line 6 after "sections" insert "; and to declare an emergency".

(Signed) Jon C. Bruning, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 5CA. Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA5
to amend the comm amendments as follows:
On lines 1, 2 & 3 of page 2 reinstate the stricken material

Mr. Beutler withdrew his amendment.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 66. Introduced by Stuhr, 24.

WHEREAS, Stanley E. Foster was a native and life-long resident of Nebraska being born in Butler County, growing up in Seward County, graduating from Beaver Crossing High School in 1960, and graduating from the University of Nebraska - Lincoln in 1965 with a degree in agricultural economics; and

WHEREAS, Mr. Foster was the State Director of the United States Department of Agriculture Rural Development for the State of Nebraska and Chairperson of the Nebraska Rural Development Commission; and

WHEREAS, Mr. Foster was an employee of the Nebraska Legislature from 1985 to 1987, being employed as a legislative aide to Senators Harold Sieck and Lorraine Langford; and

WHEREAS, Mr. Foster served his country as a member of the Peace Corps in Malaysia from 1965 to 1967; and

WHEREAS, Mr. Foster served his state and community as a teacher in Culbertson, Friend, and Lincoln, Nebraska, as a Sunday school teacher in Beaver Crossing, Nebraska, as a director and past president of Seward County Rural Public Power, and as a board member of the Nebraska Ethanol Board; and

WHEREAS, in acknowledgement of his many contributions, Mr. Foster was presented with the Young Leader Award by the Nebraska Soybean Growers Association in 1990, and in 1996 was presented Vice President Al Gore's Hammer Award for innovative programs in government; and

WHEREAS, Stanley E. Foster's life exemplified the highest standards of service and commitment to community, state, and country; and

WHEREAS, Stanley E. Foster died December 23, 1996, in Friend, Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Legislature extends it sympathy to Beverly, Cory, Casey, and Katey Foster, the wife and children of Stanley E. Foster.
2. That a copy of this resolution be provided to the family of Stanley E. Foster.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 404. No objections. So ordered.

Mr. Tyson asked unanimous consent to have his name added as cointroducer to LB 474. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 143 and LB 509. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 628. No objections. So ordered.

AMENDMENTS - Print in Journal

Mr. Withem filed the following amendment to LR 5CA:
FA6
to amend AM0022 by adding the following after "Legislature." in line 21, insert "Any of the three days spent in December shall not count as legislative days in calculating the 80 day limit.".

Mr. Withem filed the following amendment to LR 5CA:
FA7
to amend LR 5CA, AM0022
Line 9, after "for" insert "no more than"
Line 10, after "and" insert "no more than"

VISITORS

Visitors to the Chamber were ten first through fifth grade students and teachers from Kenwood Elementary School, Kearney; Central District Water

Users Association from Holdrege; and Mayor Nick Miners, Rich Adam, and Peter Lammers from Blair.

The Doctor of the Day was Randy Kohl from Firth.

ADJOURNMENT

At 11:57 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, January 28, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FOURTEENTH DAY - JANUARY 28, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FOURTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 28, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Vrtiska presiding.

PRAYER

The prayer was offered by Pastor Donald Ostrom, First Evangelical Covenant Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Bromm, Chambers, Coordsen, Hartnett, Matzke, Wehrbein, Wesely, Wickersham, Will, Withem, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirteenth day was approved.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the rereferral of legislative bill 668 and the referral of the following legislative bills and resolutions:

LB	**Committee**
668	Revenue
590	Transportation
741	Banking, Commerce and Insurance
742	Education
743	Government, Military and Veterans Affairs
744	Natural Resources
745	Revenue
746	Urban Affairs
747	Natural Resources

748	Judiciary
749	Natural Resources
750	Natural Resources
751	Judiciary
752	Judiciary
753	Banking, Commerce and Insurance
754	Banking, Commerce and Insurance
755	Government, Military and Veterans Affairs
756	Judiciary
757	Health and Human Services
758	Judiciary
759	Revenue
760	Judiciary
761	Judiciary
762	Health and Human Services
763	Urban Affairs
764	Government, Military and Veterans Affairs
765	Business and Labor
766	Judiciary
767	Government, Military and Veterans Affairs
768	Government, Military and Veterans Affairs
769	Judiciary
770	Judiciary
771	Judiciary
772	Judiciary
773	Education
774	Judiciary
775	Education
776	Government, Military and Veterans Affairs
777	Judiciary
778	Government, Military and Veterans Affairs
779	Judiciary
780	Judiciary
781	Government, Military and Veterans Affairs
782	Health and Human Services
783	Health and Human Services
784	Education
785	Judiciary
786	Transportation
787	Revenue
788	Health and Human Services
789	Education
790	Judiciary
791	Education
792	Transportation
793	Education
794	Revenue
795	Government, Military and Veterans Affairs
796	Nebraska Retirement Systems

797	Education
798	Health and Human Services
799	Appropriations
800	Banking, Commerce and Insurance
801	Transportation
802	Health and Human Services
803	Health and Human Services
804	Revenue
805	Government, Military and Veterans Affairs
806	Education
807	Education
808	Education
809	Education
810	Health and Human Services
811	Education
812	Government, Military and Veterans Affairs
813	Education
814	Judiciary
815	Education
816	Judiciary
817	Judiciary
818	Judiciary
819	Natural Resources
820	Government, Military and Veterans Affairs
821	Revenue
822	Nebraska Retirement Systems
823	Education
824	Appropriations
825	Urban Affairs
826	Urban Affairs
827	Transportation
828	Revenue
829	Judiciary
830	Natural Resources
831	Revenue
832	Education
833	Appropriations
834	Business and Labor
835	Education
836	Urban Affairs
837	Health and Human Services
838	Education
839	Government, Military and Veterans Affairs
840	Nebraska Retirement Systems
841	Judiciary
842	Health and Human Services
843	Education
844	Appropriations
845	Judiciary

846	General Affairs
847	Government, Military and Veterans Affairs
848	General Affairs
849	Banking, Commerce and Insurance
850	Education
851	Health and Human Services
852	Health and Human Services
853	Business and Labor
854	Business and Labor
855	Urban Affairs
856	Judiciary
857	Appropriations
858	Education
859	Education
860	Business and Labor
861	Banking, Commerce and Insurance
862	Banking, Commerce and Insurance
863	Education
864	Health and Human Services
865	Education
866	Natural Resources
867	Natural Resources
868	Banking, Commerce and Insurance
869	Business and Labor
870	Revenue
871	Health and Human Services
872	Urban Affairs
873	Urban Affairs
874	Urban Affairs
875	Revenue
876	Urban Affairs
877	Natural Resources
878	Government, Military and Veterans Affairs
879	Judiciary
880	Transportation
881	Transportation
882	Judiciary
883	Business and Labor
884	Judiciary
885	Judiciary
886	Revenue

LR	**Committee**
3	Executive Board
58CA	Government, Military and Veterans Affairs
59CA	Judiciary
60CA	Government, Military and Veterans Affairs
61CA	Judiciary
62CA	Revenue

63CA	Revenue
64CA	Revenue
65CA	Revenue

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

MESSAGE FROM THE GOVERNOR

January 27, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Game and Parks Commission.

APPOINTEE: George W. Egermayer Jr., 906 South 96th Street, Omaha, NE 68114

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

NOTICE OF COMMITTEE HEARING
Education

LB 251	Tuesday, February 4, 1997	1:30 p.m.
LB 292	Tuesday, February 4, 1997	1:30 p.m.
LB 563	Tuesday, February 4, 1997	1:30 p.m.
LB 742	Tuesday, February 4, 1997	1:30 p.m.
LB 775	Tuesday, February 4, 1997	1:30 p.m.
LB 850	Tuesday, February 4, 1997	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 194. Placed on General File.
LEGISLATIVE BILL 195. Placed on General File.

LEGISLATIVE BILL 222. Placed on General File.
LEGISLATIVE BILL 254. Placed on General File.

LEGISLATIVE BILL 185. Placed on General File as amended.
Standing Committee amendment to LB 185:
AM0045

1. On page 9, line 12, after the period insert "The mayor shall submit the health department budget to the city council and county board. The mayor shall also provide budget information to the health board with sufficient time to allow the health board to consider such information. The mayor may enter into contracts and accept grants on behalf of the health department. The mayor may terminate the health director with approval of a majority vote of the city council, the county board, and the board of health.".

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 5CA. Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM0081

(Amendments to Standing Committee amendments, AM0022)

1. On page 1, lines 10 and 22, strike "eighty" and insert "eighty-five"; in line 11 strike "Eighty-day" and insert "Eighty-five-day"; and in line 16 strike "eighty-day" and insert "eighty-five-day".
2. On page 2, line 4, strike "eighty-day" and insert "eighty-five-day".

Mrs. Witek moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 28 ayes, 1 nay, and 20 not voting.

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 27 ayes, 8 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Withem withdrew his amendment, FA6, found on page 443.

Mr. Withem renewed his pending amendment, FA7, found on page 443, to the Standing Committee amendment.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

The Withem amendment was adopted with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
General Affairs

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Arts Council
  Gail Erwin
  Don Hinds
  Marilyn Mitchell
  Harry Richardson
  Fred Teller

VOTE: Aye: Senators Cudaback, Hartnett, Hudkins, Janssen, Robak, and Schellpeper. Nay: None. Absent: Senators Will and Vrtiska.

The Committee on General Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Richard Coyne - Nebraska Liquor Control Commission

VOTE: Aye: Senators Cudaback, Hartnett, Hudkins, Janssen, Robak, and Schellpeper. Nay: None. Absent: Senators Vrtiska and Will.

The Committee on General Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

William Whitmer - State Electrical Board

VOTE: Aye: Senators Cudaback, Hartnett, Hudkins, Janssen, Robak, and Schellpeper. Nay: None. Absent: Senators Vrtiska and Will.

(Signed) Stan Schellpeper, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 118A. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 118, Ninety-fifth Legislature, First Session, 1997.

RESOLUTION

LEGISLATIVE RESOLUTION 67. Introduced by Preister, 5.

PURPOSE: Currently, law enforcement has original jurisdiction of all citizen complaints against their own law enforcement personnel. The purpose of this resolution is to conduct a study of the current process used in handling citizen complaints against law enforcement officers and to evaluate and possibly recommend alternatives to the current process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 121	Tuesday, February 4, 1997	1:30 p.m.
LB 285	Tuesday, February 4, 1997	1:30 p.m.
LB 453	Tuesday, February 4, 1997	1:30 p.m.
LB 631	Tuesday, February 4, 1997	1:30 p.m.

(Signed) David M. Landis, Chairperson

Transportation

LB 133	Tuesday, February 4, 1997	1:30 p.m.
LB 320	Tuesday, February 4, 1997	1:30 p.m.
LB 445	Tuesday, February 4, 1997	1:30 p.m.
LB 494	Tuesday, February 4, 1997	1:30 p.m.
LB 564	Tuesday, February 4, 1997	1:30 p.m.
LB 565	Tuesday, February 4, 1997	1:30 p.m.
LB 568	Tuesday, February 4, 1997	1:30 p.m.
LB 640	Tuesday, February 4, 1997	1:30 p.m.
LB 37	Monday, February 10, 1997	1:30 p.m.
LB 104	Monday, February 10, 1997	1:30 p.m.
LB 529	Monday, February 10, 1997	1:30 p.m.
LB 635	Monday, February 10, 1997	1 :30 p.m
LB 720	Monday, February 10, 1997	1:30 p.m.
LB 721	Monday, February 10, 1997	1:30 p.m.
LB 722	Monday, February 10, 1997	1:30 p.m.

LB 239	Tuesday, February 11, 1997	1:30 p.m.
LB 309	Tuesday, February 11, 1997	1:30 p.m.
LB 377	Tuesday, February 11, 1997	1:30 p.m.
LB 464	Tuesday, February 11, 1997	1:30 p.m.
LB 603	Tuesday, February 11, 1997	1:30 p.m.

(Signed) Douglas A. Kristensen, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 75. Indefinitely postponed.
LEGISLATIVE BILL 76. Indefinitely postponed.

(Signed) Douglas A. Kristensen, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 5CA. Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA8

(Amendments to Standing Committee amendments, AM0022)

1. On page 1, reinstate "annually,"; strike beginning with "for" in line 9 through the period in line 19 and all amendments thereto, show the old matter as stricken, and insert "with a long session and a short session on an alternating basis. Beginning with the year 1998, in each even-numbered year a long session shall commence at 10 a.m. on the fifth Monday after the general election and shall end no later than May 15. A short session shall commence the following year at 10 a.m. on the first Wednesday after the first Monday in January and shall end no later than April 15. The terms of the members of the Legislature shall commence on the first day of the long legislative session and, notwithstanding the provisions of Article III, section 7, of this Constitution, the terms of their predecessors shall terminate on such date."; in line 22 strike "eighty or sixty" and insert "the time specified in this section"; and in line 23 strike "legislative days" and show as stricken and strike the new matter.

2. On page 2, line 4, strike "eighty-day"; in line 5 after "regular" insert "long"; and in line 6 strike "sixty-day" and insert "short".

Mr. Beutler withdrew his amendment.

SPEAKER WITHEM PRESIDING

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 1 nay, 16 present and not voting, and 7 excused and not voting.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis requested a roll call vote, in reverse order, on the advancement of the resolution.

Voting in the affirmative, 14:

Bromm
Coordsen
Cudaback
Dierks
Engel
Janssen
Jones
Pederson, D.
Robinson
Schimek
Schmitt
Schrock
Stuhr
Tyson

Voting in the negative, 27:

Beutler
Bohlke
Brashear
Brown
Bruning
Chambers
Crosby
Elmer
Hilgert
Hudkins
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robak
Schellpeper
Suttle
Warner
Wehrbein
Wickersham
Withem

Excused and not voting, 8:

Abboud
Hartnett
Hillman
Jensen
Vrtiska
Wesely
Will
Witek

Failed to advance to E & R for review with 14 ayes, 27 nays, and 8 excused and not voting.

LEGISLATIVE BILL 19. Title read. Considered.

Standing Committee amendment, AM0034, found on page 429, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 71. Title read. Considered.

Mr. Cudaback renewed his pending amendment, AM0025, found on page 437.

Mr. Maurstad moved the previous question. The question is, “Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Cudaback amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Mmes. Bohlke and C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 28:

Brashear
Bromm
Bruning
Coordsen
Cudaback
Dierks
Engel
Hilgert
Hillman
Hudkins
Janssen
Jones
Kristensen
Lynch
Maurstad
Pedersen, Dw.
Pederson, D.
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Warner
Wehrbein

Voting in the negative, 5:

Chambers
Crosby
Jensen
Suttle
Withem

Present and not voting, 11:

Beutler
Brown
Elmer
Kiel
Landis
Matzke
McKenzie
Preister
Wickersham
Will
Witek

Excused and not voting, 5:

Abboud
Bohlke
Hartnett
Peterson, C.
Wesely

Advanced to E & R for review with 28 ayes, 5 nays, 11 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 22. Advanced to E & R for engrossment.
LEGISLATIVE BILL 13. Advanced to E & R for engrossment.
LEGISLATIVE BILL 29. Advanced to E & R for engrossment.
LEGISLATIVE BILL 35. Advanced to E & R for engrossment.

LEGISLATIVE BILL 44. E & R amendment, AM7002, found on page 435, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 67. Advanced to E & R for engrossment.
LEGISLATIVE BILL 6. Advanced to E & R for engrossment.
LEGISLATIVE BILL 9. Advanced to E & R for engrossment.

LEGISLATIVE BILL 10. E & R amendment, AM7006, found on page 441, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 21. E & R amendment, AM7004, found on page 441, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 34. Advanced to E & R for engrossment.
LEGISLATIVE BILL 57. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 16. Title read. Considered.

Messrs. Dierks and Beutler asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 62. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 113. Title read. Considered.

Messrs. Landis and Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 122. Placed on Select File as amended.
E & R amendment to LB 122:
AM7007

1. On page 1, line 3, strike the second "and"; and in line 4 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 78. Placed on Select File as amended.
E & R amendment to LB 78:
AM7009

1. On page 2, line 8, strike "termination of a" and insert "dissolution of a ground water conservation".

LEGISLATIVE BILL 141. Placed on Select File as amended.
E & R amendment to LB 141:
AM7008

1. On page 2, strike beginning with the comma in line 21 through the period in line 22, show as stricken, and insert an underscored period.

LEGISLATIVE BILL 188. Placed on Select File.
LEGISLATIVE BILL 46. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 52. Placed on General File.
LEGISLATIVE BILL 114. Placed on General File.
LEGISLATIVE BILL 170. Placed on General File.

LEGISLATIVE BILL 272. Placed on General File as amended.
Standing Committee amendment to LB 272:
AM0072

1. On page 3, line 4; and page 6, line 23, strike "Issues", show as stricken, and insert "Knowingly and with intent to defraud or deceive issues".
2. On page 3, line 7, strike "Possesses" and insert "Knowingly and with intent to defraud or deceive possesses".

(Signed) David M. Landis, Chairperson

Business and Labor

LEGISLATIVE BILL 79. Placed on General File.
LEGISLATIVE BILL 127. Placed on General File.
LEGISLATIVE BILL 128. Placed on General File.

LEGISLATIVE BILL 129. Placed on General File as amended.
Standing Committee amendment to LB 129:
AM0080

1. On page 12, line 19, strike "full-time"; in line 20 strike "and is", show as stricken, and insert an underscored comma, and after "at" insert ", and working for"; and in line 21 after

"university" insert "pursuant to a financial assistance arrangement with such school, college, or university".

(Signed) Chris Abboud, Chairperson

AMENDMENTS - Print in Journal

Mr. Cudaback filed the following amendment to LB 72:
AM0026

1. On page 3, lines 2 and 16, after the period insert "An individual, corporation, or other business entity which obtains plates under this subsection shall ensure that handicapped parking spaces are available for the general public at the place of business of such individual, corporation, or other business entity, if otherwise required, in addition to any parking spaces provided for vehicles with plates issued under this subsection. An individual, corporation, or business entity which is issued plates under this subsection shall be responsible for any use of the vehicle which does not comply with this subsection, shall, upon conviction of a violation of this subsection, return the plates to the department, and shall not be eligible for new plates under this subsection for one year after the violation.".

Mr. Janssen filed the following amendment to LB 118:
AM0088

1. On page 4, after line 5, insert:

"In addition to the minigrants granted for the development of strategic school improvement plans, school districts with annual budget expenditures of three hundred fifty thousand dollars or less are eligible for minigrants for the purposes allowed in subdivisions (2)(a) through (p) of this section. The amount of this type of minigrant shall not exceed five thousand dollars. The school district shall present a curriculum support plan with its application for the grant. The curriculum support plant must show how the district is working to achieve one or more of the allowed purposes and how the grant will be used to directly advance the plan to achieve one or more of these purposes. The plan must be signed by the school administrator and a school board representative. The application for the grant shall be brief. The Excellence in Education Council shall select the recipients of this type of minigrant and shall administer such minigrants.".

2. On page 6, strike the new matter.

Mr. Kristensen filed the following amendment to LB 82:
AM0089

1. Insert the following new section:

"Sec. 2. The Governor may designate official state items, including animals, plants, minerals, and other things. Legislative approval of any such designation is not required. Any designation made on or prior to the effective date of this act is not affected by this section.".

Mr. Kristensen filed the following amendment to LB 106:
AM0090

1. Insert the following new section:
"Sec. 3. The Governor may designate official state items, including animals, plants, minerals, and other things. Legislative approval of any such designation is not required. Any designation made on or prior to the effective date of this act is not affected by this section.".

Mr. Maurstad and Mrs. Stuhr filed the following amendment to LR 5CA:
AM0093

1. In the Beutler amendment, AM0081, on page 1, line 2, strike "eighty-five" and insert "ninety"; in line 3 strike "Eighty-five-day" and insert "Ninety-day" and in lines 4 and 6 strike "eighty-five-day" and insert "ninety-day".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Schellpeper asked unanimous consent to have his name added as cointroducer to LB 443. No objections. So ordered.

Mr. Engel asked unanimous consent to have his name added as cointroducer to LB 655. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 296 and LB 551. No objections. So ordered.

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 422. No objections. So ordered.

Mmes. Crosby, Brown, Kiel, Messrs. Jensen, Lynch, Preister, and Hartnett asked unanimous consent to have their names added as cointroducers to LB 90. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 789. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 853. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 393	Wednesday, February 5, 1997	1:30 p.m.
LB 448	Wednesday, February 5, 1997	1:30 p.m.
LB 600	Wednesday, February 5, 1997	1:30 p.m.

LB 509	Wednesday, February 5, 1997	1:30 p.m.
LB 26	Wednesday, February 5, 1997	1:30 p.m.
LB 240	Wednesday, February 5, 1997	1:30 p.m.
LB 440	Wednesday, February 5, 1997	1:30 p.m.
LB 537	Wednesday, February 5, 1997	1:30 p.m.
LB 233	Wednesday, February 5, 1997	1:30 p.m.
LB 511	Wednesday, February 5, 1997	1:30 p.m.
LB 561	Wednesday, February 5, 1997	1:30 p.m.

LB 110	Thursday, February 6, 1997	1:30 p.m.
LB 465	Thursday, February 6, 1997	1:30 p.m.
LB 350	Thursday, February 6, 1997	1:30 p.m.
LB 373	Thursday, February 6, 1997	1:30 p.m.
LB 391	Thursday, February 6, 1997	1:30 p.m.
LB 550	Thursday, February 6, 1997	1:30 p.m.
LB 268	Thursday, February 6, 1997	1:30 p.m.
LB 605	Thursday, February 6, 1997	1:30 p.m.

LB 323	Friday, February 7, 1997	1:30 p.m.
LB 324	Friday, February 7, 1997	1:30 p.m.
LB 480	Friday, February 7, 1997	1:30 p.m.
LB 644	Friday, February 7, 1997	1:30 p.m.
LB 203	Friday, February 7, 1997	1:30 p.m.
LB 204	Friday, February 7, 1997	1:30 p.m.
LB 278	Friday, February 7, 1997	1:30 p.m.
LB 643	Friday, February 7, 1997	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Urban Affairs

LB 298	Tuesday, February 4, 1997	1:30 p.m.
LB 299	Tuesday, February 4, 1997	1:30 p.m.
LB 836	Tuesday, February 4, 1997	1:30 p.m.
LB 502	Tuesday, February 4, 1997	1:30 p.m.
LB 426	Tuesday, February 4, 1997	1:30 p.m.
LB 666	Tuesday, February 4, 1997	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

VISITORS

Visitors to the Chamber were Dr. Elliott Rustad from Lincoln; former Governor Nobby Tiemann and Amy Tipton; Michael McCabe and Paul Cohan from Lombard, Illinois; 40 fourth grade students and teachers from Eagle Elementary School; Audrey Schuh, Bonnie Sanders, Barb Wolpa, Shirley Blodgett, Jan Mardis, Lois Tappero, and Betty Scheffloe from Omaha.

The Doctor of the Day was Lisa Rauner from Lincoln.

ADJOURNMENT

At 12:14 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Wednesday, January 29, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTEENTH DAY – JANUARY 29, 1997

LEGISLATIVE JOURNAL

FIFTEENTH DAY – JANUARY 29, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 29, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Rex Beresford, Firth Community Church, Firth, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Hartnett, Hilgert, Matzke, Schrock, Wehrbein, Wesely, Will, Withem, Mmes. Bohlke, Hudkins, Kiel, C. Peterson, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 19. Placed on Select File as amended.
E & R amendment to LB 19:
AM7010

1. On page 1, line 5, strike the second "and"; and in line 6 before the period insert "; and to declare an emergency".

LEGISLATIVE BILL 71. Placed on Select File.
LEGISLATIVE BILL 16. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 113A. Introduced by Warner, 25 .

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 113, Ninety-fifth Legislature, First Session, 1997.

COMMUNICATION

Received a copy of the Senate Concurrent Resolution 21 from the Ohio Senate to urge the United States Congress, governors of other states, and other state legislatures to support H.R. 1842 and other legislative initiatives to mitigate the economic warfare among the states that has resulted from the adoption of targeted business incentive programs.

GENERAL FILE

LEGISLATIVE BILL 113. Considered.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Warner moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

PRESIDENT ROBAK PRESIDING

Mr. Kristensen requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pederson, D.
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Warner
Wehrbein
Wesely
Wickersham

Voting in the negative, 6:

Bruning
Jensen
Pedersen, Dw.
Schmitt
Tyson
Witek

Present and not voting, 3:

Dierks
Matzke
Preister

Excused and not voting, 7:

Abboud
Hilgert
Kiel
Peterson, C.
Robak
Will
Withem

Advanced to E & R for review with 33 ayes, 6 nays, 3 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Schmitt and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 131. Title read. Considered.

Mr. Beutler offered the following amendment:
AM0083

1. On page 2, line 13, after "Legislative" insert ", and a member of the Legislature or a candidate for such office shall not receive such a campaign contribution during any regular or special session of the Legislature"; and in line 14 after "gives" insert "or receives".

Mr. Warner and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

The Beutler amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Beutler offered the following amendment:
AM0084

1. On page 2, line 12 after "Legislature" insert ", the Governor,"; and in line 13 strike "office" and insert "offices".

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 14:

Beutler
Brown
Bruning
Engel
Hartnett
Hilgert
Jensen
Lynch
Pedersen, Dw.
Preister
Schellpeper
Schrock
Wesely
Witek

Voting in the negative, 16:

Bohlke
Bromm
Crosby
Hudkins
Janssen
Jones
Landis
Matzke
Pederson, D.
Robinson
Schimek
Schmitt
Stuhr
Suttle
Vrtiska
Wehrbein

Present and not voting, 11:

Brashear
Chambers
Coordsen
Cudaback
Elmer
Hillman
Kristensen
Maurstad
McKenzie
Tyson
Wickersham

Excused and not voting, 8:

Abboud
Dierks
Kiel
Peterson, C.
Robak
Warner
Will
Withem

The Beutler amendment lost with 14 ayes, 16 nays, 11 present and not voting, and 8 excused and not voting.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 15. Placed on General File as amended.
Standing Committee amendment to LB 15:
AM0123

1. Strike the original sections and insert the following new sections:

"Section 1. Section 81-2706, Revised Statutes Supplement, 1996, is amended to read:

81-2706. (1) The Public Counsel shall receive any allegation of a violation of section 81-2705 and investigate to determine whether there are ~~reasonable~~ grounds to believe that a violation has occurred or is about to occur.

(2) When investigating an allegation of a violation of section 81-2705, the Public Counsel shall have access to all information maintained by any agency or employee directly or indirectly involved.

(3) If the Public Counsel terminates the investigation of an alleged violation of section 81-2705, the Public Counsel shall, in writing, promptly inform the employee who raised the allegation.

(4) If the Public Counsel finds that there are ~~reasonable~~ grounds to believe by a preponderance of the evidence that a violation of section 81-2705 has occurred or is about to occur, he or she shall transmit his or her finding in writing to the employee

who raised the allegation. The Public Counsel shall also transmit his or her findings in writing to the Governor and (a) the State Personnel Board if the employee is employed by an agency that is subject to the State Personnel System or (b) the personnel appeals board of the employee's agency if the employee is employed by an agency that is not subject to the state personnel system. If no such personnel appeals board exists, the Public Counsel shall transmit his or her finding to the director or chief operating officer of the agency, or if the director or chief operating officer has committed or is about to commit the violation of section 81-2705, the finding shall be transmitted to the Governor or his or her authorized representative.

(5) Any finding that is made and transmitted by the Public Counsel pursuant to subsection (4) of this section shall include a finding regarding whether an alleged violation of section 81-2705 has occurred or will occur within two years after the date the employee engaged in an action for which he or she is protected from retaliation pursuant to section 81-2705.

Sec. 2. Section 81-2707, Revised Statutes Supplement, 1996, is amended to read:

81-2707. (1) Upon receiving the Public Counsel's finding that ~~there is reason to believe~~ a violation of section 81-2705 has occurred or is about to occur, the employee who raised the allegation may petition the State Personnel Board, personnel appeals board, or director or chief operating officer of the agency to hold a hearing to determine whether a violation of section 81-2705 has occurred or is about to occur. Upon the receipt of such a petition, the State Personnel Board, personnel appeals board, or director or chief operating officer of the agency shall within ninety days hold a hearing to determine whether a violation of section 81-2705 has occurred or is about to occur. If the finding transmitted by the Public Counsel pursuant to section 81-2706 includes a finding that the alleged violation of section 81-2705 has occurred or will occur within two years after the date the employee engaged in an action for which he or she is protected from retaliation pursuant to section 81-2705, the State Personnel Board, personnel appeals board, or director or chief operating officer of the agency ~~shall~~ may, without further proceedings, stay or reverse the personnel action until a hearing can be held to determine if ~~there is reason to believe that~~ a violation of section 81-2705 is contemplated or has occurred. In any case in which the personnel action is not stayed or reversed until a hearing is held pursuant to this subsection, the State Personnel Board, personnel appeals board, or director or chief operating officer of the agency shall within ten days of receipt of the employee's petition hold a hearing to determine whether a violation of section 81-2705 has occurred or is about to occur. In any case in which the personnel action is stayed or reversed pursuant to this subsection, the board, director, or chief operating officer shall~~,~~ ~~at the earliest~~

~~possible~~ ~~date,~~ within ninety days hold a hearing to determine whether a violation has occurred or is about to occur. The employee may be represented by counsel at such hearing.

(2) After determining that a violation has occurred, the State Personnel Board, personnel appeals board, or director~~,~~ or chief operating officer of the agency shall be authorized to grant backpay or other relief as it deems appropriate, including reasonable attorney's fees. The relief authorized in this subsection, including reasonable attorney's fees, shall be paid from funds of the agency in which the violation occurred.

(3) An employee or agency aggrieved by the decision rendered pursuant to subsection (2) of this section may appeal such decision. The appeal shall be in accordance with the Administrative Procedure Act. An employee prevailing on appeal shall receive reasonable attorney's fees incurred during the appeal and any previous hearings held on the matter appealed pursuant to this section.

(4) In any proceeding held pursuant to this section, if an employee establishes that a personnel action was taken against him or her after he or she submitted an allegation of wrongdoing or provided information to the Public Counsel, his or her investigators, employees, or agents, or an official in conjunction with a preliminary or formal investigation undertaken pursuant to section 81-2704, the personnel action shall be presumed to have been taken against such employee because of such allegation. Such presumption may be rebutted by appropriate evidence.

(5) No appeal by the state shall operate as a supersedeas of any judgment, decision, or order of a district court or the Court of Appeals in any matter relating to the enforcement of the State Government Effectiveness Act.

Sec. 3. Original sections 81-2706 and 81-2707, Revised Statutes Supplement, 1996, are repealed.".

(Signed) C. N. "Bud" Robinson, Chairperson

Executive Board

LEGISLATIVE BILL 102. Placed on General File.

(Signed) George Coordsen, Chairperson

Transportation

LEGISLATIVE BILL 210. Placed on General File.
LEGISLATIVE BILL 261. Placed on General File.

LEGISLATIVE BILL 156. Indefinitely postponed.
LEGISLATIVE BILL 220. Indefinitely postponed.
LEGISLATIVE BILL 295. Indefinitely postponed.

LEGISLATIVE BILL 328. Indefinitely postponed.

(Signed) Douglas A. Kristensen, Chairperson

General Affairs

LEGISLATIVE BILL 82. Placed on General File.
LEGISLATIVE BILL 106. Placed on General File.

LEGISLATIVE BILL 250. Placed on General File as amended.
Standing Committee amendment to LB 250:
AM0073

1. On page 18, line 17, after the period insert "(1)"; and in line 25 after "member" insert "of the library board" and strike "The" and insert "Except as otherwise provided in subsection (2) of this section, the".

2. On page 19, line 21, after the stricken matter insert paragraphing and "(2)"; and in line 24 after the period insert "If an interlocal agreement, a memorandum of understanding, or any other contractual agreement between the city or village and another political subdivision providing for library services allows representation from the other political subdivision on the library board from outside the city or village, the governing board of the other political subdivision may appoint one or more members to the library board as provided in the interlocal agreement, memorandum of understanding, or other contractual agreement.

(3".

LEGISLATIVE BILL 112. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 56. Placed on General File.
LEGISLATIVE BILL 351. Placed on General File.

LEGISLATIVE BILL 137. Placed on General File as amended.
Standing Committee amendment to LB 137:
AM0032

1. On page 30, Line 25, strike "of sections 45-114 to 45-158"; and in line 28 strike "any provision of sections 45-114 to".

2. On page 31, line 1, strike "45-158" and insert "subsection (2) of this section".

3. On page 32, lines 26 and 27, strike "of the Nebraska Installment Sales Act".

4. On page 33, line 2, strike "the Nebraska Installment Sales Act" and insert "subsection (4) of this section".

5. On page 35, lines 27 and 28, strike "of the Delayed Deposit Services Licensing Act".

6. On page 36, lines 3 and 4, strike "the Delayed Deposit Services Licensing Act" and insert "subsection (5) of this section".

LEGISLATIVE BILL 275. Placed on General File as amended.
Standing Committee amendment to LB 275:
AM0066

1. On page 5, line 26, after "company" insert an underscored comma, and strike "within this state," and show as stricken.

LEGISLATIVE BILL 142. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 62. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LB 656	Wednesday, February 5, 1997	1:30 p.m.
LB 733	Wednesday, February 5, 1997	1:30 p.m.
LB 735	Wednesday, February 5, 1997	1:30 p.m.
LB 580	Wednesday, February 5, 1997	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Government, Military and Veterans Affairs

LR 8CA	Wednesday, February 5, 1997	1:30 p.m.
LR 9CA	Wednesday, February 5, 1997	1:30 p.m.
LR 11CA	Wednesday, February 5, 1997	1:30 p.m.
LR 13CA	Wednesday, February 5, 1997	1:30 p.m.
LR 43CA	Wednesday, February 5, 1997	1:30 p.m.

Appointment Thursday, February 6, 1997 1:30 p.m.
Mark Hunzeker - Accountability and Disclosure Commission

LR 15CA	Thursday, February 6, 1997	1:30 p.m.
LR 17CA	Thursday, February 6, 1997	1:30 p.m.
LR 28CA	Thursday, February 6, 1997	1:30 p.m.
LR 29CA	Thursday, February 6, 1997	1:30 p.m.

LR 47CA	Thursday, February 6, 1997	1:30 p.m.
LB 374	Friday, February 7, 1997	1:30 p.m.
LB 670	Friday, February 7, 1997	1:30 p.m.
LB 145	Friday, February 7, 1997	1:30 p.m.
LB 162	Friday, February 7, 1997	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Health and Human Services

LB 184	Wednesday, February 5, 1997	1:30 p.m.
LB 609	Wednesday, February 5, 1997	1:30 p.m.
LB 325	Wednesday, February 5, 1997	1:30 p.m.
LB 369	Thursday, February 6, 1997	1:30 p.m.
LB 183	Thursday, February 6, 1997	1:30 p.m.
LB 610	Thursday, February 6, 1997	1:30 p.m.
LB 622	Thursday, February 6, 1997	1:30 p.m.
LB 626	Friday, February 7, 1997	1:30 p.m.
LB 138	Friday, February 7, 1997	1:30 p.m.
LB 166	Friday, February 7, 1997	1:30 p.m.
LB 587	Wednesday, February 12, 1997	1:30 p.m.
LB 307	Wednesday, February 12, 1997	1:30 p.m.
LB 692	Wednesday, February 12, 1997	1:30 p.m.
LB 871	Wednesday, February 12, 1997	1:30 p.m.
LB 587	Wednesday, February 12, 1997	6:30 p.m.
LB 307	Wednesday, February 12, 1997	6:30 p.m.
LB 692	Wednesday, February 12, 1997	6:30 p.m.
LB 871	Wednesday, February 12, 1997	6:30 p.m.
LB 259	Thursday, February 13, 1997	1:30 p.m.
LB 340	Thursday, February 13, 1997	1:30 p.m.
LB 608	Thursday, February 13, 1997	1:30 p.m.
LB 783	Thursday, February 13, 1997	1:30 p.m.
LB 633	Wednesday, February 19, 1997	1:30 p.m.
LB 782	Wednesday, February 19, 1997	1:30 p.m.
LB 864	Wednesday, February 19, 1997	1:30 p.m.
LB 352	Thursday, February 20, 1997	1:30 p.m.
LB 452	Thursday, February 20, 1997	1:30 p.m.
LB 476	Thursday, February 20, 1997	1:30 p.m.
LB 619	Thursday, February 20, 1997	1:30 p.m.
LB 450	Thursday, February 20, 1997	1:30 p.m.
LB 798	Thursday, February 20, 1997	1:30 p.m.

LB 577	Friday, February 21, 1997	1:30 p.m.
LB 837	Friday, February 21, 1997	1:30 p.m.
LB 424	Friday, February 21, 1997	1:30 p.m.
LB 146	Friday, February 21, 1997	1:30 p.m.
LB 341	Wednesday, February 26, 1997	1:30 p.m.
LB 810	Wednesday, February 26, 1997	1:30 p.m.
LB 851	Wednesday, February 26, 1997	1:30 p.m.
LB 66	Wednesday, February 26, 1997	1:30 p.m.
LB 69	Thursday, February 27, 1997	1:30 p.m.
LB 544	Thursday, February 27, 1997	1:30 p.m.
LB 65	Thursday, February 27, 1997	1:30 p.m.
LB 375	Thursday, February 27, 1997	1:30 p.m.
LB 788	Friday, February 28, 1997	1:30 p.m.
LB 472	Friday, February 28, 1997	1:30 p.m.
LB 310	Friday, February 28, 1997	1:30 p.m.
LB 119	Friday, February 28, 1997	1:30 p.m.
LB 451	Wednesday, March 5, 1997	1:30 p.m.
LB 802	Wednesday, March 5, 1997	1:30 p.m.
LB 803	Wednesday, March 5, 1997	1:30 p.m.
LB 852	Wednesday, March 5, 1997	1:30 p.m.
LB 558	Thursday, March 6, 1997	1:30 p.m.
LB 762	Thursday, March 6, 1997	1:30 p.m.
LB 842	Thursday, March 6, 1997	1:30 p.m.
LB 243	Wednesday, March 12, 1997	1:30 p.m.
LB 736	Wednesday, March 12, 1997	1:30 p.m.
LB 757	Wednesday, March 12, 1997	1:30 p.m.
LB 658	Thursday, March 13, 1997	1:30 p.m.
LB 186	Thursday, March 13, 1997	1:30 p.m.
LB 219	Thursday, March 13, 1997	1:30 p.m.

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 10A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations relating to the provisions of Legislative Bill 10, Ninety-fifth Legislature, First Session, 1997.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 71:
AM0098

1. On page 2, lines 10 through 12, strike the new matter and all amendments thereto and insert "If there are no resident candidates, any person not residing in the district may become a candidate and, if elected, serve on the board of trustees, if he or she owns land in the district or owns a cemetery plot in the district and he or she is a resident of the State of Nebraska. No more than two nonresident trustees shall serve on the board of trustees at one time.".

Mr. Bromm filed the following amendment to LB 188:
AM0092

1. Insert the following new section:
"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

GENERAL FILE

LEGISLATIVE BILL 131. Considered.

Messrs. D. Pederson, Kristensen, and Mrs. Hillman asked unanimous consent to be excused. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Bromm requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 23:

Beutler
Brashear
Bruning
Coordsen
Crosby
Cudaback
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Matzke
McKenzie
Pedersen, Dw.
Preister
Robinson
Schimek
Schmitt
Stuhr
Warner
Wehrbein
Witek

Voting in the negative, 15:

Brown
Chambers
Elmer
Hilgert
Landis
Lynch
Maurstad
Robak
Schellpeper
Schrock
Suttle
Tyson
Vrtiska
Wickersham
Withem

Present and not voting, 2:

Bromm
Wesely

Excused and not voting, 9:

Abboud
Bohlke
Dierks
Hillman
Kiel
Kristensen
Pederson, D.
Peterson, C.
Will

Failed to advance to E & R for review with 23 ayes, 15 nays, 2 present and not voting, and 9 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 6, 9, 10, 13, 21, 22, 29, 34, 35, 57, and 67.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 132. Placed on General File as amended.
Standing Committee amendment to LB 132:
AM0077

1. On page 2, line 5, strike "exclusive".

LEGISLATIVE BILL 345. Placed on General File as amended.
Standing Committee amendment to LB 345:
AM0075

1. On page 10, line 7, strike "present and" and show as stricken.

2. On page 32, line 5, after "each" insert "public"; in line 16 after "public" insert "school"; and strike beginning with "annually" in line 18 through "specify" in line 19 and insert "and shall be distributed to each public school district annually".

3. On page 33, line 22, strike "as", show as stricken, and insert "in which"; and in line 24 reinstate the stricken "funds" and strike "fund".

LEGISLATIVE BILL 347. Placed on General File as amended.
Standing Committee amendment to LB 347:
AM0053

1. On page 71, lines 19 and 22, strike "with policies of" and insert "in cooperation with".

2. On page 73, line 27, strike "The", show as stricken, and insert "Subject to the approval of the Legislature and, if the Legislature is not in session, the Executive Board of the Legislative Council, the".

3. On page 78, line 26, strike "79-8,102 to 79-8,105,".

LEGISLATIVE BILL 346. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Agriculture

LEGISLATIVE BILL 201. Placed on General File.
LEGISLATIVE BILL 202. Placed on General File.

LEGISLATIVE BILL 200. Placed on General File as amended.
Standing Committee amendment to LB 200:
AM0070

1. On page 6, line 5, after "All" insert "documents and"; and in line 6 after "creditors" insert "or the involvement of parties in an adverse decision from a United States Department of Agriculture agency".

(Signed) Merton L. Dierks, Chairperson

NOTICE OF COMMITTEE HEARING
Revenue

LB 105	Wednesday, February 5, 1997	1:30 p.m.
LB 117	Wednesday, February 5, 1997	1:30 p.m.
LB 168	Wednesday, February 5, 1997	1:30 p.m.
LB 671	Wednesday, February 5, 1997	1:30 p.m.
LB 828	Wednesday, February 5, 1997	1:30 p.m.
LB 409	Wednesday, February 5, 1997	1:30 p.m.
LB 435	Wednesday, February 5, 1997	1:30 p.m.
LB 575	Wednesday, February 5, 1997	1:30 p.m.

(Signed) Jerome Warner, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 68. Introduced by Brown, 6; Jensen, 20; Wesely, 26.

WHEREAS, the Appropriations Committee of the Ninety-fifth Legislature, First Session, has taken part in a study of the architectural deterioration of the Nebraska State Capitol; and

WHEREAS, Westgate Elementary School in Omaha and Kahoa Elementary School in Lincoln have shown support for construction to "Save our Capitol"; and

WHEREAS, the students of these schools exhibited great pride for our Nebraska State Capitol building by taking an afternoon to testify in front of the Appropriations Committee, something some adults are even scared to do; and

WHEREAS, these students challenged other fourth-graders around the state to take an active role in the restoration of the Nebraska State Capitol building.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature, on behalf of the citizens of Nebraska, commends all fourth grade students of Westgate Elementary and Kahoa Elementary for their great sense of pride in the State of Nebraska.

2. That copies of this resolution be sent to Jim Otto, principal of Westgate Elementary School in Omaha, and to Mona Manley, principal of Kahoa Elementary in Lincoln.

Laid over.

LEGISLATIVE RESOLUTION 69. Introduced by Brown, 6; Jensen, 20; Preister, 5; Lynch, 13; Bruning, 3; Hilgert, 7; Suttle, 10; Brashear, 4.

WHEREAS, the University of Nebraska at Omaha Lady Mavericks volleyball team completed its 1996 season with a 35-2 record and a number one rating; and

WHEREAS, the Lady Mavericks took on the University of Tampa in the NCAA Division II championship final in Warrensburg, Missouri, and outlasted their opponent for two hours and fifteen minutes; and

WHEREAS, the Lady Mavericks went on to capture the first NCAA Division II volleyball championship in the school's history; and

WHEREAS, during the 1996 season the team lost only two matches out of thirty-seven, twenty of which were against Top 20 competition; and

WHEREAS, Coach Rose Shires provided exceptional support and guidance for the team; and

WHEREAS, the players set a wonderful example of team work, dedication, and a solid work ethic; and

WHEREAS, University of Nebraska at Omaha fans proved their loyalty by showing up in large numbers to welcome the champions home.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature, on behalf of the citizens of Nebraska, commends the University of Nebraska at Omaha women's volleyball team, Coach Rose Shires, and the Lady Mavericks' volleyball fans for their success.

2. That copies of this resolution be sent to Coach Rose Shires and Chancellor Del Weber at the University of Nebraska at Omaha.

Laid over.

VISITORS

Visitors to the Chamber were Gayle, Sam, Stella, Josiah, and Joanna Beresford from Firth; Dick and Joy Grosvenor; Nancy and Bill Meyer from Pierce; Scott Miller from Nebraska City; Richard Wardell from Blair; 75 students and teachers from Lancaster County High Schools and Elisabeth

Pertschy from Davos, Switzerland; and Senator Matzke's daughter, Dr. Dana Govaerts.

The Doctor of the Day was Dr. Strohmyer from Papillion.

ADJOURNMENT

At 12:05 p.m., on a motion by Mrs. Brown, the Legislature adjourned until 9:00 a.m., Thursday, January 30, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTEENTH DAY – JANUARY 30, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 30, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Dr. Heather Witthers, Christ Unity Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Bromm, Cudaback, Elmer, Hilgert, Landis, Matzke, Robinson, Schmitt, Warner, Wesely, Wickersham, Will, Mmes. Bohlke, McKenzie, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 469, line 32, strike "Governor" and insert "Secretary of State".
The Journal for the fifteenth day was approved as corrected.

UNANIMOUS CONSENT - Member Excused

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 113. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

CORRECTED STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 346. Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 206. Placed on General File.

LEGISLATIVE RESOLUTION 6CA. Placed on General File as amended.
Standing Committee amendment to LR 6CA:
AM0110

1. On page 1, strike beginning with "shall" in line 15 through line 16 and show as stricken.

(Signed) Ardyce L. Bohlke, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of January 29, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Dirzis, Mary Ann - New York, NY; Avon Products Inc.
Ellman, Eric J. - Washington, DC; Direct Selling Association
Falk, Cecilia - Lincoln; Plumbing-Heating-Cooling Contractors of Nebraska
Kissel/E&S Associates, L.L.C.
  Kissel, Gordon - Lincoln; Erickson & Sederstrom, P.C.
Radcliffe and Associates
  Radcliffe, Walter H. - Lincoln; Midwest Vending Inc.
Schmit, Loran/Schmit Industries Inc.
  Schmit, Loran - Lincoln; Nebraska Soybean Growers Association; Nebraska Wheat Growers
Skochdopole, R. A. - Omaha; Alegent Health; Smokeless Tobacco Council, Inc.

MESSAGE FROM THE GOVERNOR

January 29, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Health and Human Services Partnership Council.

APPOINTEES:
Dr. Stacie R. Bleicher, 1340 Crestdale Road, Lincoln, NE 68510
Ella E. Ochoa, 602 N. Sherman, North Platte, NE 69101
Dr. Rudi L. Mitchell, RR 1, Box 21, Macy, NE 68039
Elnora Carr, 4707 N. 60th Street, Omaha, NE 68104
Bradley L. Sher, 5948 Culwells Road, Lincoln, NE 68516
George Dillard, 3126 S. 96th Street, Omaha, NE 68124
Aaron D. Black Sr., 6810 Rexford Dr., Lincoln, NE 68506
Michael Zgud, RR 2, Box 501B, Kearney, NE 68847
Connie J. Day, 609 East Maple Street, Norfolk, NE 68701
Judge Gerald Rouse, P.O. Box 538, Columbus, NE 68602
Kathy Bigsby Moore, 219 S. 167th Street, Omaha, NE 68118
Cydney Janssen, HC 90, Box 16A, Gordon, NE 68343
Pamela D. Bataillon, 317 South Happy Hollow Blvd, Omaha, NE 68132
Charles Evans, 817 North Cedar, Hastings, NE 68901

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

NOTICE OF COMMITTEE HEARING
Executive Board

LR 10CA	Friday, February 7, 1997	Noon
LR 25CA	Friday, February 7, 1997	Noon

(Signed) George Coordsen, Chairperson

REPORTS

The following reports were received by the Legislature:

Energy Office
Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Report

Ethanol Board, Nebraska
Ethanol Producer Incentive Cash (EPIC) Fund

Nebraska Investment Finance Authority
Single Family Mortgage Revenue Bonds Series 1996 D
Single Family Mortgage Revenue Bonds Series 1996 A

Revenue, Department of

Employment Expansion and Investment Incentive Act Program Audit Report

Roads, Department of
State Highway Commission Quarterly Report

MOTION - Approve Appointments

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointments found on page 451: Gail Erwin, Don Hinds, Marilyn Mitchell, Harry Richardson, and Fred Teller - Nebraska Arts Council.

Voting in the affirmative, 27:

Brashear
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Maurstad
Pedersen, Dw.
Pederson, D.
Schellpeper
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Witek

Voting in the negative, 0.

Present and not voting, 4:

Preister
Robak
Suttle
Withem

Excused and not voting, 18:

Abboud
Beutler
Bohlke
Bromm
Cudaback
Elmer
Hilgert
Landis
Matzke
McKenzie
Peterson, C.
Robinson
Schimek
Schmitt
Warner
Wesely
Wickersham
Will

The appointments were confirmed with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointment found on page 451: Richard Coyne - Nebraska Liquor Control Commission.

Voting in the affirmative, 25:

Brashear
Brown
Bruning
Coordsen
Crosby
Dierks
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Pederson, D.
Peterson, C.
Schellpeper
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Witek

Voting in the negative, 0.

Present and not voting, 7:

Chambers
Maurstad
Pedersen, Dw.
Preister
Robak
Suttle
Withem

Excused and not voting, 17:

Abboud
Beutler
Bohlke
Bromm
Cudaback
Elmer
Hilgert
Landis
Matzke
McKenzie
Robinson
Schimek
Schmitt
Warner
Wesely
Wickersham
Will

The appointment was confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following Governor appointment found on page 451: William Whitmer - State Electrical Board.

Voting in the affirmative, 27:

Brashear
Brown
Chambers
Coordsen
Crosby
Dierks
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schellpeper
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Witek

Voting in the negative, 0.

Present and not voting, 5:

Bruning
Preister
Robak
Suttle
Withem

Excused and not voting, 17:

Abboud
Beutler
Bohlke
Bromm
Cudaback
Elmer
Hilgert
Landis
Matzke
McKenzie
Robinson
Schimek
Schmitt
Warner
Wesely
Wickersham
Will

The appointment was confirmed with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 66. Read. Considered.

LR 66 was adopted with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 61. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 77. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 108. Title read. Considered.

Mrs. Robak and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE RESOLUTION 20CA. Read. Considered.

Messrs. Robinson, Lynch, Bromm, Engel, Jensen, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Advanced to E & R for review with 37 ayes, 1 nay, 3 present and not voting, and 8 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following Governor appointment:

Egermayer, George W., Jr. - Game and Parks Commission - Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 70. Introduced by Hartnett, 45.

WHEREAS, the Bellevue West girls' volleyball team won the Class A Girls' State Volleyball Championship; and

WHEREAS, this is the seventh time Bellevue West has won the title, the most state titles ever won, and their fifth year in a row of winning the title; and

WHEREAS, the accomplishments of the Bellevue West Thunderbirds deserve special recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Bellevue West girls' volleyball team.

2. That a copy of this resolution be sent to the Bellevue West girls' volleyball team and Coach Joanne Kappas.

Laid over.

AMENDMENTS - Print in Journal

Mr. Hartnett filed the following amendment to LB 72:

AM0108

1. On page 2, line 5, after "one" insert "modified"; strike beginning with the first "or" in line 7 through "agent" in line 8, show as stricken, and insert "for his or her exclusive use"; in line 8 after "disability" insert "as provided in subsection (3) of such section"; and strike lines 15 through 28.

2. On page 3, strike lines 1 through 16 and insert the following new subsections:

"(2) An application for a license plate pursuant to this section shall be accompanied by a signed affidavit specifying and describing the nature of the modifications made to the subject motor vehicle and the person or company responsible for making or installing the modifications. The affidavit shall be countersigned by a law enforcement officer verifying the accuracy of the affidavit's description of the modifications and that he or she has personally inspected the vehicle for that purpose.

(3) For purposes of this section, a modified motor vehicle is a motor vehicle which has been mechanically or physically altered from its manufactured condition with regard to steering, braking, accelerating, or other control mechanisms or systems so as to enable a handicapped or disabled person, who, by reason of his or her particular handicap or disability, would not be capable of operating the motor vehicle, to be capable of operating the motor vehicle.".

Mr. Kristensen filed the following amendment to LB 44:

AM0124

1. Insert the following new sections:

"Section 1. Section 8-226, Revised Statutes Supplement, 1996, is amended to read:

8-226. (1) No individual, firm, corporation, or association doing business directly or indirectly in the State of Nebraska shall use the words trust, trust company, trust association, or trust fund as any part of its title except:

(a) A trust company as defined in section 8-230;

(b) A trust company chartered and supervised under the laws of the United States or any other state;

(c) A bank or savings association chartered and supervised under the laws of the United States or any other state, if such bank or savings association has been further chartered to conduct a trust company business;

(d) A limited partnership to the extent authorized by subdivision ~~(4)~~ (5) of section 67-234;

(e) An entity required by any other law to use such words; or

(f) Except as provided in subsection (2) of this section.

(2) Notwithstanding the provisions of subsection (1) of this section:

(a) An organization described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under section 501(a) of the code may use the words trust or trust fund;

(b) A trust created by a testamentary or fiduciary document may use the word trust; and

(c) An account in a financial institution established by or on behalf of trusts referenced in subdivision (b) of this subsection may use the words trust or trust fund.

(3) A violation of this section is a Class V misdemeanor.

Sec. 9. Section 67-101, Reissue Revised Statutes of Nebraska, is amended to read:

67-101. Any association of persons doing business in any county of this state under a firm, partnership, or corporate name, and not incorporated, organized, or registered under the laws of this state as a domestic or foreign corporation, nonprofit corporation, limited liability company, limited liability partnership, or limited partnership, or any other business entity required by law to organize or register to do business in Nebraska by filing articles of incorporation, organization, or registration with the Secretary of State, shall have recorded in the office of the county clerk of the county where the place of business of such association is located, a certificate signed by each member of such association, showing (1) the firm, partnership, or corporate name of such association; (2) the general nature of the business thereof and the principal place of doing business; and (3) the full name and residence of each individual member of such association.".

2. On page 2, line 27; page 3, lines 10, 11, 13, 15, and

17; page 5, lines 1 and 5; page 6, lines 6, 10, 21, 22, 24, 26, and 28; page 8, lines 13, 23, 24, and 27; page 9, lines 1 and 3; page 10, lines 10, 14, 25, and 28; and page 11, lines 2 and 4, after every occurrence of "corporation" insert "or business entity".

3. On page 3, line 17; page 6, line 28; page 9, line 3; and page 11, line 4, strike "corporate" and show as stricken.

4. On page 4, line 27, after "corporation" insert "or other business entity".

5. On page 5, line 1, after "Act" insert "or authorized to transact business in this state"; and in line 3 after the last "corporation" insert "or business entity".

6. On page 11, line 14, strike "7" and insert "8".

7. On page 13, line 8, after "(3)" insert "Shall be distinguishable upon the records in the office of the Secretary of State from a trade name registered in this state pursuant to sections 87-208 to 87-220;
(4)"; and in line 28 strike "(4)", show as stricken, and insert "(5)".

8. On page 14, line 15, strike "and" and show as stricken; and in line 16 after "(b)" insert "Shall be distinguishable upon the records in the office of the Secretary of State from a trade name registered in this state pursuant to sections 87-208 to 87-220; and
(c)".

9. On page 15, line 12, after "sections" insert "67-101,"; and in line 13 after "sections" insert "8-226,".

10. Renumber the remaining sections accordingly.

EXPLANATION OF VOTE

Had I been present, I would have voted "no" on LB 113 and "yes" on LB 131.

(Signed) Chris Peterson

NOTICE OF COMMITTEE HEARINGS
General Affairs

LB 17	Monday, February 10, 1997	1:30 p.m.
LB 45	Monday, February 10, 1997	1:30 p.m.
LB 120	Monday, February 10, 1997	1:30 p.m.
LB 249	Monday, February 10, 1997	1:30 p.m.
LB 479	Monday, February 10, 1997	1:30 p.m.
LB 482	Monday, February 10, 1997	1:30 p.m.
LB 613	Monday, February 10, 1997	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

Banking, Commerce and Insurance

LB 53	Monday, February 10, 1997	1:30 p.m.
LB 136	Monday, February 10, 1997	1:30 p.m.
LB 364	Monday, February 10, 1997	1:30 p.m.
LB 412	Monday, February 10, 1997	1:30 p.m.
LB 89	Tuesday, February 11, 1997	1:30 p.m.
LB 152	Tuesday, February 11, 1997	1:30 p.m.
LB 273	Tuesday, February 11, 1997	1:30 p.m.
LB 862	Tuesday, February 11, 1997	1:30 p.m.

(Signed) David M. Landis, Chairperson

Nebraska Retirement Systems

LB 796	Friday, February 7, 1997	12:15 p.m
LB 96	Wednesday, February 12, 1997	6:00 p.m.
LB 337	Wednesday, February 12, 1997	6:00 p.m.
LB 459	Wednesday, February 12, 1997	6:00 p.m.
LB 822	Monday, February 24, 1997	12:15 p.m.
LB 491	Monday, February 24, 1997	12:15 p.m.
LB 147	Monday, February 24, 1997	12:15 p.m.
LB 840	Monday, February 24, 1997	12:15 p.m.
LB 532	Monday, March 3, 1997	12:15 p.m.
LB 497	Monday, March 3, 1997	12:15 p.m.
LB 330	Monday, March 3, 1997	12:15 p.m.
LB 724	Thursday, March 13, 1997	12:15 p.m.
LB 725	Thursday, March 13, 1997	12:15 p.m.

(Signed) William R. Wickersham, Chairperson

Business and Labor

LB 474	Monday, February 10, 1997	1:30 p.m.
LB 641	Monday, February 10, 1997	1:30 p.m.
LB 653	Monday, February 10, 1997	1:30 p.m.
LB 853	Monday, February 10, 1997	1:30 p.m.
LB 854	Monday, February 10, 1997	1:30 p.m.
LB 245	Monday, February 10, 1997	1:30 p.m.
LB 124	Monday, February 10, 1997	1:30 p.m.
Governor Appointment G. Roderic Anderson - Commission of Industrial Relations	Monday, February 10, 1997	1:30 p.m.

(Signed) Chris Abboud, Chairperson

Judiciary

LB 23	Wednesday, February 12, 1997	1:30 p.m.
LB 167	Wednesday, February 12, 1997	1:30 p.m.
LB 217	Wednesday, February 12, 1997	1:30 p.m.
LB 406	Wednesday, February 12, 1997	1:30 p.m.

LB 90	Thursday, February 13, 1997	1:30 p.m.
LB 422	Thursday, February 13, 1997	1:30 p.m.
LB 882	Thursday, February 13, 1997	1:30 p.m.

LB 507	Wednesday, February 19, 1997	1:30 p.m.
LB 817	Wednesday, February 19, 1997	1:30 p.m.
LB 573	Wednesday, February 19, 1997	1:30 p.m.
LB 780	Wednesday, February 19, 1997	1:30 p.m.
LB 559	Wednesday, February 19, 1997	1:30 p.m.
LB 505	Wednesday, February 19, 1997	1:30 p.m.
LB 706	Wednesday, February 19, 1997	1:30 p.m.
LB 642	Wednesday, February 19, 1997	1:30 p.m.
LB 280	Wednesday, February 19, 1997	1:30 p.m.
LB 407	Wednesday, February 19, 1997	1:30 p.m.

LB 48	Thursday, February 20, 1997	1:30 p.m.
LB 150	Thursday, February 20, 1997	1:30 p.m.
LB 508	Thursday, February 20, 1997	1:30 p.m.
LB 593	Thursday, February 20, 1997	1:30 p.m.
LB 695	Thursday, February 20, 1997	1:30 p.m.
LB 274	Thursday, February 20, 1997	1:30 p.m.
LB 405	Thursday, February 20, 1997	1:30 p.m.
LB 390	Thursday, February 20, 1997	1:30 p.m.
LB 331	Thursday, February 20, 1997	1:30 p.m.

LB 39	Friday, February 21, 1997	1:30 p.m.
LB 41	Friday, February 21, 1997	1:30 p.m.
LB 196	Friday, February 21, 1997	1:30 p.m.
LB 284	Friday, February 21, 1997	1:30 p.m.
LB 372	Friday, February 21, 1997	1:30 p.m.
LB 730	Friday, February 21, 1997	1:30 p.m.
LB 165	Friday, February 21, 1997	1:30 p.m.
LB 398	Friday, February 21, 1997	1:30 p.m.
LB 234	Friday, February 21, 1997	1:30 p.m.
LB 363	Friday, February 21, 1997	1:30 p.m.
LB 434	Friday, February 21, 1997	1:30 p.m.
LB 466	Friday, February 21, 1997	1:30 p.m.
LB 677	Friday, February 21, 1997	1:30 p.m.
LB 485	Friday, February 21, 1997	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Revenue

LB 333	Thursday, February 6, 1997	1:30 p.m.
LB 418	Thursday, February 6, 1997	1:30 p.m.
LB 538	Thursday, February 6, 1997	1:30 p.m.
LB 570	Thursday, February 6, 1997	1:30 p.m.
LB 597	Thursday, February 6, 1997	1:30 p.m.
LB 598	Thursday, February 6, 1997	1:30 p.m.
LB 599	Thursday, February 6, 1997	1:30 p.m.
LB 737	Thursday, February 6, 1997	1:30 p.m.

LB 24	Friday, February 7, 1997	1:30 p.m.
LB 308	Friday, February 7, 1997	1:30 p.m.
LB 410	Friday, February 7, 1997	1:30 p.m.
LB 401	Friday, February 7, 1997	1:30 p.m.
LB 493	Friday, February 7, 1997	1:30 p.m.

(Signed) Jerome Warner, Chairperson

Education

LB 433	Monday, February 10, 1997	1:30 p.m.
LB 503	Monday, February 10, 1997	1:30 p.m.
LB 542	Monday, February 10, 1997	1:30 p.m.
LB 713	Monday, February 10, 1997	1:30 p.m.
LB 672	Monday, February 10, 1997	1:30 p.m.
LB 680	Monday, February 10, 1997	1:30 p.m.
LB 806	Monday, February 10, 1997	1:30 p.m.
LB 809	Monday, February 10, 1997	1:30 p.m.

LB 710	Tuesday, February 11, 1997	1:30 p.m.
LB 93	Tuesday, February 11, 1997	1:30 p.m.
LB 163	Tuesday, February 11, 1997	1:30 p.m.
LB 209	Tuesday, February 11, 1997	1:30 p.m.
LB 714	Tuesday, February 11, 1997	1:30 p.m.
LB 784	Tuesday, February 11, 1997	1:30 p.m.
LB 811	Tuesday, February 11, 1997	1:30 p.m.
LB 815	Tuesday, February 11, 1997	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

Natural Resources

LB 395	Thursday, February 6, 1997	1:30 p.m.
LB 541	Thursday, February 6, 1997	1:30 p.m.
LB 684	Thursday, February 6, 1997	1:30 p.m.

LB 747	Friday, February 7, 1997	1:30 p.m.
LB 540	Friday, February 7, 1997	1:30 p.m.
LB 682	Friday, February 7, 1997	1:30 p.m.

LB 571	Wednesday, February 12, 1997	1:30 p.m.
LB 428	Wednesday, February 12, 1997	1:30 p.m.
LB 867	Wednesday, February 12, 1997	1:30 p.m.
LB 501	Wednesday, February 12, 1997	1:30 p.m.
LB 602	Thursday, February 13, 1997	1:30 p.m.
LB 471	Thursday, February 13, 1997	1:30 p.m.
LB 654	Thursday, February 13, 1997	1:30 p.m.
LB 744	Thursday, February 13, 1997	1:30 p.m.

(Signed) Chris Beutler, Chairperson

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jeff Renner - Member of College Board of Trustees

VOTE: Aye: Senators McKenzie, Bohlke, Stuhr, Warner, Suttle, and Wickersham. Nay: None. Absent: Senators Beutler and Bromm.

(Signed) Ardyce L. Bohlke, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 887. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Kiel, 9; Lynch, 13; Maurstad, 30; D. Pederson, 42 .

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Water Resources; and to declare an emergency.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 43. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 26CA. Read. Considered.

Advanced to E & R for review with 35 ayes, 0 nays, 7 present and not

voting, and 7 excused and not voting.

LEGISLATIVE RESOLUTION 30CA. Read. Considered.

Advanced to E & R for review with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 18. Title read. Considered.

Standing Committee amendment, AM0021, found on page 440, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 194. Title read. Considered.

Advanced to E & R for review with 30 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 66.

GENERAL FILE

LEGISLATIVE BILL 195. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 222. Title read. Considered.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

AMENDMENT - Print in Journal

Mr. Cudaback filed the following amendment to LB 71:
AM0133
1. On page 2, line 5, after the third "of" insert "three

or"; in line 8 strike "shall", show as stricken, and insert "may"; and in lines 10 through 12 strike the new matter and all amendments thereto.

RESOLUTION

LEGISLATIVE RESOLUTION 71. Introduced by Crosby, 29.

WHEREAS, the Lincoln Symphony Orchestra has been performing since March 1, 1927, when it made its debut as the Lincoln Little Symphony Orchestra; and

WHEREAS, it has grown from twenty-six members in 1927 to sixty-five members in 1997; and

WHEREAS, the Lincoln community has supported and participated in the symphony in many ways, including performances by Resident Lincoln Artists and the use of several performance halls in the city of Lincoln; and

WHEREAS, under the leadership of only six conductors, all outstanding musicians, the symphony has played continuously for seventy years achieving a high standard of music.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Lincoln Symphony Orchestra on its seventieth anniversary.
2. That a copy of this resolution be sent to Yong-yan Hu, Conductor of the Lincoln Symphony Orchestra, and William T. Griffin, President of the Lincoln Symphony Orchestra Association.

Laid over.

NOTICE OF COMMITTEE HEARINGS
Agriculture

Governor Appointments Dick R. Wagoner Mary C. Weyers	Tuesday, February 11, 1997	1:30 p.m.
LB 262	Tuesday, February 11, 1997	1:30 p.m.
LB 263	Tuesday, February 11, 1997	1:30 p.m.
LB 211	Tuesday, February 18, 1997	1:30 p.m.
LB 189	Tuesday, February 18, 1997	1:30 p.m.
LB 193	Tuesday, February 18, 1997	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 397. Placed on General File as amended.
Standing Committee amendment to LB 397:

AM0129

1. Strike sections 2, 31, and 39 and insert the following new sections:

"Sec. 4. Section 66-4,142, Reissue Revised Statutes of Nebraska, is amended to read:

66-4,142. (1) The department shall at the end of each calendar quarter determine the total amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credit provided in section 66-1344 and due to any exemption provided in sections 66-489 and 66-4,105 less the amount transferred to the Highway Trust Fund from the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.

(2) If the amount determined in subsection (1) of this section is at least equal to the amount of revenue raised in the same period by one-tenth of one cent of the fuel tax imposed by sections 66-489, 66-4,105, 66-668, and 66-6,107, the department shall for the next succeeding calendar quarter adjust the rate of the fuel tax imposed by such sections in an amount which the department estimates, based on the estimates provided to the State Tax Board ~~of Equalization and Assessment~~ pursuant to section 66-4,144, will raise sufficient revenue to meet and not exceed the amount so determined, except that all such adjustments shall be in increments of one-tenth of one cent per gallon.

Sec. 5. Section 66-4,144, Reissue Revised Statutes of Nebraska, is amended to read:

66-4,144. (1) In order to insure that an adequate balance in the Highway Restoration and Improvement Bond Fund is maintained to meet the debt service requirements of bonds to be issued by the commission under subsection (2) of section 39-2223, the Governor may call a meeting of the State Tax Board ~~of Equalization and Assessment~~ at any time in advance of the issuance of such bonds. At such meeting, the board shall set the rate of the excise tax imposed by sections 66-4,140, 66-669, and 66-6,108 for each year during which such bonds are outstanding to provide in each such year money equal in amount to not less than one hundred twenty-five percent of such year's bond principal and interest payment requirements. Such rate shall be in addition to the rate of excise tax set pursuant to subsection (2) of this section. Each such rate shall be effective from July 1 of a stated year through June 30 of the succeeding year or during such other period not longer than one year as the board determines to be consistent with the principal and interest requirements of such bonds. Such excise tax rates set pursuant to this subsection may be increased, but such excise tax rates shall not be subject to reduction or elimination unless the board has received from the Nebraska Highway Bond Commission notice of reduced principal and interest requirements for such bonds, in which event the Governor may call a meeting of the board to determine whether the rate or rates shall be changed. The new rate or rates, if any, set by the board shall become effective on the first day of the following calendar quarter.

(2) In order to insure that there is maintained an adequate Highway Cash Fund balance to meet expenditures from such fund as appropriated by the Legislature, within fifteen days after the adjournment of each regular session of the Legislature, the board shall set the rate of the excise tax imposed by sections 66-4,140, 66-669, and 66-6,108 which will be effective from July 1 through June 30 of the succeeding year. The rate of excise tax for a given July 1 through June 30 period set pursuant to this subsection shall be in addition to and independent of the rate or rates of excise tax set pursuant to subsection (1) of this section for such period.

(3) The Department of Roads, with assistance from the Department of Revenue, shall prepare and provide the necessary information to each member of the board at least five days before each meeting. Such information shall include, but not be limited to, the unobligated balance in the Highway Cash Fund anticipated on the subsequent June 30, monthly estimates of anticipated receipts to the Highway Cash Fund for the subsequent fiscal year, and the appropriations made from the Highway Cash Fund for the subsequent fiscal year.

(4) The board shall determine the cash and investment balances of the Highway Cash Fund at the beginning of each fiscal year under consideration and the estimated receipts to the Highway Cash Fund from each source which provides at least one million dollars annually to such fund. The board shall then fix the rate of excise tax in an amount sufficient to meet the appropriations made from the Highway Cash Fund by the Legislature. Such rate shall be set in increments of one-tenth of one percent.

(5) On or before the fifteenth day of each month, the Department of Roads shall provide to each member of the board and the Clerk of the Legislature a report reflecting a comparison of the Highway Cash Fund deposits for the preceding calendar month and fiscal year to date against the projections for the same periods and the limitations of information contained in such report. The projections in the report shall be those last used by the board in setting the excise tax rate for the periods being reviewed. The report shall contain a comparison of actual receipts received to date added to any modified projections of deposits to the Highway Cash Fund for the remainder of the current fiscal year, as supplied by the Department of Roads to the board, against the appropriation for the current fiscal year. If the accumulative total deposits to the Highway Cash Fund under Chapter 66, articles 4 and 6, for the fiscal year are at any time less than ninety-eight percent or greater than one hundred four percent of the projected deposits for such period or if the actual receipts received to date added to any modified projections of deposits to the Highway Cash Fund for the current fiscal year, as supplied by the Department of Roads to the

board, are less than ninety-eight percent or greater than one hundred four percent of the appropriation for the current fiscal year, the Governor may call a meeting of the board to determine whether the rate shall be changed. If such a change is required, the board shall set the new rate which shall become effective on the first day of the following calendar quarter.

(6) Nothing in this section shall be construed to abrogate the duties of the Department of Roads or attempt to change any highway improvement program schedule.

Sec. 8. Section 77-501, Reissue Revised Statutes of Nebraska, is amended to read:

77-501. The Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, and Tax Commissioner shall collectively constitute the State Tax Board. ~~of Equalization and Assessment.~~

Sec. 9. Section 77-502, Reissue Revised Statutes of Nebraska, is amended to read:

77-502. The Governor shall be ex officio chairperson of the State Tax Board ~~of Equalization and Assessment~~ and preside at all meetings when present. The Tax Commissioner shall be secretary of the board and as such shall perform such duties as may devolve on him or her by law or the rules and regulations of the board. In the absence of either the chairperson or the secretary, their places may be filled temporarily by other members of the board. Attendance of three members of the board shall constitute a quorum for the transaction of business.

Sec. 10. Section 77-503, Reissue Revised Statutes of Nebraska, is amended to read:

77-503. The Tax Commissioner shall have authority to call special meetings of the State Tax Board ~~of Equalization and Assessment~~ at such times as its business may require. The Tax Commissioner shall also have authority to administer oaths and affirmations and to sign all orders, certificates, and process in the name of the board upon a roll call vote. The Tax Commissioner shall attest all orders, certificates, and process with the official seal of the board.".

2. On page 8, line 19; page 9, lines 2, 3, and 21; page 10, lines 7,8, 16, and 17; page 11, line 5; page 12, line 3; and page 13, lines 3, 4, 8, and 9, strike "Tax Equalization and Review Commission" and insert "commission".

3. On page 9, line 1, strike "7" and insert "11".

4. On page 10, line 15, strike "8" and insert "12".

5. On page 11, line 6, strike "11" and insert "15"; and strike beginning with "In" in line 8 through line 26, show the old matter as stricken, and insert "On or before April 15 for 1997 and on or before April 5 for 1998 and each year thereafter, the Property Tax Administrator shall prepare statistical and narrative reports informing the commission of the level of value and the quality of assessment of the classes and subclasses of real

property in the state. On or before April 15 for 1997 and on or before April 5 for 1998 and each year thereafter, the Property Tax Administrator shall certify his or her recommendation on valuation and assessment to each county assessor. For the purposes of informing the commission, the Property Tax Administrator shall employ the methods specified in section 77-112, the sales-assessment ratio study, other statistical studies, and studies of the assessment practices of a county. The Property Tax Administrator may employ transfers of comparable real property in market areas similar to the area in question as indicators of the level of value and the quality of assessment in a county. The Property Tax Administrator may use any other relevant matter in providing information to the commission.".

6. On page 12, line 3, strike "9 or 11" and insert "13 or 15".

7. On page 19, line 24, strike "11" and insert "15".

8. On page 22, line 11, strike "certification of" and insert "certificate of taxes".

9. On page 25, line 4, strike "section 37" and insert "sections 11 to 20 and 40".

10. On page 31, line 10, strike "Revolving" and insert "Cash"; and in line 18 before "lapse" insert "not".

11. On page 37, line 20, strike "77-425" and insert "66-4,142, 66-4,144, 77-425, 77-501 to 77-503"; in line 23 strike "77-5004,"; in line 24 strike "79-1018, and 79-1028," and insert "and 79-1018,"; and in line 25 strike "13-504,".

12. Renumber the remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

Urban Affairs

LEGISLATIVE BILL 116. Placed on General File.
LEGISLATIVE BILL 238. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 70. No objections. So ordered.

Mr. Dierks asked unanimous consent to have his name added as cointroducer to LB 93. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 280. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Matzke's granddaughter, Alex, from Omaha; Beverly and Katie Foster from Friend; and Rick Provaznik from Omaha.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, February 4, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTEENTH DAY - FEBRUARY 4, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 4, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Anni Stedman, Vine Congregational Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Warner and Withem who were excused; and Messrs. Abboud, Chambers, Cudaback, Engel, Hartnett, Hilgert, Kristensen, Landis, Robinson, Wickersham, Will, Mmes. Brown, McKenzie, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixteenth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 61. Placed on Select File.
LEGISLATIVE BILL 77. Placed on Select File.

LEGISLATIVE BILL 108. Placed on Select File as amended.
E & R amendment to LB 108:
AM7011
1. On page 1, line 1, strike "Nebraska".

LEGISLATIVE RESOLUTION 20CA. Placed on Select File.
LEGISLATIVE RESOLUTION 26CA. Placed on Select File.
LEGISLATIVE RESOLUTION 30CA. Placed on Select File.

LEGISLATIVE BILL 18. Placed on Select File as amended.

E & R amendment to LB 18:
AM7013

1. On page 1, line 1, strike "42-364.06" and insert "42-358.02, 42-364.06,"; and in line 4 after "change" insert "delinquency," and after "earnings" insert a comma.

2. On page 5, line 13, strike "(1)" and insert "(a)"; in line 16 strike "(2)" and insert "(b)"; and in line 19 strike "(3)" and insert "(c)".

LEGISLATIVE BILL 194. Placed on Select File.
LEGISLATIVE BILL 195. Placed on Select File.

LEGISLATIVE BILL 222. Placed on Select File as amended.
E & R amendment to LB 222:
AM7012

1. On page 7, line 9, strike the underscored commas and reinstate the stricken "and".

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARINGS
Executive Board

LR 1	Thursday, February 13, 1997	Noon
LR 35	Thursday, February 13, 1997	Noon
LR 3	Wednesday, February 19, 1997	Noon
LR 14CA	Wednesday, February 19, 1997	Noon
LR 23CA	Wednesday, February 19, 1997	Noon
LR 57CA	Wednesday, February 19, 1997	Noon

(Signed) George Coordsen, Chairperson

MESSAGES FROM THE GOVERNOR

January 31, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Motor Carrier Advisory Council.

APPOINTEE: David Goldstein, 1211 North 97th Plaza, Omaha, NE 68114

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

January 31, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Advisory Commission on Compulsive Gambling.

APPOINTEE: Leonard Hawkins, 5018 West Benton, Lincoln, NE 68524

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

January 31, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Public Employees Retirement Board.

APPOINTEE: Charles A. Peters, 3123 South 144th Avenue, Omaha, NE 68144

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

January 31, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Environmental Trust Board.

APPOINTEE: Michael T. Avery, 339 Michael Drive, Gretna, NE 68028

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

January 31, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the State Personnel Board.

APPOINTEE: Susan E. Prazan, 5817 Woolworth Ave, Omaha, NE 68106

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

COMMUNICATION

Received a copy of House Concurrent Resolution 4 from the State of Iowa requesting the Congress of the United States to submit to the States for ratification a balanced budget amendment to the United States Constitution.

REPORTS

The following reports were received by the Legislature:

Environmental Quality, Department of
  Wastewater Construction Grants, Program #518 Letter
  Small Town Grants Program #523 Semi-annual Report

Health and Human Services, Department of
  Disabled Persons and Family Support Program Annual Report

Labor, Department of
  State Labor Area Summary Report

Law Enforcement and Criminal Justice, Commission on
  Crime Victim's Reparations Program, Victims of Crime Act Program, and Stop Violence Against Women Act Program Report

Nebraska Investment Finance Authority
  Single Family Mortgage Revenue Bonds Series 1996 B Quarterly Report
  Single Family Mortgage Revenue Bonds Series 1996 C Quarterly Report

Tax Equalization and Review Commission
  Statewide Plan of Equalization Report

GENERAL FILE

LEGISLATIVE BILL 10A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 113A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 118A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 4 nays, 6 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 254. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 185. Title read. Considered.

Standing Committee amendment, AM0045, found on page 450, was adopted with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Mr. Beutler offered the following amendment:
FA9
On page 6, line 19 change "respected" to "recognized"

The Beutler amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 52. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 28. Placed on General File.
LEGISLATIVE BILL 97. Placed on General File.
LEGISLATIVE BILL 342. Placed on General File.
LEGISLATIVE BILL 489. Placed on General File.

(Signed) George Coordsen, Vice Chairperson

LEGISLATIVE BILL 86. Placed on General File as amended.
Standing Committee amendment to LB 86:
AM0131

1. On page 2, lines 14 and 15, strike "at least a fifteen" and insert "a twelve".

LEGISLATIVE BILL 344. Placed on General File as amended.
Standing Committee amendment to LB 344:
AM0119

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 4, line 13, strike "six" and insert "twelve"; and strike the new matter in lines 17 through 21 and insert "The board may modify or return the area application or approve a smaller blighted and substandard area that is contained within the area proposed in the area application without additional notice or publication if in the public interest and if such smaller area is

within the definition of a blighted and substandard area under the act.".

3. On page 5, line 3, strike "1" and insert "15".

(Signed) Jerome Warner, Chairperson

LEGISLATIVE BILL 486. Placed on General File as amended.
Standing Committee amendment to LB 486:
AM0130

1. On page 2, strike the new matter in lines 16 through 23 and insert "During the pendency of a foreclosure action any person entitled to redeem any lot or parcel may do so by paying to the county treasurer the amount due with interest and costs, including attorney's fees, provided for in section 77-1909, if requested in the foreclosure petition. Within thirty days after receipt of payment of all amounts due, the holder of the tax sale certificate shall dismiss its claim in the foreclosure proceeding with respect to any redeemed tax sale certificate. The holder of the tax sale certificate shall be required to provide the county treasurer with written notice that a foreclosure suit has been instituted and provide the county treasurer with an affidavit setting forth the costs incurred in the foreclosure action and indicating whether attorney's fees were requested in the foreclosure petition.".

(Signed) George Coordsen, Vice Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 85. Placed on General File.
LEGISLATIVE BILL 103. Placed on General File.
LEGISLATIVE BILL 160. Placed on General File.
LEGISLATIVE BILL 441. Placed on General File.

LEGISLATIVE BILL 221. Placed on General File as amended.
Standing Committee amendment to LB 221:
AM0152

1. Strike original section 4 and renumber the remaining section.

2. On page 6, lines 9 and 10, strike "32-604, and 32-616" and insert "and 32-604".

LEGISLATIVE RESOLUTION 32CA. Placed on General File as amended.
Standing Committee amendment to LR 32CA:
AM0151

1. Strike original section 2 and insert the following new section:

"Sec. 2. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require initiative measures to contain only one subject.
For
Against".

"A constitutional amendment to require referendum measures to refer to only one act of the Legislature.
For
Against".".

2. On page 1, line 4, strike "amendment" and insert "amendments".

LEGISLATIVE RESOLUTION 39CA. Indefinitely postponed.

LEGISLATIVE BILL 339. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

GENERAL FILE

LEGISLATIVE BILL 114. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 170. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 272. Title read. Considered.

Standing Committee amendment, AM0072, found on page 457, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 79. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 261. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 106. Title read. Considered.

Mrs. Hudkins renewed the Kristensen pending amendment, AM0090, found on page 459.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 106.

Messrs. Dierks and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 111. Placed on General File as amended.
Standing Committee amendment to LB 111:
AM0144

1. On page 2, line 11, after the third comma insert "insurance,".

2. On page 4, lines 18 and 19, strike "annually" through "1"; and in lines 25 and 26 strike "one" through "act" and insert "on January 1, 1999".

LEGISLATIVE BILL 258. Placed on General File as amended.
Standing Committee amendment to LB 258:
AM0145

1. Insert the following new section:

"Sec. 4. Sections 1 and 2 of this act become operative July 1, 1997. The other sections of this act become operative on their effective date.".

2. On page 2, line 16, after "circumstances" insert ", special needs due to disability,"; in line 22 strike "XXXXX" and insert "Health and Human Services"; and in line 24 strike "department" and insert "Department of Health and Human Services".

3. Renumber the remaining section accordingly.

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 888. Introduced by Wesely, 26; Beutler, 28; at the request of the Governor .

A BILL FOR AN ACT relating to the Nebraska Partnership for Health and Human Services Act; to amend sections 71-5301, 71-5303, 71-5304.01, 71-5304.02, 71-5306, 71-5310, 71-5310.01, and 71-5311, Reissue Revised Statutes of Nebraska, and sections 2-3254, 46-1011, and 81-1504, Revised Statutes Supplement, 1996; to transfer responsibility for administering the Nebraska Safe Drinking Water Act; to change provisions relating to enforcement and administration; to harmonize provisions; and to repeal the original sections.

REFERENCE COMMITTEE REPORTS

The Legislative Council Executive Board submits the attached report on the referral of the following legislative bills and Governor appointments:

Health and Human Services Partnership Council - Health and Human Services
  Bataillon, Pamela D.
  Black, Aaron D., Sr.
  Bleicher, Dr. Stacie R.
  Carr, Elnora
  Day, Connie J.
  Dillard, George
  Evans, Charles
  Janssen, Cydney
  Mitchell, Dr. Rudi L.
  Moore Bigsby, Kathy
  Ochoa, Ella E.
  Rouse, Judge Gerald
  Sher, Bradley L.
  Zgud, Michael

LB	**Committee**
887	Appropriations
888	Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 887	Thursday, February 13, 1997	1:00 p.m.
LB 844	Thursday, February 13, 1997	1:00 p.m.

(Signed) Roger R. Wehrbein, Chairperson

Revenue

LB 276	Wednesday, February 12, 1997	1:30 p.m.
LB 886	Wednesday, February 12, 1997	1:30 p.m.
LB 443	Wednesday, February 12, 1997	1:30 p.m.
LB 696	Wednesday, February 12, 1997	1:30 p.m.
LB 745	Wednesday, February 12, 1997	1:30 p.m.
LB 634	Wednesday, February 12, 1997	1:30 p.m.
LR 65CA	Thursday, February 13, 1997	1:30 p.m.
LR 64CA	Thursday, February 13, 1997	1:30 p.m.
LB 190	Thursday, February 13, 1997	1:30 p.m.
LB 690	Thursday, February 13, 1997	1:30 p.m.
LB 20	Thursday, February 13, 1997	1:30 p.m.
LB 84	Thursday, February 13, 1997	1:30 p.m.

(Signed) George Coordsen, Vice Chairperson

Urban Affairs

LB 427	Tuesday, February 11, 1997	1:30 p.m.
LB 481	Tuesday, February 11, 1997	1:30 p.m.
LB 487	Tuesday, February 11, 1997	1:30 p.m.
LB 520	Tuesday, February 11, 1997	1:30 p.m.
LB 521	Tuesday, February 11, 1997	1:30 p.m.
LB 637	Tuesday, February 11, 1997	1:30 p.m.
LB 746	Tuesday, February 11, 1997	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Health and Human Services

LB 888	Wednesday, February 12, 1997	1:30 p.m.
LB 888	Wednesday, February 12, 1997	6:30 p.m.

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 106. The Chambers pending motion to indefinitely postpone, found in this day's Journal, was renewed.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?"

Mr. Bromm moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 7:

Bruning
Chambers
Hartnett
Hilgert
Hillman
Pederson, D.
Schimek

Voting in the negative, 26:

Beutler
Bohlke
Brashear
Bromm
Crosby
Dierks
Engel
Hudkins
Janssen
Jensen
Jones
Kiel
McKenzie
Peterson, C.
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek

Present and not voting, 7:

Brown
Coordsen
Elmer
Lynch
Matzke
Maurstad
Robinson

Excused and not voting, 9:

Abboud
Cudaback
Kristensen
Landis
Pedersen, Dw.
Warner
Wickersham
Will
Withem

The Chambers motion to indefinitely postpone failed with 7 ayes, 26 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

MR. COORDSEN PRESIDING

Messrs. Beutler, Maurstad, Preister, Dierks, and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA10
Strike CORN & insert "CORNSOYGHUM"

Mr. Chambers withdrew his amendment.

Mrs. Hudkins and Mr. Chambers offered the following amendment:
FA14
Strike sec. 1 & 2

The Hudkins-Chambers amendment was adopted with 25 ayes, 3 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 5 nays, 9 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 250. Title read. Considered.

Standing Committee amendment, AM0073, found on page 468, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 56. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 275. Title read. Considered.

Standing Committee amendment, AM0066, found on page 469, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 132. Title read. Considered.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM0077, found on page 473, was considered.

Mrs. Witek offered the following amendment to the Standing Committee amendment:
AM0153
(Amendments to Standing Committee amendments, AM0077)

1. Strike amendment 1 and insert the following new amendments:

"1. Strike section 1.

2. Renumber the remaining section accordingly.".

Pending.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 30. Placed on General File.
LEGISLATIVE BILL 68. Placed on General File.
LEGISLATIVE BILL 153. Placed on General File.
LEGISLATIVE BILL 229. Placed on General File.

LEGISLATIVE BILL 58. Placed on General File as amended.
Standing Committee amendment to LB 58:
AM0047

1. On page 2, strike beginning with "Documentation" in line 14 through the period in line 15 and insert "A certified copy of the birth certificate, marriage license, or death certificate shall accompany the application for termination of the child support. The clerk of the district court shall send notice of the filing of the child support termination application to the last-known address of the obligee.".

LEGISLATIVE BILL 161. Placed on General File as amended.
Standing Committee amendment to LB 161:
AM0135

1. On page 2, strike beginning with "completion" in line 23 through "program" in line 24 and insert "the officer to complete the basic training program as soon as is practicable".

LEGISLATIVE BILL 7. Indefinitely postponed.
LEGISLATIVE BILL 8. Indefinitely postponed.
LEGISLATIVE BILL 73. Indefinitely postponed.
LEGISLATIVE BILL 88. Indefinitely postponed.
LEGISLATIVE BILL 175. Indefinitely postponed.
LEGISLATIVE BILL 370. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

UNANIMOUS CONSENT- Announcement

Mr. Coordsen asked unanimous consent for the Executive Board to hold their hearing on LR 10CA and LR 25CA in Room 1510 at noon instead of Room 2102 on February 7, 1997. No objections. So ordered.

AMENDMENTS - Print in Journal

Mrs. Witek filed the following amendment to LB 132:
AM0154

1. Strike section 1 and all amendments thereto.

2. Renumber the remaining section accordingly.

Mr. Kristensen filed the following amendment to LB 108:
AM0148

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 789. No objections. So ordered.

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 443. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bob Diekmann from South Sarpy Schools; Gail Copelin from Gretna Schools; and Max and Ryan Kroger from Big Spring.

The Doctor of the Day was Kent Willadsen from Lincoln.

ADJOURNMENT

At 12:00 noon, on a motion by Mrs. Bohlke, the Legislature adjourned until 9:00 a.m., Wednesday, February 5, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTEENTH DAY – FEBRUARY 5, 1997

LEGISLATIVE JOURNAL

EIGHTEENTH DAY - FEBRUARY 5, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 5, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Pastor David Argue, Christ's Place Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Hilgert, Kristensen, Dw. Pedersen, Robinson, Schrock, Warner, Wesely, Mmes. Hudkins, Kiel, C. Peterson, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventeenth day was approved.

REPORT

The following report was received by the Legislature:

Health and Human Services System, Nebraska
Job Support Annual Report

GENERAL FILE

LEGISLATIVE BILL 132. Considered.

Mrs. Witek renewed her pending amendment, AM0153, found on page 509, to the Standing Committee amendment.

Mrs. Witek withdrew her amendment.

The Standing Committee amendment, AM0077, found on page 473, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Mrs. Witek withdrew her amendment, AM0154, found on page 510.

Advanced to E & R for review with 31 ayes, 1 nay, 10 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 127. Title read. Considered.

MRS. CROSBY PRESIDING

Messrs. Janssen, Dw. Pedersen, Lynch, Vrtiska, Wehrbein, Mmes. Witek, C. Peterson, Bohlke, Hillman, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 10:

Abboud
Beutler
Chambers
Hilgert
Landis
Lynch
Preister
Schimek
Suttle
Will

Voting in the negative, 27:

Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schellpeper
Schmitt
Schrock
Tyson
Wickersham
Witek

Present and not voting, 4:

Brashear
Hartnett
Robinson
Wesely

Excused and not voting, 8:

Bohlke
Hillman
Robak
Stuhr
Vrtiska
Warner
Wehrbein
Withem

Failed to advance to E & R for review with 10 ayes, 27 nays, 4 present and

not voting, and 8 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mrs. Robak filed the following amendment to LB 254:
AM0182

1. Insert the following new sections:

"Sec. 2. Section 20-126, Reissue Revised Statutes of Nebraska, is amended to read:

20-126. It is the policy of this state to encourage and enable ~~the~~ blind, ~~the~~ visually handicapped, ~~the hearing impaired, and the otherwise~~ hearing-impaired, or physically disabled persons to participate fully in the social and economic life of the state and to engage in remunerative employment.

Sec. 5. Section 20-129, Reissue Revised Statutes of Nebraska, is amended to read:

20-129. Any person, firm, or corporation~~,~~ or the agent of any person, firm, or corporation who denies or interferes with admittance to or enjoyment of the public facilities enumerated in section 20-127 or otherwise interferes with the rights of a totally or partially blind, hearing-impaired, or ~~otherwise~~ physically disabled person under section 20-127 or sections 20-131.01 to 20-131.04 shall be guilty of a Class III misdemeanor.".

2. On page 2, line 2, strike "20-127" and insert "20-126"; strike beginning with "The" in line 12 through line 13, show the old matter as stricken, and insert "Any blind, visually handicapped, hearing-impaired, or physically disabled person"; in line 14 strike "the able bodied", show as stricken, and insert "an able-bodied person"; strike beginning with "The" in line 17 through "persons" in line 18, show the old matter as stricken, and insert "Any blind, visually handicapped, hearing-impaired, or physically disabled person"; and in line 21 strike "or", show as stricken, and insert an underscored comma.

3. On page 3, lines 19 and 25; and page 4, line 3, strike "person" and insert "pedestrian".

4. On page 4, lines 19 and 20, strike "or visual impairment" and insert ", blindness, or visual handicap".

5. On page 5, line 15, strike "20-127, 20-128" and insert "20-126 to 20-129".

6. Renumber the remaining sections accordingly.

Messrs. Beutler, Bromm, Wickersham, Mmes. Bohlke, McKenzie, and Suttle filed the following amendment to LR 6CA:
AM0170

1. On page 1, line 9, strike both occurrences of "eight", show as stricken, and insert "nine".

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

LB 526	Wednesday, February 12, 1997	1:30 p.m.
LB 591	Wednesday, February 12, 1997	1:30 p.m.
LB 726	Wednesday, February 12, 1997	1:30 p.m.
LB 321	Wednesday, February 12, 1997	1:30 p.m.
LB 49	Wednesday, February 12, 1997	1:30 p.m.
LB 632	Wednesday, February 12, 1997	1:30 p.m.

LB 287	Thursday, February 13, 1997	1:30 p.m.
LB 768	Thursday, February 13, 1997	1:30 p.m.
LB 421	Thursday, February 13, 1997	1:30 p.m.
LB 361	Thursday, February 13, 1997	1:30 p.m.
LB 360	Thursday, February 13, 1997	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Health and Human Services

LB 424	Friday, February 21, 1997 (cancel)	1:30 p.m.
LB 424	Wednesday, February 19, 1997 (reset)	1:30 p.m.

(Signed) Don Wesely, Chairperson

Judiciary

LB 774	Thursday, February 13, 1997	1:30 p.m.
LB 41	Friday, February 21, 1997 (cancel)	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

General Affairs

LB 99	Monday, February 24, 1997	1:30 p.m.
LB 148	Monday, February 24, 1997	1:30 p.m.
LB 212	Monday, February 24, 1997	1:30 p.m.
LB 248	Monday, February 24, 1997	1:30 p.m.
LB 288	Monday, February 24, 1997	1:30 p.m.
LB 581	Monday, February 24, 1997	1:30 p.m.
LB 848	Monday, February 24, 1997	1:30 p.m.

LB 98	Monday, March 3, 1997	1:30 p.m.
LB 380	Monday, March 3, 1997	1:30 p.m.
LB 381	Monday, March 3, 1997	1:30 p.m.
LB 522	Monday, March 3, 1997	1:30 p.m.
LB 534	Monday, March 3, 1997	1:30 p.m.

LB 627	Monday, March 3, 1997	1:30 p.m.
LB 723	Monday, March 3, 1997	1:30 p.m.
LB 732	Monday, March 3, 1997	1:30 p.m.

(Signed) Stan Schellpeper, Chairperson

STANDING COMMITTEE REPORTS

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Toby Dellamano - Nebraska Ethanol Board

VOTE: Aye: Senators Beutler, Bromm, Bruning, Elmer, McKenzie, Preister, and Schrock. Nay: None. Absent: Senator Bohlke.

(Signed) Chris Beutler, Chairperson

Judiciary

LEGISLATIVE BILL 362. Placed on General File.

LEGISLATIVE BILL 80. Placed on General File as amended.
Standing Committee amendment to LB 80:
AM0118

1. On page 2, strike line 15 and insert "have adopted a child born in a foreign country and not then a citizen of the United States".

LEGISLATIVE BILL 404. Placed on General File as amended.
Standing Committee amendment to LB 404:
AM0114

1. On page 4, line 21, strike "6", show as stricken, and insert "2, 6,"; and in line 22 strike "2," and show as stricken.

(Signed) Kermit A. Brashear, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 121. Placed on General File.
LEGISLATIVE BILL 285. Placed on General File.
LEGISLATIVE BILL 631. Placed on General File.

LEGISLATIVE BILL 47. Placed on General File as amended.
Standing Committee amendment to LB 47:
AM0126

1. Strike the original sections and insert the following

new sections:

"Section 1. Section 44-371, Reissue Revised Statutes of Nebraska, is amended to read:

44-371. (1)(a) All proceeds, cash values, and benefits accruing under any annuity contract, under any policy or certificate of life insurance payable upon the death of the insured to a beneficiary other than the estate of the insured, or under any accident or health insurance policy shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors of the insured and of the beneficiary if related to the insured by blood or marriage, unless a written assignment to the contrary has been obtained by the claimant.

~~(2)~~ (b) This ~~section~~ subsection shall not apply to an individual's aggregate interests greater than ten thousand dollars on all loan values or cash values of all matured or unmatured life insurance contracts or to all proceeds, cash values, or benefits accruing under all annuity contracts owned by such individual. Notwithstanding anything in this ~~subsection~~ subdivision to the contrary, the aggregate exemptions any person may claim under this subdivision and subdivision (2)(b) ~~subsection and subsection (3)~~ of section 44-1089 shall not exceed ten thousand dollars.

~~(3)~~ (c) No insurance company shall be liable or responsible to any person to determine or ascertain the aggregate total of life insurance policy or annuity contract loan values, cash values, proceeds, or benefits for any policyholder or annuitant.

(2) Notwithstanding subsection (1) of this section, proceeds, cash values, and benefits accruing under any annuity contract or under any policy or certificate of life insurance payable upon the death of the insured to a beneficiary other than the estate of the insured shall not be exempt from attachment, garnishment, or other legal or equitable process by a judgment creditor of the beneficiary if the judgment against the beneficiary was based on, arose from, or was related to an act, transaction, or course of conduct for which the beneficiary has been convicted by any court of a crime punishable only by life imprisonment or death. No insurance company shall be liable or responsible to any person to determine or ascertain the existence or identity of any such judgment creditor prior to payment of any such proceeds, cash values, or benefits. This subsection shall apply to any judgment rendered on or after January 1, 1995, irrespective of when the criminal conviction is or was rendered and irrespective of whether proceedings for attachment, garnishment, or other legal or equitable process were pending on the effective date of this act.

Sec. 2. Section 44-1089, Reissue Revised Statutes of Nebraska, is amended to read:

44-1089. (1) No noninsurance benefit, charity, relief, or aid to be paid, provided, or rendered by any society shall be liable to attachment, garnishment, or other process, or to be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of a member or beneficiary, or any other person who may have a right thereunder, either before or after payment by the society.

(2)(a) All proceeds, cash values, and benefits accruing under any annuity contract, under any policy or certificate of life insurance payable upon the death of the insured to a beneficiary other than the estate of the insured, or under any accident or health insurance policy shall be exempt from attachment, garnishment, or other legal or equitable process and from all claims of creditors of the insured and of the beneficiary if related to the insured by blood or marriage, unless a written assignment to the contrary has been obtained by the claimant.

~~(3)~~ (b) This ~~section~~ subsection shall not apply to an individual's aggregate interests greater than ten thousand dollars on all loan values or cash values of all matured or unmatured life insurance contracts or to all proceeds, cash values, or benefits accruing under all annuity contracts owned by such individual. Notwithstanding anything in this ~~subsection~~ subdivision to the contrary, the aggregate exemptions any person may claim under ~~subsection (2)~~ subdivision (1)(b) of section 44-371 and this ~~subsection~~ subdivision shall not exceed ten thousand dollars.

~~(4)~~ (c) No fraternal benefit society shall be liable or responsible to any person to determine or ascertain the aggregate total of policy or certificate of life insurance or annuity contract loan values, cash values, proceeds, or benefits for any policy or certificate owner or annuitant.

(3) Notwithstanding subsection (2) of this section, proceeds, cash values, and benefits accruing under any annuity contract or under any policy or certificate of life insurance payable upon the death of the insured to a beneficiary other than the estate of the insured shall not be exempt from attachment, garnishment, or other legal or equitable process by a judgment creditor of the beneficiary if the judgment against the beneficiary was based on, arose from, or was related to an act, transaction, or course of conduct for which the beneficiary has been convicted by any court of a crime punishable only by life imprisonment or death. No fraternal benefit society shall be liable or responsible to any person to determine or ascertain the existence or identity of any such judgment creditor prior to payment of any such proceeds, cash values, or benefits. This subsection shall apply to any judgment rendered on or after January 1, 1995, irrespective of when the criminal conviction is or was rendered and irrespective of whether proceedings for attachment, garnishment, or other legal or equitable process were pending on the effective date of this act.

Sec. 3. Original sections 44-371 and 44-1089, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) David M. Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 128. Title read. Considered.

MR. COORDSEN PRESIDING

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Landis and Abboud offered the following amendment:
FA15
By reinstating the stricken language on lines 26 on pg. 5 through the end of the sentence on line 4 of pg. 6.

The Landis-Abboud amendment was adopted with 26 ayes, 2 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 3 nays, 13 present and not voting, and 7 excused and not voting.

Mrs. C. Peterson and Mr. Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 129. Title read. Considered.

Standing Committee amendment, AM0080, found on page 457, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 15. Title read. Considered.

Standing Committee amendment, AM0123, found on page 465, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Landis withdrew his amendment, AM0005, found on page 351.

Advanced to E & R for review with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 210. Title read. Considered.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 351. Title read. Considered.

Messrs. Bromm and Wickersham asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE RESOLUTION 50. Reported to the Legislature for further consideration.

(Signed) Chris Beutler, Chairperson

Agriculture

LEGISLATIVE BILL 11. Placed on General File.
LEGISLATIVE BILL 649. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 10A. Placed on Select File.
LEGISLATIVE BILL 113A. Placed on Select File.
LEGISLATIVE BILL 118A. Placed on Select File.
LEGISLATIVE BILL 254. Placed on Select File.

LEGISLATIVE BILL 185. Placed on Select File as amended.
E & R amendment to LB 185:
AM7014

1. In the Standing Committee amendments, AM0045, on page 1, line 4, strike the first occurrence of "health board" and insert "board of health" and strike the second occurrence of "the health" and insert "such".

LEGISLATIVE BILL 52. Placed on Select File as amended.
E & R amendment to LB 52:
AM7016

1. On page 1, line 1, strike "Insurers Demutualization Act" and insert "insurance companies"; and in line 8 strike "act" and insert "Insurers Demutualization Act".

2. On page 12, line 7, strike the comma; and in line 28 strike the last comma.

(Signed) Jon C. Bruning, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 72. Introduced by Hilgert, 7.

WHEREAS, Bernard Hall, father of former State Senator Tim Hall died in Tucson, Arizona, on February 1, 1997; and

WHEREAS, Bernard Hall was a South High graduate, and was born and raised in South Omaha; and

WHEREAS, Bernard Hall was a dedicated family man and a father of fifteen children. His children include business leaders, state government leaders, and religious leaders; and

WHEREAS, Bernard Hall served his country in World War II in the Army Air Guard; and

WHEREAS, Bernard Hall was a Postal Service worker for thirty-five years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its condolences and sympathy to the family of the late Bernard Hall.
2. That a copy of this resolution be sent to his widow, Catherine Fischer Hall, and his family.

Laid over.

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Will, Lynch, Hilgert, and Hartnett asked unanimous consent to have their names added as cointroducers to LB 618. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 549. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 404. No objections. So ordered.

VISITORS

Visitors to the Chamber were 82 students from Centennial and McCool Junction Schools; Diane Francl and Tom Wescom from Omaha; Senator C. Peterson's daughter, Anastacia, from Northfield, Minnesota; and Dr. Steve Wasserburger from Chadron, Dr. Craig Dietdrich from Alliance, Dr. Kim

Baxter from North Platte, and Dr. Joe Shetler from Gordon.

The Doctor of the Day was Ron Klutman from Columbus.

ADJOURNMENT

At 12:05 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Thursday, February 6, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

NINETEENTH DAY – FEBRUARY 6, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 6, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Father Christian Pierce, St. Matthews Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Schmitt and Withem who were excused; and Messrs. Abboud, Brashear, Chambers, Landis, Matzke, D. Pederson, Preister, Warner, Wehrbein, Wesely, Will, Mmes. Brown, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

UNANIMOUS CONSENT - Member Excused

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 453. Placed on General File as amended.
Standing Committee amendment to LB 453:
AM0187

1. On page 10, strike beginning with "The" in line 4 through line 11.

2. On page 17, lines 19 through 26, strike the new matter.

3. On page 18, line 11, strike "ten" and insert

6 "thirty".

(Signed) David M. Landis, Chairperson

NOTICE OF COMMITTEE HEARINGS
Transportation

LB 91	Tuesday, February 18, 1997	1:30 p.m.
LB 143	Tuesday, February 18, 1997	1:30 p.m.
LB 300	Tuesday, February 18, 1997	1:30 p.m.
LB 332	Tuesday, February 18, 1997	1:30 p.m.
LB 477	Tuesday, February 18, 1997	1:30 p.m.
LB 801	Tuesday, February 18, 1997	1:30 p.m.
LB 506	Monday, February 24, 1997	1:30 p.m.
LB 590	Monday, February 24, 1997	1:30 p.m.
LB 688	Monday, February 24, 1997	1:30 p.m.
LB 689	Monday, February 24, 1997	1:30 p.m.
LB 792	Monday, February 24, 1997	1:30 p.m.
LB 660	Tuesday, February 25, 1997	1:30 p.m.
LB 685	Tuesday, February 25, 1997	1:30 p.m.
LB 686	Tuesday, February 25, 1997	1:30 p.m.
LB 687	Tuesday, February 25, 1997	1:30 p.m.
LB 786	Tuesday, February 25, 1997	1:30 p.m.
Governor Appointment John Kingsbury - State Highway Commission	Friday, February 28, 1997	12:10 p.m.
LB 255	Monday, March 10, 1997	1:30 p.m.
LB 257	Monday, March 10, 1997	1:30 p.m.
LB 827	Monday, March 10, 1997	1:30 p.m.
LB 880	Monday, March 10, 1997	1:30 p.m.
LB 881	Monday, March 10, 1997	1:30 p.m.
LB 366	Tuesday, March 11, 1997	1:30 p.m.
LB 368	Tuesday, March 11, 1997	1:30 p.m.
LB 399	Tuesday, March 11, 1997	1:30 p.m.
LB 556	Tuesday, March 11, 1997	1:30 p.m.
LR 31CA	Tuesday, March 11, 1997	1:30 p.m.
LR 44CA	Tuesday, March 11, 1997	1:30 p.m.

(Signed) Douglas A. Kristensen, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 72. Read. Considered.

LR 72 was adopted with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-312 and 25-2001, Reissue Revised Statutes of Nebraska; to strike references to a statute that was repealed in 1983; to substitute referenced matter; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Peterson, C.
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Elmer

Excused and not voting, 11:

Abboud
Chambers
Landis
McKenzie
Pederson, D.
Preister
Schmitt
Warner
Wehrbein
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 2. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend section 8-147, Revised Statutes Supplement, 1996; to eliminate language not eliminated as part of the enrollment and review process in Laws 1996, LB 1053; to eliminate an exception; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Cudaback
Dierks
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Peterson, C.
Robak
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Coordsen
Elmer
Robinson

Excused and not voting, 10:

Chambers
Landis
McKenzie
Pederson, D.
Preister
Schmitt
Warner
Wehrbein
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 3.

A BILL FOR AN ACT relating to the Small Claims Court; to amend section 25-2802, Reissue Revised Statutes of Nebraska; to state the jurisdictional limit set by the Supreme Court; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad

Pedersen, Dw.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 8:

Chambers
Landis
McKenzie
Pederson, D.
Schmitt
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 4.

A BILL FOR AN ACT relating to the Nebraska State Funds Investment Act; to amend sections 72-1239, 72-1240, 72-1247, and 72-1255, Reissue Revised Statutes of Nebraska; to repeal a defined term that is no longer needed; to harmonize provisions; to repeal the original sections; and to outright repeal section 72-1237.01, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 8:

Chambers
Landis
McKenzie
Pederson, D.
Schmitt
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 5.

A BILL FOR AN ACT relating to the Joint Merit System; to amend sections 48-226, 48-227, and 81-1329, Reissue Revised Statutes of Nebraska; to delete references to the Joint Merit System Council, the Joint Merit System Revolving Fund, Joint Merit System regulations, and Joint Merit System operations; to harmonize provisions; to delete obsolete provisions; to repeal the original sections; and to outright repeal sections 48-228, 81-8,106, 81-8,107, 81-1308, 81-1309, and 81-1310, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 7:

Chambers
Landis
McKenzie
Schmitt
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 6.

A BILL FOR AN ACT relating to the Interstate Compact on Agricultural Grain Marketing; to repeal the compact; and to outright repeal section 1-122, Appendix, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 7:

Chambers
Landis
McKenzie
Schmitt
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 9.

A BILL FOR AN ACT relating to motor vehicles; to amend section 60-311.02, Reissue Revised Statutes of Nebraska, and sections 60-305.16, 60-311, 60-311.11, and 60-311.23, Revised Statutes Supplement, 1996; to change provisions relating to the number and placement of license plates on certain vehicles; to change provisions relating to tonnage stickers; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 6:

Chambers
Landis
Schmitt
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 13.

A BILL FOR AN ACT relating to the University of Nebraska Institute of Agriculture and Natural Resources; to amend section 85-1,106, Reissue Revised Statutes of Nebraska; to change provisions relating to research lands; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 6:

Chambers
Landis
Schmitt
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 21. With Emergency.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,181, Revised Statutes Supplement, 1996; to change provisions relating to state identification cards; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Hilgert
Hudkins

Excused and not voting, 6:

Chambers
Landis
Schmitt
Warner
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 22.

A BILL FOR AN ACT relating to the Motor Vehicle Operator's License Act; to amend section 60-4,121, Revised Statutes Supplement, 1996; to change provisions relating to operator's license renewal for military personnel; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback

Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Janssen
Robinson

Excused and not voting, 6:

Chambers
Landis
Schmitt
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 29.

A BILL FOR AN ACT relating to the Real Estate Appraiser Act; to amend sections 76-2230, 76-2231.01, 76-2232, and 76-2236, Reissue Revised Statutes of Nebraska; to change provisions relating to qualifications and continuing education requirements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Matzke
Schimek

Excused and not voting, 6:

Chambers
Landis
Schmitt
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 34.

A BILL FOR AN ACT relating to county government; to amend section 23-109, Reissue Revised Statutes of Nebraska; to provide for imprest funds for counties; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 6:

Chambers
Landis
Schmitt
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 35. With Emergency.

A BILL FOR AN ACT relating to savings and loan associations; to amend section 8-355, Revised Statutes Supplement, 1996; to revise the power of savings and loan associations; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 6:

Chambers
Landis
Schmitt
Warner
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 57. With Emergency.

A BILL FOR AN ACT relating to the Uniform Disposition of Unclaimed Property Act; to amend section 69-1317, Reissue Revised Statutes of Nebraska; to provide for the payment of auditing expenses as prescribed; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Schimek
Wehrbein

Excused and not voting, 6:

Chambers
Landis
Schmitt
Warner
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 67.

A BILL FOR AN ACT relating to cities of the second class and villages; to amend section 17-925.01, Revised Statutes Supplement, 1996; to change provisions relating to sewerage system funds; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 6:

Chambers
Landis
Schmitt
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 44 to Select File

Mr. Kristensen moved to return LB 44 to Select File for his specific amendment, AM0124, found on page 483.

The Kristensen motion to return prevailed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 44. The Kristensen specific amendment, AM0124, found on page 483, was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 10A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 118. Mr. Janssen renewed his pending amendment, AM0088, found on page 458.

Mrs. Kiel offered the following amendment to the Janssen pending amendment:
FA16
Strike Line 8, from "the School District" through Line 12, "purposes." and insert "The school district shall document in the application how the proposed project is working to achieve one or more of the allowed purposes as well as meeting a documented school district improvement goal."

Mmes. C. Peterson, Stuhr, and Mr. Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

The Kiel amendment lost with 5 ayes, 19 nays, 19 present and not voting, and 6 excused and not voting.

The Janssen amendment was adopted with 26 ayes, 1 nay, 16 present and not voting, and 6 excused and not voting.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hartnett requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 1 nay, 15 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 118A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 55. Advanced to E & R for engrossment.

LEGISLATIVE BILL 40. E & R amendment, AM7005, found on page 442, was adopted.

Mr. Robinson renewed his pending amendment, AM0033, found on page 437.

The Robinson amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 122. E & R amendment, AM7007, found on page 456, was adopted.

Advanced to E & R for engrossment.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 78. E & R amendment, 7009, found on page 457, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 141. E & R amendment, AM7008, found on page 457, was adopted.

Advanced to E & R for engrossment.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 188. Mr. Bromm renewed his pending amendment, AM0092, found on page 472.

The Bromm amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 46. Advanced to E & R for engrossment.

LEGISLATIVE BILL 19. E & R amendment, AM7010, found on page 462, was adopted.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Robak offered the following amendment:

FA17

1. On page 2, line 4, after "disabled" insert "or developmentally disabled"; after line 16, insert

"(3) For purposes of this section, developmentally disabled person means a person who has a developmental disability as defined in section 83-1205 and whose disability is certified by a physician as resulting in an inability to use fishing equipment unassisted."; and in line 17 strike "(3)" and insert "(4)".

MR. COORDSEN PRESIDING

The Robak amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 71. Mr. Beutler withdrew his amendment, AM0098, found on page 472.

Mr. Cudaback renewed his pending amendment, AM0133, found on page 490.

The Cudaback amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 16. Advanced to E & R for engrossment.
LEGISLATIVE BILL 62. Advanced to E & R for engrossment.

LEGISLATIVE BILL 113. Mr. Kristensen moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 61. Advanced to E & R for engrossment.
LEGISLATIVE BILL 77. Advanced to E & R for engrossment.

LEGISLATIVE BILL 108. E & R amendment, AM7011, found on page 497, was adopted.

Mr. Kristensen renewed his pending amendment, AM0148, found on page 511.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 18. E & R amendment, AM7013, found on page 497, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 194. Advanced to E & R for engrossment.
LEGISLATIVE BILL 195. Advanced to E & R for engrossment.

LEGISLATIVE BILL 222. E & R amendment, AM7012, found on page 498, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 254. Mrs. Robak renewed her pending amendment, AM0182, found on page 514.

The Robak amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 185. E & R amendment, AM7014, found on page 520, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 52. E & R amendment, AM7016, found on page 520, was adopted.

Advanced to E & R for engrossment.

MOTION - Suspend Rules

Mr. Robinson moved to suspend the rules, Rule 3, Section 13 to permit the cancellation of the hearing on LB 632 scheduled for Wednesday, February 12, 1997.

The Robinson motion to suspend the rules prevailed with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

PRESIDENT ROBAK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 137. Title read. Considered.

Mr. Brashear asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM0032, found on page 468, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 345. Title read. Considered.

Standing Committee amendment, AM0075, found on page 473, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolution: LBs 1, 2, 3, 4, 5, 6, 9, 13, 21, 22, 29, 34, 35, 57, 67, and LR 72.

GENERAL FILE

LEGISLATIVE BILL 347. Title read. Considered.

Standing Committee amendment, AM0053, found on page 473, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 201. Title read. Considered.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Messrs. Coordsen, Janssen, Elmer, and Mrs. Suttle asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 202. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 632	Wednesday, February 12, 1997 (cancel)	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Natural Resources

Governor Appointments	Thursday, February 13, 1997	1:30 p.m.

Rick R. Sanders - Nebraska Power Review Board
George W. Egermayer, Jr. - Nebraska Game and Parks Commission

LB 718	Wednesday, February 19, 1997	1:30 p.m.
LB 877	Wednesday, February 19, 1997	1:30 p.m.
LB 657	Wednesday, February 19, 1997	1:30 p.m.
LB 518	Thursday, February 20, 1997	1:30 p.m.
LB 208	Thursday, February 20, 1997	1:30 p.m.
LB 517	Thursday, February 20, 1997	1:30 p.m.
LB 416	Thursday, February 20, 1997	1:30 p.m.
LB 495	Friday, February 21, 1997	1:30 p.m.
LB 594	Friday, February 21, 1997	1:30 p.m.
LB 679	Friday, February 21, 1997	1:30 p.m.
LB 135	Wednesday, February 26, 1997	1:30 p.m.
LB 749	Wednesday, February 26, 1997	1:30 p.m.
LB 750	Wednesday, February 26, 1997	1:30 p.m.
LB 584	Wednesday, February 26, 1997	1:30 p.m.
LB 616	Thursday, February 27, 1997	1:30 p.m.
LB 585	Thursday, February 27, 1997	1:30 p.m.
LB 549	Thursday, February 27, 1997	1:30 p.m.
LB 703	Thursday, February 27, 1997	1:30 p.m.
LB 699	Friday, February 28, 1997	1:30 p.m.
LB 700	Friday, February 28, 1997	1:30 p.m.
LB 579	Friday, February 28, 1997	1:30 p.m.

(Signed) Chris Beutler, Chairperson

AMENDMENT - Print in Journal

Mr. Jensen filed the following amendment to LB 113:
AM0215

1. On page 2, strike lines 11 through 19.

2. On page 5, after line 25, insert the following new subsection:

"(9) The Tax Commissioner may require retailers engaged in business in this state which have minimum contacts with this state, but do not have physical presence in this state, to submit periodic reports listing purchases by Nebraska residents, the amount of the purchases, and the locations to which the purchases were shipped. This reporting requirement does not apply to out-of-state vendors or their representatives who have entered into an agreement with the Department of Revenue or obtained a permit for the collection of Nebraska sales and use taxes. The Tax Commissioner shall make annual reports to the Legislature of the costs incurred and revenue received in the implementation of this subsection.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 114. Placed on Select File as amended.
E & R amendment to LB 114:
AM7020

1. On page 29, line 5, strike the comma, show as stricken, and insert "and"; and in line 9 strike the comma and show as stricken.

2. On page 38, line 8, strike the first "a" and show as stricken.

3. On page 40, line 25, strike the semicolon and insert a comma.

LEGISLATIVE BILL 170. Placed on Select File as amended.
E & R amendment to LB 170:
AM7015

1. On page 2, line 10, after the period insert "Upon application to and approval by the director, an individual pool may make and file the report on or before a date other than March 1 for a different twelve-month period in order to correspond with the applicable fiscal year established by the pool."; and strike the new matter in lines 15 through 19.

LEGISLATIVE BILL 272. Placed on Select File as amended.
E & R amendment to LB 272:
AM7018

1. On page 10, line 21, after the first comma insert "a".

LEGISLATIVE BILL 79. Placed on Select File.
LEGISLATIVE BILL 261. Placed on Select File.

LEGISLATIVE BILL 106. Placed on Select File as amended.
E & R amendment to LB 106:
AM7017

1. In the Kristensen amendment, AM0090, renumber section 3 as section 1.
2. On page 1, strike beginning with "State" in line 1 through "fish" in line 3 and insert "Governor; to authorize the Governor to designate official state items".

LEGISLATIVE BILL 250. Placed on Select File as amended.
E & R amendment to LB 250:
AM7021

1. On page 1, line 9, after "regional" insert "and".
2. On page 12, line 20, strike "The", show as stricken, and insert "On and after July 1, 1998, the".
3. On page 13, lines 17 and 18, strike "section 51-201" and insert "this section".
4. On page 21, line 20, after "library" insert "board".

LEGISLATIVE BILL 56. Placed on Select File.

LEGISLATIVE BILL 275. Placed on Select File as amended.
E & R amendment to LB 275:
AM7019

1. On page 1, line 1, strike "state" and insert "public".

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORT
Urban Affairs

LEGISLATIVE BILL 315. Placed on General File.

(Signed) D. Paul Hartnett, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 6, 1997, at 11:55 a.m., were the following bills: 1, 2, 3, 4, 5, 6, 9, 13, 21, 22, 29, 34, 35, 57, and 67.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 514. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Bruning's parents, Roger and Mary Bruning, from Lincoln; George Chikos from Bridgeport; Bob Busch from Mitchell; Tom Dougherty from Ainsworth; Dori and Heidi Huenefeld from Aurora; Leo and Paul Seger from Atkinson; four students and teacher from Conestoga High School, Murray; Bud Oliver and Dave Kaslon from Blair; 15 seniors and teacher from Exeter; and Senators Matzke's and Elmer's aunt, Retta Parker, from Littleton, Colorado.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Dierks, the Legislature adjourned until 9:00 a.m., Friday, February 7, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTIETH DAY – FEBRUARY 7, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 7, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Brian Moulton, Country Bible Church, Bennet, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Withem who was excused; and Messrs. Abboud, Beutler, Brashear, Bromm, Chambers, Cudaback, Hilgert, Kristensen, Dw. Pedersen, Robinson, Schrock, Warner, Wesely, Wickersham, Will, Mmes. Brown, Hudkins, Kiel, Witek, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 524, line 32, strike "LB 566" and insert "LB 556".
The Journal for the nineteenth day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 132. Placed on Select File.

LEGISLATIVE BILL 128. Placed on Select File as amended.
E & R amendment to LB 128:
AM7022

1. On page 1, line 2, strike "48-134.01,"; and in lines 4 and 5 strike "independent medical examiners,".

2. In lieu of the Landis-Abboud amendment, FA15:

a. Strike section 2; and

b. On page 14, line 12, strike "48-134.01,".

3. On page 12, line 27, after "proceeding" insert an

underscored comma.

4. On page 13, line 19, after "filed" insert an underscored comma.

5. On page 14, line 5, strike "5" and insert "6".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 129. Placed on Select File.

LEGISLATIVE BILL 15. Placed on Select File as amended.
E & R amendment to LB 15:
AM7023

1. In the Standing Committee amendment, AM0123, on page 1, line 21, strike "findings" and insert "finding".

2. On page 1, line 4, after "hearing" insert ", relief,".

LEGISLATIVE BILL 210. Placed on Select File.

LEGISLATIVE BILL 351. Placed on Select File as amended.
E & R amendment to LB 351:
AM7024

1. On page 5, line 3, strike "act" and insert "Interstate Branching By Merger Act of 1997".

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARINGS
Education

LB 461	Tuesday, February 18, 1997	1:30 p.m.
LB 524	Tuesday, February 18, 1997	1:30 p.m.
LB 525	Tuesday, February 18, 1997	1:30 p.m.
LB 592	Tuesday, February 18, 1997	1:30 p.m.
LB 629	Tuesday, February 18, 1997	1:30 p.m.
LB 712	Tuesday, February 18, 1997	1:30 p.m.
LB 863	Tuesday, February 18, 1997	1:30 p.m.
LB 419	Monday, February 24, 1997	1:30 p.m.
LB 647	Monday, February 24, 1997	1:30 p.m.
LB 663	Monday, February 24, 1997	1:30 p.m.
LB 716	Monday, February 24, 1997	1:30 p.m.
LB 789	Monday, February 24, 1997	1:30 p.m.
LB 808	Monday, February 24, 1997	1:30 p.m.
LB 832	Monday, February 24, 1997	1:30 p.m.
LB 322	Tuesday, February 25, 1997	1:30 p.m.
LB 403	Tuesday, February 25, 1997	1:30 p.m.
LB 444	Tuesday, February 25, 1997	1:30 p.m.
LB 652	Tuesday, February 25, 1997	1:30 p.m.

LB 797	Tuesday, February 25, 1997	1:30 p.m.
LB 865	Tuesday, February 25, 1997	1:30 p.m.
LB 267	Monday, March 3, 1997	1:30 p.m.
LB 586	Monday, March 3, 1997	1:30 p.m.
LB 639	Monday, March 3, 1997	1:30 p.m.
LB 773	Monday, March 3, 1997	1:30 p.m.
LB 813	Monday, March 3, 1997	1:30 p.m.
LB 823	Monday, March 3, 1997	1:30 p.m.
LB 858	Monday, March 3, 1997	1:30 p.m.
LB 859	Monday, March 3, 1997	1:30 p.m.
LB 232	Tuesday, March 4, 1997	1:30 p.m.
LB 578	Tuesday, March 4, 1997	1:30 p.m.
LB 604	Tuesday, March 4, 1997	1:30 p.m.
LB 791	Tuesday, March 4, 1997	1:30 p.m.
LB 793	Tuesday, March 4, 1997	4:00 p.m.
LB 838	Tuesday, March 4, 1997	1:30 p.m.
Governor Appointment Richard Powell - Educational Lands and Funds	Monday, March 10, 1997	1:15 p.m.
LB 711	Monday, March 10, 1997	1:30 p.m.
LB 126	Monday, March 10, 1997	1:30 p.m.
LB 547	Monday, March 10, 1997	1:30 p.m.
LB 572	Monday, March 10, 1997	1:30 p.m.
LB 807	Monday, March 10, 1997	1:30 p.m.
LB 835	Monday, March 10, 1997	1:30 p.m.
LB 843	Monday, March 10, 1997	1:30 p.m.
LB 539	Tuesday, March 11, 1997	1:30 p.m.
LB 446	Tuesday, March 11, 1997	1:30 p.m.
LR 42CA	Tuesday, March 11, 1997	1:30 p.m.
LB 535	Tuesday, March 11, 1997	1:30 p.m.
LB 157	Tuesday, March 11, 1997	1:30 p.m.
LB 715	Tuesday, March 11, 1997	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 6, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Becker, David J. - Omaha; Nebraska Geological Society

Childers, Paula - Lincoln; Mothers Against Drunk Driving, Nebraska (MADD)
Cline, Williams, Wright, Johnson & Oldfather
  Campbell, Mary M. - Lincoln; St. Elizabeth Community Health Center
  Pallesen Jr., Charles M. - Lincoln; St. Elizabeth Community Health Center
Cutshall, Bruce A. - Lincoln; Carter-Wallace, Inc.
Dugan, Susie - Omaha; PRIDE-Omaha, Inc.
Kelley, Lehan & Hall, P.C.
  Kelley, Michael - Omaha; Insurance Auto Auctions, Inc.
King, Gabrielle - Wilmington, DE; DuPont
Kissel/E&S Associates, L.L.C.
  Kissel, Gordon - Lincoln; Greater Omaha Packing Company
LeFevre, Andrew T. - Falls Church, VA; Law Enforcement Alliance of America
Lindsay, John - Lincoln; Utilicorp United
Peters, William E. - Lincoln; Randolph Jewelry & Loan
Reub, Marvin Ray - Kansas City, MO; American Cancer Society - Heartland Division
Sullivan, Patrick H. - Lincoln; Independent Lumber Dealers Association
Van Driest, Don - Omaha; PRIDE - Omaha
Vickers, Tom - Lincoln; Association of Private Practice Therapist
Watson, James S. - Omaha; United HealthCare Corporation

GENERAL FILE

LEGISLATIVE BILL 200. Title read. Considered.

Standing Committee amendment, AM0070, found on page 474, was adopted with 26 ayes, 0 nays, 2 present and not voting, and 21 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 3 present and not voting, and 21 excused and not voting.

LEGISLATIVE BILL 346. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 2 present and not voting, and 20 excused and not voting.

LEGISLATIVE BILL 206. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 4 present and not voting, and 18 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 397. Title read. Considered.

Standing Committee amendment, AM0129, found on page 491, was considered.

Mr. Kristensen offered the following amendment to the Standing Committee amendment:
AM0226

(Amendments to Standing Committee amendments, AM0129)

1. Insert the following new section:

"Sec. 29. On or before April 20, the county assessor of any county which had the valuation of its agricultural or horticultural land adjusted by action of an agricultural or horticultural land valuation board shall recertify its abstract of assessment to the Property Tax Administrator.".

2. Strike amendments 3, 4, 6, 7, and 8 and insert the following new amendments:

"2. On page 6, line 20, strike ', and current', show as stricken, and insert '. Current'; and in line 22 after 'assessor' insert ', and current taxable value for motor vehicles shall mean the value certified by the county assessor pursuant to section 77-1514'.

3. On page 7, line 17; and page 30, lines 19 and 20, strike 'being transcribed'.

5. On page 9, line 1, strike '7' and insert '11'; strike beginning with the comma in line 21 through the comma in line 22 and show as stricken; in line 23 strike the first 'to' through 'Administrator' and show as stricken; strike beginning with 'or' in line 25 through 'equalization' in line 26 and show as stricken; in line 26 strike 'property', show as stricken, and insert 'agricultural land'; and in line 28 strike 'and' and show as stricken and after 'board' insert 'and the chairperson of the agricultural and horticultural land valuation board'.

6. On page 10, line 1, after 'county' insert 'or the legal representative of the agricultural and horticultural land valuation board'; and in line 15 strike '8' and insert'12'.

8. On page 12, line 3, strike '9 or 11' and insert '13 or 15'; in line 10 strike 'relevant' through 'recommendation' and show as stricken; in line 22 strike 'May 15', show as stricken, and insert 'June 5'; in line 23 after 'assessor' insert 'of any county adjusted by an order of the Tax Equalization and Review Commission'; and in line 25 after the period insert 'On or before August 1 of each year, the Property Tax Administrator shall certify to the commission that any order issued pursuant to section 17 of this act was implemented by the county. The Property Tax Administrator shall audit the records of the county assessor to determine whether the orders were implemented.'.

9. On page 18, line 9, strike 'changes' and show as stricken; and in line 10 after 'Commission' insert 'the action taken or that no action was taken'.

10. On page 19, line 24, strike '11' and insert '15'; in

line 27 after 'assessor' insert 'of the county adjusted by an order of the commission'; and in line 28 strike the second 'of' through 'has', show as stricken, and insert 'to the Property Tax Administrator on or before August 20.'.

11. On page 20, strike the matter in lines 1 through 3 and show the old matter as stricken.

12. On page 22, line 10, strike the first 'the' and show as stricken; in line 11 strike 'certification of' and insert 'certificate of taxes'; and in line 12 strike '77-1613.01' and insert '77-1514'.".

3. On page 1, line 1, after the second comma insert "37,".

4. On page 6, line 15, after "state" insert "and certify his or her opinion regarding the level of assessment and quality of assessment in each county"; and strike beginning with "recommendation" in line 17 through "assessment" in line 18 and insert "opinion on the level of value and quality of assessment of the county".

5. On page 7, line 7, strike "and 40".

6. Renumber the remaining amendments accordingly.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 116. Title read. Considered.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 238. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

NOTICE OF COMMITTEE HEARINGS

Appropriations

LB 384	Monday, February 24, 1997	1:30 p.m.
LB 385	Monday, February 24, 1997	1:30 p.m.
LB 386	Monday, February 24, 1997	1:30 p.m.

LB 387	Monday, February 24, 1997	1:30 p.m.
LB 388	Monday, February 24, 1997	1:30 p.m.
LB 389	Monday, February 24, 1997	1:30 p.m.
LB 60	Monday, February 24, 1997	1:30 p.m.
LB 63	Monday, February 24, 1997	1:30 p.m.
LR 2CA	Monday, February 24, 1997	1:30 p.m.

Tuesday, February 25, 1997, Room 1003 1:30 p.m.
Agency 57 - Nebraska Oil and Gas Commission
Agency 18 - Department of Agriculture (Potato Board and Poultry/Egg)
Agency 39 - Nebraska Brand Committee
Agency 56 - Nebraska Wheat Board
Agency 60 - Nebraska Gasohol Committee
Agency 86 - Nebraska Dry Bean Board
Agency 88 - Nebraska Corn Board
Agency 92 - Nebraska Grain Sorghum Board
Agency 55 - Natural Resources Commission

Wednesday, February 26, 1997, Room 1003 1:30 p.m.
Agency 22 - Department of Insurance
Agency 40 - Motor Vehicle Dealers Licensing Board
Agency 45 - Board of Barber Examiners
Agency 30 - State Electrical Board
Agency 74 - Power Review Board
Agency 41 - Real Estate Commission
Agency 53 - Real Estate Appraisers Board
Agency 63 - Board of Public Accountancy
Agency 36 - Nebraska Racing Commission
Agency 58 - Board of Engineers and Architects
Agency 66 - Board of Examiners Abstracters
Agency 73 - Board of Landscape Architects

Thursday, February 27, 1997, Room 1003 1:30 p.m.
Agency 23 - Department of Labor
Agency 75 - Nebraska Investment Council
Agency 67 - Equal Employment Opportunity Commission
Agency 77 - Commission on Industrial Relations
Agency 37 - Worker's Compensation Commission

Friday, February 28, 1997, Room 1003 1:30 p.m.
Agency 28 - Department of Veterans Affairs
Agency 38 - Commission on Status of Women
Agency 68 - Mexican-American Commission
Agency 70 - Foster Care Review Board
Agency 76 - Nebraska Indian Commission

(Signed) Roger R. Wehrbein, Chairperson

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 184. Placed on General File as amended.
Standing Committee amendment to LB 184:
AM0142

1. On page 9, line 4, after "state" insert "correctional".

LEGISLATIVE BILL 325. Placed on General File as amended.
Standing Committee amendment to LB 325:
AM0183

1. On page 4, line 4, strike "and"; and in line 7 after "treatment" insert ";

(d) When a person under a mental health board commitment pursuant to subdivision (a) of this subsection is granted a furlough or release for twenty-four hours or longer; and

(e) When a person under a mental health board commitment pursuant to subdivision (a) of this subsection is released into educational release programs, work release programs, or extended-leave programs. Such notification shall occur at the beginning and termination of any such program".

(Signed) Don Wesely, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 649A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 649, Ninety-fifth Legislature, First Session, 1997.

GENERAL FILE

LEGISLATIVE BILL 28. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 97. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 342. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not

voting, and 10 excused and not voting.

LEGISLATIVE BILL 489. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 86. Title read. Considered.

Standing Committee amendment, AM0131, found on page 502, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 486. Title read. Considered.

Standing Committee amendment, AM0130, found on page 503, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 85. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 103. Title read. Considered.

MRS. CROSBY PRESIDING

Messrs. Beutler and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mr. Kristensen moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 26:

Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hudkins
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robinson
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Witek

Voting in the negative, 17:

Bohlke
Chambers
Dierks
Hartnett
Hilgert
Hillman
Janssen
Kiel
Landis
Lynch
McKenzie
Preister
Robak
Schellpeper
Schimek
Suttle
Wickersham

Excused and not voting, 6:

Abboud
Beutler
Warner
Wesely
Will
Withem

Advanced to E & R for review with 26 ayes, 17 nays, and 6 excused and not voting.

The Chair declared the call raised.

Mmes. McKenzie, Bohlke, Messrs. Dw. Pedersen, and Jones asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 160. Title read. Considered.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 441. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 268. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 86. No objections. So ordered.

NOTICE OF COMMITTEE HEARINGS
Agriculture

LB 193	Tuesday, February 18, 1997 (cancel)	1:30 p.m.
LB 478	Tuesday, February 18, 1997	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

MOTION - Print in Journal

Mr. Wehrbein filed the following motion:
Suspend the rules, Rule 5, Section 4(c) to permit introduction of a new bill, Req. 1244.

STANDING COMMITTEE REPORT
Agriculture

LEGISLATIVE BILL 199. Placed on General File as amended.
Standing Committee amendment to LB 199:
AM0218

1. On page 30, line 22, before "The" insert "(1)".
2. On page 31, after line 12 insert:
"(2) This section shall not apply to beef meeting the requirements of subsection (3) of section 41 of this act.".
3. On page 36, line 20, strike "nitrate" and insert "nitrite".
4. On page 46, line 9, after the period insert:
"(4) The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.".

(Signed) Merton L. Dierks, Chairperson

VISITORS

Visitors to the Chamber were Bruce Reickert from Grand Island; Senator Kristensen's brother and family, Duane, Deb, Katerina, Daniel, and Jena Kristensen, from Minden; Senator Matzke's granddaughter, Sloan Matzke, from Omaha; Brian Groskreutz from Kearney and Ron Johnson from Holdrege; and Trent Cooksley and Jason Van Ackeren from Norfolk.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 12:04 p.m., on a motion by Ms. Schimek, the Legislature adjourned until 9:00 a.m., Monday, February 10, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIRST DAY – FEBRUARY 10, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 10, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Dr. Warthen Israel, Gretna United Methodist Church, Gretna, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Kiel, Witek, and Mr. Robinson who were excused; and Messrs. Abboud, Chambers, Elmer, Hilgert, Kristensen, Dw. Pedersen, Warner, Wickersham, Will, and Mrs. McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twentieth day was approved.

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 469. Placed on General File as amended.
(Standing Committee amendment, AM0125, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Merton L. Dierks, Chairperson

UNANIMOUS CONSENT - Member Excused

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 221. Title read. Considered.

Standing Committee amendment, AM0152, found on page 503, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Maurstad offered the following amendment:
FA18
On page 5 after "Nebraska" place a "." period and strike remaining language through "office."

Mr. Maurstad withdrew his amendment.

Ms. Schimek offered the following amendment:
FA19
page 5, line 24, after the word district, insert "elective"

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Ms. Schimek moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

MR. BEUTLER PRESIDING

The Schimek amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 30 ayes, 2 nays, 9 present and not voting, and 8 excused and not voting.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 32CA. Read. Considered.

Standing Committee amendment, AM0151, found on page 503, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 344. Title read. Considered.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0119, found on page 502, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. COORDSEN PRESIDING

LEGISLATIVE BILL 111. Title read. Considered.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM0144, found on page 505, was adopted with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

PRESIDENT ROBAK PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 73. Introduced by C. Peterson, 35; Schmitt, 41; Bohlke, 33; Jones, 43; McKenzie, 34.

PURPOSE: The purpose of this resolution is to review the management and associated costs for the co-location of Nebraska State Patrol training and local law enforcement training at the Nebraska Law Enforcement Training Center located in Grand Island, Nebraska. The review shall include, but not be limited to, a summary of the process and costs associated with co-location. A review of the Legislative Program Evaluation Committee report which was conducted by the Legislative Research Division, the program statement as authorized in sections 45 and 52 of Legislative Bill 1189, Ninety-fourth Legislature, Second Session, 1996, and the report recommendations shall also be included in the study. The goals of the study shall be the refinement and reduction of costs as identified in the program statement.

The study shall include an analysis of the following issues:

(1) Personnel and staffing patterns;

(2) Coordination of facilities, including location and site consideration;

(3) Application of the design process, including facility requirements and the impact of the proposed project in regard to current and future training methods;

(4) Efficiency of hardware and software equipment installation;

(5) Policies and procedures developed to fulfill statutory provisions;

(6) Effectiveness of the planning process;

(7) Funding requests, including total funds required, funding sources, fiscal year expenditures, and operating funds;

(8) Construction costs;

(9) Consultant recommendations;

(10) Time lines;

(11) Optional funding sources, to include analyses of general fund appropriations, the State of Nebraska Master Lease Program, bonds of the city of Grand Island, and the Law Enforcement Improvement Fund; and

(12) Accounting systems.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 111A. Introduced by Brown, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 111, Ninety-fifth Legislature, First Session, 1997.

LEGISLATIVE BILL 362A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 362, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 10A, 16, 19, 40, 44, 46, 55, 61, 62, 71, 77, 78, 118, 118A, 122, 141, and 188.

Enrollment and Review Change to LB 19

The following changes, required to be reported for publication in the Journal, have been made:
ER9002
1. On page 1, line 4, "or developmentally disabled" has been inserted after "disabled".

Enrollment and Review Change to LB 44

The following changes, required to be reported for publication in the Journal, have been made:
ER9000
1. In the E & R amendments, AM7002, on page 1, line 4, "and" has been struck and a comma inserted and ", and filings by other associations" has been inserted after the second "names".
2. On page 1, line 1, "67-101," has been inserted after "sections"; and in line 3 "8-226," has been inserted after "sections".

Enrollment and Review Change to LB 71

The following changes, required to be reported for publication in the Journal, have been made:
ER9003
1. On page 1, the matter beginning with "provide" in line 2 through "board" in line 3 has been struck and "change provisions relating to boards" inserted.

Enrollment and Review Change to LB 118

The following changes, required to be reported for publication in the Journal, have been made:
ER9001
1. In the Janssen amendment, AM0088, on page 1, line 10, "plant" has been struck and "plan" inserted.

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARINGS

Revenue

LR 63CA	Wednesday, February 19, 1997	2:30 p.m.
LB 305	Wednesday, February 19, 1997	2:30 p.m.
LB 306	Wednesday, February 19, 1997	2:30 p.m.
LB 625	Wednesday, February 19, 1997	2:30 p.m.

Governor Appointment	Thursday, February 20, 1997	1:30 p.m.
Catherine D. Lang-Morrissey - Property Tax Administrator		
LB 583	Thursday, February 20, 1997	1:30 p.m.
LB 875	Thursday, February 20, 1997	1:30 p.m.
LB 415	Thursday, February 20, 1997	1:30 p.m.
LB 691	Thursday, February 20, 1997	1:30 p.m.
LB 870	Thursday, February 20, 1997	1:30 p.m.
LB 408	Friday, February 21, 1997	1:30 p.m.
LB 348	Friday, February 21, 1997	1:30 p.m.
LB 513	Friday, February 21, 1997	1:30 p.m.
LB 488	Friday, February 21, 1997	1:30 p.m.
LB 831	Friday, February 21, 1997	1:30 p.m.
LB 612	Friday, February 21, 1997	1:30 p.m.
LB 371	Wednesday, February 26, 1997	1:30 p.m.
LB 25	Wednesday, February 26, 1997	1:30 p.m.
LB 277	Wednesday, February 26, 1997	1:30 p.m.
LB 646	Wednesday, February 26, 1997	1:30 p.m.
LB 759	Wednesday, February 26, 1997	1:30 p.m.
LB 804	Wednesday, February 26, 1997	1:30 p.m.
LB 311	Wednesday, February 26, 1997	1:30 p.m.
LB 179	Thursday, February 27, 1997	1:30 p.m.
LB 223	Thursday, February 27, 1997	1:30 p.m.
LB 180	Thursday, February 27, 1997	1:30 p.m.
LB 181	Thursday, February 27, 1997	1:30 p.m.
LB 271	Thursday, February 27, 1997	1:30 p.m.
LB 429	Thursday, February 27, 1997	1:30 p.m.
LB 312	Thursday, February 27, 1997	1:30 p.m.
LB 498	Friday, February 28, 1997	1:30 p.m.
LB 411	Friday, February 28, 1997	1:30 p.m.
LB 662	Friday, February 28, 1997	1:30 p.m.
LB 719	Friday, February 28, 1997	1:30 p.m.
LB 821	Friday, February 28, 1997	1:30 p.m.
LB 198	Friday, February 28, 1997	1:30 p.m.
LB 296	Wednesday, March 5, 1997	2:30 p.m.
LB 492	Wednesday, March 5, 1997	2:30 p.m.
LB 475	Wednesday, March 5, 1997	2:30 p.m.
LB 787	Wednesday, March 5, 1997	2:30 p.m.
LR 62CA	Thursday, March 6, 1997	2:30 p.m.
LB 576	Thursday, March 6, 1997	2:30 p.m.
LB 144	Thursday, March 6, 1997	2:30 p.m.
LB 668	Thursday, March 6, 1997	2:30 p.m.

LB 617 Thursday, March 6, 1997 2:30 p.m.

(Signed) George Coordsen, Vice Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 343. Placed on General File.

LEGISLATIVE BILL 182. Placed on General File as amended.
(Standing Committee amendment, AM0217, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 264. Placed on General File as amended.
Standing Committee amendment to LB 264:
AM0216

1. Strike original section 4 and insert the following new sections:

"Sec. 3. Section 77-4901, Reissue Revised Statutes of Nebraska, is amended to read:

77-4901. Sections 77-4901 to 77-4935 and section 6 of this act shall be known and may be cited as the Quality Jobs Act.

Sec. 5. Section 77-4924, Reissue Revised Statutes of Nebraska, is amended to read:

77-4924. Related persons means any corporations, partnerships, limited liability companies, or joint ventures which are or would otherwise be members of the same unitary group, if incorporated, or any persons who are considered to be related persons under section 267(b) and (c) of the Internal Revenue Code of 1986, as amended, or section 707(b) of the code.

Sec. 6. The changes made in sections 77-4901, 77-4909, and 77-4924 by this legislative bill apply to investments made or employment on or after January 1, 1997, and for all agreements in effect on or after January 1, 1997.".

2. On page 8, after line 4; and page 11, after line 8, insert the following new paragraph:

"The changes made in this section by this legislative bill apply to investments made or employment on or after January 1, 1997, and for all agreements in effect on or after January 1, 1997.".

3. On page 10, line 22, after "corporations" insert ", partnerships, limited liability companies, or joint ventures"; and in line 23 after the first "are" insert "or would otherwise be" and after "group" insert ", if incorporated,".

4. On page 11, line 2, after "would" insert "otherwise"; and in line 22 strike "and 77-4909" and insert ", 77-4901, 77-4909, and 77-4924".

5. Renumber the remaining sections accordingly.

(Signed) Jerome Warner, Chairperson

GENERAL FILE

LEGISLATIVE BILL 258. Title read. Considered.

Standing Committee amendment, AM0145, found on page 505, was considered.

Mr. Wesely offered the following amendment:
AM0265
(Amendments to Standing Committee amendments, AM0145)
1. On page 1, lines 7 and 8, after "Services" insert "Finance and Support".

The Wesely amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 30. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 68. Title read. Considered.

MR. COORDSEN PRESIDING

SPEAKER WITHEM PRESIDING

Mrs. Bohlke, Messrs. Janssen, Cudaback, and Beutler asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 140. Placed on General File as amended.
Standing Committee amendment to LB 140:
AM0200

1. On page 3, line 21, after "therein" insert "or by agreement of the owners of the lands benefitted and burdened".
2. On page 4, line 24, strike the first comma and insert "or"; strike beginning with the second comma in line 24 through "equipment" in line 25; and in line 28 after the period insert "An instrument creating a lease or an option to lease real property or the vertical space above real property for wind measuring equipment may be created in writing and may be filed, duly recorded, and indexed in the office of the register of deeds of the county in which the real property subject to the easement is located.".

(Signed) Chris Beutler, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 86A. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 86, Ninety-fifth Legislature, First Session, 1997.

LEGISLATIVE BILL 132A. Introduced by Bohlke, 33.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 132, Ninety-fifth Legislature, First Session, 1997.

MESSAGES FROM THE GOVERNOR

February 7, 1997

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

This is to inform the honorable members of the Legislature that Michael Avery has asked that his name be withdrawn for confirmation as a member of the Nebraska Environmental Trust Board. Thank you for your assistance in this matter.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

February 10, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, Nebraska 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1, 2e, 3, 4, 5, 6, 9, 13, 21e, 22, 29, 34, 35e, 57e, and 67 were received in my office on February 6, 1997.

These bills were signed by me on February 10, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

AMENDMENTS - Print in Journal

Mr. Maurstad filed the following amendment to LB 131:
AM0188

1. Strike section 2 and all amendments thereto and insert the following new section:

"Sec. 2. A principal, a lobbyist, or anyone acting on behalf of a principal or lobbyist shall not give a campaign contribution to a member of the Legislature or a candidate for such office, and a member of the Legislature or a candidate for such office shall not receive such a campaign contribution. Any person who knowingly gives or receives a contribution in violation of this section shall be guilty of a Class III misdemeanor.".

Mr. Maurstad filed the following amendment to LB 131:
AM0191

1. On page 2, strike beginning with "A" in line 10 through "lobbyist" in line 11 and insert "Any person as defined in section 49-1438, other than an individual acting on his or her own behalf,".

ANNOUNCEMENT

Mr. Beutler announced the Natural Resources Committee will hold an executive session on Wednesday, February 12, 1997, at 11:00 a.m. in Room 1517.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Brashear asked unanimous consent to have his name added as cointroducer to LB 789. No objections. So ordered.

VISITORS

Visitors to the Chamber were 14 members of the Nebraska Bankers Association Leadership Program; former Senator Kremer's grandson, Mark Kremer, from Aurora; Ken and Mary Helen Christofferson from Gordon; students and teachers from across Nebraska; and Senator Matzke's grandson, Jered Matzke, from Omaha.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Kristensen, the Legislature adjourned until 9:00 a.m., Tuesday, February 11, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SECOND DAY – FEBRUARY 11, 1997

LEGISLATIVE JOURNAL

TWENTY-SECOND DAY – FEBRUARY 11, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 11, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Lauren Ekdahl, Trinity United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Bromm, Chambers, Hilgert, Kristensen, Maurstad, Robinson, Schrock, Warner, Wesely, Wickersham, Will, and Mrs. Hillman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-first day was approved.

STANDING COMMITTEE REPORTS
Executive Board

LEGISLATIVE RESOLUTION 10CA. Placed on General File.
LEGISLATIVE RESOLUTION 25CA. Placed on General File.

(Signed) George Coordsen, Chairperson

MOTION - Introduce New Bill

Mr. Wehrbein renewed his pending motion, found on page 555, to suspend the rules, Rule 5, Section 4(c) to permit introduction of a new bill, Req. 1244.

The motion prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 889. Introduced by Appropriations Committee: Wehrbein, 2, Chairperson; Brown, 6; Crosby, 29; Engel, 17; Hillman, 48; Kiel, 9; Lynch, 13; Maurstad, 30; D. Pederson, 42.

A BILL FOR AN ACT relating to special schools; to provide a duty for the State Department of Education; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 86A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 111A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 132A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 68. Considered.

PRESIDENT ROBAK PRESIDING

Messrs. Wehrbein, Dierks, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Advanced to E & R for review with 25 ayes, 11 nays, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS

Banking, Commerce and Insurance

LB 51	Tuesday, February 18, 1997	1:30 p.m.
LB 54	Tuesday, February 18, 1997	1:30 p.m.
LB 327	Tuesday, February 18, 1997	1:30 p.m.

LB 523	Tuesday, February 18, 1997	1:30 p.m.

(Signed) David M. Landis, Chairperson

Government, Military and Veterans Affairs

LB 378	Wednesday, February 19, 1997	1:30 p.m.
LB 379	Wednesday, February 19, 1997	1:30 p.m.
LR 12CA	Wednesday, February 19, 1997	1:30 p.m.
LB 693	Wednesday, February 19, 1997	1:30 p.m.
LB 755	Wednesday, February 19, 1997	1:30 p.m.
LB 795	Wednesday, February 19, 1997	1:30 p.m.
LR 7CA	Thursday, February 20, 1997	1:30 p.m.
LB 460	Thursday, February 20, 1997	1:30 p.m.
LB 228	Thursday, February 20, 1997	1:30 p.m.
LR 55CA	Thursday, February 20, 1997	1:30 p.m.
LB 357	Friday, February 21, 1997	1:30 p.m.
LB 776	Friday, February 21, 1997	1:30 p.m.
LB 636	Friday, February 21, 1997	1:30 p.m.
LB 417	Friday, February 21, 1997	1:30 p.m.
LB 420	Wednesday, February 26, 1997	1:30 p.m.
LB 767	Wednesday, February 26, 1997	1:30 p.m.
LB 620	Wednesday, February 26, 1997	1:30 p.m.
LB 621	Wednesday, February 26, 1997	1:30 p.m.
LB 678	Wednesday, February 26, 1997	1:30 p.m.
LB 396	Thursday, February 27, 1997	1:30 p.m.
LB 546	Thursday, February 27, 1997	1:30 p.m.
LB 545	Thursday, February 27, 1997	1:30 p.m.
LB 281	Thursday, February 27, 1997	1:30 p.m.
LB 665	Thursday, February 27, 1997	1:30 p.m.
LB 764	Friday, February 28, 1997	1:30 p.m.
LB 595	Friday, February 28, 1997	1:30 p.m.
LB 574	Friday, February 28, 1997	1:30 p.m.
LR 38CA	Friday, February 28, 1997	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

AMENDMENTS - Print in Journal

Mrs. Suttle filed the following amendment to LB 72:
AM0277

1. Insert the following new section:

"Section 1. Section 18-1737, Revised Statutes Supplement, 1996, is amended to read:

18-1737. (1) Any city or village and any person in lawful possession of any offstreet parking facility may designate stalls or spaces in such facility owned or operated by the city or village or person for the exclusive use of handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to section 60-311.14, such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city or village, whose motor vehicles display the permit specified in section 18-1739, and such other motor vehicles, as certified by the city or village, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space a sign which is in conformance with the Manual on Uniform Traffic Control Devices adopted pursuant to section 60-6,118.

(2) The owner or person in lawful possession of an offstreet parking facility, after notifying the police or sheriff's department, as the case may be, and any city or village providing onstreet parking or owning, operating, or providing an offstreet parking facility may cause the removal, from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this section if there is posted aboveground and immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(3) A person who parks a vehicle in any onstreet parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space in any offstreet parking facility, except any offstreet, privately owned commercial parking space during hours when the commercial facility is closed for business to the public, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom, as the case may be, the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space shall be guilty of a handicapped parking infraction as defined in section 18-1741.01 and shall be subject to the penalties and procedures set forth in sections 18-1741.01 to 18-1741.07. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction as defined in section 18-1741.01.

If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section. In the case of a privately owned offstreet parking facility, a city or village shall not require the owner or person in lawful possession of such facility to inform the city or village of a violation of this section prior to the city or village issuing the violator a handicapped parking infraction citation.".

2. On page 3, line 18, strike "is" and insert "and section 18-1737, Revised Statutes Supplement, 1996, are".

3. Renumber the remaining sections accordingly.

Mrs. Witek filed the following amendments to LB 250:

(1)

AM0267

1. On page 15, strike lines 16 through 28.

2. On page 16, strike lines 1 through 9.

(2)

AM0268

1. On page 15, line 28, strike "ten" and insert "twenty".

(3)

AM0269

1. On page 15, line 16, after "city" insert "other than a city of the metropolitan class".

(4)

AM0270

1. Strike original section 9.

2. On page 13, line 5, strike "12" and insert "11"; and in line 18 strike "11 to 15" and insert "10 to 14".

3. On page 16, line 19, "14" has been struck and "13" inserted.

4. On page 17, line 4; page 18, line 19; page 22, lines 4 and 23; and page 23, line 17, strike "9 and 11 to 15" and insert "10 to 14".

5. On page 17, line 19, strike "13" and insert "12".

6. Renumber the remaining sections accordingly.

(5)

AM0205

1. On page 13, line 2, after "city" insert "other than a city of the metropolitan class".

2. On page 16, after line 9, insert the following new

subsection:

"(4) This section does not apply to cities of the metropolitan class.".

3. On page 17, lines 1 and 23; and page 18, line 14, after the period insert "This section does not apply to cities of the metropolitan class.".

RESOLUTION

LEGISLATIVE RESOLUTION 74. Introduced by Robak, 22.

WHEREAS, Donald H. Vrbka, D.V.M., has been named Veterinarian of the Year by the Nebraska Veterinary Medical Association; and

WHEREAS, Dr. Vrbka has been a veterinarian in the State of Nebraska for thirty-four years; and

WHEREAS, Dr. Vrbka has maintained his continuing education in the discipline of Veterinary Medicine; and

WHEREAS, Dr. Vrbka has given of his time and talents to the better health and care of animals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations, appreciation, and best wishes to Dr. Donald H. Vrbka.
2. That a copy of this resolution be sent to Dr. Donald H. Vrbka.

Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE RESOLUTION 8CA. Placed on General File.
LEGISLATIVE RESOLUTION 13CA. Placed on General File.
LEGISLATIVE RESOLUTION 47CA. Placed on General File.

LEGISLATIVE RESOLUTION 17CA. Placed on General File as amended.
Standing Committee amendment to LR 17CA:
AM0236

1. Strike section 2 and insert the following new sections:

"Sec. 2. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To transfer Article XVII, section 6:

~~XVII-6~~ III-31 'The Legislature shall pass all laws necessary to carry into effect the provisions of this constitution.'.

Sec. 3. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article XVII, section 9:

'Article XVII, section 9, of the Constitution of Nebraska is repealed.'.

Sec. 4. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to eliminate a provision relating to the form in which session laws are published.
For
Against'.

'A constitutional amendment to transfer a provision from Article XVII, entitled "Schedule", to Article III, entitled "Legislative Power".
For
Against'.

'A constitutional amendment to repeal the requirements that the Constitution be enrolled and deposited in the Secretary of State's office and that printed copies of the Constitution be prefixed to books containing the laws of this state.
For
Against'.".

LEGISLATIVE RESOLUTION 9CA. Indefinitely postponed.

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Virgie Louis - State Personnel Board
Ellen Lierk - Accountability and Disclosure Commission
Neil B. Danberg - Accountability and Disclosure Commission
Mark Hunzeker - Accountability and Disclosure Commission

VOTE: Aye: Senators Robinson, Janssen, Tyson, Cudaback, Schmitt, Stuhr, Vrtiska, and Schimek. Nay: None. Absent: None.

(Signed) C. N. "Bud" Robinson, Chairperson

Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Dennis D. Jorgensen - Nebraska Investment Council

VOTE: Aye: Senators Crosby, Lynch, C. Peterson, Stuhr, Wehrbein, and Wickersham. Nay: None. Absent: None.

(Signed) William R. Wickersham, Chairperson

General Affairs

LEGISLATIVE BILL 479. Placed on General File.

(Signed) Stan Schellpeper, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 364. Placed on General File.

LEGISLATIVE BILL 53. Placed on General File as amended.
Standing Committee amendment to LB 53:
AM0285

1. On page 27, after line 1 insert the following new subdivision:

"(2) Affiliated business means any portion of a title insurance agent's title insurance business written in this state that was referred to it by a producer of title insurance business or by an associate of the producer of title insurance business, if the producer of title insurance business or associate, or both, have a financial interest in the title insurance agent;"; in line 2 strike "(2)" and insert "(3)"; in line 20 strike "(3)" and insert "(4)"; in line 25 strike "(4)" and insert "(5)"; and strike lines 27 and 28.

2. On page 28, strike lines 1 through 4.

3. On page 32, line 28; and page 33, lines 3, 19, and 22, strike "controlled" and insert "affiliated".

LEGISLATIVE BILL 412. Placed on General File as amended.
Standing Committee amendment to LB 412:
AM0286

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

(Signed) David M. Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 153. Title read. Considered.

Mr. Dw. Pedersen, Mmes. Suttle, and Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Matzke offered the following amendment:
AM0295

1. On page 2, line 11, after the second comma insert "or being a passenger upon an equine-drawn vehicle,".

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Matzke moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Matzke amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA20
Strike section 1.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Tyson offered the following amendment to the Chambers pending amendment:
FA23
Page 2 line 5 strike, "therefore,"
line 6 strike "encourage equine activities by"
line 7 strike "limiting" & insert limit

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Tyson withdrew his amendment.

Mr. Chambers withdrew his amendment.

Mr. Brashear offered the following amendment:
AM0309

1. On page 2, line 7, strike "limiting the civil liability of" and insert "providing reasonable standards for".

2. On page 5, line 14, after "injuries" insert "or death".

Mr. Dierks moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

The Brashear amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment:
FA21
P. 6, line 5, after "professional." insert: "The placement of warning signs shall be such that they may be readily seen by participants in equine activity."

The Chambers amendment was adopted with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment:
FA22
P. 6, line 4, after "owned", insert: "leased, rented,"

SPEAKER WITHEM PRESIDING

The Chambers amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment:
FA24
P. 6, line 16, strike "Under" and insert: "All who enter here, abandon hope, for you are taking your life and welfare into your own hands because under".

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment:
FA25
P. 6, line 7 strike "one" and insert "four".

The Chambers amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Suttle asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 58. Title read. Considered.

Messrs. Robinson and Maurstad asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM0047, found on page 510, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 440. Indefinitely postponed.
LEGISLATIVE BILL 509. Indefinitely postponed.
LEGISLATIVE BILL 537. Indefinitely postponed.
LEGISLATIVE BILL 600. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Business and Labor

LEGISLATIVE BILL 130. Placed on General File as amended.
Standing Committee amendment to LB 130:
AM0280

1. On page 15, line 7, after "is" insert "primarily in person"; strike beginning with the first comma in line 8 through "intangibles" in line 9 and insert "or services"; strike beginning with the first comma in line 13 through "intangibles" in line 14 and insert "or services"; and in line 23 after the period insert "Sales by a person whose business is conducted primarily by telephone or any other form of electronic sales or solicitation is not service performed by a direct seller under this subdivision.".

(Signed) Chris Abboud, Chairperson

Urban Affairs

LEGISLATIVE BILL 230. Placed on General File as amended.
Standing Committee amendment to LB 230:
AM0289

1. On page 4, line 13; and page 7, line 19, after the period insert "The election commissioner or county clerk shall certify to the governing body the number of valid signatures necessary to constitute a valid remonstrance.".

2. On page 4, after line 19; and page 7, after line 25, insert the following new paragraph:

"The governing body shall, within thirty days after the receipt of the remonstrance and certifications from the election commissioner or county clerk, hold a public hearing to review the remonstrance and certifications and receive testimony regarding them. The governing body shall, following the hearing, vote on whether or not the remonstrance is valid and shall uphold the remonstrance if sufficient valid signatures have been received.".

LEGISLATIVE BILL 426. Placed on General File as amended.
Standing Committee amendment to LB 426:
AM0288

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 9, after "frequently" insert "and the chairperson of the commission may call for a meeting when necessary to deal with business pending before the commission".

LEGISLATIVE BILL 666. Placed on General File as amended.
Standing Committee amendment to LB 666:
AM0287

1. On page 4, line 11, strike "Each", show as stricken, and insert "The governing body of the city or village may require that each"; and in line 12 strike the new matter.

(Signed) D. Paul Hartnett, Chairperson

Transportation

LEGISLATIVE BILL 37. Placed on General File.
LEGISLATIVE BILL 104. Placed on General File.
LEGISLATIVE BILL 256. Placed on General File.
LEGISLATIVE BILL 568. Placed on General File.
LEGISLATIVE BILL 722. Placed on General File.

(Signed) Douglas A. Kristensen, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 137. Placed on Select File as amended.
E & R amendment to LB 137:
AM7028

1. On page 14, line 17, strike "(i)" and insert "(a)"; and in line 20 strike "(ii)" and insert "(b)".

2. On page 20, line 28, strike "Federal", show as stricken, and insert "federal".

LEGISLATIVE BILL 345. Placed on Select File as amended.
E & R amendment to LB 345:
AM7025

1. On page 1, line 11, after the semicolon insert "to provide a duty for the Revisor of Statutes;".

2. On page 2, line 12, strike "liquors", show as

stricken, and insert "liquor".

3. On page 34, line 27, strike "electorate", show as stricken, and insert "legal voters".

Correctly Engrossed

The following bills were correctly engrossed: 18, 52, 108, 185, 194, 195, 222, and 254.

Enrollment and Review Changes to LB 222

The following changes, required to be reported for publication in the Journal, have been made:
ER9005

1. The following section has been inserted:

"Sec. 5. Section 71-168.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-168.02. (1) A health care facility licensed under section 71-2017.01 or a peer review organization or professional association of a health care profession regulated under the Advanced Registered Nurse Practitioner Act, the Emergency Medical Technician-Paramedic Act, the Licensed Practical Nurse-Certified Act, the Nebraska Certified Nurse Midwifery Practice Act, the Nebraska Cosmetology Act, the Nurse Practice Act, the Occupational Therapy Practice Act, the Uniform Controlled Substances Act, the Uniform Licensing Law, the Wholesale Drug Distributor Licensing Act, or sections 71-3702 to 71-3715, 71-4701 to 71-4719, or 71-6053 to 71-6068 shall report to the department, on a form and in the manner specified by the department by rule and regulation, any facts known to them, including, but not limited to, the identity of the practitioner and patient, when the facility, organization, or association:

(a) Has made payment due to adverse judgment, settlement, or award of a professional liability claim against it or a licensee, certificate holder, or registrant, including settlements made prior to suit, arising out of the acts or omissions of the licensee, certificate holder, or registrant; or

(b) Takes action adversely affecting the privileges or membership of a licensee, certificate holder, or registrant in such facility, organization, or association due to alleged incompetence, professional negligence, unprofessional conduct, or physical, mental, or chemical impairment.

The report shall be made within thirty days after the date of the action or event.

(2) A report made to the department under this section shall be confidential and treated in the same manner as complaints and investigative files under subsection (7) of section 71-168.01. The facility, organization, association, or person making such report shall be completely immune from criminal or civil liability of any nature, whether direct or derivative, for filing a report or for disclosure of documents, records, or other information to the department under this section. The reports and information shall be subject to the investigatory and enforcement provisions of the regulatory provisions listed in subsection (1)

of this section. Nothing in this subsection shall be construed to require production of records protected by section 25-12,123 or 71-2048 or section 3 of this act except as otherwise provided in ~~either~~ any of such sections.

(3) For purposes of this section, the department shall accept reports made to it under the Nebraska Hospital-Medical Liability Act or in accordance with national practitioner data bank requirements of the federal Health Care Quality Improvement Act of 1986, as amended, and may require a supplemental report to the extent such reports do not contain the information required by rules and regulations of the department.".

2. On page 1, line 1; and page 7, line 18, "section 71-168" has been struck and "sections 71-168 and 71-168.02" inserted.
3. On page 1, line 7, "section" has been struck and "sections" inserted.
4. On page 7, line 19, "is" has been struck and "are" inserted.
5. Original section 5 has been renumbered as section 6.

Enrollment and Review Changes to LB 254

The following changes, required to be reported for publication in the Journal, have been made:

ER9004

1. On page 1, line 2, "20-127, 20-128" has been struck and "20-126 to 20-129" inserted.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

G. Roderic Anderson - Commission of Industrial Relations

VOTE: Aye: Senators Abboud, Hilgert, Chambers, Preister, Schimek, and Schrock. PASS: Senator Dierks.

(Signed) Chris Abboud, Chairperson

NOTICE OF COMMITTEE HEARINGS
Urban Affairs

LB 447	Tuesday, February 18, 1997	1:30 p.m.
LB 531	Tuesday, February 18, 1997	1:30 p.m.
LB 589	Tuesday, February 18, 1997	1:30 p.m.
LB 734	Tuesday, February 18, 1997	1:30 p.m.
LB 855	Tuesday, February 18, 1997	1:30 p.m.

LB 872	Tuesday, February 18, 1997	1:30 p.m.
LB 611	Tuesday, February 25, 1997	1:30 p.m.
LB 825	Tuesday, February 25, 1997	1:30 p.m.
LB 826	Tuesday, February 25, 1997	1:30 p.m.
LB 876	Tuesday, February 25, 1997	1:30 p.m.
LB 873	Tuesday, February 25, 1997	1:30 p.m.
LB 874	Tuesday, February 25, 1997	1:30 p.m.
LB 318	Tuesday, March 4, 1997	1:30 p.m.
LB 651	Tuesday, March 4, 1997	1:30 p.m.
LB 708	Tuesday, March 4, 1997	1:30 p.m.
LB 763	Tuesday, March 4, 1997	1:30 p.m.

(Signed) D. Paul Hartnett, Chairperson

Judiciary

LB 677	Friday, February 21, 1997 (cancel)	1:30 p.m.
LB 677	Wednesday, February 19, 1997 (reset)	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following legislative bill and Governor appointments:

LB	**Committee**
889	Education

Hawkins, Leonard - Nebraska Advisory Committee on Compulsive Gambling - General Affairs

Peters, Charles A. - Public Employees Retirement Board - Nebraska Retirement Systems

Prazan, Susan E. - State Personnel Board - Government, Military and Veterans Affairs

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

RESOLUTIONS

LEGISLATIVE RESOLUTION 75. Introduced by Withem, 14.

WHEREAS, the University of Nebraska women's soccer team won the first Big 12 Conference Championship with a 21-0 regular season record; and

WHEREAS, the team's winning record of 23-1 was the best NCAA Division I record in the nation; and

WHEREAS, the team finished in the final eight teams in the NCAA Division I women's soccer tournament; and

WHEREAS, because of the leadership abilities and coaching skills of Coach John Walker, he was named Coach of the Year by the National Soccer Coaches Association of America; and

WHEREAS, the players set a stellar example of team work, dedication, and a solid work ethic.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Coach Walker, Assistant Coaches Marty Everding and Megan Bechtoldt, and the University of Nebraska women's soccer team for their outstanding season.

2. That a copy of this resolution be sent to the University of Nebraska, Coach Walker, and Assistant Coaches Everding and Bechtoldt.

Laid over.

LEGISLATIVE RESOLUTION 76. Introduced by Withem, 14.

WHEREAS, J. James Exon was born in South Dakota and raised in the rural community of Lake Andes, South Dakota. He moved to Nebraska and attended the University of Omaha from 1938-1942. He first began serving his country by volunteering for the U.S. Army Signal Corps; and

WHEREAS, J. James Exon returned to Nebraska following World War II to start a successful business career with the Universal Finance Corporation. His career blossomed when he and his wife, Pat, founded Exon's Incorporated which became one of Nebraska's best known office equipment companies; and

WHEREAS, J. James Exon was elected Governor of the State of Nebraska in 1970 and was reelected in 1974 to a second term. He continued to serve Nebraskans by being elected to the United States Senate in 1978 and was reelected to the United States Senate in 1984 and 1990; and

WHEREAS, Senator Exon became recognized as a spokesperson for fiscal responsibility and agriculture. Furthermore, he became an authority on national defense, commerce, and transportation issues while serving on the Budget Committee, Armed Services Committee, and Commerce, Science, and Transportation Committee of the U.S. Senate; and

WHEREAS, J. James Exon is the proud father of three children, Steve, Pam, and Candy, and has three grandsons and five granddaughters. Senator Exon continues his service to a number of civic and community organizations including membership at the Holy Trinity Episcopal Church in Lincoln, Nebraska; and

WHEREAS, J. James Exon will receive the Distinguished Nebraskalander award on Statehood Day, March 1, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend congratulations to Senator J. James Exon on his receipt of the Distinguished Nebraskalander Award.
2. That a copy of this resolution be given to Senator Exon.

Laid over.

LEGISLATIVE RESOLUTION 77. Introduced by Withem, 14.

WHEREAS, Ruth M. Amen is a native Nebraskan, born in Lincoln, Nebraska, and educated in Lincoln Public Schools. She graduated from the University of Nebraska-Lincoln in 1932 with a major in music; and

WHEREAS, following Ms. Amen's graduation from the University of Nebraska, she spent seven years in New York City as Program Director at the National Headquarters of the Camp Fire Girls. Furthermore, during her time in New York City, she was one of 29 persons who organized the New York City Opera Guild; and

WHEREAS, in 1968, Ms. Amen returned to Lincoln to spend time with her aging father and she became active in a number of civic organizations. She began organizing the American Historical Society of Germans from Russia; and

WHEREAS, Ms. Amen taught in elementary and secondary schools in Nebraska, Colorado, and Michigan for 25 years and then served as Assistant Professor of Education at the University of Nebraska. Furthermore, she taught five years at Nebraska Wesleyan University in Lincoln, Nebraska; and

WHEREAS, Ruth Amen has donated numerous hours to civic organizations, including the Lincoln Symphony Association, the Family Service Association, the YMCA, Goodwill Industries, Cedars Home for Children, Madonna Professional Care Center, Friends of Lied Organization, and First Plymouth Congregational Church; and

WHEREAS, Ms. Amen has established a scholarship in memory of her parents at the University of Nebraska to assist students attending the University with financial commitments; and

WHEREAS, Ruth M. Amen will receive the Pioneer Award on Statehood Day, March 1, 1997, in recognition of her contributions to the state and community.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend congratulations to Ms. Ruth M. Amen on her receipt of the Pioneer Award.
2. That a copy of this resolution be given to Ms. Ruth M. Amen.

Laid over.

LEGISLATIVE RESOLUTION 78. Introduced by Withem, 14.

WHEREAS, Admiral Charles R. Larson was born in Sioux Falls, South

Dakota, and graduated from North High School in Omaha, Nebraska. He continued his education by graduating from the United States Naval Academy with distinction in 1958. After graduation, he reported to flight training school in Pensacola, Florida; and

WHEREAS, Admiral Larson was the first naval officer to be selected as a White House Fellow and served as Special Assistant to the Secretary of the Interior. Furthermore, he served as Naval Aide to the President of the United States; and

WHEREAS, Admiral Larson was promoted to four-star rank in February 1990 upon being assigned as Commander in Chief, U.S. Pacific Fleet. After one year in this position, Admiral Larson was nominated by the President and assumed duties as Commander in Chief, U.S. Pacific Command; and

WHEREAS, Admiral Larson is serving as the 55th Superintendent of the U.S. Naval Academy. Prior to his service at the U.S. Naval Academy, his tour of duty included numerous assignments, including service on the USS Scuplin and USS Halibut and service as Deputy Chief of Haval Operations for Plan, Policy, and Operations; and

WHEREAS, Admiral Larson's decorations include the Defense Distinguished Service Medal, six Navy Distinguished Service Medals, three Legions of Merit, the Bronze Star Medal, the Navy Commendation Medal, and the Navy Achievement Medal. He has also been decorated by the governments of Japan, Thailand, France, and Korea; and

WHEREAS, Admiral Larson will be honored on Statehood Day, March 1, 1997, by receiving the Wagonmaster Award.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extend congratulations to Admiral Charles R. Larson on his receipt of the Wagonmaster Award.
2. That a copy of this resolution be given to Admiral Charles R. Larson.

Laid over.

AMENDMENT - Print in Journal

Mr. Maurstad and Mrs. Hudkins filed the following amendment to LB 161:
AM0310

(Amendments to Standing Committee amendments, AM0135)

1. On page 1, line 1, after the comma insert "line 13, after the period insert 'For purposes of this section, the council shall deem the successful completion of the Bureau of Indian Affairs basic police training program as administered by the Federal Law Enforcement Training Center to constitute such equivalent training, and officers certified by virtue of such equivalency training may exercise full law enforcement authority on tribal lands.'; and".

ANNOUNCEMENTS

Mr. Robinson announced the Government, Military and Veterans Affairs Committee will hold an executive session on Wednesday, February 12, 1997, at 11:00 a.m., in Room 1507.

Mr. Brashear announced the Judiciary Committee will hold an executive session on Wednesday, February 12, 1997, at 11:00 a.m., in Room 1113.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 182. No objections. So ordered.

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 369. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 276. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 164. No objections. So ordered.

VISITORS

Visitors to the Chamber were Dr. Tim Shaeffer from Broken Bow; 10 first through eighth grade students and teachers from Highland Grove, District 7 School; 12 sixth grade students and teacher from Dawes Middle School, Lincoln; Senator Matzke's sister and brother-in-law, Ellen and Skip Hove; Jenny and Andrieu Doyle from Omaha and Jimena Velez from Cali, Colombia, South America; and Viktor Mikhaylovich Anufriyev, Vladimir Vasilyevich Yakunin, Aleksandr Yuryevich Shaposhnikov, and Andrei Ivanovich Bychkov from the Russian Federation.

ADJOURNMENT

At 12:01 p.m., on a motion by Mr. Brashear, the Legislature adjourned until 8:30 a.m., Wednesday, February 12, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-THIRD DAY - FEBRUARY 12, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 12, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Bill Thornton, Capitol City Christian Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Wehrbein who was excused; and Messrs. Abboud, Brashear, Bromm, Chambers, Cudaback, Hilgert, Lynch, Robinson, Schrock, Warner, Wesely, Wickersham, Will, Mmes. Bohlke, Hillman, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-second day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 182A. Introduced by Warner, 25.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 182, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

1996 INTERIM REPORT
ON THE DISPOSITION OF
INTERIM STUDY RESOLUTIONS

Agriculture

Completed: Completed:

LR	Subject	Report Issued	No Report Issued	Deferred
349	Bees and Pesticides	X		
372	Frivolous complaints against applicators	X		
414	Equine contribution to state economy and obstacles to development	X		
433	Contract production of swine and beef	X		
469	Study Ag Committee jurisdiction, value added enterprise, issues arising after session:			
	1) Tractor testing	X		
	2) Hedge-to-arrive		X	
	3) Brand Law		X	
	4) Programs to assist and encourage value added marketing			X
	5) Committee jurisdiction		X	

Appropriations

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
361	Compensatory time		X	
362	Information technology		X	
373	Schools' TeleLearning Service	X		
374	CJIS study	X		
375	Budgetary accountability within the Nebraska Partnership		On-going	
396	Use of consultants		X	
431	Cultural Trust Fund	X		
435	Funding for environmental programs			X

Banking, Commerce and Insurance

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
398	Public Accountancy		X	
399	Uniform Custodial Trust Act		X	
401	Insurance Company Investments		X	
400	Interstate Branch Banking		X	
402	Corporate Governance in Insurance Laws		X	
449	State-sponsored Capitol Pool			X
370	Second-hand Goods			X
403	Deposit of Public Funds			X

Building Maintenance

		Completed: Report	Completed: No Report	

LR	Subject	Issued	Issued	Deferred
371	Rehabilitation and maintenance needs of the Governor's mansion			X

Business and Labor

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
356	Study whether newspaper carriers should be included as employees under Worker's Compensation laws			X
357	General Review of Worker's Compensation laws and results of LB 757 (1993)		X	
358	Review the Nebraska Construction Lien Act			X
368	Study needs of School-to-Work programs			X
421	Study possible conflict with C. I. R. salary/benefit orders and soon to be implemented revenue caps		X	
458	Study low wages in Nebraska		X	

Education

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
373*	Review and evaluate TeleLearning Service and Japanese Distance Learning	X		
404	Assess educational service units	X		
409	Analyze types of driver education and training			X
412	Study increased costs of special education			X
415	Study alternatives to the tier structure in determining formula needs		X	
416	Study the state funding sources to meet 45% state funding goal to schools			X
417	Study truancy statues and procedures			X
418	Study procedures for reorganization of school districts			X
457	Study and examine public school spending of property tax		X	
460	Study income and property tax as a determinant of wealth for funding of schools	X		

* Joint assignment--Education and Appropriations

Executive Board

Completed: Completed:

LR	Subject	Report Issued	No Report Issued	Deferred
438	Study the possibility of restructuring bill introduction and bill hearing dates			X

General Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
376	Horseracing		X	
377	Gaming	X		
378	Retail liquor licensing	X		
392	Sports wagering	X		
429	Underage drinking	X		
430	Library access and funding	X		

Government, Military and Veterans Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
366	Veterans' Service			X
367	Credit cards — Government use		X	
389	Voting record on ballot			X
394	Presidential nominating conventions			X
436	Emergency planning		X	
437	Governmental — mailing lists			X
471	Electronic access to state records		X	

Health and Human Services

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
442	Partnership Project		X	
350	Veterans Homes	X		
444	Hospital and Health Care Mergers		X	
424	Managed Care		X	
422	Health Care for Children		X	
443	Health and Human Services Issues		X	
441	Indian Reservation Conditions			X
476	Support for Nebraska Families			X
353	Child Care Programs		X	
397	Licensing Fees			X
425	Hearing Impairment Commission			X
393	Commission of the Blind			X
423	Employees Retirement Income Security Act			X

Judiciary

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred

328	Concealed/carry weapons	X		
374	Intergovernmental Data Communications Advisory Council	X		
405	Placement of Juvenile Offenders	X		
410	No-Fault Divorce	X		
440	Mediation for Juvenile Offenders	X		
448	Recidivism of Sex Offenders	X		
474	Unified Court Structure	X		
406	Repeals Sec. 83-1,105		X	
408	Condemnation		X	
432	Administration of Criminal Justice System in Nebraska		X	

Natural Resources

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
355	Illegal dumping of household appliances		X	
359	Energy performance-based contracting		X	
369	Licensing of recreational outfitters and guides		X	
413	Beverage container deposits			X
427	Water - instream flows			X
428	Renewable energy			X
435	Funding for environmental programs			X
450	Integrated management of ground water/surface water		X	
451	Electric utility service areas		X	
452	Ethanol fuel demand in Nebraska		X	
453	Propane safety awareness		X	
454	Funding for environmental programs			X
455	Electric utility industry restructuring	X		

Nebraska Retirement Systems

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
381	GASB standards and valuation of assets to smooth investment gains and losses		X	
382	Long-term funding of the Judges Retirement System			X
383	Membership of and buy back for noncertificated school employees	X		
384	State financial support of the School Retirement System		X	
385	Adjusted supplemental benefit under the School Retirement System	X		
386	Reemployed employees under the state-administered systems			X
387	Funding status of retirement plans			

		Completed: Report Issued	Completed: No Report Issued	Deferred
	in Nebraska political subdivisions			X

Revenue

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
468	Property tax relief	X		
360	Property tax statements	X		
407	Circuit breaker and Homestead	X		
434	Property tax on production agriculture	X		
334	LB 270 Tax Incentive	X		
336	LB 775 Tax Incentive	X		
456	State tax incentives	X		
391	Gambling taxation	X		

Transportation

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
388	Study the federal Telecommunications Act of 1996	X		
420	Study the need for essential air service funding for Nebraska communities			X
426	Study driving safety and driver education		X	
363	Study the feasibility of using the right-of-way of state highways for providing a connection between trails systems			X
380	Study procedures for Commercial Driver's License renewal in Nebraska and in other states			X

Urban Affairs

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
472	Impact of property tax bills		X	
445	Study current state of natural gas industry		X	
446	Study municipal planning, zoning, and annexation law and sanitary improvement districts		X	
447	Provide forum for municipalities and citizens to present issues to Urban Affairs Committee		X	

Select Committee on LR 365

Completed: Completed:

LR	Subject	Report Issued	No Report Issued	Deferred
365	Private health insurance for biologically based mental illnesses	X		

Select Committee on LR 411

LR	Subject	Completed: Report Issued	Completed: No Report Issued	Deferred
411	Special Education		X	

ATTORNEY GENERAL'S OPINION

Opinion No. 97010

DATE:	February 6, 1997
SUBJECT:	Authority to Pay Municipal Fees with Credit Cards
REQUESTED BY:	Senator Ron Withem Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Timothy J. Texel, Assistant Attorney General

You have requested the opinion of this office concerning the authority of municipalities to accept credit cards for payment of certain fees. You specifically requested advice regarding whether the Legislature would have to affirmatively act in order to allow cities to perform such a function. Due to the number of variables involved, and that no one statute or case appears to control the issue raised, there does not appear to be any one clear answer to your inquiry.

We note you mentioned in your request that in a cursory review of the statutes, you found no statutory prohibition against the acceptance of credit card payments for municipal fees. In our research, we likewise did not find any statute prohibiting this practice. However, due to the nature of the area of law involved, that determination alone does not answer the issue.

It is well established in Nebraska that municipalities have only those powers which are expressly conferred on them by statute, are necessary or fairly implied in order to carry into effect some enumerated power, or are essential to the declared objects and purposes of the municipal corporation. **State ex rel. Ransom v. Irey,** 42 Neb. 186, 60 N.W. 601 (1894); **Giger v. City of Omaha,** 232 Neb. 676, 442 N.W.2d 182 (1989); **Professional Firefighters Local 385 v. Omaha,** 243 Neb. 166, 498 N.W.2d 325 (1993). The Nebraska Supreme Court has also stated that the powers a municipal corporation may exercise as essential to its declared purposes must be indispensable, not simply convenient. **Giger** at 688, 442 N.W.2d at 192; **Professional Firefighters** at 174, 498 N.W.2d at 331. Under normal circumstances it would not seem necessary for a city to accept credit cards for municipal fee payments in order to carry out an enumerated power, and such action would not be essential to the declared purposes of a city.

Nebraska statutes establish several classes of cities, according to their population. These categories classify cities as metropolitan, primary, first class, second class, and villages. Separate sets of statutes establish the powers available to the cities within each class. There are also statutes which apply to all cities and villages. **See** Neb. Rev. Stat. §§ 18-131 to 18-2808. There is no statute specifically granting all municipalities the power to accept credit cards as payment for all types of municipal fees. Despite the lack of explicit statutory language controlling the issue, some statutes may grant certain classes of Nebraska cities the authority to accept credit card payments for certain fees.

One statute which may authorize acceptance of credit cards for municipal fees is Neb. Rev. Stat. § 18-509. That statute begins by stating that "The mayor and city council of any city, or the board of trustees of any village, in addition to other sources of revenue available to the city or village, may by ordinance set up a rental or use charge, to be collected from users of any system of sewerage, and provide methods for collection thereof. . . ." Neb. Rev. Stat. § 18-509(1) (1991). Similar language is provided specifically for metropolitan cities in § 14-365.10 (1991). The term "methods for collection" is not defined, and it is not clear whether such a term would be broad enough to allow a city to enact ordinances establishing acceptable methods of payment, such as credit cards, as well as collection procedures such as mailing monthly bills. If it were determined that "methods for collection" includes setting acceptable payment methods, the statute would appear to allow, by fair implication, municipalities to accept credit cards for payment of fees if authorized by ordinance.

It should be pointed out that § 18-509 applies only to fees charged for sanitary sewer services, not all municipal fees. Also, the statute goes on to state:

> All money raised from the charges . . .shall be used for maintenance or operation of the existing system, for payment of principal and interest on bonds issued . . . or to create a reserve fund for the purpose of future maintenance or construction of a new sewer system for the city or village. Any funds raised from this charge shall be placed in a separate fund and not be used for any other purpose or diverted to any other fund.

Neb. Rev. Stat. § 18-509(2) (1991). Again, very similar language is found in § 14-365.10.

The above language raises an additional concern. The acceptance of credit cards would incur the cost of service fees paid to the credit card companies, which would have to be deducted from the total payments collected by the municipality. This payment may conflict with the statutory mandate that "all money" raised must be used for the required purposes. Under such an arrangement, some of the funds would be used to satisfy credit card company service fees and would not be deposited in the separate fund. It is therefore not clear whether credit card payments could be accepted. The Nebraska Supreme Court has stated that "Statutes granting powers to municipalities are to be strictly construed, and where doubt exists, such doubt must be resolved against the grant." **Professional Firefighters** at 175, 498 N.W.2d at 331-32 (1993) (citations omitted). When analyzed using this standard, the potential for ambiguity present in §§ 18-509 and 14-365.10 indicates that a municipality may not have the authority to accept credit card payments for sanitary sewer system use fees.

There are other examples of statutes which may authorize certain municipalities to accept credit cards, albeit for specific types of fees. Section 19-1404 states:

> **19-1404. Municipal heat, light, and ice plants; management; rates; service.** When any such utility shall have been established, the municipality shall provide by ordinance for the management thereof, the rates to be charged, and the manner of payment for service or for the product.

Neb. Rev. Stat. § 19-1404 (1991).

The language in the above statute appears to provide cities and villages with the authority to allow payment of certain utility bills with credit cards. Section 19-1404 does not apply to metropolitan cities because it appears in chapter 19, article 14 of the Nebraska Revised Statutes. That article applies to all cities except cities of the metropolitan class. But the authorization extends only to the manner of payment for municipal light, heat, and ice utility services. It does not authorize credit card payments for any other municipal fees. A similar provision authorizing municipalities other than metropolitan class cities to provide by ordinance for the manner of payments for garbage disposal services is set out in Neb. Rev. Stat. § 19-2106 (1991).

Neb. Rev. Stat. § 16-682 (1991), which pertains to public utilities operated by cities of the first class, states that "water taxes, rents, or rates shall be paid and collected and such lien enforced in such manner as the council or commission, as the case may be, shall by ordinance direct and provide. . . ." As with the previously mentioned statutes, this statute allows certain cities the authority to enact ordinances allowing for the manner of payment for specified utility services. The statutory language appears to provide cities of the first class with the authority to accept credit cards for payment of water service fees if provided for by ordinance. A similar provision pertaining to waterworks in cities of the second class and villages is set out in Neb. Rev. Stat. § 17-538 (1991).

The above examples provide an illustration of the numerous limitations and variables present in many of the statutes affecting the area of whether municipalities can accept credit card payments for fees. Other statutes specifically mention credit card payments, although not necessarily in the context of municipal services.

Several statutes explicitly authorize credit card payments for fees and costs charged or taxed by courts. **See** Neb. Rev. Stat. §§ 25-2710 (1995), 29-424 (1995), and 32-1549(5) (Cum. Supp. 1996). Individuals may also pay their fines and costs for handicap parking citations with credit cards. Neb. Rev. Stat. § 18-1741.04 (Cum. Supp. 1996). Neb. Rev. Stat. § 81-118.01 (1994) allows state agencies operating a facility in a proprietary capacity to accept credit cards. Although none of the above-mentioned statutes directly state whether municipalities can accept credit card payments, they demonstrate that the Legislature has considered credit card payments for other state entities and political subdivisions and enacted specific legislation to allow such payments. Also, Neb. Rev. Stat. § 77-1702 (1996), which deals primarily with taxes, states that "Lawful money of the United States, checks, drafts, money orders or other bills of exchange may be accepted in payment of any state, county, village, township school district or other governmental subdivision tax, levy, excise, duty, custom, toll, penalty, fine, license, fee, or assessment of whatever kind or nature, whether general or special." **Id.**

As is demonstrated by the above examples, some statutes specifically provide for payments by credit cards, while others provide a list of means acceptable as payment to governmental entities, which does not include credit cards. This language could be interpreted as an indication that the Legislature considered the issue and decided not to provide political subdivisions with the authority to accept credit cards for payment of all types of municipal fees. It is a general rule of statutory interpretation that mention of one thing implies the exclusion of another. Under this principle the enumeration of certain powers implies the exclusion of all other powers not fairly incident to the stated enumerated powers, and an affirmative description of cases in which certain powers may be exercised implies a negative on the exercise of such powers in other cases. **Hueftle v. Eustis Cemetery Ass'n.,** 171 Neb.293, 296, 106 N.W.2d 400, 403 (1960). See also Op. Att'y Gen. No. 95-067 (August 31, 1995).

In conclusion, when determining whether municipalities have the ability to accept credit cards for payment of certain municipal fees, one clear answer controlling the issue does not appear available due to the number of variables which must be taken into account. Considerations such as the class of city involved, whether the statute includes language requiring all money collected to be deposited in designated funds, and the type of fee, such as utility charges or fines, can all affect the answer.

In order for it to be clear that all classes of municipalities are granted the authority to accept credit card payments for all types of municipal fees, legislation may be necessary. If the Legislature would deem such legislation appropriate, it may wish to consider whether a provision should be included in the legislation addressing whether incurring credit card service charges are to be considered a power incident to the establishment of credit card acceptance agreements, notwithstanding language in certain statutes that all funds from certain fees be deposited in specific funds.

Sincerely,
DON STENBERG
Attorney General
(Signed) Timothy J. Texel
Assistant Attorney General

08-15-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

REPORTS

The following reports were received by the Legislature:

State College System, Nebraska
Agreement between the State College Board of Trustees, State College Education Association (SCEA), and Nebraska State College Professional Association (NSCPA)

Natural Resources District, Middle Republican
Report regarding drainage districts as directed by LB 1085

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 16.

A BILL FOR AN ACT relating to inheritance tax; to amend section 77-2004, Reissue Revised Statutes of Nebraska; to eliminate a requirement for lineal descendants; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 32:

Beutler
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Stuhr
Suttle
Tyson
Vrtiska
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 17:

Abboud
Bohlke
Brashear
Bromm
Chambers
Cudaback
Hilgert
Hillman
Lynch
McKenzie
Robinson
Schrock
Warner
Wehrbein
Wesely
Wickersham
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 19. With Emergency.

A BILL FOR AN ACT relating to the Game Law; to amend sections 37-102 and 37-216.01, Revised Statutes Supplement, 1996; to authorize special fishing permits for severely physically disabled or developmentally disabled persons; to provide a fee; to define a term; to provide powers and duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 36:

Beutler
Brashear
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 13:

Abboud
Bohlke
Bromm
Chambers
Cudaback
Hilgert
Lynch
McKenzie
Robinson
Warner
Wehrbein
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 40. With Emergency.

A BILL FOR AN ACT relating to counties; to amend sections 23-272 and 23-278, Reissue Revised Statutes of Nebraska, and section 23-153, Revised Statutes Supplement, 1996; to change provisions relating to county board meetings; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Beutler
Brashear
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 12:

Abboud
Bohlke
Bromm
Chambers
Cudaback
Hilgert
McKenzie
Robinson
Warner
Wehrbein
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 46. With Emergency.

A BILL FOR AN ACT relating to the Internal Revenue Code; to amend section 49-801.01, Revised Statutes Supplement, 1996; to change provisions relating to references to the code; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Beutler
Brashear
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke

Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 12:

Abboud
Bohlke
Bromm
Chambers
Cudaback
Hilgert
McKenzie
Robinson
Warner
Wehrbein
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 61.

A BILL FOR AN ACT relating to income tax; to amend section 77-2734.03, Reissue Revised Statutes of Nebraska; to change a provision relating to credits; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Beutler
Brashear
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Vrtiska

Excused and not voting, 10:

Abboud
Bohlke
Bromm
Chambers
Hilgert
McKenzie
Warner
Wehrbein
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 71.

A BILL FOR AN ACT relating to cemetery districts; to amend section 12-913, Reissue Revised Statutes of Nebraska; to change provisions relating to boards of trustees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wickersham
Witek
Withem

Voting in the negative, 1:

Crosby

Present and not voting, 1:

Vrtiska

Excused and not voting, 9:

Abboud
Bohlke
Chambers
Hilgert
McKenzie
Warner
Wehrbein
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 77.

A BILL FOR AN ACT relating to divorce; to amend section 42-372, Revised Statutes Supplement, 1996; to change decree appeal provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer

Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Withem

Excused and not voting, 9:

Abboud
Bohlke
Chambers
Hilgert
McKenzie
Warner
Wehrbein
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 78. With Emergency.

A BILL FOR AN ACT relating to ground water conservation districts; to amend sections 46-633 and 46-634.01, Reissue Revised Statutes of Nebraska; to change provisions relating to funds of districts and a termination date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Bohlke
Chambers
Hilgert
McKenzie

Warner
Wehrbein
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 122. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 1996; to change provisions relating to size, weight, and load; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Bohlke
Chambers
Hilgert
McKenzie
Warner
Wehrbein
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 141.

A BILL FOR AN ACT relating to the Game and Parks Commission; to amend section 81-803.01, Reissue Revised Statutes of Nebraska; to change provisions relating to meetings and official actions; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 9:

Abboud
Bohlke
Chambers
Hilgert
McKenzie
Warner
Wehrbein
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 188. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Ground Water Management and Protection Act; to amend sections 46-656.19 and 46-656.21, Revised Statutes Supplement, 1996; to change provisions relating to notice of controls; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Bohlke
Chambers
Hilgert
McKenzie
Warner
Wehrbein
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 44 with 37 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 44.

A BILL FOR AN ACT relating to business names; to amend sections 67-101, 67-234,.67-345, and 87-209, Reissue Revised Statutes of Nebraska, and sections 8-226, 21-1931, 21-1933, 21-19,151, 21-2028, 21-20,173, and 21-2601, Revised Statutes Supplement, 1996; to change provisions relating to the registration or filing of corporate or other business entity names, the registration of trade names, and filings by other associations; to provide for the reservation of limited liability company names; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud
Chambers
Hilgert
Warner
Wehrbein

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 113. Mr. Kristensen withdrew his motion, found on page 538, to indefinitely postpone.

Mr. Jensen renewed his pending amendment, AM0215, found on page 542.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Jensen amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 113A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 114. E & R amendment, AM7020, found on page 542, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 170. E & R amendment, AM7015, found on page 542, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 272. E & R amendment, AM7018, found on page 542, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 79. Advanced to E & R for engrossment.
LEGISLATIVE BILL 261. Advanced to E & R for engrossment.

LEGISLATIVE BILL 106. E & R amendment, AM7017, found on page 543, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 250. E & R amendment, AM7021, found on page 543, was adopted.

Mrs. Witek renewed her pending amendment (1), AM0267, found on page 572.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. McKenzie moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Witek amendment lost with 1 aye, 20 nays, 24 present and not voting, and 4 excused and not voting.

Mrs. Witek renewed her pending amendment (2), AM0268, found on page 572.

Pending.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: 16, 19, 40, 46, 61, 71, 77, 78, 122, 141, 188, and 44.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 347. Placed on Select File as amended.
E & R amendment to LB 347:
AM7029

1. On page 1, line 14, after the first semicolon insert "to provide a duty for the Revisor of Statutes; to eliminate the Children with Disabilities and Family Service System Act, the Nebraska Student Exchange Act, the Nebraska Schools Accountability Commission, the School Restructuring Commission, and provisions relating to the federal Educational Finance Act of 1949;".

2. On page 2, line 1, strike "79-8,102 to 79-8,105,".

3. On page 7, line 13, after "council" insert an underscored comma.

4. On page 24, line 25, strike "or election" and show as stricken.

LEGISLATIVE BILL 201. Placed on Select File as amended.
E & R amendment to LB 201:
AM7027

1. On page 2, line 10, strike the period and insert an underscored comma.

2. On page 3, line 8, after "Permits" insert an underscored comma; in line 14 strike "department" and insert "Department of Agriculture"; and in line 27 strike "(3)", show as stricken, and insert "(4)".

3. On page 4, line 2, after "reference" insert an

underscored comma.

4. On page 7, line 17, after "milliliter" insert "for cow milk or sheep milk or one million per milliliter for goat milk".

LEGISLATIVE BILL 202. Placed on Select File.

LEGISLATIVE BILL 200. Placed on Select File as amended.
E & R amendment to LB 200:
AM7026

1. On page 5, line 7, strike "of", show as stricken, and insert "after".

2. On page 6, line 6, strike "is", show as stricken, and insert "are".

LEGISLATIVE BILL 346. Placed on Select File.
LEGISLATIVE BILL 206. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 105. Indefinitely postponed.
LEGISLATIVE BILL 115. Indefinitely postponed.
LEGISLATIVE BILL 139. Indefinitely postponed.
LEGISLATIVE BILL 187. Indefinitely postponed.
LEGISLATIVE BILL 431. Indefinitely postponed.
LEGISLATIVE BILL 530. Indefinitely postponed.
LEGISLATIVE BILL 575. Indefinitely postponed.
LEGISLATIVE BILL 671. Indefinitely postponed.
LEGISLATIVE BILL 828. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

Health and Human Services

LEGISLATIVE BILL 183. Placed on General File as amended.
Standing Committee amendment to LB 183:
AM0248

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 3, strike beginning with "A" in line 15 through the period in line 16; in line 18 strike "practitioners, facilities," and insert "facilities"; in lines 19 and 22 after "January" insert "1,"; and in line 21 strike "professions" through "facilities" and insert "professions and occupations".

LEGISLATIVE BILL 610. Placed on General File as amended.
Standing Committee amendment to LB 610:
AM0249

1. On page 2, line 13, strike "one dollar" and insert "three dollars"; and in line 15 strike "one-dollar" and insert "three-dollar".

(Signed) Don Wesely, Chairperson

Transportation

LEGISLATIVE BILL 133. Indefinitely postponed.
LEGISLATIVE BILL 338. Indefinitely postponed.
LEGISLATIVE BILL 354. Indefinitely postponed.
LEGISLATIVE BILL 529. Indefinitely postponed.
LEGISLATIVE BILL 564. Indefinitely postponed.
LEGISLATIVE BILL 721. Indefinitely postponed.

(Signed) Douglas A. Kristensen, Chairperson

Agriculture

LEGISLATIVE BILL 262. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

SELECT FILE

LEGISLATIVE BILL 250. The Witek pending amendment (2), AM0268, found on page 572, and considered in this day's Journal, was renewed.

PRESIDENT ROBAK PRESIDING

Mrs. McKenzie moved the previous question. The question is, “Shall the debate now close?”

Mrs. McKenzie moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, 23 not voting.

Mrs. Witek withdrew her amendment.

The Chair declared the call raised.

Mrs. Witek withdrew her amendments (3) and (4), AM0269 and AM0270, found on page 572.

Mrs. Witek renewed her pending amendment (5), AM0205, found on page

572.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Witek moved for a call of the house. The motion prevailed with 17 ayes, 2 nays, and 30 not voting.

Mrs. Witek requested a roll call vote on her amendment.

Voting in the affirmative, 8:

Abboud
Bruning
Chambers
Dierks
Hudkins
Jensen
Pedersen, Dw.
Witek

Voting in the negative, 18:

Beutler
Bohlke
Crosby
Cudaback
Elmer
Hartnett
Hillman
Janssen
Jones
Kiel
Landis
Lynch
McKenzie
Peterson, C.
Schellpeper
Suttle
Will
Withem

Present and not voting, 18:

Brashear
Bromm
Brown
Engel
Hilgert
Kristensen
Matzke
Maurstad
Pederson, D.
Preister
Robinson
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wickersham

Absent and not voting, 1:

Wesely

Excused and not voting, 4:

Coordsen
Robak
Warner
Wehrbein

The Witek amendment lost with 8 ayes, 18 nays, 18 present and not voting, 1 absent and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper offered the following amendment:
AM0337

1. On page 7, strike beginning with "purchase" in line 18 through line 28 and insert "elect one of the following options:

(a) The employee may remove his or her funds from the city, village, or township retirement system;

(b) A full-time or part-time employee of a city, village, or township who becomes a county employee pursuant to a merger of services shall receive credit for his or her years of employment with the city, village, or township for purposes of the membership provisions of this section; and

(c) The employee may authorize the city, village, or township retirement system to transfer the entire amount contained within his or her account from such system, including all employee and employer contributions and earnings. The employee shall then be credited with the number of years of service actuarially determined to be funded by such contribution and shall permit the employee to be an active participant in the county retirement system with that number of years of service. An employee who elects to authorize such transfer of funds to the county system shall make payment of all such funds from the city, village, or township retirement system immediately. If the payment of such funds does not result in the employee being credited with at least the same number of years of creditable service, the employee may purchase up to the number of years of actuarially determined creditable service which he or she had with the city, village, or township and payment".

2. On page 8, strike beginning with line 1 through "Payment" in line 2; and in line 5 after the period insert "If payments are made by installment payments or irrevocable payroll deduction authorization, interest on all such amounts shall be included in the payments.".

3. On page 11, line 5, strike "contributions" and insert "payments made pursuant to subsection (1) of this section".

4. On page 17, line 8, strike "retirement benefits,".

Mrs. C. Peterson, Messrs. Hilgert, Engel, and Robinson asked unanimous consent to be excused. No objections. So ordered.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 12, 1997, at 10:30 a.m., were the following bills: LBs 16, 19, 40, 46, 61, 71, 77, 78, 122, 141, 188, and 44.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 519	Monday, February 24, 1997	1:30 p.m.
LB 171	Monday, February 24, 1997	1:30 p.m.
LB 548	Monday, February 24, 1997	1:30 p.m.
LB 869	Monday, February 24, 1997	1:30 p.m.

LB 125	Monday, February 24, 1997	1:30 p.m.
LB 557	Monday, February 24, 1997	1:30 p.m.

(Signed) Chris Abboud, Chairperson

Education

LB 889	Tuesday, February 25, 1997	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

Judiciary

LB 151	Friday, February 21, 1997	1:30 p.m.

LB 253	Wednesday, February 26, 1997	1:30 p.m.
LB 674	Wednesday, February 26, 1997	1:30 p.m.
LB 884	Wednesday, February 26, 1997	1:30 p.m.
LB 885	Wednesday, February 26, 1997	1:30 p.m.
LB 727	Wednesday, February 26, 1997	1:30 p.m.
LB 752	Wednesday, February 26, 1997	1:30 p.m.
LB 358	Wednesday, February 26, 1997	1:30 p.m.
LB 777	Wednesday, February 26, 1997	1:30 p.m.

LB 383	Thursday, February 27, 1997	1:30 p.m.
LB 504	Thursday, February 27, 1997	1:30 p.m.
LB 533	Thursday, February 27, 1997	1:30 p.m.
LB 779	Thursday, February 27, 1997	1:30 p.m.
LB 614	Thursday, February 27, 1997	1:30 p.m.
LB 748	Thursday, February 27, 1997	1:30 p.m.
LB 235	Thursday, February 27, 1997	1:30 p.m.

LB 94	Friday, February 28, 1997	1:30 p.m.
LB 283	Friday, February 28, 1997	1:30 p.m.
LB 430	Friday, February 28, 1997	1:30 p.m.
LB 588	Friday, February 28, 1997	1:30 p.m.
LB 758	Friday, February 28, 1997	1:30 p.m.
LB 536	Friday, February 28, 1997	1:30 p.m.
LB 760	Friday, February 28, 1997	1:30 p.m.
LB 761	Friday, February 28, 1997	1:30 p.m.
LB 207	Friday, February 28, 1997	1:30 p.m.
LB 423	Friday, February 28, 1997	1:30 p.m.
LB 437	Friday, February 28, 1997	1:30 p.m.
LB 785	Friday, February 28, 1997	1:30 p.m.
LB 856	Friday, February 28, 1997	1:30 p.m.

LB 601	Wednesday, March 5, 1997	1:30 p.m.
LB 606	Wednesday, March 5, 1997	1:30 p.m.

LB 648	Wednesday, March 5, 1997	1:30 p.m.
LB 756	Wednesday, March 5, 1997	1:30 p.m.
LB 829	Wednesday, March 5, 1997	1:30 p.m.
LB 551	Wednesday, March 5, 1997	1:30 p.m.
LB 814	Wednesday, March 5, 1997	1:30 p.m.
LB 290	Thursday, March 6, 1997	1:30 p.m.
LB 527	Thursday, March 6, 1997	1:30 p.m.
LB 355	Thursday, March 6, 1997	1:30 p.m.
LB 490	Thursday, March 6, 1997	1:30 p.m.
LB 528	Thursday, March 6, 1997	1:30 p.m.
LB 676	Thursday, March 6, 1997	1:30 p.m.
LB 560	Thursday, March 6, 1997	1:30 p.m.
LB 562	Thursday, March 6, 1997	1:30 p.m.
LB 772	Thursday, March 6, 1997	1:30 p.m.
LB 770	Thursday, March 6, 1997	1:30 p.m.
LB 771	Thursday, March 6, 1997	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 79. Introduced by Lynch, 13.

WHEREAS, former State Senator George D. Syas died on February 7, 1997, at the Plattsmouth Masonic Home from complications of hip replacement surgery resulting in pneumonia; and

WHEREAS, George Syas was born on February 11, 1911, in Omaha Nebraska; and

WHEREAS, George Syas was an Omaha North High graduate and was a basketball letterman and a football running back at North High; and

WHEREAS, George Syas was a machinist for Union Pacific Railroad for over thirty-five years until his retirement in 1975; and

WHEREAS, George Syas was a dedicated family man. He married Pauline Frances Crowder on December 7, 1940, and had two children, four grandchildren, and a great granddaughter; and

WHEREAS, George Syas served his community as a member of many civic organizations and as a state senator for twenty-six years; and

WHEREAS, George Syas was first elected to the Nebraska Legislature in 1950 and reelected in 1952, 1954, 1956, 1958, 1960, 1962, 1964, 1968, and 1972; and

WHEREAS, George Syas will be remembered for his many accomplishments in the areas of education, wildlife, and conservation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its condolences and sympathy to the family of the late George D. Syas.

2. That a copy of this resolution be sent to his widow, Pauline Syas, and his family.

Laid over.

LEGISLATIVE RESOLUTION 80. Introduced by Robinson, 16.

WHEREAS, Jeremy Sonnenfeld, a sophomore at the University of Nebraska-Lincoln, bowled three consecutive 300 games for a perfect 900 series on February 2, 1997, in Lincoln, Nebraska; and

WHEREAS, Mr. Sonnenfeld's achievement is the first 900 series ever in the one hundred one years that the American Bowling Congress has kept records of sanctioned series; and

WHEREAS, Mr. Sonnenfeld's sanctioned 900 series is an accomplishment which will never be surpassed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Mr. Jeremy Sonnenfeld on his historic perfect series.
2. That a copy of this resolution be presented to Mr. Jeremy Sonnenfeld.

Laid over.

STANDING COMMITTEE REPORT
Agriculture

The Committee on Agriculture desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Dick R. Wagoner - Nebraska Dry Bean Commission
Mary C. Weyers - Nebraska Dry Bean Commission

VOTE: Aye: Senators Cudaback, Dierks, Hilgert, Hudkins, Schellpeper, Schrock, and Vrtiska. Nay: None. Absent: Senator Chambers.

(Signed) Merton L. Dierks, Chairperson

AMENDMENTS - Print in Journal

Mrs. Witek filed the following amendment to LB 132:
AM0266

1. On page 2, line 8, after "shall" insert "also"; strike beginning with "in" in line 16 through "The" in line 18 and insert "shall develop the content of the posting and of the toll-free telephone message to be provided under this section. The State Board of Education shall have approval authority regarding such information. Upon approval by the State Board of Education, the"; and in line 19 after "shall" insert "distribute to each

school district the approved posting required under this section and shall".

Mr. Kristensen filed the following amendment to LB 210:
AM0315

1. On page 2, line 18; and page 4, line 8, before "gross" insert "willful, wanton, or".

2. On page 2, line 22; page 4, line 12; and page 5, line 11, after "agency" insert "or the person being tested".

3. On page 2, line 26; page 4, line 16; and page 5, line 15, after the period insert "The form of the certificate shall be prescribed by the Department of Health and Human Services and such forms shall be made available to the persons listed in subsection (1) of this section.".

4. On page 5, line 6, before "gross" insert "willful, wanton, or".

Mr. Maurstad and Mrs. Hudkins filed the following amendment to LB 161:
AM0330

(Amendments to Standing Committee amendments, AM0135)

1. On page 1, line 1, after the comma insert "line 13, after the period insert 'For purposes of this section, the council shall deem the successful completion of the Bureau of Indian Affairs basic police training program as administered by the Federal Law Enforcement Training Center to constitute such equivalent training, and officers certified by virtue of such equivalency training may exercise full law enforcement authority exclusively on tribal lands.'; and".

Mr. Beutler filed the following amendment to LB 250:
AM0332

1. On page 18, line 2, after the period insert "If a majority of the voters voting on the issue vote against the question of withdrawing, the question shall not again be submitted to the voters for a period of four years.".

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Robak asked unanimous consent to have her name added as cointroducer to LB 447. No objections. So ordered.

VISITORS

Visitors to the Chamber were Robert and Kim Franco from Scottsbluff; Harvey Larsen from Grand Island; Duane Mines from Hooper; 25 high school students and 25 adults representing Leadership Kearney from Kearney; 15 juniors, seniors, and teachers from O'Neill Public Schools; 11 students and teacher from University of Nebraska-Lincoln; and Senator Kiel's son, Joe Achelpohl, from Omaha.

The Doctor of the Day was Pat Hotovy from York.

ADJOURNMENT

At 11:02 a.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Thursday, February 13, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FOURTH DAY - FEBRUARY 13, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 13, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Merv Goodrick, Fellowship Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Bromm, Hilgert, Kristensen, Landis, Matzke, D. Pederson, Warner, Wesely, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-third day was approved.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 623. Placed on General File as amended.
Standing Committee amendment to LB 623:
AM0255

1. On page 48, line 12, strike "No" and insert "Except as provided in section 79-916, no".

(Signed) William R. Wickersham, Chairperson

Education

LEGISLATIVE BILL 710. Placed on General File

LEGISLATIVE BILL 81. Indefinitely postponed.
LEGISLATIVE BILL 174. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 12, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cannon, Jonathan D. - Lincoln; Lincoln Benefit Life Company
Cutshall, Bruce A. - Lincoln; Friends of First Chance Vocational Education
Lindsay, John - Lincoln; Nebraska Collectors' Association
Lombardi-Erickson/American Communications Group
  Lombardi, Richard A. - Lincoln; Partnership for Affordable Housing
Mueller, William J./Ruth & Mueller Law Firm
  Mueller, William J. - Lincoln; Friends of First Chance Vocational Education; Nebraska Machinery Company
Radcliffe and Associates
  Radcliffe, Walter H. - Lincoln; Citizens for Equitable School Financing; FHC Options, Inc.; Nebraska Cable Communications Association; Nebraska Rural Electric Association; St. Elizabeth Community Health Center
Rowe-Graves, Erin L. - Ada, MI; Amway Corporation
Ruth, Larry L./Ruth & Mueller Law Firm
  Ruth, Larry L. - Lincoln; Friends of First Chance Vocational Education; Nebraska Machinery Company
Schwartz, Julia P. - Omaha; Children's Healthcare Services; Multistate Associates Incorporated on Behalf of AirTouch Communications
Wright, Norman H. - Omaha; Ash Grove Cement Company; Children's Healthcare Services; Multistate Associates Incorporated on Behalf of Assn. of Health Information Outsourcing Services; Western Surety Company

AMENDMENTS - Print in Journal

Mr. Elmer filed the following amendment to LB 416:
(Amendment, AM0344, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Wehrbein filed the following amendment to LB 160:
AM0308

1. On page 2, line 16, after "limits" insert ". The posting of the three notices by the governing body of a village shall include notices at a United States post office within the village limits if there is a post office within such limits and at

the governing body's principal headquarters within the village limits, and any remaining notices shall be posted at appropriate and prominent places within the village limits".

RESOLUTIONS

LEGISLATIVE RESOLUTION 68. Read. Considered.

LEGISLATIVE RESOLUTION 69. Read. Considered.

LEGISLATIVE RESOLUTION 70. Read. Considered.

LEGISLATIVE RESOLUTION 71. Read. Considered.

LEGISLATIVE RESOLUTION 74. Read. Considered.

LEGISLATIVE RESOLUTION 75. Read. Considered.

LEGISLATIVE RESOLUTION 76. Read. Considered.

LEGISLATIVE RESOLUTION 77. Read. Considered.

LEGISLATIVE RESOLUTION 78. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 68, 69, 70, 71, 74, 75, 76, 77, and 78 were adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 50. Read. Considered.

LR 50 was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 79. Read. Considered.

LR 79 was adopted with 33 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Approve Appointments

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointment found on page 489: Jeff Renner - Member of College Board of Trustees.

Voting in the affirmative, 26:

Beutler
Bohlke
Brashear
Bruning
Coordsen
Dierks
Elmer
Hartnett
Hudkins
Janssen
Jones
Kiel
Kristensen
Lynch
Pedersen, Dw.
Peterson, C.
Preister
Robinson
Schellpeper
Schmitt
Schrock
Tyson
Vrtiska
Wehrbein
Witek
Withem

Voting in the negative, 0.

Present and not voting, 12:

Brown
Chambers
Crosby
Cudaback
Engel
Matzke
Maurstad
McKenzie
Robak
Schimek
Suttle
Wickersham

Excused and not voting, 11:

Abboud
Bromm
Hilgert
Hillman
Jensen
Landis
Pederson, D.
Stuhr
Warner
Wesely
Will

The appointment was confirmed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following appointment found on page 516: Toby Dellamano - Nebraska Ethanol Board.

Voting in the affirmative, 26:

Beutler
Bohlke
Brashear
Bruning
Coordsen
Dierks
Elmer
Hartnett
Janssen
Jones
Kiel
Lynch
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Suttle
Vrtiska
Wehrbein
Witek
Withem

Voting in the negative, 0.

Present and not voting, 12:

Brown
Chambers
Crosby
Cudaback
Engel
Hudkins
Kristensen
Matzke
Maurstad
Robak

Tyson
Wickersham

Excused and not voting, 11:

Abboud
Bromm
Hilgert
Hillman
Jensen
Landis
Pederson, D.
Stuhr
Warner
Wesely
Will

The appointment was confirmed with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Robinson moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 574: Virgie Louis - State Personnel Board; Ellen Lierk, Neil B. Danberg, and Mark Hunzeker - Accountability and Disclosure Commission.

Voting in the affirmative, 26:

Bohlke
Brashear
Bruning
Crosby
Dierks
Elmer
Hudkins
Janssen
Kiel
Lynch
Matzke
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robinson
Schellpeper
Schimek
Schmitt
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 11:

Beutler
Brown
Chambers
Coordsen
Cudaback
Engel
Hartnett
Jones
Kristensen
Maurstad
Schrock

Excused and not voting, 12:

Abboud
Bromm
Hilgert
Hillman
Jensen
Landis
Pederson, D.
Robak
Stuhr
Warner
Wesely
Will

The appointments were confirmed with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Wickersham moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointment found on page 574: Dennis D. Jorgensen - Nebraska Investment Council.

Voting in the affirmative, 25:

Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hudkins
Kiel
Kristensen
Lynch
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Schellpeper
Schimek
Schmitt
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 12:

Beutler
Chambers
Cudaback
Engel
Janssen
Jones
Matzke
Maurstad
Robinson
Schrock
Witek
Withem

Excused and not voting, 12:

Abboud
Bromm
Hilgert
Hillman
Jensen
Landis
Pederson, D.
Robak
Stuhr
Warner
Wesely
Will

The appointment was confirmed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Ms. Schimek moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 581: G. Roderic Anderson - Commission of Industrial Relations.

Voting in the affirmative, 25:

Bohlke
Brashear
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hudkins
Janssen
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Schimek
Schmitt
Suttle
Tyson
Vrtiska
Wehrbein

Voting in the negative, 0.

Present and not voting, 12:

Beutler
Brown
Chambers
Cudaback
Engel
Jones
Robinson
Schellpeper
Schrock
Wickersham
Witek
Withem

Excused and not voting, 12:

Abboud
Bromm
Hilgert
Hillman
Jensen
Landis
Pederson, D.
Robak
Stuhr
Warner

Wesely
Will

The appointment was confirmed with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following appointments found on page 614: Dick R. Wagoner and Mary C. Weyers - Nebraska Dry Bean Commission.

Voting in the affirmative, 25:

Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hudkins
Janssen
Kiel
Kristensen
Lynch
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Schellpeper
Schimek
Schmitt
Stuhr
Tyson
Vrtiska
Wehrbein

Voting in the negative, 0.

Present and not voting, 13:

Beutler
Chambers
Cudaback
Engel
Jones
Matzke
Maurstad
Robinson
Schrock
Suttle
Wickersham
Witek
Withem

Excused and not voting, 11:

Abboud
Bromm
Hilgert
Hillman
Jensen
Landis
Pederson, D.
Robak
Warner
Wesely
Will

The appointments were confirmed with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 641. Placed on General File.

LEGISLATIVE BILL 474. Placed on General File as amended.
Standing Committee amendment to LB 474:
AM0294

1. On page 2, line 6, before "lessor" insert "self-insured".

2. On page 9, lines 5, 6, 10, 11, 13; and page 10, line 18, before "motor carrier" insert "self-insured".

LEGISLATIVE BILL 853. Placed on General File as amended.
Standing Committee amendment to LB 853:

AM0293

1. On page 2, line 28, strike "ten" and insert "six".

(Signed) Chris Abboud, Chairperson

GENERAL FILE

LEGISLATIVE BILL 121. Title read. Considered.

Mr. Brashear moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 285. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 47. Title read. Considered.

Standing Committee amendment, AM0126, found on page 516, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 11. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 315. Title read. Considered.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 469. Title read. Considered.

Standing Committee amendment, AM0125, printed separately and referred to on page 557, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 140. Title read. Considered.

Standing Committee amendment, AM0200, found on page 565, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE RESOLUTION 10CA. Read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 25CA. Read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 479. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 364. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 412. Title read. Considered.

Standing Committee amendment, AM0286, found on page 575, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 230. Title read. Considered.

Standing Committee amendment, AM0289, found on page 578, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 426. Title read. Considered.

Standing Committee amendment, AM0288, found on page 579, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 666. Title read. Considered.

Standing Committee amendment, AM0287, found on page 579, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 397. Placed on Select File as amended.
(E & R amendment, AM7032, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 116. Placed on Select File.
LEGISLATIVE BILL 238. Placed on Select File.

LEGISLATIVE BILL 28. Placed on Select File as amended.
E & R amendment to LB 28:
AM7030
1. On page 4, line 20, strike "Article VII" and insert "Article VIII".

LEGISLATIVE BILL 97. Placed on Select File as amended.
E & R amendment to LB 97:
AM7031
1. On page 1, line 3, strike the first "to" and insert "the".

LEGISLATIVE BILL 342. Placed on Select File as amended.
E & R amendment to LB 342:
AM7034

1. On page 1, line 1, strike "school finance" and insert "revenue and taxation"; and in line 4 after "errors" insert "in valuation used for school finance purposes".

LEGISLATIVE BILL 489. Placed on Select File as amended.
E & R amendment to LB 489:
AM7033

1. On page 3, line 12, after "maximum" insert "total" and strike "total".

2. On page 5, line 11, strike the first comma and show as stricken; in line 25 strike the underscored comma and after "certified" insert "to"; and in line 26 strike the first comma and show as stricken.

LEGISLATIVE BILL 86. Placed on Select File.
LEGISLATIVE BILL 486. Placed on Select File.
LEGISLATIVE BILL 85. Placed on Select File.
LEGISLATIVE BILL 103. Placed on Select File.

LEGISLATIVE BILL 160. Placed on Select File as amended.
E & R amendment to LB 160:
AM7035

1. On page 2, line 20, after the period insert paragraphing.

LEGISLATIVE BILL 441. Placed on Select File.

LEGISLATIVE BILL 221. Placed on Select File as amended.
E & R amendment to LB 221:
AM7039

1. On page 1, line 1, after the last comma insert "and"; in line 2 strike "and 32-616,"; and strike beginning with the first "to" in line 5 through the first semicolon in line 6.

2. On page 2, line 25, strike "and", show as stricken, and insert "through".

LEGISLATIVE RESOLUTION 32CA. Placed on Select File as amended.
E & R amendment to LR 32CA:
AM7036

1. In the Standing Committee amendments, AM0151:

a. Strike amendment 2; and

b. On page 1, line 3, strike "2" and insert "3".

2. On page 1, line 7, strike "sections 2 and 3" and insert "section 2".

3. On page 2, line 15, after the quotation marks insert

a period; and after line 15 insert

"Sec. 2. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 3:".

LEGISLATIVE BILL 344. Placed on Select File as amended.
E & R amendment to LB 344:
AM7037

1. On page 1, line 4, strike "and"; and in line 5 after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 111. Placed on Select File.

LEGISLATIVE BILL 258. Placed on Select File as amended.
E & R amendment to LB 258:
AM7038

1. On page 1, line 2, after the semicolon insert "to provide operative dates;".
2. On page 2, line 16, strike "exist" and insert "exists"; and in line 19 strike "that".

LEGISLATIVE BILL 30. Placed on Select File.
LEGISLATIVE BILL 86A. Placed on Select File.
LEGISLATIVE BILL 111A. Placed on Select File.
LEGISLATIVE BILL 132A. Placed on Select File.
LEGISLATIVE BILL 68. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 226. Placed on General File.

(Signed) Douglas A. Kristensen, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 152. Placed on General File.

LEGISLATIVE BILL 273. Placed on General File as amended.
Standing Committee amendment to LB 273:
AM0333

1. On page 23, line 11, after "investment" insert "in debt obligations".

(Signed) David M. Landis, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 5CA. Mr. Maurstad and Mrs. Stuhr renewed their pending amendment, AM0093, found on page 459.

Messrs. Dierks, Wehrbein, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Stuhr moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

SPEAKER WITHEM PRESIDING

The Maurstad-Stuhr amendment was adopted with 26 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 26 ayes, 10 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 68, 69, 70, 71, 74, 75, 76, 77, 78, 50, and 79.

UNANIMOUS CONSENT - Members Excused

Messrs. Beutler, Lynch, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 161. Title read. Considered.

Standing Committee amendment, AM0135, found on page 510, was considered.

Mr. Maurstad and Mrs. Hudkins withdrew their amendment, AM0310, found on page 585.

Mr. Maurstad and Mrs. Hudkins renewed their pending amendment, AM0330, found on page 615, to the Standing Committee amendment.

The Maurstad-Hudkins amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Maurstad, Mmes. Robak, and Bohlke asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 80. Title read. Considered.

Standing Committee amendment, AM0118, found on page 516, was adopted with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Tyson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 631. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 199. Title read. Considered.

Standing Committee amendment, AM0218, found on page 555, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 635. Placed on General File as amended.
Standing Committee amendment to LB 635:
AM0245

1. On page 10, line 4, after the period insert "The department shall distinguish between a request by an individual to prohibit disclosure of the personal information in his or her motor vehicle record pursuant to subdivision (11) of section 7 of this

act and a similar request to prohibit disclosure of the personal information pursuant to subdivision (12) of section 7 of this act.".

LEGISLATIVE BILL 720. Placed on General File as amended. (Standing Committee amendment, AM0317, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Douglas A. Kristensen, Chairperson

Business and Labor

LEGISLATIVE BILL 245. Placed on General File.

(Signed) Chris Abboud, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 335	Monday, February 24, 1997	1:30 p.m.
LB 376	Monday, February 24, 1997	1:30 p.m.
LB 554	Monday, February 24, 1997	1:30 p.m.
LB 753	Monday, February 24, 1997	1:30 p.m.
LB 555	Tuesday, February 25, 1997	1:30 p.m.
LB 659	Tuesday, February 25, 1997	1:30 p.m.
LB 675	Tuesday, February 25, 1997	1:30 p.m.
LB 740	Tuesday, February 25, 1997	1:30 p.m.

(Signed) David M. Landis, Chairperson

Judiciary

LB 730	Friday, February 21, 1997 (cancel)	1:30 p.m.
LB 458	Thursday, February 27, 1997	1:30 p.m.
LB 442	Thursday, March 6, 1997	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

Agriculture

LB 191	Tuesday, February 25, 1997	1:30 p.m.
LB 193	Tuesday, February 25, 1997 (rescheduled)	1:30 p.m.
LB 661	Tuesday, March 4, 1997	1:30 p.m.

(Signed) Merton L. Dierks, Chairperson

AMENDMENT - Print in Journal

Messrs. Schellpeper and Wickersham filed the following amendment to LB 250:
AM0348

1. On page 7, line 3, after "of" insert "initial"; strike beginning with the first "and" in line 4 through "township" in line 7; in line 12 after the period insert "The employee shall receive eligibility and vesting credit for his or her years of service in a Nebraska governmental plan, as defined in section 414(d) of the Internal Revenue Code, of the city, village, or township."; and strike beginning with "purchase" in line 18 through line 28 and insert "elect one of the following options:

(i) The employee may remove his or her funds from the city, village, or township retirement system;

(ii) If the employee is vested in the city, village, or township retirement system, he or she may leave the funds in the city, village, or township retirement system; or

(iii) The employee may authorize the city, village, or township retirement system to transfer the entire amount contained within his or her account from such system, including all employee and employer contributions and earnings, shall receive eligibility and vesting credit for his or her years of service in a Nebraska governmental plan, as defined in section 414(d) of the Internal Revenue Code, of the city, village, or township. The employee shall then be credited with the number of years of service actuarially determined to be funded by such contribution and shall permit the employee to be an active participant in the county retirement system with that number of years of service. An employee who elects to authorize such transfer of funds to the county system shall make payment of all such funds from the city, village, or township retirement system immediately. If the payment of such funds does not result in the employee being credited with at least the same number of years of creditable service accrued in the prior system, the employee may purchase up to the number of years of actuarially determined creditable service which he or she had with the city, village, or township and payment".

2. On page 8, strike beginning with line 1 through "Payment" in line 2; and in line 5 after the period insert "If payments are made by installment payments or irrevocable payroll deduction authorization, interest on all such amounts shall be included in the payments.".

3. On page 11, line 5, strike "contributions" and insert "payments made pursuant to subsection (1) of this section".

4. On page 17, line 8, strike "retirement benefits,".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 114A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 114, Ninety-fifth Legislature, First Session, 1997.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Withem asked unanimous consent to have his name added as cointroducer to LR 25CA. No objections. So ordered.

VISITORS

Visitors to the Chamber were 125 tenth grade students and teachers from Burke High School, Omaha; Betty Cernech and Senator Robinson's daughter, Kris Stapp, from Omaha; Robert D. Coupland from Valentine and J. Gustavo Darquea from Ecuador; 40 high school students and teachers from Blair; members of Financial Women International from across Nebraska; and 60 high school students and teachers from Elkhorn.

ADJOURNMENT

At 12:06 p.m., on a motion by Mrs. Brown, the Legislature adjourned until 9:00 a.m., Tuesday, February 18, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-FIFTH DAY – FEBRUARY 18, 1997

LEGISLATIVE JOURNAL

TWENTY-FIFTH DAY – FEBRUARY 18, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 18, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Dale Jirousek, First Lutheran Church, South Sioux City, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, Kristensen, Lynch, and Matzke who were excused; and Messrs. Abboud, Bromm, Landis, Preister, Schrock, Warner, Wickersham, Will, and Mrs. Bohlke who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 531, line 4, after "cards;" insert "to provide an operative date;".
The Journal for the nineteenth day was approved as corrected.
The Journal for the twenty-fourth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

MESSAGES FROM THE GOVERNOR

February 13, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell

Engrossed Legislative Bills 16, 19e, 40e, 46e, 61, 71, 77, 78e, 122e, 141, 188e, and 44 were received in my office on February 12, 1997.

These bills were signed by me on February 13, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 14, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Child Abuse Prevention Fund Board.

APPOINTEES:
Julie Cervantes-Salomons, 5120 N Street, Lincoln, NE 68510
Jesse Sharpe, 1529 North 106th Street, Omaha, NE 68114-1009

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

February 14, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Educational Telecommunications Commission.

APPOINTEES:
Arlene B. Nelson, 304 Brentwood Square, Grand Island, NE 68801
Sharon K. Rankin, 901 Parry Drive, Chadron, NE 69337

Dr. Stanley C. Carlson, 910 North 57th Street, Lincoln, NE 68505

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

February 14, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Commission for the Hearing Impaired.

APPOINTEES:
Janet L. Haun, 1301 Lancaster Lane, Lincoln, NE 68505-1932
Esther M. Seanor, P.O. Box 435, Gothenburg, NE 69138
Tricia M. Thige, 7621 Cherrywood Drive #8, Lincoln, NE 68510

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

NOTICE OF COMMITTEE HEARINGS
Education

LB 572	Monday, March 10, 1997 (cancelled)	1:30 p.m.
LB 572	Tuesday, March 11, 1997 (rescheduled)	1:30 p.m.
LB 446	Tuesday, March 11, 1997 (cancelled)	1:30 p.m.
LB 446	Monday, March 10, 1997 (rescheduled)	1:30 p.m.

(Signed) Ardyce L. Bohlke, Chairperson

REPORTS

The following reports were received by the Legislature:

Energy Office, Nebraska

Annual Report

Health and Human Services System
Child Care Licensing Annual Report from Department of Social Services

Roads, Department of
Highway Cash Fund for January 1997

Rural Development Commission, Nebraska
Annual Report

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 79, 106, 113, 113A, 114, 170, 261, and 272.

Enrollment and Review Change to LB 113

The following changes, required to be reported for publication in the Journal, have been made:
ER9006
1. On page 1, line 4, "to require annual reports by the Tax Commissioner as prescribed;" has been inserted after the semicolon.

Enrollment and Review Change to LB 114

The following changes, required to be reported for publication in the Journal, have been made:
ER9007
1. In the E & R amendment, AM7020, on page 1, line 1, "strike" has been struck and "after" inserted and ", show as" has been struck; and in line 2 "stricken, and" has been struck.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 303. Placed on General File as amended.
Standing Committee amendment to LB 303:
AM0355

1. On page 3, line 1, strike "unlawfully"; and in line 3 after "handicap" insert ", except that nothing in the Nebraska Educational Finance Authority Act shall be construed or interpreted to prohibit the authority from financing a project for any institution which admits only students of a single gender".

LEGISLATIVE BILL 713. Placed on General File as amended.
Standing Committee amendment to LB 713:
AM0274

1. On page 5, line 12; page 6, line 28; and page 17, line 25, strike "1996-97" and insert "1997-98".
2. On page 5, line 17; page 7, line 19; and page 17, line 28, strike "1997-98" and insert "1998-99".
3. On page 5, line 19; page 8, lines 1 and 16 and 17; and page 18, lines 2 and 3, strike "the school year immediately preceding".
4. On page 5, line 22; page 8, lines 4 and 19; and page 18, line 5, strike "three" and insert "most recently available complete data year and the two".
5. On page 18, line 6, strike "date" and insert "data".

LEGISLATIVE BILL 809. Placed on General File as amended.
Standing Committee amendment to LB 809:
AM0278

1. On page 9, line 23, strike "higher" and insert "elementary and secondary".

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 199. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 453. Title read. Considered.

Standing Committee amendment, AM0187, found on page 523, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 184. Title read. Considered.

Standing Committee amendment, AM0142, found on page 552, was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 325. Title read. Considered.

Standing Committee amendment, AM0183, found on page 552, was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 182. Title read. Considered.

Mmes. Hillman and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Standing Committee amendment, AM0217, printed separately and referred to on page 563, was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 182A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 502. Placed on General File as amended.
Standing Committee amendment to LB 502:
AM0359

1. Strike the original sections and insert the following new section:

"Section 1. (1) No person shall establish a slaughterhouse within three thousand three hundred feet of a residential area in a city of the metropolitan class.

(2) For purposes of this section:

(a) Establish means to begin slaughterhouse activities at a specific site or to resume such activities at a site which was formerly a slaughterhouse after five or more years have elapsed since the cessation of regular operations as a slaughterhouse at such site;

(b) Residential area means (i) an area which has a zoning designation, formally adopted by the zoning authority of the city, in which a residential use is a permitted use or (ii) an area which had such a zoning designation at least five years prior to the proposed establishment of a slaughterhouse; and

(c) Slaughterhouse means a facility where livestock is slaughtered or killed on the premises with the carcasses subject to further processing or use either onsite or offsite.

(3) This section applies to any slaughterhouse which is not in operation on January 1, 1997, or which has not received prior to January 1, 1997, the permits from the city necessary to authorize the establishment of a slaughterhouse.".

(Signed) D. Paul Hartnett, Chairperson

Business and Labor

LEGISLATIVE BILL 124. Placed on General File.

(Signed) Chris Abboud, Chairperson

Judiciary

LEGISLATIVE BILL 87. Placed on General File.
LEGISLATIVE BILL 550. Placed on General File.

LEGISLATIVE BILL 109. Placed on General File as amended.
Standing Committee amendment to LB 109:
AM0116

1. Strike original sections 1 and 3 and insert the following new section:

"Section 1. (1) The chief or head official of the fire department, fire inspectors as may be designated by such chief or head official, or inspectors charged with the enforcement of fire, health, or safety codes of a city of the first class, city of the primary class, or city of the metropolitan class shall have the authority to issue special citations as described in this section for violations that constitute infractions.

(2) Special citations issued pursuant to this section shall be equivalent to and have the same legal effect as citations issued in lieu of arrest or continued custody by a peace officer.

(3) Special citations may be issued only for violations of fire, health, and safety codes that (a) constitute infractions and (b) are violations of the fire, health, or safety code that the official or inspector issuing the special citation is charged with enforcing.".

2. On page 2, lines 23 and 24, strike the new matter and insert "or when a special citation is used by an official or inspector pursuant to section 1 of this act".

3. Renumber the remaining section and correct the

repealer accordingly.

LEGISLATIVE BILL 203. Placed on General File as amended.
Standing Committee amendment to LB 203:
AM0257

1. Insert the following section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 18, after "(3)" insert "The Department of Motor Vehicles shall cause written notification of the duty to register to be provided on applications for a motor vehicle operator's license and commercial driver's license."; and in line 25 reinstate the stricken matter.

LEGISLATIVE BILL 246. Placed on General File as amended.
Standing Committee amendment to LB 246:
AM0283

1. Strike the original sections and insert the following new sections:

"Section 1. Section 24-1101, Reissue Revised Statutes of Nebraska, is amended to read:

24-1101. (1) There is hereby created the Court of Appeals which shall consist of six judges. The court shall sit in panels of three judges to conduct the business of the court. The decision of a majority of the judges of the panel to which a case is submitted shall constitute the decision of the court for that case. The membership of the panels shall be assigned and regularly rotated by the Chief Judge of the Court of Appeals in such a manner as to provide each judge the opportunity to serve a proportionate amount of time with every other judge on the court.

(2) One judge of the Court of Appeals shall be appointed by the Governor from each Supreme Court judicial district. For purposes of this section, a judge's residence on the effective date of appointment shall be considered the judge's residence while he or she serves on the Court of Appeals. Prior to the effective date of this act, the ~~The~~ Supreme Court shall each year select one judge of the Court of Appeals as Chief Judge. Upon the expiration of the term of the Chief Judge in office on the effective date of this act and each two years thereafter, the judges of the Court of Appeals shall by majority vote nominate one of their number to be Chief Judge for the ensuing two years, which judge shall, upon the ratification of the selection by the Supreme Court, serve as Chief Judge for that two-year period.

(3) Judges of the Court of Appeals shall be paid an amount equal to ninety-five percent of the salary set for the Chief Justice and judges of the Supreme Court.

(4) Judges of the Court of Appeals shall be subject to the same provisions relating to selection, filling of a vacancy, term of office, discipline, removal from office, and retirement as

are all other judges covered by Article V of the Constitution of Nebraska.

Sec. 2. Original section 24-1101, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 293. Placed on General File as amended.
Standing Committee amendment to LB 293:
AM0149

1. On page 2, lines 10 through 13, strike the new matter and reinstate the stricken matter.

LEGISLATIVE BILL 393. Placed on General File as amended.
Standing Committee amendment to LB 393:
AM0157

1. Strike original section 4.

LEGISLATIVE BILL 26. Indefinitely postponed.
LEGISLATIVE BILL 36. Indefinitely postponed.
LEGISLATIVE BILL 216. Indefinitely postponed.
LEGISLATIVE BILL 268. Indefinitely postponed.
LEGISLATIVE BILL 294. Indefinitely postponed.
LEGISLATIVE BILL 605. Indefinitely postponed.
LEGISLATIVE BILL 644. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 137:
AM0352

1. Insert the following new sections:

"Sec. 11. Section 21-1741, Revised Statutes Supplement, 1996, is amended to read:

21-1741. (1) A credit union, by action of its board of directors, may, to the same extent as a bank organized under the laws of this state, operate a safety deposit box service for its members pursuant to sections 8-501 and 8-502.

(2) Before granting approval for a credit union to operate a safety deposit box service, the director shall consider the reserve position of the credit union, the performance qualifications of its management, the rules of the credit union for the operation of its safety deposit box service, security measures, bonding and insurance, and the general safe and sound condition of the credit union.

(3) A credit union shall not spend more than twenty-five thousand dollars or ~~any~~ an amount equal to one percent of its capital, ~~and~~ ~~deposits,~~ whichever is greater, on the capital expenditures of its safety deposit box service.

Sec. 12. Section 21-17,102, Revised Statutes Supplement, 1996, is amended to read:

21-17,102. (1) Funds not used in loans to members may be invested:

(a) In securities, obligations, or other instruments of or issued by or fully guaranteed as to principal and interest by the United States of America or any agency or instrumentality thereof or in any trust or trusts established for investing directly or collectively in the same;

(b) In securities, obligations, or other instruments of any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the several territories organized by Congress or any political subdivision thereof;

(c) In deposits, obligations, or other accounts of financial institutions organized under state or federal law;

(d) In loans to or in share accounts of other credit unions or corporate central credit unions;

(e) In obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, or any corporation designated in 31 U.S.C. 846 as a wholly owned government corporation; or in obligations, participation certificates, or other instruments of or insured by or fully guaranteed as to principal and interest by the Federal National Mortgage Association or the Government National Mortgage Association; or in mortgages, obligations, or other securities which are or ever have been sold by the Federal Home Loan Mortgage Corporation pursuant to section 305 or section 306 of the Federal Home Loan Mortgage Corporation Act, 12 U.S.C. 1454 et seq.; or in obligations or other instruments or securities of the Student Loan Marketing Association; or in obligations, participation, securities, or other instruments of or issued by or fully guaranteed as to principal and interest by any other agency of the United States. A state credit union may issue and sell securities which are guaranteed pursuant to section 306(g) of the National Housing Act, 12 U.S.C. 1721(g);

(f) In participation certificates evidencing a beneficial interest in obligations or in a right to receive interest and principal collections therefrom, which obligations have been subjected by one or more government agencies to a trust or trusts for which any executive department, agency, or instrumentality of the United States or administrator thereof has been named to act as trustee;

(g) In share accounts or deposit accounts of any corporate central credit union in which such investments are specifically authorized by the board of directors of the credit union making the investment;

(h) In the shares, stock, or other obligations of any other organization, not to exceed ten percent of the credit union's capital ~~and deposits~~ and not to exceed five percent of the credit union's capital ~~and deposits~~ in any one corporation's stock, bonds, or other obligations, unless otherwise approved by the director. Such authority shall not include the power to acquire control, directly or indirectly, of another financial institution, nor invest in shares, stocks, or obligations of any insurance company or trade association except as otherwise expressly provided for or approved by the director;

(i) In the capital stock of the National Credit Union Central Liquidity Facility;

(j) In obligations of or issued by any state or political subdivision thereof, including any agency, corporation, or instrumentality of a state or political subdivision, except that no credit union may invest more than ten percent of its capital ~~and deposits~~ in the obligations of any one issuer, exclusive of general obligations of the issuer; and

(k) In participation loans with other credit unions, credit union organizations, or other organizations.

(2) In addition to investments expressly permitted by the Credit Union Act, a credit union may make any other type of investment approved by the department by rule or regulation.

Sec. 13. Section 21-17,106, Revised Statutes Supplement, 1996, is amended to read:

21-17,106. ~~(1)~~ In addition to the regular reserve account, a special reserve account to protect the interest of the members shall be established when required by rule or regulation or when found by the board of directors of the credit union or by the director, in any special case, to be necessary for that purpose.

~~(2) Any one-time or periodic membership fees established by the board of directors shall be added, after payment of organization expenses, to a special reserve account.~~

Sec. 14. Section 21-17,109, Revised Statutes Supplement, 1996, is amended to read:

21-17,109. (1) Any credit union organized under the Credit Union Act may, with the approval of the department, merge or consolidate with one or more other credit unions organized under the act or under the laws of the United States, if the credit unions merging or consolidating possess coinciding common bonds of association.

(2) When two or more credit unions merge or consolidate, one shall be designated as the continuing credit union or a totally new credit union shall be organized. If the latter procedure is followed, the new credit union shall be organized under the Credit Union Act or under the laws of the United States. All participating credit unions other than the continuing or new credit union shall be designated as merging credit unions.

(3) Any merger or consolidation of credit unions shall be done according to a plan of merger or consolidation. After approval by the boards of directors of all participating credit unions, the plan shall be submitted to the department for preliminary approval. If the plan includes the organization of a

new credit union, all documents required pursuant to section 21-1724 shall be submitted as a part of the plan. In addition, each participating credit union shall submit the following information:

(a) The time and place of the meeting of the boards of directors at which the plan of merger or consolidation was agreed upon;

(b) The vote of the directors in favor of the adoption of the plan; and

(c) A copy of a resolution or other action by which the plan was agreed upon.

The department shall grant preliminary approval if the plan has been approved properly by the boards of directors and if the documentation required to organize a new credit union, if any, complies with section 21-1724.

(4) After the department grants preliminary approval, each merging credit union shall, unless waived by the department, conduct a membership vote on its participation in the plan. The vote shall be conducted either at a special meeting called for that purpose or by mail ballot. If a majority of the members voting approve the plan, the credit union shall submit a record of that fact to the department indicating the vote by which the members approved the plan and either the time and place of the membership meeting or the mailing date and closing date of the mail ballot.

(5) The department may waive any voting requirements described in the Credit Union Act for any credit union upon the determination that it is in the best interests of the membership or that the credit union is insolvent or in imminent danger of becoming insolvent.

(6) The director shall grant final approval of the plan of merger or consolidation after determining that the requirements of subsections (1) ~~to~~ through (4) of this section have been met in the case of each merging credit union. If the plan of merger or consolidation includes the organization of a new credit union, the department must approve the organization of the new credit union under section 21-1724 as part of the approval of the plan of merger or consolidation. The department shall notify all participating credit unions of the plan.

(7) Upon final approval of the plan by the department, all property, property rights, and members' interests in each merging credit union shall vest in the continuing or new credit union as applicable without deed, obligations, and other instruments of transfer, and all debts, obligations, and liabilities of each merging credit union shall be deemed to have been assumed by the continuing or new credit union. The rights and privileges of the members of each participating credit union shall remain intact. If a person is a member of more than one of the participating credit unions, the person shall be entitled to only a single set of membership rights in the continuing or new credit

union.

(8) Notwithstanding any other provision of law, the department may authorize a merger or consolidation of a credit union which is insolvent or which is in danger of insolvency with any other credit union or may authorize a credit union to purchase any of the assets of or assume any of the liabilities of any other credit union which is insolvent or which is in danger of insolvency, if the department is satisfied that:

(a) An emergency requiring expeditious action exists with respect to such credit union;

(b) Other alternatives for such credit union are not reasonably available; and

(c) ~~The credit unions merging or consolidating possess coinciding common bonds of association; and~~

~~(d)~~ The public interest would best be served by the approval of such merger, consolidation, purchase, or assumption.

(9) Notwithstanding any other provision of law, the director may authorize an institution, the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation or any derivative thereof, to purchase any assets of or assume any liabilities of a credit union which is insolvent or in danger of insolvency, except that prior to exercising this authority the director shall attempt to effect a merger or consolidation with, or purchase or assumption by, another credit union as provided in subsection (8) of this section.

(10) For purposes of the authority contained in subsection (9) of this section, insured share accounts of each credit union may, upon consummation of the purchase or assumption, be converted to insured deposits or other comparable accounts in the acquiring institution, and the department and the National Credit Union Share Insurance Fund shall be absolved of any liability to the credit union's members with respect to those accounts.".

2. On page 17, strike beginning with "not" in line 2 through "violation" in line 3; in line 6 after the period insert "The fine shall not exceed ten thousand dollars per violation for the first offense and twenty-five thousand dollars per violation for a second or subsequent offense involving a violation of the same provision of Chapter 8, the Credit Union Act, the rules and regulations of the department, or the same order of the department."; and in line 15 after the period insert "The lien shall attach to the real property of such person when notice of the lien is filed and indexed against the real property in the office of the register of deeds in the county where the real property is located. The lien shall attach to any other property of such person when notice of the lien is filed against the property in the manner prescribed by law.".

3. On page 36, line 26, after the second comma insert "21-1741, 21-17,102, 21-17,106, 21-17,109,".

4. Renumber the remaining sections accordingly.

Mrs. Brown filed the following amendment to LB 344:
AM0252

1. Insert the following new sections:

"Sec. 2. Section 58-533, Revised Statutes Supplement, 1996, is amended to read:

58-533. ~~The Nebraska Redevelopment Act terminates on February 1, 1997, if no applications have been approved prior to such date.~~ There shall be no area applications or project applications filed on or after February 1, 2000, without further authorization of the Legislature, except that all area applications, all project applications, and all project agreements pending, approved, or entered into before such date shall continue in full force and effect.

Sec. 3. Section 77-4935, Reissue Revised Statutes of Nebraska, is amended to read:

77-4935. ~~The Quality Jobs Act terminates on February 1, 1997, if no applications have been approved prior to such date.~~

There shall be no project applications filed on or after February 1, 2000, without further authorization of the Legislature, except that all project applications and all project agreements pending, approved, or entered into before such date shall continue in full force and effect.".

2. On page 5, line 4, strike "section 58-504" and insert "77-4935, Reissue Revised Statutes of Nebraska, and sections 58-504 and 58-533"; and in line 5 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE RESOLUTION 8CA. Read. Considered.

Advanced to E & R for review with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE RESOLUTION 47CA. Read. Considered.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 3 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE RESOLUTION 17CA. Read. Considered.

Standing Committee amendment, AM0236, found on page 573, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 53. Title read. Considered.

Standing Committee amendment, AM0285, found on page 575, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 130. Title read. Considered.

Mrs. C. Peterson and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM0280, found on page 578, was considered.

Ms. Schimek offered the following amendment to the Standing Committee amendment:
AM0391

(Amendments to Standing Committee amendment, AM0280)

1. On page 1, lines 1 and 2, strike "primarily in person" and insert "engaged in sales primarily in person and is".

The Schimek amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 37. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 568. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 722. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 183. Title read. Considered.

Standing Committee amendment, AM0248, found on page 608, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 610. Title read. Considered.

Standing Committee amendment, AM0249, found on page 609, was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 153. Placed on Select File as amended.
E & R amendment to LB 153:
AM7044

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. The Legislature recognizes that persons who participate in equine activities may incur injuries as a result of the risks involved in such activities. The Legislature also finds that the state and its citizens derive numerous economic and personal benefits from such activities. It is, therefor, the intent of the Legislature to encourage equine activities by providing reasonable standards for those involved in such activities.

Sec. 2. For purposes of this act:

(1) Engages in an equine activity means riding, training, assisting in medical treatment of, driving, or being a passenger upon an equine, whether mounted or unmounted, or being a passenger upon an equine-drawn vehicle, or any person assisting a participant or assisting show management. Engages in an equine activity does not include being a spectator at an equine activity except in cases

when the spectator places himself or herself in an unauthorized area;

(2) Equine means a horse, pony, donkey, mule, hinny, or llama;

(3) Equine activity means:

(a) Equine shows, fairs, competitions, performances, or parades that involve any or all breeds of equines and any of the equine disciplines, including, but not limited to, dressage, hunter, and jumper horse shows, grand-prix jumping, three-day events, combined training, rodeos, driving, pulling, cutting, polo, steeplechasing, English and western performance riding, endurance trail riding, western games, and hunting;

(b) Equine training or teaching activities or both;

(c) Boarding equines;

(d) Riding, inspecting, or evaluating an equine belonging to another, whether or not the owner has received some monetary consideration or other thing of value for the use of the equine or is permitting a prospective purchaser of the equine to ride, inspect, or evaluate the equine;

(e) Rides, trips, hunts, or other equine activities of any type however informal or impromptu that are sponsored by an equine activity sponsor; and

(f) Placing or replacing horseshoes on an equine;

(4) Equine activity sponsor means an individual, group, club, partnership, limited liability company, or corporation, whether or not the sponsor is operating for profit or nonprofit, which sponsors, organizes, or provides the facilities for an equine activity, including, but not limited to, pony clubs, 4-H clubs, hunt clubs, riding clubs, school and college-sponsored classes, programs, and activities, therapeutic riding programs, and operators, instructors, and promoters of equine facilities, including, but not limited to, stables, clubhouses, ponyride strings, fairs, and arenas at which the equine activity is held;

(5) Equine professional means a person engaged for compensation:

(a) In instructing a participant or renting to a participant an equine for the purpose of riding, driving, or being a passenger upon the equine; or

(b) In renting equipment or tack to a participant;

(6) Inherent risks of equine activities means those dangers or conditions which are an integral part of equine activities, including, but not limited to:

(a) The propensity of an equine to behave in ways that may result in injury, harm, or death to persons on or around them;

(b) The unpredictability of an equine's reaction to such things as sounds, sudden movement, and unfamiliar objects, persons, or other animals;

(c) Certain hazards such as surface and subsurface conditions;

(d) Collisions with other equines or objects; and

(e) The potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, such as failing to maintain control over the equine or not acting within his or her ability; and

(7) Participant means any person, whether amateur or professional, who engages in an equine activity whether or not a fee is paid to participate in the equine activity.

Sec. 3. Except as provided in section 4 of this act, (1) an equine activity sponsor, an equine professional, or any other person, which includes a corporation, limited liability company, or partnership, shall not be liable for an injury to or the death of a participant resulting from the inherent risks of equine activities and (2) no participant nor participant's representative shall make any claim against, maintain an action against, or recover from an equine activity sponsor, an equine professional, or any other person for injury, loss, damage, or death of the participant resulting from any of the inherent risks of equine activities.

Sec. 4. (1) This act shall not apply to the horseracing industry as regulated in sections 2-1201 to 2-1229.

(2) Nothing in section 3 of this act prevents or limits the liability of an equine activity sponsor, an equine professional, or any other person if the equine activity sponsor, equine professional, or person:

(a) Provided the equipment or tack and the equipment or tack caused the injury because the equine activity sponsor or professional failed to reasonably and prudently inspect or maintain the equipment or tack;

(b) Provided the equine and failed to make reasonable and prudent efforts to determine the ability of the participant to engage safely in the equine activity and determine the ability of the participant to safely manage the particular equine based on the participant's representations of his or her ability;

(c) Owns, leases, rents, or otherwise is in lawful possession and control of the land or facilities upon which the participant sustained injuries or death because of a dangerous latent condition which was known or should have been known to the equine activity sponsor, equine professional, or person and for which warning signs were not conspicuously posted;

(d) Commits an act or omission which a reasonable, prudent person would not have done or omitted under the same or similar circumstances or which constitutes willful or wanton disregard for the safety of the participant and that act or omission was a proximate cause of the injury; or

(e) Intentionally injures the participant.

(3) Nothing in section 3 of this act prevents or limits the liability of an equine activity sponsor or an equine professional under product liability laws.

Sec. 5. Every equine professional shall post and maintain signs which contain the warning notice specified in this section. The signs shall be placed in a clearly visible location on or near stables, corrals, or arenas where the equine professional conducts equine activities if such stables, corrals, or arenas are owned, leased, rented, managed, or controlled by the equine professional. The placement of warning signs shall be such that they may be readily seen by participants in equine activities. The warning notice specified in this section shall appear on the sign in black letters with each letter a minimum of four inches in height. Every written contract entered into by an equine professional for providing professional services, instruction, or rental of equipment or tack or an equine to a participant, whether or not the contract involves equine activities on or off the location or site of the equine professional's business, shall contain in clearly readable print the warning notice specified in this section. The signs and contracts shall contain the following warning notice:

WARNING

Under Nebraska Law, an equine professional is not liable for an injury to or the death of a participant in equine activities resulting from the inherent risks of equine activities, pursuant to this act.".

2. On page 1, strike beginning with "an" in line 1 through "signs" in line 3 and insert "standards and procedures for civil liability".

LEGISLATIVE BILL 58. Placed on Select File.

LEGISLATIVE BILL 121. Placed on Select File as amended.
E & R amendment to LB 121:
AM7040

1. On page 2, line 1, strike "21-19,111" and insert "21-19,119".

LEGISLATIVE BILL 285. Placed on Select File as amended.
E & R amendment to LB 285:
AM7041

1. On page 5, line 27, strike the comma and show as stricken.

LEGISLATIVE BILL 47. Placed on Select File as amended.
E & R amendment to LB 47:
AM7045

1. On page 1, line 3, strike the commas and before "life" insert "and"; and in line 4 strike "and health insurance".

LEGISLATIVE BILL 11. Placed on Select File.

LEGISLATIVE BILL 315. Placed on Select File as amended.

E & R amendment to LB 315:
AM7048

1. On page 2, line 4, after "purchase" insert "personal".

LEGISLATIVE BILL 469. Placed on Select File as amended.
E & R amendment to LB 469:
AM7049

1. In the Standing Committee amendments, AM0125:

a. On page 11, line 19; and page 12, line 12, reinstate the stricken "elected" and after the reinstated "elected" insert "or";

b. On page 18, line 26, strike "or" and show as stricken; and

c. On page 19, lines 3, 5, and 7 strike the comma and show as stricken; in line 16 strike "2-205,"; in line 22 strike "2-208" and insert "2-203.04, 2-208,"; and in line 23 strike "to" and insert ", 2-203.03,".

2. On page 1, line 5, after "to" insert "2-245, 2-248, and"; in line 7 strike the second "and"; in line 8 after "dissolution" insert ", and reinstatement"; in line 11 strike "2-208" and insert "2-203.04, 2-208,"; and strike line 13 and insert "2-203, 2-203.02, 2-203.03, 2-203.05, 2-205, 2-219, 2-246, and 2-247, Revised".

LEGISLATIVE BILL 140. Placed on Select File.

LEGISLATIVE RESOLUTION 10CA. Placed on Select File.
LEGISLATIVE RESOLUTION 25CA. Placed on Select File.

LEGISLATIVE BILL 479. Placed on Select File.

LEGISLATIVE BILL 364. Placed on Select File as amended.
E & R amendment to LB 364:
AM7042

1. On page 1, strike beginning with the comma in line 4 through "shareholders" in line 5.

2. On page 4, line 7, strike "this subdivision" and insert "subdivision (3)(b) of this section".

LEGISLATIVE BILL 412. Placed on Select File as amended.
E & R amendment to LB 412:
AM7043

1. On page 1, line 4, strike "and" and after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 230. Placed on Select File.

LEGISLATIVE BILL 426. Placed on Select File as amended.

E & R amendment to LB 426:
AM7046

1. On page 1, line 4, strike "and" and after "section" insert "; and to declare an emergency".

2. On page 2, line 12, reinstate the stricken "a".

LEGISLATIVE BILL 666. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 197. Placed on General File as amended.
Standing Committee amendment to LB 197:
AM0312

1. On page 9, line 23; page 10, lines 8 and 10; and page 11, line 13, after "departments" insert "and with the Policy Secretary".

2. On page 10, line 5, strike "and" and insert an underscored comma and after "department" insert ", and with the Policy Secretary".

3. On page 11, line 18, after "departments" insert "and the Policy Secretary".

(Signed) Don Wesely, Chairperson

Revenue

LEGISLATIVE BILL 317. Placed on General File as amended.
Standing Committee amendment to LB 317:
AM0353

1. Strike the original sections and insert the following new sections:

"Section 1. Section 77-3001, Reissue Revised Statutes of Nebraska, is amended to read:

77-3001. For purposes of the Mechanical Amusement Device Tax Act, unless the context otherwise requires:

(1) Person ~~shall~~ ~~mean~~ ~~and~~ ~~include~~ means an individual, partnership, limited liability company, society, association, joint-stock company, corporation, estate, receiver, lessee, trustee, assignee, referee, or other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals;

(2) Mechanical amusement device ~~shall~~ ~~mean~~ ~~and~~ ~~include~~ means any machine which, upon insertion of a coin, currency, credit card, or substitute therefor, operates or may be operated or used for a game, contest, or amusement of any description, such as, by way of example, but not by way of limitation, pinball games,

shuffleboard, bowling games, radio-ray rifle games, baseball, football, racing, boxing games, and coin-operated pool tables. Mechanical amusement device ~~shall~~ also ~~include~~ includes game and draw lotteries and coin-operated automatic musical devices. The term ~~shall not mean and include~~ does not mean vending machines which dispense tangible personal property, devices located in private homes for private use, pickle card dispensing devices which are required to be registered with the Department of Revenue pursuant to section 9-345.03, or devices which are mechanically constructed in a manner that would render their operation illegal under the laws of the State of Nebraska;

(3) Operator ~~shall mean and include~~ means any person who operates a place of business in which a machine or device owned by him or her is physically located or any person who places and who either directly or indirectly controls or manages any machine or device;

(4) Distributor ~~shall mean and include~~ means any person who sells, leases, or delivers possession or custody of a machine or mechanical device to operators thereof for a consideration either directly or indirectly received;

(5) Whenever in the act, the words machine or device are used, they refer to mechanical amusement device; and

(6) Whenever in the act, the words machine, device, person, operator, or distributor are used, the words in the singular include the plural and in the plural include the singular.

Sec. 2. Section 77-3002, Reissue Revised Statutes of Nebraska, is amended to read:

77-3002. (1) Any operator shall be required to procure ~~a~~ an annual license from the Tax Commissioner permitting him or her to operate machines or devices within the State of Nebraska. The Tax Commissioner, upon the application of any person, may issue a license, except ~~; PROVIDED,~~ that if the applicant (a) ~~(1) is a person who~~ is not of good character and reputation in the community in which he or she resides, (b) ~~(2) is a person who~~ has been convicted of or has pleaded guilty to a felony under the laws of the State of Nebraska, any other state, or of the United States, or (c) ~~(3) is a person who~~ has been convicted of or has pleaded guilty to being the proprietor of a gambling house, or of any other crime or misdemeanor opposed to decency and morality, no license shall be issued. If the applicant is a corporation, whose majority stockholders could not obtain a license, then such corporation shall ~~likewise~~ not be issued a license. ~~Such application shall be accompanied by a fee of two hundred fifty dollars, and an annual renewal fee of two hundred fifty dollars shall be payable thereafter on or before July 1 of each year; PROVIDED, that if the person required under the provisions of this section to obtain a license operates less than five machines the fee shall be twenty dollars per machine, all of which fees shall be paid into the state treasury to the credit of the General Fund.~~ Procuring a license shall constitute sufficient contact with this state for the exercise of personal jurisdiction over such ~~a~~ person in any action arising out of the operation of ~~such~~ machines or devices in this state.

(2)(a) For the period beginning July 1, 1998, through December 31, 1999, if the applicant operates ten or more machines, the application shall be accompanied by a fee of two hundred fifty dollars, and such license will remain in effect until December 31, 1999. If the applicant operates fewer than ten machines, no fee is due. Any licensee that places additional machines into operation during this period which results in a total of ten or more machines in operation becomes subject to the two-hundred-fifty-dollar fee.

(b) Beginning January 1, 2000, the application shall be filed on or before January 1 of each year, and no license fee will be required.

Sec. 3. Section 77-3003, Reissue Revised Statutes of Nebraska, is amended to read:

77-3003. Any distributor shall be required to procure ~~a~~ an annual license from the Tax Commissioner permitting him or her to sell, lease, or deliver possession or custody of a machine or device within the State of Nebraska. The Tax Commissioner, upon the application of any person, may issue a license, subject to the same limitations as an operator's license under ~~the provisions of~~ section 77-3002. ~~Such application shall be accompanied by a fee of two hundred fifty dollars, and an annual renewal fee of two hundred fifty dollars shall be payable thereafter on or before July 1 of each year, all of which fees shall be paid into the state treasury to the credit of the state General Fund.~~ For applications filed for the period beginning July 1, 1998, through December 31, 1999, such application shall be accompanied by a fee of two hundred fifty dollars, and the license shall remain in effect until December 31, 1999. Beginning January 1, 2000, the application shall be filed on or before January 1 of each year, and no license fee will be required.

Sec. 4. Section 77-3004, Reissue Revised Statutes of Nebraska, is amended to read:

77-3004. (1) An occupation tax is hereby imposed and levied, in the amount and in accordance with the terms and conditions hereafter stated, upon the business of operating mechanical amusement devices within the State of Nebraska for profit or gain either directly or indirectly received. Every person who now or hereafter engages in the business of operating such devices in the State of Nebraska shall pay such tax in the amount and manner specified in this section.

(2) Any operator of a mechanical amusement device within the State of Nebraska shall pay an occupation tax ~~in the amount of twenty-five dollars~~ for each machine or device which he or she operates during all of the taxable year. The tax shall be due and payable on ~~July 1~~ January 1 of each year~~;~~ on each machine or device

in operation on that date, except ~~; PROVIDED,~~ that it shall be unlawful to pay any such occupation tax unless ~~the operator has actual ownership of the mechanical amusement devices being taxed and unless~~ the sales or use tax has been paid on such mechanical amusement devices. For every machine or device put into operation on a date subsequent to ~~July 1~~ January 1, and which has not been included in computing the tax imposed and levied by the ~~provisions of sections 77-3001 to 77-3011~~ Mechanical Amusement Device Tax Act, the tax shall be due and payable therefor prior to the time the machine or device is placed in operation. ~~; PROVIDED, a tax in the amount of fifteen dollars shall be due and payable on each machine placed into operation after January 1 of each tax year but prior to July 1.~~ All taxes collected pursuant to the act shall be remitted to the State Treasurer for credit to the General Fund.

(3) The amount of the occupation tax shall be fifty dollars for each machine or device for the period from July 1, 1998, through December 31, 1999, except that for machines placed in operation after April 1, 1999, and before January 1, 2000, the occupation tax shall be twenty-five dollars for each machine or device.

(4) The amount of the occupation tax shall be thirty-five dollars for each machine or device for any period beginning on or after January 1, 2000, except that for machines placed in operation after July 1, and before January 1 of each year, the occupation tax shall be twenty dollars for each machine or device.

Sec. 5. Section 77-3005, Reissue Revised Statutes of Nebraska, is amended to read:

77-3005. The occupation tax~~,~~ levied and imposed by the ~~provisions of sections 77-3001 to 77-3011~~ Mechanical Amusement Device Tax Act, shall be in addition to any and all taxes or fees, of any form whatsoever, now imposed by the State of Nebraska or any of its subdivisions, upon the business of operating or distributing mechanical amusement devices as defined in section 77-3001, or otherwise defined by the subdivisions and municipalities of the State of Nebraska, except ~~; PROVIDED,~~ that payment of the tax and license fees due and owing on or before ~~July 1~~ the licensing date of each year shall exempt any such mechanical amusement device from the application of the sales tax which would or could otherwise be imposed under the ~~provisions of the~~ Nebraska Revenue Act of 1967. Nonpayment of the taxes or fees due and owing on or before ~~July 1~~ the licensing date of each year shall render the exemption provided by this section inapplicable and the particular machines or devices shall then be subject to all the provisions of the Nebraska Revenue Act of 1967, including the penalty provisions pertaining to the owner or operator of such machines or devices.

Sec. 6. Section 77-3009, Reissue Revised Statutes of Nebraska, is amended to read:

77-3009. (1) Any person who places a mechanical amusement device in operation in the State of Nebraska without the necessary decal being placed conspicuously upon it or without having obtained the necessary license shall be subject to an administrative penalty of ~~thirty~~ seventy-five dollars for each violation.

(2) Any mechanical amusement device which does not have the necessary decal conspicuously displayed upon it shall be subject to being sealed by the Tax Commissioner or his or her delegate. If such seal is broken prior to payment of the occupation tax upon such device, the device shall be subject to forfeiture and sale by the Tax Commissioner.

(3) Any person violating ~~any of the provisions of sections 77-3001 to 77-3011~~ the Mechanical Amusement Device Tax Act shall be ~~deemed~~ guilty of a Class II misdemeanor. Each day on which any person engages in or conducts ~~shall engage in or conduct~~ the business of operating or distributing the machines or devices subject to the ~~provisions of sections 77-3001 to 77-3011~~ Mechanical Amusement Device Tax Act, without having paid the tax or obtained the required license as provided, shall constitute a separate offense.

Sec. 7. This act becomes operative on July 1, 1998.

Sec. 8. Original sections 77-3001 to 77-3005 and 77-3009, Reissue Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE BILL 123. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

MOTION - Print in Journal

Mr. Wehrbein filed the following motion to LB 216:

That LB 216 be placed on General File notwithstanding the action of the Judiciary Committee.

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 104:

FA26

Add new subsection (3):

In a county containing a city of the metropolitan class, there shall be no increase in the uniform service surcharge in subsection (1) unless any such increase is approved by a majority of those voting on the question at a general or special election.

Renumber.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 182. No objections. So ordered.

Mr. Tyson asked unanimous consent to have his name added as cointroducer to LB 793. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 182. No objections. So ordered.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 97013

DATE: February 13, 1997

SUBJECT: Constitutionality Under Neb. Const. art. III, § 24, of LB 522 and LB 534.

REQUESTED BY: Senator Stan Schellpeper
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion concerning the constitutionality under Neb. Const. art. III, § 24, of portions of two bills currently before the Legislature (LB 522 and LB 534) proposing to expand the manner in which certain gambling activities may be conducted in Nebraska. LB 522 proposes, in part, to authorize a form of "electronic" pickle card device which would incorporate a video display feature. LB 522, §§ 1 to 7. The bill also would amend the provisions of the Nebraska County and City Lottery Act to eliminate the "paper ticket" requirement currently contained in the Act, as well as the prohibitions against "player activation" and the use of "mechanical", "computer", "electronic" or "video" gaming devices, to permit "electronic" keno. LB 522, §§ 8-13. Section 14 of LB 522 would authorize organizations licensed to conduct live thoroughbred horseracing to apply for a license to conduct a lottery under the County and City Lottery Act. LB 534, which is virtually the same as LB 915, introduced during the last legislative session, would amend the definition of "lottery" under the County and City Lottery Act to include, in addition to the ticket drawing or keno forms presently authorized, a third method of determining winners, broadly stated as being "[b]y some other method based on an element of chance;. . . ." LB 534, § 1. The bill also proposes to eliminate the prohibition in Neb. Rev. Stat. § 9-607(2)(a) (Cum. Supp. 1996) against lotteries including "any gambling scheme which uses any mechanical gaming device, computer gaming device, electronic device, or video gaming device. . .," and to remove such devices from the definition of "gambling device" under Neb. Rev. Stat. § 28-1101(5) (1995).

You request our advice concerning whether these provisions of LBs 522 and 534 are within the Legislature's power under Neb. Const. art. III, § 24, to authorize "lotteries" for charitable or community betterment purposes, or whether the proposed legislation impermissibly proposes to authorize "games of chance" prohibited under the Nebraska Constitution.[1] For the reasons outlined below, we reiterate our prior conclusion that, in order to give effect to the separate recognition of the prohibition against "games of chance" under the Nebraska Constitution, and the exception allowing "lotteries" for charitable or community betterment purposes, the term "lotteries" must be interpreted in its narrow sense, meaning schemes in which tickets or tokens are distributed or sold and prize winners are either secretly predetermined or ultimately selected by some form of random drawing.[2] Applying this interpretation to LBs 522 and 534, it is our opinion that, for the reasons stated below, the amendments proposed are likely unconstitutional.[3]

I. Previous Attorney General Opinions.

In your request, you reference two recent Attorney General opinions addressing the constitutionality of legislation which proposed to authorize "slot machines" or other "electronic gaming devices" as "lotteries" for charitable or community betterment purposes. Op. Att'y Gen. No. 95085 (November 17, 1995); Op. Att'y Gen. No. 96007 (January 23, 1996). In Opinion No. 95085, based on our understanding that the terms "slot machine" or "video or electronic gaming device" referred to gaming devices in the nature of "traditional" slot machines, or video devices based on a slot machine theme, and video or electronic devices based on games such as poker, blackjack, or dice, (*id.* at 2n.1), we concluded:

---

[1] Article III, § 24 provides, in pertinent part, as follows:

> (1) Except as provided in this section, the Legislature shall not authorize any game of chance or any lottery or gift enterprise when the consideration for a chance to participate involves the payment of money or the purchase of property, services, or a chance or admission ticket or requires an expenditure of substantial effort or time.
>
> (2) The Legislature may authorize and regulate a state lottery pursuant to subsection (3) of this section and other lotteries, raffles, and gift enterprises which are intended solely as business promotions or the proceeds of which are to be used solely for charitable or community betterment purposes without profit to the promoter of such lotteries, raffles, or gift enterprises.

[2] Op. Att'y Gen. No. 95085 (November 17, 1995), at 23.

[3] As noted more specifically below, we feel the "electronic keno" gambling proposed under LB 522 is unconstitutional. We believe that it is a closer question as to whether the "electronic" pickle card devices proposed under LB 522 are unconstitutional.

> [T]he Legislature may not enact legislation to permit the use of "slot machines" or other "electronic gaming devices" under the constitutional grant permitting the Legislature to authorize "lotteries, raffles, and gift enterprises. . .the proceeds of which are used for charitable or community betterment purposes." Under Article III, § 24, the Legislature is precluded from authorizing "any game of chance or any lottery or any gift enterprise" except as provided in the Constitution. In our opinion, "slot machines" or other forms of "electronic gaming devices" fall within the category of "games of chance" prohibited by the Constitution, and not "lotteries" which the Legislature may sanction under its authority to permit "lotteries" for charitable or community betterment purposes. Accordingly, "slot machines" or other "electronic gaming devices" may not be authorized by the Legislature for these purposes absent an amendment to the Nebraska Constitution.

Id. at 24-25.

Subsequently, in Opinion No. 96007, in which we addressed the constitutionality of legislation (LB 915) identical to LB 534 proposing to amend the County and City Lottery Act to allow "lotteries" to be "based on some other element of chance", we stated:

> [T]he issue is not whether the Constitution prohibits the use of video or electronic gaming devices in the conduct of a "lottery;" rather, as we have stated, the issue is whether the gambling activity constitutes a permissible "lottery," as opposed to a prohibited "game of chance.". . .Thus, the Legislature may not constitutionally adopt a definition of "lottery" which purports to authorize "lotteries" for charitable or community betterment purposes which, in fact, constitute prohibited "games of chance."

Id. at 3-4.[4]

---

[4] In addition, we have issued opinions to the Tax Commissioner concluding that proposed "video" or "electronic" devices for the conduct of pickle card or keno lotteries were not consistent with the provisions of the Nebraska Pickle Card Lottery Act, Neb. Rev. Stat. §§ 9-301 to 9-356 (1991 and Cum. Supp. 1996) and the Nebraska County and City Lottery Act, Neb. Rev. Stat. §§ 9-601 to 9-653 (1991 and Cum. Supp. 1996). Op. Att'y Gen. No. 97004 (January 12, 1997) ("video" pickle card dispensing device); Op. Att'y Gen. No. 95074 (September 19, 1995) ("video" keno device). In neither case, of course, was it necessary for us to address whether use of these proposed "video" or "electronic" gambling devices, even if authorized by statute, would be consistent with the limitations imposed under art. III, § 24. Accordingly, our opinions were limited to addressing the particular issues of statutory interpretation raised by the Tax Commissioner in his

(continued...)

II. Application of Prior Opinions to LBs 522 and 534.

As your opinion request relates to two distinct legislative proposals for expanded gambling, we will address each separately for purposes of our analysis.

A. LB 522

LB 522, as noted, contains language proposing to amend provisions of both the Nebraska Pickle Card Lottery Act and the Nebraska County and City Lottery Act. You have presented three separate questions pertaining to the constitutionality of LB 522.

1. "Electronic" Pickle Cards.

Sections 1 through 7 of LB 522 propose to amend the Nebraska Pickle Card Lottery Act, Neb. Rev. Stat. §§ 9-301 to 9-356 (1991 and Cum. Supp. 1996) to authorize a form of "electronic" pickle card device. Section 2 would amend the definition of "pickle card" in § 9-315 to include an "electronic pickle card", which would be "electronically open[ed]. . .by moving a finger or other physical object over the face of the displayed pickle card,. . . ." You state that

> [t]his provision is intended to authorize use of technology which electronically duplicates a pickle card lottery as currently authorized by Nebraska law, and is intended to contain all of the characteristics of the paper game including: finite pool of predetermined winning and losing tickets, random selection of winners and losers, number and amount of preselected prizes, having players play against one another as opposed to playing against a machine, and visual depiction of the same types of symbols as well as electronic duplication of the manner of selecting winners. The language of this section continues to require that the person play the game by opening the card to reveal certain numbers, letters, symbols or configurations in order to determine winners or losers and does not authorize slot machines, video or electronic devices based on a slot machine theme, or video, computer or electronic gaming devices based on games such as poker, blackjack, or dice. This provision is only intended to change the means of accessing the game, similar to the concept of using a fax machine to send a letter rather than the post office; the content is not changed, merely the means of transmitting it.

(...continued)
requests; the constitutionality of these proposals was not considered in these opinions.

Based on this description, your question is whether the Legislature may authorize use of this electronic pickle card device as a lawful form of "lottery", or whether such would be a "game of chance" prohibited by art. III, § 24, of the Nebraska Constitution?

The Nebraska Supreme Court upheld the validity of the sale of "pickle cards" as a permissible form of "lottery" under Nebraska statutes in ***CONtact, Inc. v. State,*** 212 Neb. 584, 324 N.W.2d 804 (1982) ["***CONtact, Inc.***"]. CONtact, Inc. brought a declaratory judgment action seeking a determination that the sale of "pickle cards" for fundraising by a nonprofit corporation was a permissible form of "lottery" under Neb. Rev. Stat. §§ 28-1101(6) and 28-1115 (1979). "Lottery" was defined as "a gambling scheme in which (a) the players pay or agree to pay something of value for chances, represented and differentiated by numbers or by combinations of numbers or by some other medium, one or more of which chances are to be designated the winning ones, (b) the winning chances are to be determined by a drawing or by some other method based on an element of chance, and (c) the holders of the winning chances are to receive something of value." ***Id.*** at 585-86, 324 N.W.2d at 805. The State contended that the sale of pickle cards by nonprofit organizations did not fall within this definition of "lottery" because, as the number of winners was predetermined, the potential for fraudulent manipulation was great, and the game therefore did not possess the requisite element of chance. The State also argued that the statutes permitted only lotteries having a drawing after all tickets had been sold, in which the winner was determined by the drawing itself. ***Id.*** at 587, 324 N.W.2d at 805-06.

The Court in ***CONtact, Inc.*** noted that the statute defining "lottery" was "a codification of earlier case law", and contained the "basic elements" of "(1) consideration, (2) prize, and (3) chance." ***Id.*** at 587, 324 N.W.2d at 806. It saw the issue as "simply one of statutory construction." ***Id.*** Finding that the statutory language was "unambiguous", the Court rejected the contention that only lotteries consisting of drawings after the sale of all tickets were permissible, stating:

> Section 28-1101(6) requires one or more chances to be designated the winning ones. The statute makes no time reference as to when the designation is to take place, but merely states that "the winning chances are to be determined by a drawing or by some other method based on an element of chance." The statute requires designation of the winner only by "chance" or by a drawing.

Id. at 587-88, 324 N.W.2d at 806.

The Court further found that the pickle card scheme satisfied the "chance" requirement, stating: "The drawing of the cards from a tub provides the element of 'chance' required by statute. The fact that the winning numbers are predetermined does not eliminate 'chance.' " ***Id.*** at 592, 324 N.W.2d at 808. It therefore held "that the sale of pickle cards is a lottery and thus permitted by §§ 28-1101(6) and 28-1115." ***Id.***

The decision in ***CONtact, Inc.*** involved consideration only of whether the sale of "pickle cards" constituted a permissible "lottery" under a legislative definition of the term. Also, while the Court in ***CONtact, Inc.*** noted that the statute defining "lottery" in relation to the three elements of prize, chance, and consideration was "a codification of earlier case law" (212 Neb. at 587, 324 N.W.2d at 806), it must be remembered that such case law predated the 1968 constitutional amendment to art. III, § 24, allowing the Legislature to authorize "lotteries, raffles, and gift enterprises" for charitable or community betterment purposes. These decisions were rendered when Nebraska's Constitution and statutes generally prohibited any "games of chance, lottery, or gift enterprise", thus obviating the need for the Court to make any distinction between "games of chance" and "lotteries".

As reflected in our earlier opinion, the term "games of chance" is broad in nature, and refers to any game in which chance is the predominant element, as opposed to skill, "when the consideration for a chance to participate involves the payment of money or the purchase of property [or] services." ***State ex rel. Spire v. Strawberries, Inc.,*** 239 Neb. 1, 7, 473 N.W.2d 428, 434 (1991). A "game of chance" includes the three elements of chance, consideration, and prize. ***Id.*** The broad definition of "lottery", as reflected in ***CONtact, Inc.*** and other cases (***e.g. Video Consultants of Nebraska, Inc. v. Douglas,*** 219 Neb. 868, 367 N.W.2d 697 (1985), ***State ex rel. Line v. Grant,*** 162 Neb. 210, 75 N.W.2d 611 (1956), encompasses the same three elements: (1) chance; (2) prize; and (3) consideration.

We believe that a proper construction of art. III, § 24, requires that the term "lotteries", under the exception authorizing the Legislature to permit "lotteries, raffles, and gift enterprises" for charitable or community betterment purposes, must be construed in a narrower manner than the broad definition of any scheme involving the elements of prize, chance, and consideration. As we stated in our prior opinion:

> If the term "lotteries" under the exception in art. III, § 24, authorizing the Legislature to permit "lotteries, raffles, and gift enterprises" for community betterment purposes, is construed to authorize any scheme involving the elements of prize, chance, and consideration, the prohibition against "games of chance" would be rendered meaningless. . . .In order to give effect to the separate recognition of "games of chance" and "lotteries" under art. III, § 24, the term "games of chance" must be interpreted as a broad prohibition against gambling activities, and the term "lotteries", under the exception allowing such for community betterment purposes, must be interpreted in a narrower sense, as involving schemes in which tickets or tokens are distributed or sold and prize winners are either secretly predetermined or ultimately selected by some form of random drawing.

Op. Att'y Gen. No. 95085 at 22-23 (citations omitted).

The present statutory scheme authorizing the conduct of "pickle card lotteries" under Neb. Rev. Stat. §§ 9-301 to 9-356 (1991 and Cum. Supp. 1996) requires the use of a physical card, board or ticket to be opened by the player to determine if it is a winner. Neb. Rev. Stat. §§ 9-315 and 9-346(2) (Cum. Supp. 1996). The cards are distributed in units consisting of a predetermined number of winning and losing cards. Neb. Rev. Stat. § 9-317 (1991). Thus, the conduct of pickle card lotteries in this manner clearly comports with the narrow definition of "lottery" outlined in our earlier opinion, as it involves a scheme whereby tickets are sold from a pool consisting of a finite number of predetermined winning and losing tickets.

Under LB 522, the "ticket" limitation presently incorporated in the Pickle Card Lottery Act would be altered to authorize use of devices which do not dispense a card or ticket to be opened by the player; rather, the player will apparently move a finger or physical object over an electronic machine with a video display which imitates the form of a pickle card to visually reveal its contents. As we understand the proposed operation of the electronic pickle card device, no physical card or ticket would be dispensed to the player.

The absence of a physical card or ticket in connection with the proposed device raises a question as to whether operation of such a device comports with the definition of a permissible "lottery" under art. III, § 24, as defined in our prior opinion. We recognize and appreciate that the manner in which the game would be conducted would be similar in all respects to the manner in which pickle card lotteries are presently authorized, with the exception of the substitution of a video or electronic display and "opening" of the "card", as opposed to the dispensing of a physical card to be opened by the player. It could be argued that the use of such technology does not alter the fundamental nature of the manner of play, and, therefore, the use of such a device would not be inconsistent with the Legislature's power to authorize "lotteries" under art. III, § 24. Because of the absence of a physical card or ticket, however, it is questionable whether the "electronic" pickle card play proposed under LB 522 can be considered a permissible form of "lottery" under art. III, § 24.

We note, however, that another bill pending before the Legislature (LB 723), also proposes to amend the Pickle Card Lottery Act to allow video pickle card display devices. Unlike LB 522, however, LB 723 continues to require that the player receive a physical card or ticket, to be opened by the player. In this situation, the video display of the contents of the ticket could be viewed as a legitimate form of technological aid or enhancement to play, with the physical card or ticket remaining as an element of the lottery. In our view, use of video enhancement in the play of the game in this manner, while retaining the physical card or ticket element, would be consistent with the type of "lottery" which the Legislature may authorize under art. III, § 24.

2. "Electronic" Keno Games.

Sections 8 to 13 of LB 522 propose to amend various provisions of the County and City Lottery Act to eliminate the "paper ticket" requirement currently contained in the Act, as well as the prohibitions against "player activation" and the use of "mechanical", "computer", "electronic" or "video" gaming devices, to permit "electronic" keno. Specifically, section 9 would amend Neb. Rev. Stat. § 9-607 (Cum. Supp. 1996) to: (1) Eliminate the requirement that winning opportunities be represented by tickets and provide that such are to be "determined on the basis of chance and may be represented by paper or electronic tickets"; (2) Eliminate the prohibition against player-activation of a computer or electronic selection device and the requirement that no selection of winners for a game can occur within five minutes of the completion of the prior selection of winners; (3) Eliminate the prohibition against the use of "any mechanical gaming device, computer gaming device, electronic gaming device, or video gaming device which has the capability of awarding something of value,. . . ."; and (4) Eliminate the requirement that a "paper ticket" be used to select numbers.

Your question is whether, if the County and City Lottery Act is amended "to permit the use of electronic means to replace the paper ticket which the player currently uses to select his or her numbers, to allow the player to activate the number selection device, to remove the time limits on number selection, to remove the prohibition on use of electronic devices, and all other provisions concerning the operation of the lottery continue to follow current practice. . .", would this constitute a permissible "lottery", or a "game of chance" prohibited by art. III, § 24?

In your request, you refer specifically to the Nebraska Supreme Court's decision in ***Video Consultants of Nebraska, Inc. v. Douglas,*** 219 Neb. 868, 367 N.W.2d 697 (1985) ["***Video Consultants***"], in which the Court found that video lottery machines, operated in much the same manner as those proposed under §§ 8 to 13 of LB 522, did not contravene a Nebraska statutes defining the terms "lottery" and "gambling device." As was the case in our prior opinions, we will again analyze this decision and explain why we do not believe that it supports the conclusion that the conduct of "electronic" keno games such as proposed under LB 522 may be authorized by the Legislature as a form of "lottery"; rather, we believe that such fall within the category of a prohibited "game of chance".

Video Consultants involved the "question whether an electronic gaming machine, such as a video computer, is a form of lottery permitted under statutes enacted by the Nebraska Legislature in 1983 relative to gambling." ***Id.*** at 868-69, 367 N.W.2d at 698.[5] Video Consultants, and IGT Nebraska,

---

[5] The Court noted that, in 1984, the Legislature amended the statute defining "lottery" and specified that it did not include any gambling scheme involving mechanical, computer, electronic, or video gaming devices. 219 (continued...)

Inc., each provided video lottery equipment to the City of Bellevue. The video lottery equipment was stipulated to consist of

> computer-based video machines which [were] activated by a participant inserting one or more coins. The machine [was] equipped with an eighty-number pad from which the participant [could] select from one to ten numbers. Upon selection of his numbers, the participant activate[d] the machine which select[ed], purely at random, twenty (20) numbers from the total base of eighty (80) numbers. The participant's winnings, if any, [were] determined by matching the numbers selected by the participant with the random numbers selected by the machine.

Id. at 870, 367 N.W.2d at 699.

At issue in ***Video Consultants*** was whether the "video lottery" fell within the definition of "lottery" in Neb. Rev. Stat. § 28-1101(6) (Supp. 1983), and whether the "video lottery equipment" was a "gambling device" prohibited under Neb. Rev. Stat. § 28-1101(5) (Supp. 1983). The State "conced[ed] that the activity produced by the video gaming device [was] a lottery,. . . ." 219 Neb. at 873, 367 N.W.2d at 700. It argued that the video lottery was an illegal gambling device under the statute, however, because the machines did not fall within the statutory exemption for nongambling devices The State also asserted that the sale of a ticket was a necessary part of the "playing phase" of a lottery under the statute, and that the ticket given by the machines was actually a receipt or evidence of winning, and not a ticket. ***Id.***

As to the contention that the machines were illegal "gambling devices" because they did not fall within the statutory exemption for nongambling devices, the Court stated:

> Obviously, video and electronic machines are being used in production of a lottery. In its regulation of gambling, had the Legislature intended to exclude a machine, especially an electronic or video gaming device, as an object proscribed in a permissible lottery, such exclusion was not an impossible statutory feat. Yet, the Legislature employed unrestrictive, generic terms in describing the means to conduct a permissible lottery so that any article or any method was available in the 'playing phase' of a legal lottery. This court cannot now insert into the statute an exclusion or restriction which the Legislature might have

(...continued)
Neb. at 869, 367 N.W.2d at 698; 1984 Neb. Laws, LB 744, § 1 (***codified at*** Neb. Rev. Stat. § 28-1101(6) (Cum. Supp. 1984)). Because the legality of activities conducted under the earlier statutes continued to raise questions of potential civil or criminal liability, the Court proceeded to address the issue of the legality of the use of the electronic gaming machines under the prior statutes.

> included when enacting § 28-1101(5) and (6) in 1983. We cannot assume that the Legislature intended to exclude electronic gaming devices from "other items used in the playing phases" of a lottery authorized by statute. . . .
>
> * * *
>
> We conclude that the electronic gaming devices involved in this case are not "gambling devices" as such phrase and description are used in § 28-1101(5).

Id. at 873-74, 367 N.W.2d at 701.

As to the State's contention that a ticket was an essential part of a lottery as defined in § 28-1101(6), the Court determined that it could not "rewrite" the statutes to require that purchase of a ticket be the only method of satisfying the chance element, finding that "[p]urchase of a ticket is not the only means of participating in a lottery otherwise permissible under Nebraska's gambling statutes." *Id.* at 874, 367 N.W.2d at 701.

As we pointed out in Opinion No. 95085, ***Video Consultants*** involved only issues of whether the video gaming activities at issue constituted a "lottery" or involved use of unlawful "gaming devices" as those terms were defined by statute; no issue was raised as to whether the video gaming activity was a permissible form of "lottery" under the Constitution, as opposed to a prohibited "game of chance." Indeed, in a case discussed at length in Opinion No. 95085, the Supreme Court of South Dakota held that "video lottery" was not a permissible lottery under a South Dakota constitutional provision authorizing a "state lottery", but, rather, was a "game of chance" prohibited under the Constitution. ***Poppen v. Walker,*** 520 N.W.2d 238 (1994). The South Dakota court specifically noted that, prior to South Dakota's authorization of "video lottery", a legislative committee concluded a "video lottery" could be implemented under the constitutional grant to create a "state lottery", relying on ***Video Consultants***. The South Dakota Supreme Court recognized that "[t]he court in ***Video Consultants*** was not construing the Nebraska constitutional provision, but was determining the applicability of a series of statutes enacted under the general police power, one of which broadly defined the term "lottery", and "[t]hat the state on appeal conceded that the video device was a lottery. . . ." 520 N.W.2d at 246. We believe the South Dakota court properly concluded that ***Video Consultants*** "does not in any way stand for the proposition that video lottery is permissible under the Nebraska Constitution." *Id.*

The operative question, then, is whether the "electronic" keno game proposed under LB 522 is a permissible form of lottery, or, rather, is a prohibited "game of chance." We reiterate our view that a proper construction of art. III, § 24, requires that the term "lottery", under the exception authorizing the Legislature to permit "lotteries, raffles, and gift enterprises" for charitable or community betterment purposes, must be construed in a narrower manner than the broad definition of any scheme involving the elements of prize, chance, and consideration. As we stated previously:

> If the term "lotteries" under the exception in art. III, § 24, authorizing the Legislature to permit "lotteries, raffles, and gift enterprises" for community betterment purposes, is construed to authorize any scheme involving the elements of prize, chance, and consideration, the prohibition against "games of chance" would be rendered meaningless. . . .In order to give effect to the separate recognition of "games of chance" and "lotteries" under art. III, § 24, the term "games of chance" must be interpreted as a broad prohibition against gambling activities, and the term "lotteries", under the exception allowing such for community betterment purposes, must be interpreted in a narrower sense, as involving schemes in which tickets or tokens are distributed or sold and prize winners are either secretly predetermined or ultimately selected by some form of random drawing.

Op. Att'y Gen. No. 95085 at 22-23 (citations omitted).

Applying this definition, it is our opinion that the "electronic" keno proposed under LB 522 does not constitute a form of "lottery" which the Legislature may authorize under art. III, § 24. The bill proposes to eliminate the current "paper ticket" requirement, which, of course, is one part of the definition noted above. Of greater significance, however, is the elimination of the "player-activation" restriction. You state that these "provisions are not intended to change the essential nature of the lotteries authorized. . .", and that "[c]urrent law requires that a keno game be conducted by having the player select up to 20 numbers from a total of 80 numbers and that the winning numbers be randomly selected by 'a computer, other electronic selection device, or electrically operated blower machine,'. . . ." We cannot accept the premise that elimination of the "player-activation" prohibition does not "change the essential nature" of the activity. While it is true that a computer or electronic device may be used to select winning numbers under current law, we believe it is significant that these devices are not activated by the players, but, rather, are used by the keno operator. The concept of individual players activating gambling devices utilizing random-generation of numbers to determine winners at each device is, in our view, inconsistent with what we believe is the narrow manner in which the people, through their Constitution, intended to grant the Legislature power to permit "lotteries" for community betterment purposes. We therefore conclude that the Legislature may not, consistent with art. III, § 24, enact legislation permitting the use of "electronic" keno devices in the manner proposed under §§ 8 to 13 of LB 522.

3. Authorization of Horseracing Licensees to Conduct Lotteries.

Your final question regarding LB 522 concerns § 14, which would permit certain organizations licensed to conduct live thoroughbred horseracing in

Nebraska to be licensed "to conduct a lottery pursuant to the Nebraska County and City Lottery Act." You note that art. III, § 24, requires that the proceeds from such lotteries must "be used solely for. . . community betterment purposes,. . . " and that the Nebraska Supreme Court, in ***City of Ralston v. Balka,*** 247 Neb. 773, 779, 530 N.W.2d 594, 600 (1995), held that legislation requiring that a percentage of keno lottery proceeds be credited for use as purse supplements for live thoroughbred racing in Nebraska violated art. III, § 24, as such use did "not qualify for the 'community betterment' exception to article III, § 24." You therefore ask whether organizations licensed to conduct live thoroughbred horseracing "may qualify to conduct" a lottery under the County and City Lottery Act, or whether such entities are "rendered ineligible for such a license" under art. III, § 24.

Initially, we note that there may be a question as to whether the Legislature can "single out" these entities to allow them to obtain such a license, without contravening the prohibition in art. III, § 18, against "special legislation". A legislative act constitutes "special legislation" if it creates an arbitrary and unreasonable method of classification. ***Haman v. Marsh,*** 237 Neb. 699, 467 N.W.2d 836 (1991). To determine if a legislative classification is unreasonable, it is necessary to determine if the classification is " ' "based upon some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified. . . ." ' " ***Haman v. Marsh,*** 237 Neb. at 711, 467 N.W.2d at 846 (***quoting State ex rel. Douglas v. Marsh,*** 207 Neb. 598, 300 N.W.2d 181 (1980)). The legislation contains no statement articulating the Legislature's purpose for creating this classification.

Apart from consideration of this issue, we believe that your question, whether such organizations may be licensed to conduct a lottery under the County and City Lottery Act, does not reach the fundamental issue presented by this proposed amendment. The crucial question raised by this portion of LB 522 is not whether certain thoroughbred horseracing licensees may also be licensed to conduct a lottery under the Nebraska County and City Lottery Act. Rather, it is whether, if they are so licensed, in what manner may they constitutionally utilize the proceeds generated from the conduct of lottery activities?

In this context, the decision in ***City of Ralston v. Balka*** becomes relevant. The Court held that the use of keno lottery proceeds to supplement purses for live thoroughbred horseracing in Nebraska did not serve a "community betterment purpose" as required by art. III, § 24. Specifically, the Court stated:

> [S]upplementing the purses for live thoroughbred racing in Nebraska clearly does not confer any direct and peculiar benefit to the entire community. To the contrary, only the owners of Nebraska-bred horses stand to benefit from implementation of L.B. 795, § 6, and any

> argument that such a lottery regulation will eventually trickle down to the general populace is at best tenuous. Such a 'betterment' clearly is not shared by the entire community. As a result, L.B. 795, § 6, does not qualify for the 'community betterment' exception to article III, § 24.

247 Neb. at 779, 530 N.W.2d at 600.

Thus, in response to this question, while it is not clear that the classification created is proper, we feel the real issue is not whether organizations licensed to conduct live thoroughbred horseracing in Nebraska may be granted eligibility to obtain a license to conduct a lottery. Even if such entities could do so, they would still be limited in the manner in which any lottery proceeds could be used, as mandated by art. III, § 24. As ***City of Ralston*** instructs, our Supreme Court does not view the use of such proceeds to supplement purses for live thoroughbred horseracing as constituting a "community betterment" purpose under art. III, § 24. While the bill does not address this issue, we believe it is incumbent on us to note this aspect of the Court's decision in ***City of Ralston***.

B. LB 534

Your final question concerns the constitutionality of LB 534. The bill, which is virtually identical to LB 915, introduced in the last session of the Legislature, would amend Neb. Rev. Stat. § 9-607 (Cum. Supp. 1996) to provide that winning opportunities in games conducted under the County and City Lottery Act may be represented by "chances", as well as tickets, or "by some other method based on an element of chance". It would also eliminate the prohibition against the use of mechanical, computer, electronic, or video gaming devices, and would remove such devices from the criminal definition of "gambling device". Your question is whether the Legislature may, consistent with art. III, § 24, enact this legislation.

As noted above, the provisions of LB 534 are, in substance, identical to those proposed last session under LB 915. At your request, we issued a formal opinion on the constitutionality of LB 915 in January, 1996. Op. Att'y Gen. No. 96007 (January 23, 1996). To avoid undue repetition, we will not reiterate all of the reasoning employed, or conclusions reached, in our previous opinion. The important point which we tried to convey at that time was that LB 915 proposed (without definition) to authorize "lotteries" for community betterment purposes involving "chances or tickets", and the determination of winners in a manner not only as authorized under existing law, but also "[b]y some other method based on an element of chance;. . . ." (emphasis added). Because of the vague, broad language employed in LB 915, and the lack of definition, we concluded that, "to the extent that the amendment proposed by LB 915 [could be] construed to authorize 'games of chance,' and the use of video or electronic devices to conduct what are, in actuality, 'games of chance,' it would violate art. III, § 24." ***Id.*** at 4.

The same is true in response to your request concerning LB 534. The same problems of "vagueness" or "indefiniteness" presented by LB 915 exist with respect to any consideration of LB 534. Accordingly, to the extent LB 534 can be construed to authorize prohibited "games of chance", it would also violate art. III, § 24.

C. Conclusion

For the reasons noted above, we conclude that there is a serious question as to whether the devices authorizing "electronic" pickle card play in the manner provided under LB 522 are consistent with the Legislature's power to authorize "lotteries" under art. III, § 24, of the Nebraska Constitution. Should the Legislature deem it advisable to consider expanding such gambling, we believe that the amendments proposed under LB 723 provide a mechanism to allow the use of electronic or video technology to facilitate or enhance pickle card lottery activities in a manner which is consistent with the limitations imposed by art. III, § 24.

We further conclude that the proposed operation of "electronic" keno games under LB 522 is inconsistent with the Legislature's constitutional power to authorize "lotteries" under art. III, § 24. The concept of individual players activating gambling devices utilizing random-generation of numbers to determine winners at each device is, in our view, inconsistent with what we believe is the narrow manner in which the people, through their Constitution, intended to grant the Legislature power to permit "lotteries" for community betterment purposes. If enacted, we believe that this would amount to legislative authorization of a "game of chance" prohibited under our Constitution. We therefore conclude that the Legislature may not, consistent with art. III, § 24, enact legislation permitting the use of "electronic" keno devices in the manner proposed under §§ 8 to 13 of LB 522.

In reviewing your various questions concerning the constitutionality of these legislative proposals to expand gambling activity in Nebraska, we believe it is appropriate to quote the following language from an opinion issued in 1981 by New York Attorney General Robert Abrams in response to an inquiry as to whether certain forms of "electronic" gaming activities were, if allowed, consistent with New York's Constitution and statutes. 1981 N.Y. Op. Att'y Gen. 68 (September 8, 1981). Attorney General Abrams, in response to these proposals, stated:

> Those who favor introduction of the proposed games in New York will no doubt argue that these electronic games are similar in many respects to non-electronic games already utilized. . . . It is true that many similarities can be identified. What is controlling in my judgment is not the similarities, however, but the differences. Mankind has displayed characteristic ingenuity in the invention of ways to gamble. Since the taxonomy of the various forms of gambling has never to my knowledge, been precisely delineated, it is no great trick to push at the edges of any abstract definition which covers one variety of gambling games and

> emerge with a definition which covers a great many new varieties. In legal interpretation, however, it may be unwise to focus excessively upon abstract definitions of single terms; meaning must be sought in context as well. One need only step back a little from the immediate task of defining lottery for the problem to vanish. However much these. . .new games may be like old lottery games already played, the fact is that they are fundamentally like slot machines, and slot machines are [illegal]. . . . The proposed devices programmed with these new games are, finally, much more like casino gambling than anything [which] has ever been done. The people have very clearly never authorized this sort of casino gambling. Finally, it requires no more than simple common sense to conclude that New York law does not presently permit these games.

In sum, we believe that, if gambling opportunities in Nebraska are to be expanded in ways such as proposed under LBs 522 and 534, the Nebraska Constitution must be amended to provide the Legislature authority to enact such legislation. We understand, of course, that computer and video technology has advanced to a great degree in recent years, and that this resultant expansion has generated new and innovative ways to augment the potential for persons to perform activities in ways not previously possible. Any expansion of gambling to permit the type of gambling activities proposed under these bills, however, must be approved by the people through amendment of their Constitution. Until such time, we conclude that the expansion of gambling activities proposed under LB 522, §§ 8 to 13, and LB 534, would be unconstitutional.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-266-7.3
cc: Patrick J. O'Donnell
Clerk of the Legislature

VISITORS

Visitors to the Chamber were 25 members of Leadership Tomorrow from Aurora and Merrick County; 63 fourth grade students and teachers from Hamlow Elementary, Waverly; 15 eighth grade students and teacher from Bancroft-Rosalie School, Bancroft; 100 senior high students and teachers from Nebraska City Public and Lourdes Catholic Schools, Nebraska City; and Senator Robinson's sister-in-law, Arlene Schurr, from Norfolk.

ADJOURNMENT

At 12:02 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, February 19, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-SIXTH DAY – FEBRUARY 19, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 19, 1997

Pursuant to adjournment, the Legislature met at 8:31 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Father Joseph Nemec, St. Teresa's Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Kristensen who was excused; and Messrs. Abboud, Bromm, Chambers, Cudaback, Elmer, Hilgert, Lynch, Schrock, Warner, Wesely, Will, Mmes. Bohlke, Hillman, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 49. Placed on General File.
LEGISLATIVE BILL 162. Placed on General File.
LEGISLATIVE BILL 526. Placed on General File.

LEGISLATIVE RESOLUTION 43CA. Placed on General File.

LEGISLATIVE BILL 33. Placed on General File as amended.
Standing Committee amendment to LB 33:
AM0137

1. Strike the original sections and insert the following new sections:

"Section 1. Section 23-1517.02, Reissue Revised Statutes of Nebraska, is amended to read:

23-1517.02. (1) The register of deeds may use a computerized system of indexing for deeds and conveyances, mortgages, the Construction Lien Record index, the Miscellaneous Record index, the federal lien index, the fee book, and all other supplemental indices that may be contained in such office and may combine such indices into one Land Record index. If a computerized system of indexing is used, the register of deeds ~~shall~~ ~~also~~ may maintain a printout of all records stored in the computer system and shall have a security backup system for data and other programs in an electronic medium which shall be stored in a secure location. ~~The~~ If maintained, the printout shall consist of a record of fees, a numerical tract index, and an alphabetical general index.

(2) In counties which do not use the computerized system provided in subsection (1) of this section, the register of deeds shall use the separate book or microfilm form of recording instruments as required prior to July 10, 1984.

Sec. 2. Original section 23-1517.02, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 70. Placed on General File as amended. (Standing Committee amendment, AM0371, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 145. Indefinitely postponed.
LEGISLATIVE BILL 414. Indefinitely postponed.
LEGISLATIVE BILL 670. Indefinitely postponed.

LEGISLATIVE RESOLUTION 11CA. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

LB 95	Tuesday, March 4, 1997	1:30 p.m.
LB 213	Tuesday, March 4, 1997	1:30 p.m.
LB 349	Tuesday, March 4, 1997	1:30 p.m.
LB 799	Tuesday, March 4, 1997	1:30 p.m.
LB 824	Tuesday, March 4, 1997	1:30 p.m.

Monday, March 3, 1997, Room 1003 1:30 p.m.
Agency 19 - Department of Banking
Agency 24 - Department of Motor Vehicles
Agency 17 - Department of Aeronautics
Agency 90 - Nebraska Railway Council
Agency 27 - Department of Roads

Tuesday, March 4, 1997, Room 1520 1:30 p.m.
Agency 82 - Commission on Hearing Impaired
Agency 13 - Department of Education
Agency 34 - Nebraska Library Commission
Agency 69 - Nebraska Arts Council

Wednesday, March 5, 1997, Room 1003 1:30 p.m.
Agency 32 - Educational Lands and Funds
Agency 62 - Board of Examiners Land Surveyors
Agency 93 - Tax Equalization and Review Commission
Agency 16 - Department of Revenue
Agency 87 - Political Accountability/Disclosure Commission
Agency 65 - Department of Administrative Services

Thursday, March 6, 1997, Room 1003 1:30 p.m.
Agency 14 - Public Service Commission
Agency 15 - Board of Pardons and Parole
Agency 11 - Attorney General
Agency 05 - Supreme Court
Agency 94 - Commission on Public Advocacy

LB 394	Monday, March 10, 1997	1:30 p.m.
LB 645	Monday, March 10, 1997	1:30 p.m.

Monday, March 10, 1997, Room 1520 1:30 p.m.
Agency 47 - Educational Telecommunications Commission and NEB*SAT
Agency 48 - Coordinating Commission for Postsecondary Education
Agency 50 - Nebraska State Colleges

LB 164	Tuesday, March 11, 1997	1:30 p.m.
LB 857	Tuesday, March 11, 1997	1:30 p.m.

Tuesday, March 11, 1997, Room 1520 1:30 p.m.
Agency 83 - Technical Community Colleges
Agency 51 - University of Nebraska

Wednesday, March 12, 1997, Room 1003 1:30 p.m.
Agency 35 - Liquor Control Commission
Agency 64 - Nebraska State Patrol
Agency 46 - Department of Correctional Services
Agency 78 - Commission on Law Enforcement and Criminal Justice

Thursday, March 13, 1997, Room 1003 1:30 p.m.
Agency 85 - Employees Retirement Board

(Signed) Roger R. Wehrbein, Chairperson

GENERAL FILE

LEGISLATIVE BILL 229. Title read. Considered.

Mr. Beutler offered the following amendment:
AM0423

1. Strike original section 2 and insert the following new sections:

"Sec. 2. Section 24-1206, Reissue Revised Statutes of Nebraska, is amended to read:

24-1206. The Judicial Resources Commission's determination of whether a judicial vacancy exists or a new judgeship, a reduction in judgeships, a change in number of judicial districts or boundaries, or the reallocation of a judgeship from a district, county, or separate juvenile court in one judicial district to a district, county, or separate juvenile court in another judicial district is appropriate pursuant to section 24-1204 or 24-1205 shall be based upon (1) its analysis of judicial workload statistics compiled pursuant to section 24-1007, (2) whether litigants in the judicial district have adequate access to the courts, (3) the population of the judicial district, (4) other judicial duties and travel time involved within the judicial district, and (5) other factors determined by the Supreme Court to be necessary to assure efficiency and maximum service. The State Court Administrator shall provide adequate administrative support and information as requested by the commission. After making a determination, the commission shall report the results to the Legislature and recommend any legislative changes which are needed. If no changes in existing law are needed and none are recommended by the commission, no legislative action shall be necessary to fill any judicial vacancy determined to exist. The Legislature shall not create a new judgeship unless the commission recommends the creation of a new judgeship in its report. The Legislature shall have two entire legislative sessions to take action on the commission's report. If legislative action is required but none is taken, ~~in the next legislative session following the report,~~ the commission shall hold another hearing on the matter and shall determine whether a judicial vacancy exists or again recommend legislative changes to the Legislature in its report.

Sec. 3. Original sections 24-1204 and 24-1206, Reissue Revised Statutes of Nebraska, are repealed.".

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 9:

Beutler
Bruning
Hartnett
Landis
Pedersen, Dw.
Preister
Schimek
Witek
Withem

Voting in the negative, 18:

Brashear
Bromm
Coordsen
Cudaback
Dierks
Engel
Hillman
Hudkins
Jones
Kiel
Matzke
Pederson, D.
Peterson, C.
Schmitt
Suttle
Tyson
Vrtiska
Wickersham

Present and not voting, 12:

Bohlke
Brown
Crosby
Elmer
Janssen
Jensen
Maurstad
McKenzie
Robak
Robinson
Schellpeper
Wehrbein

Excused and not voting, 10:

Abboud
Chambers
Hilgert
Kristensen
Lynch
Schrock
Stuhr
Warner
Wesely
Will

The Beutler amendment lost with 9 ayes, 18 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 362. Title read. Considered.

Mrs. Witek requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Crosby
Cudaback
Dierks
Engel
Hartnett
Hillman
Kiel
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schrock
Tyson
Wehrbein
Wickersham
Withem

Voting in the negative, 1:

Witek

Present and not voting, 13:

Brown
Coordsen
Elmer
Hudkins
Janssen
Jensen
Jones
Robak
Schellpeper
Schimek
Schmitt
Suttle
Vrtiska

Excused and not voting, 8:

Chambers
Hilgert
Kristensen
Lynch
Stuhr
Warner
Wesely
Will

Advanced to E & R for review with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 362A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 404. Title read. Considered.

MR. COORDSEN PRESIDING

Standing Committee amendment, AM0114, found on page 516, was considered.

SPEAKER WITHEM PRESIDING

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Messrs. Landis, Cudaback, Jensen, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Coordsen asked unanimous consent to be excused. No objections. So ordered.

Mr. Dw. Pedersen moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Maurstad requested a record vote on the advancement of the bill.

Voting in the affirmative, 25:

Abboud
Beutler
Brashear
Brown
Bruning
Crosby
Elmer
Engel
Hartnett
Hilgert
Kiel
Maurstad
Pedersen, Dw.
Pederson, D.
Preister
Robinson
Schimek
Suttle
Vrtiska
Warner
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 15:

Bromm
Dierks
Hillman
Hudkins
Janssen
Jones
Matzke
McKenzie
Peterson, C.
Robak
Schmitt
Schrock
Stuhr
Tyson
Wickersham

Present and not voting, 3:

Chambers Lynch Schellpeper

Excused and not voting, 6:

Bohlke Cudaback Jensen Kristensen Landis
Coordsen

Advanced to E & R for review with 25 ayes, 15 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 343. Title read. Considered.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 264. Title read. Considered.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM0216, found on page 563, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Natural Resources

Appointments Thursday, February 27, 1997 1:30 p.m.
Steven G. Oltmans - Nebraska Environmental Quality Council
Robert Catton - Nebraska Environmental Quality Council

(Signed) Chris Beutler, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 453:
AM0387

1. On page 18, line 16, after the period insert "Unless the dispute over the registration of the new trade name is otherwise resolved or settled by the parties, the Secretary of State shall make his or her finding within thirty days after the response by the new registrant.".

Mr. Beutler filed the following amendment to LB 182:
AM0388

(Amendments to Standing Committee amendments, AM0217)

1. Strike section 2 and insert the following new section:

"Sec. 2. Closely related shall mean the relationship of being a brother, sister, parent, or child to a claimant.".

Mr. Janssen filed the following amendment to LB 226:
AM0424

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following appointments:

Carlson, Dr. Stanley C. - Nebraska Educational Telecommunications Commission - Education

Cervantes-Salomons, Julie - Child Abuse Prevention Fund Board - Health and Human Services

Haun, Janet L. - Commission for the Hearing Impaired - Health and Human Services

Nelson, Arlene B. - Nebraska Educational Telecommunications Commission - Education

Rankin, Sharon K. - Nebraska Educational Telecommunications Commission - Education

Seanor, Esther M. - Commission for the Hearing Impaired - Health and Human Services

Sharpe, Jesse - Child Abuse Prevention Fund Board - Health and Human Services

Thige, Tricia M. - Commission for the Hearing Impaired - Health and

Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 641A. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 641, Ninety-fifth Legislature, First Session, 1997.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 525. Placed on General File.
LEGISLATIVE BILL 629. Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

Natural Resources

LEGISLATIVE BILL 684. Placed on General File.

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 13CA. Read. Considered.

Mr. Chambers moved to indefinitely postpone LR 13CA.

Laid over.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 104. Title read. Considered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE RESOLUTION 5CA. Placed on Select File as amended.

E & R amendment to LR 5CA:
AM7047

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 10:

III-10 "Regular ~~Beginning with the year 1975, regular~~ sessions of the Legislature shall be held ~~annually, commencing~~ for no more than ninety legislative days and no more than sixty legislative days on an alternating basis. Ninety-day sessions shall commence at 10 a.m. on the fifth Monday after the general election in each even-numbered year, and sixty-day sessions shall commence at 10 a.m. on the first Wednesday after the first Monday in January of each even-numbered year. The terms of the members of the Legislature shall commence on the first day of the regular ninety-day session and, notwithstanding the provisions of Article III, section 7, of this Constitution, the preceding terms shall terminate on such date. No more than three legislative days shall be spent in December during a regular session unless extended by the vote of four-fifths of all members of the Legislature. The duration of regular sessions held shall not exceed ninety or sixty legislative days, respectively, ~~in odd-numbered years~~ unless extended by a vote of four-fifths of all members ~~elected to~~ of the Legislature. ~~; and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature.~~ Bills and resolutions under consideration by the Legislature upon adjournment of a regular ninety-day session ~~held in an odd-numbered year~~ may be considered at the next regular sixty-day session~~,~~ as if there had been no such adjournment. The Lieutenant Governor shall preside~~,~~ but shall vote only when the Legislature is equally divided. A majority of the members ~~elected to~~ of the Legislature shall constitute a quorum. The ~~; the~~ Legislature shall determine the rules of its proceedings, ~~and~~ be the judge of the election, returns, and qualifications of its members, ~~shall~~ and choose its own officers, including a Speaker to preside when the Lieutenant Governor is ~~shall be~~ absent, incapacitated, or acting ~~shall act~~ as Governor. No member shall be expelled except by a vote of two-thirds of all members ~~elected to~~ of the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who ~~shall be~~ is found guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person ~~shall persist~~ persists in such disorderly or contemptuous behavior.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to change the date on which the Legislature will convene in regular ninety-day sessions, the date on which the terms of members will commence, and the date on which the terms of certain members will terminate.
For
Against".".

LEGISLATIVE BILL 161. Placed on Select File as amended.
E & R amendment to LB 161:
AM7050

1. In the Maurstad-Hudkins amendment, AM0330, on page 1, strike beginning with the last "1" in line 1 through the last comma and insert "3, before the period insert '; and in line 24'"; in line 3 before "Bureau" insert "federal"; in line 7 strike "equivalency" and insert "equivalent"; and in line 8 strike "; and".

2. On page 2, line 24, strike "beyond" and insert "after".

LEGISLATIVE BILL 80. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

AMENDMENT - Print in Journal

Ms. Schimek filed the following amendment to LB 221:
AM0433

1. On page 3, line 11, strike "(5)" and insert "(6)".

2. On page 5, line 17, after "(5)" insert "Notwithstanding subsections (2) through (4) of this section, any person holding more than one high elective office upon the effective date of this act shall be entitled to serve the remainder of all terms for which he or she was elected or appointed.
(6)".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 474. No objections. So ordered.

VISITORS

Visitor to the Chamber was Fredricka Fleming from San Francisco, California.

The Doctor of the Day was Andy Luther from Lincoln.

ADJOURNMENT

At 10:55 a.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Thursday, February 20, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-SEVENTH DAY – FEBRUARY 20, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 20, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Roger Henning, Calvary Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hilgert and Kristensen who were excused; and Messrs. Abboud, Brashear, Bromm, Chambers, Landis, Matzke, Dw. Pedersen, D. Pederson, Robinson, Schrock, Warner, Wesely, Will, Withem, Mmes. Brown, McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 296, line 45, strike "Banking, Commerce and Insurance" and insert "Revenue".
The Journal for the seventh day was approved as corrected.
The Journal for the twenty-sixth day was approved.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 138. Placed on General File as amended.
(Standing Committee amendment, AM0380, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARING
Education

Appointments	Monday, March 3, 1997	1:15 p.m.

Educational Telecommunications Commission

Arlene Nelson
Sharon Rankin
Dr. Stanley Carlson

(Signed) Ardyce L. Bohlke, Chairperson

SELECT FILE

LEGISLATIVE BILL 107. E & R amendment, AM7001, found on page 436, was adopted.

Mr. Wickersham offered the following amendment:
AM0341

1. Insert the following new sections:

"Section 1. Section 37-105, Revised Statutes Supplement, 1996, is amended to read:

37-105. (1) The Game and Parks Commission shall establish and administer a bow hunter education program consisting of a minimum of ten hours of instruction in the safe use of bow hunting equipment, the fundamentals of bow hunting, shooting and hunting techniques, and hunter ethics. When establishing such a program, the commission shall train volunteers as bow hunter education training instructors. The commission shall issue a certificate of successful completion to any person who satisfactorily completes a bow hunter education program established by the commission and shall print, purchase, or otherwise acquire materials necessary for effective program operation. The commission shall adopt and promulgate rules and regulations for carrying out and administering such program.

(2) A person born on or after January 1, 1977, who is hunting antelope, deer, elk, mountain sheep, or wild turkey with a bow and arrow pursuant to section 37-215, 37-215.02, or 37-227 shall have on his or her person a bow hunter education certificate of successful completion issued by his or her state or province of residence or a bow hunter education certificate issued by an accredited program recognized by the commission.

Sec. 2. Section 37-215, Revised Statutes Supplement, 1996, is amended to read:

37-215. (1)(a) The commission may issue permits for the hunting and killing of deer and prescribe and establish regulations and limitations for the hunting, killing, transportation, and possession of deer. The commission may specify by regulation the information to be required on applications for such permits. Regulations and limitations for the hunting, killing, transportation, and possession of deer may include, but not be limited to, regulations and limitations as to the type, caliber, and other specifications of firearms and ammunition used and specifications for bows and arrows used. Such regulations and limitations may further specify and limit the method of hunting deer and may provide for dividing the state into management units or areas, and the commission may enact different deer harvest regulations for the different management units pertaining to sex, species, and age of the deer harvested.

(b) The number of such permits may be limited, as provided by the rules and regulations of the commission, and except as provided in section 37-215.04 the permits shall be disposed of in an impartial manner. Whenever the commission deems it advisable to limit the number of permits issued for any or all management units, the commission shall, by rules and regulations, determine who shall be eligible to apply for such permits. In establishing eligibility, the commission shall give preference to persons who did not receive a permit during the previous year or years.

(c) Such permits may be issued to allow killing of deer in the Nebraska National Forest and other game reserves and such other areas in the State of Nebraska as the commission may designate whenever the commission deems that permitting such killing will not be detrimental to the proper preservation of wildlife in Nebraska in such forest, reserves, or areas.

(d) The commission shall, pursuant to section 81-814.02, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for residents and not less than one hundred fifty dollars and not more than two hundred dollars for nonresidents for each permit issued under this subsection.

(e) The commission may issue nonresident permits only after a reasonable period has first been provided solely for issuance of resident permits, and if the commission issues nonresident permits, the issuance of resident permits shall continue until permit quotas have been filled or a reasonable cutoff date reached. No permit shall be issued until after a reasonable period for making application, as established by the commission, has expired. When more valid applications are received for any management unit than there are permits available, such permits shall be allocated on the basis of a public drawing. All valid applications received during the predetermined application period shall be considered equally in any such public drawing without regard to time of receipt of such applications by the commission.

(f) No person shall be issued a permit to kill deer, antelope, or elk unless such person is at least twelve years of age, except that any person who is twelve through fifteen years of age shall only hunt deer, antelope, or elk when accompanied by a person twenty-one years of age or over.

(2) The commission may issue permits for the hunting and killing of antelope and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subsection (1) of this section for the taking of deer. The commission shall, pursuant to section 81-814.02, establish and charge a fee of not less than twenty dollars and not more than

twenty-five dollars for residents and not less than one hundred dollars and not more than one hundred thirty dollars for nonresidents for each permit issued under this subsection. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in subsection (1) of this section shall also apply to the distribution of antelope permits.

(3) The commission may issue permits for the hunting and killing of elk and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subsection (1) of this section for the taking of deer. Permits to hunt and kill elk issued pursuant to this subsection shall not be issued to nonresidents. The commission shall, pursuant to section 81-814.02, establish and charge a nonrefundable application fee of not less than five dollars and not more than seven dollars and a fee of not less than one hundred dollars and not more than one hundred thirty dollars for each elk permit issued. A person may obtain only one elk permit in his or her lifetime except for a limited permit to hunt elk pursuant to section 37-215.03. The provisions for the distribution of deer permits and the authority of the commission to determine eligibility of applicants for permits as described in subsection (1) of this section shall also apply to elk permits.

(4) The commission may issue permits for the hunting and killing of mountain sheep and may establish separate and, when necessary, different regulations therefor within the limitations prescribed in subdivisions (1)(a) and (f) of this section for the taking of deer. Except as otherwise provided in this subsection, the permits shall be issued to residents of Nebraska. The commission shall, pursuant to section 81-814.02, establish and charge a nonrefundable application fee of not less than twenty dollars and not more than twenty-five dollars for permits issued only to residents. Any number of resident-only permits, as authorized by the commission, shall be awarded by random drawing to eligible applicants. No permit fee shall be charged in addition to the nonrefundable application fee. No more than one additional permit may be authorized and issued pursuant to an auction open to residents and nonresidents. The auction shall be conducted according to rules and regulations prescribed by the commission. Any money derived from the sale of permits by auction shall be used only for perpetuation and management of mountain sheep, elk, and deer. If the commission determines to limit the number of permits issued for any or all management units, the commission shall by rule and regulation determine eligibility requirements for the permits. A person may obtain only one mountain sheep permit in his or her lifetime.

(5)(a) ~~(4)(a)~~ Subject to rules and regulations adopted and promulgated by the commission, the secretary of the commission may designate special deer depredation seasons by executive order.

The secretary may designate a depredation season whenever he or she determines that deer are causing excessive property damage. The secretary shall specify the number of permits to be issued, shooting hours, the length of the depredation season, and the geographic area in which hunting will be permitted. Each such permit shall give the holder the right to take one deer. Hunting during a special depredation season shall be limited to residents and shall be restricted to firearms which are permissible for use during the regular deer season.

(b) The depredation season may commence not less than five days after the first public announcement that the depredation season has been established. Permits shall be issued beginning not less than three days after the first public announcement of the depredation season and shall be issued in an impartial manner at a location determined by the secretary. The commission shall, pursuant to section 81-814.02, establish and charge a fee of not less than twenty dollars and not more than twenty-five dollars for a special depredation season permit. Fifty percent of the fee shall be paid by the commission to a landowner or operator within the designated area upon satisfactory proof a deer was killed upon his or her farm or ranch during the special depredation season. Receipt of a depredation season permit shall not in any way affect a person's eligibility for a regular season permit.".

2. On page 4, line 8, strike "section" and insert "sections 37-105, 37-215, and"; and in line 9 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Beutler offered the following amendment to the Wickersham pending amendment:
AM0455

(Amendments to AM0341)

1. On page 5, line 8, after the period insert "Such regulations shall include provisions allowing persons who find dead mountain sheep, or any part of a mountain sheep, to turn over to the commission such mountain sheep or part of a mountain sheep. The commission may dispose of such mountain sheep or part of a mountain sheep as it deems reasonable and prudent.".

The Beutler amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

The Wickersham amendment, as amended, was adopted with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

Mr. Beutler offered the following amendment:
AM0454

1. Insert the following new section:

"Section. 1. Section 37-308, Reissue Revised Statutes of

Nebraska, is amended to read:

37-308. (1) Any person who shall at any time, except during an open season ordered by the commission as authorized in the Game Law, unlawfully take, kill, trap, destroy, attempt to take, kill, trap, or destroy, or have in his or her possession any buffalo, elk, deer, antelope, swan, whooping crane, or wild turkey shall be guilty of a Class III misdemeanor. Any person who shall at any time, except during an open season ordered by the commission as authorized in the Game Law, unlawfully take, kill, trap, destroy, attempt to take, kill, trap, or destroy, or have in his or her possession any mountain sheep shall be guilty of a Class II misdemeanor. Any person who shall at any time, except during an open season ordered by the commission as authorized in the Game Law, unlawfully take, kill, trap, destroy, attempt to take, kill, trap, or destroy, or have in his or her possession any quail, pheasant, partridge, Hungarian partridge, wood duck, eider duck, curlew, grouse, mourning dove, or sandhill crane shall be guilty of a Class III misdemeanor. Any person who shall unlawfully take, kill, catch, trap, harvest, destroy, or attempt to take, kill, catch, trap, harvest, or destroy any other game bird, game or fur-bearing animal, or game fish or unlawfully have in his or her possession any such game, fish, or raw fur shall be guilty of a Class V misdemeanor. Any person who shall, in violation of the Game Law, take, kill, trap, destroy, attempt to take, kill, trap, or destroy, or shoot at any mourning dove that is not flying, or have in his or her possession any nongame, song, or insectivorous bird, or destroy or take the eggs or nest of any such bird, shall be guilty of a Class V misdemeanor.

(2) The provisions of subsection (1) of this section shall not render it unlawful for anyone operating a game, fur, or fish farm, pursuant to the laws of this state, to at any time kill game or fish actually raised thereon or lawfully placed thereon by such person. Persons holding special permits, pursuant to the laws of this state, for the taking or killing of game or other birds or game animals shall not be liable under subsection (1) of this section while acting under the authority of such permits.".

2. On page 4, line 8, after "Original" insert "section 37-308, Reissue Revised Statutes of Nebraska, and"; and in line 9 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

The Beutler amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Wickersham offered the following amendment:
AM0467

1. Insert the following new section:

"Sec. 3. Section 37-215.03, Revised Statutes Supplement, 1996, is amended to read:

37-215.03. (1) A Nebraska resident who owns or leases eighty acres or more of farm or ranch land for agricultural purposes or a member of such person's immediate family residing in the same household may apply for a limited deer, antelope, wild turkey, or elk permit. The limited permit is valid during the predetermined period established by the commission pursuant to section 37-215 or 37-227. To qualify for a limited elk permit the farm or ranch land of the applicant must be within an area designated as an elk ~~zone~~ management unit by the commission in its regulations. Only one limited permit for each species shall be issued annually for the farm or ranch land described in the application, except that both a spring and a fall turkey permit may be issued. Upon receipt of an application in proper form as prescribed by the commission, the commission may issue a limited permit which shall restrict (a) the limited deer, antelope, or wild turkey permit to hunting only on the farm or ranch land included in the application and shall not apply to the land of other persons and (b) the limited elk permit to hunting on the entire elk ~~zone~~ management unit of which the farm or ranch land included in the application is a part. For purposes of this section, immediate family shall mean and be limited to husband and wife and their children. The conditions applicable to permits issued pursuant to section 37-215 or 37-227, whichever is appropriate, shall apply to limited permits issued pursuant to this section, except that the commission may adopt regulations for species harvest allocation pertaining to the sex and age of the species harvested which are different for this permit than for other hunting permits.

(2) Except as provided in subsection (3) of this section, receipt of a limited permit or a permit issued pursuant to section 37-215 or 37-227 for any one-year or open season shall not bar receipt of a limited permit in any subsequent year or for any subsequent open season.

(3) A limited elk permit issued pursuant to this section shall not be issued to any applicant more than once every three years.

(4) The fee for a limited permit to hunt elk shall be one-fifth the fee for the regular permit to hunt elk. The fee for a limited permit to hunt deer, antelope, or wild turkey shall be one-half the fee for the regular permit for these species.

(5) The commission may by rule and regulation prescribe forms to be filled out by the applicant for a limited permit as prescribed in this section to determine whether the applicant is a Nebraska resident and is the owner or lessee of the described property or is a member of the family or household of such person.".

2. Renumber the remaining sections and correct repealer accordingly.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 11 present

and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 250. Mr. Schellpeper asked unanimous consent to replace his pending amendment, AM0337, found on page 610, with a substitute amendment. No objections. So ordered.

Mr. Schellpeper withdrew his amendment, AM0337, found on page 610.

Messrs. Schellpeper and Wickersham renewed their pending substitute amendment, AM0348, found on page 632.

Mr. Schellpeper asked unanimous consent to pass over LB 250. No objections. So ordered.

LEGISLATIVE BILL 56. Advanced to E & R for engrossment.

LEGISLATIVE BILL 275. E & R amendment, AM7019, found on page 543, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 128. E & R amendment, AM7022, found on page 545, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 129. Advanced to E & R for engrossment.

LEGISLATIVE BILL 15. E & R amendment, AM7023, found on page 546, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 351. E & R amendment, AM7024, found on page 546, was adopted.

Advanced to E & R for engrossment

LEGISLATIVE BILL 137. E & R amendment, AM7028, found on page 579, was adopted.

Mr. Landis renewed his pending amendment, AM0352, found on page 642.

The Landis amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 345. E & R amendment, AM7025, found on page 579, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 347. E & R amendment, AM7029, found on page 607, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 201. E & R amendment, AM7027, found on page 607, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 202. Advanced to E & R for engrossment.

LEGISLATIVE BILL 200. E & R amendment, AM7026, found on page 608, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 346. Mrs. Bohlke offered the following amendment:
AM0449

1. Insert the following new sections:

"Sec. 6. Section 79-549, Reissue Revised Statutes of Nebraska, is amended to read:

79-549. (1) The board of education of a Class III school district of which more than seventy-five percent of the geographical area lies within a city of the metropolitan class shall consist of six members to be elected as provided in section 32-543 and also may include one or more nonvoting student members selected pursuant to section 79-559. Until the registered voters of the district vote not to continue to have a caucus for nominations pursuant to subsection (2) of this section, a caucus shall be held pursuant to subsection (3) of this section not less than seventy days prior to the holding of the election to nominate two or more candidates for each vacancy to be voted upon at the election to be held in conjunction with the statewide primary election. If the registered voters vote not to continue to have a caucus, candidates shall be nominated at a primary election held in conjunction with the primary election for the city of the metropolitan class. No candidate nominated shall have his or her name placed upon the ballot for the general election unless, not more than ten days after his or her nomination, he or she files with the secretary of the board of education a written statement accepting the nomination. The secretary of the board of education shall certify the names of the candidates to the election commissioner or county clerk who shall prepare the official ballot listing the names as certified and without any area designation. All registered voters residing within the school district shall be permitted to vote at such election.

(2) The board of education may place before the registered voters of the school district the issue of whether to continue to have a caucus for nominations by adopting a resolution to do so and certifying the issue to the election commissioner or county clerk prior to September 1 for placement on the ballot at the next statewide general election. The registered voters of the school district may also have the issue placed on the ballot at the statewide general election by circulating a petition and gathering the signatures of the registered voters residing within the school district at least equal to seven percent of the number of persons registered to vote in the school district at the last statewide primary election. The petitions shall be filed with the election commissioner or county clerk for signature verification on or before August 15 prior to a statewide general election. If the election commissioner or county clerk determines that the appropriate number of registered voters signed the petition, he or she shall place the issue on the ballot for the next statewide general election. The issue shall not be placed on the ballot again within four years after voting on the issue at a statewide general election.

(3) A school district which uses a caucus for nominations shall develop rules and procedures for conducting the caucus which will ensure:

(a) Publication of the rules and procedures by multiple sources if necessary so that every resident of the school district has access to information on the process for placing a name in nomination and voting at the caucus;

(b) Facilities for voting at the caucus which comply with the federal Americans with Disabilities Act of 1990 and which will accommodate a reasonably anticipated number of registered voters;

(c) Election security which will provide for a fair and impartial election, including the secrecy of the ballot, one vote per registered voter, and only registered voters of the school district being allowed to vote;

(d) Equal access to all registered voters of the school district, including the presence of an interpreter at the caucus at the expense of the school district and ballots for the blind and visually impaired to provide access to the process by all registered voters of the school district;

(e) Adequate time and opportunity for registered voters of the school district to exercise their right to vote; and

(f) Notification of nomination to the candidates and to the secretary of the board of education.

The rules and regulations shall be approved by the election commissioner or county clerk prior to use for a caucus.

Sec. 10. Section 79-1116, Reissue Revised Statutes of

Nebraska, is amended to read:

79-1116. Average per pupil cost of the ~~servicing~~ service agency means the amount computed by dividing the total operating expenditure of the preceding year, excluding the cost of sectarian instruction, of the ~~servicing~~ service agency by its preceding year's average daily membership.

Sec. 17. Section 79-1128, Reissue Revised Statutes of Nebraska, is amended to read:

79-1128. The special education programs required by section 79-1127 may be provided by any school district, by contracting with another school district or ~~servicing~~ service agency, or by some combination of school districts, an educational service unit, combination of educational service units, the local or regional office of mental retardation, any program approved by the State of Nebraska, or any combination thereof, except that only nonsectarian services shall be considered for approval by the State of Nebraska. Any office of mental retardation program receiving funds under the Special Education Act shall not use such funds to match state funds under the provisions of other programs. The members of the school board or board of education of any school district not offering continuous special education programs acceptable to the State Board of Education shall be in violation of the law. No state funds shall be paid to any school district as long as such violation exists, but no deduction shall be made from any funds required by the Constitution of Nebraska to be paid to such district. On December 31 of each year, the Commissioner of Education shall present to the State Board of Education, the Attorney General, the Department of Administrative Services, the State Treasurer, and the Executive Board of the Legislative Council a list of all school districts not providing or contracting for approved programs.

Sec. 50. Section 79-1194, Reissue Revised Statutes of Nebraska, is amended to read:

79-1194. The state plan shall be responsive to the cultural needs of the hearing-impaired and blind and visually impaired communities.".

2. On page 12, line 5; page 46, lines 23 and 26; page 47, line 16; and page 48, lines 4 and 10, before "visually" insert "blind and".

3. On page 12, line 7, strike "multidisabled or" and after "having" insert "multiple disabilities or".

4. On page 13, line 13, after "(3)" insert "Blind and visually impaired means partially seeing or blind, which visual impairment, even with correction, adversely affects a child's educational performance;

(4)"; in line 18 strike "(4)", show as stricken, and insert "(5)"; in line 22 strike "deaf or blind children", show as stricken, and insert "children who are deaf or blind"; in line 23 strike "(5)", show as stricken, and insert "(6)"; in line 26 strike

"(3)", show as stricken, and insert "(4)"; and in line 27 strike "(6)", show as stricken, and insert "(7)".

5. On page 14, line 5, strike "(7)", show as stricken, and insert "(8)"; in lines 6 and 11 strike "Multidisabled" and insert "Multiple disabilities"; in line 13 strike "(8)", show as stricken, and insert "(9)"; in line 21 strike "(9)", show as stricken, and insert "(10)"; and in line 28 strike "(10)", show as stricken, and insert "(11)".

6. On page 15, line 6, strike "handicaps", show as stricken, and insert "disabilities"; in line 11 strike "(11)", show as stricken, and insert "(12)"; in line 11 after the semicolon insert "and"; in line 12 strike "(12)", show as stricken, and insert "(13)"; and strike beginning with the semicolon in line 23 through line 27, show the old matter as stricken, and insert an underscored period.

7. On page 16, line 16, strike "Servicing", show as stricken, and insert "Service".

8. On page 23, lines 3 and 11; page 24, line 28; page 26, line 23; page 34, line 16; and page 35, line 4, strike "servicing", show as stricken, and insert "service".

9. On page 29, line 7, strike "the office of" and show as stricken.

10. On page 31, line 16, strike "department", show as stricken, and insert "State Department of Education".

11. On page 47, line 7, after "for" insert "children who are blind and" and strike "children" and show as stricken; and in line 27 before "visually" insert "persons who are blind and" and strike "persons" and show as stricken.

12. On page 49, line 1, after the first comma insert "79-549," and after the fourth comma insert "79-1116,"; in line 2 strike "79-1127, 79-1129 to"; and in line 4 after the last comma insert "79-1194,".

13. Renumber the remaining sections and correct internal references accordingly.

The Bohlke amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 206. Advanced to E & R for engrossment.
LEGISLATIVE BILL 238. Advanced to E & R for engrossment.

LEGISLATIVE BILL 28. E & R amendment, AM7030, found on page 626, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 97. E & R amendment, AM7031, found on page

626, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 342. E & R amendment, AM7034, found on page 627, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 489. E & R amendment, AM7033, found on page 627, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 86. Advanced to E & R for engrossment.
LEGISLATIVE BILL 86A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 85. Advanced to E & R for engrossment.
LEGISLATIVE BILL 441. Advanced to E & R for engrossment.

LEGISLATIVE BILL 221. E & R amendment, AM7039, found on page 627, was adopted.

Mrs. Schimek renewed her pending amendment, AM0433, found on page 685.

The Schimek amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Maurstad requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 4 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE RESOLUTION 32CA. E & R amendment, AM7036, found on page 627, was adopted.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 51. Placed on General File.

LEGISLATIVE BILL 54. Placed on General File as amended.
Standing Committee amendment to LB 54:
AM0435

1. Strike original section 18.

2. On page 5, lines 24 and 25, strike "its operative date" and insert "the effective date of this act".

3. On page 6, lines 7, 9, 14 and 15, and 20; and page 7, lines 5, 7, 17, and 24, strike "operative date of this section" and insert "effective date of this act".

LEGISLATIVE BILL 327. Placed on General File as amended.
Standing Committee amendment to LB 327:
AM0436

1. On page 6, line 25, strike "the program" and insert "microloan".

LEGISLATIVE BILL 89. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 631. Placed on Select File as amended.
E & R amendment to LB 631:
AM7052

1. On page 12, line 22, strike "members" and insert "member".

2. On page 20, line 21, strike "limited" and show as stricken.

LEGISLATIVE BILL 199. Placed on Select File as amended.
E & R amendment to LB 199:
AM7055

1. On page 3, line 6, strike the first comma.

2. On page 6, line 27; and page 7, line 3, strike "Federal", show as stricken, and insert "federal".

3. On page 10, line 17, strike the second comma and insert "and"; and in line 18 after the second comma insert "and".

4. On page 11, line 4, after "ranch" insert an underscored comma.

5. On page 17, line 7, after the first comma insert "a".

6. On page 18, line 19, strike the first "shall" and strike the second "a" and insert "the".

7. On page 21, line 10, strike "above symptoms;" and insert "symptoms described in subdivisions (2)(a)(i) through (iv) of this section; or".

8. On page 22, line 2, after the semicolon insert "or".

9. On page 25, line 4; page 26, line 10; page 32, line 3; and page 33, lines 6 and 7, strike the comma.

10. On page 27, line 22, strike the semicolon.

11. On page 28, line 25, after "establishment" insert an underscored comma.

12. On page 34, line 8, strike the last comma; and in line 10 after "act" insert an underscored comma.

13. On page 36, line 4, after "authority" insert an underscored comma.

14. On page 36, lines 22 and 28; page 37, lines 3, 11, and 21; and page 38, line 6, strike the period and insert an underscored semicolon.

15. On page 38, line 2, strike "Restricts" and insert "Restrict"; and in line 12 strike the period and insert "; or".

LEGISLATIVE BILL 453. Placed on Select File as amended.
E & R amendment to LB 453:
AM7053

1. On page 16, line 20, after "his" insert "or her".

LEGISLATIVE BILL 184. Placed on Select File as amended.
E & R amendment to LB 184:
AM7051

1. On page 1, line 4, after "state" insert "correctional".

2. On page 3, lines 5, 10, 21, 25, and 28; page 4, lines 3 and 7; and page 8, lines 10 and 17, strike the new matter.

3. On page 7, line 6, strike "hospital and".

LEGISLATIVE BILL 325. Placed on Select File as amended.
E & R amendment to LB 325:
AM7054

1. On page 4, line 8, strike "apply" and insert "applies"; in line 15 strike "38-304" and insert "28-304"; in line 22 strike "29-319" and insert "28-319"; in line 24 strike "29-320" and insert "28-320"; and in line 26 strike "29-320.01" and insert "28-320.01".

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARINGS
Revenue

LB 794	Wednesday, March 12, 1997	1:30 p.m.
LB 717	Wednesday, March 12, 1997	1:30 p.m.
LR 62CA	Thursday, March 6, 1997 (cancel)	2:30 p.m.
LR 62CA	Wednesday, March 12, 1997 (reset)	1:30 p.m.
LB 169	Wednesday, March 12, 1997	1:30 p.m.
LB 224	Wednesday, March 12, 1997	1:30 p.m.
LR 37	Wednesday, March 12, 1997	1:30 p.m.
LB 454	Thursday, March 13, 1997	2:30 p.m.
LB 455	Thursday, March 13, 1997	2:30 p.m.
LB 456	Thursday, March 13, 1997	2:30 p.m.
LB 457	Thursday, March 13, 1997	2:30 p.m.

(Signed) Jerome Warner, Chairperson

Business and Labor

LB 32	Monday, March 3, 1997	1:30 p.m.
LB 225	Monday, March 3, 1997	1:30 p.m.
LB 282	Monday, March 3, 1997	1:30 p.m.
LB 470	Monday, March 3, 1997	1:30 p.m.
LB 765	Monday, March 3, 1997	1:30 p.m.
LB 834	Monday, March 3, 1997	1:30 p.m.

LB 38	Monday, March 10, 1997	1:30 p.m.
LB 100	Monday, March 10, 1997	1:30 p.m.
LB 215	Monday, March 10, 1997	1:30 p.m.
LB 569	Monday, March 10, 1997	1:30 p.m.
LB 860	Monday, March 10, 1997	1:30 p.m.
LB 883	Monday, March 10, 1997	1:30 p.m.

(Signed) Chris Abboud, Chairperson

GENERAL FILE

LEGISLATIVE BILL 114A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 104. Mr. Chambers asked unanimous consent to bracket until February 21, 1997. No objections. So ordered.

LEGISLATIVE RESOLUTION 13CA. Read. Considered.

Mr. Chambers withdrew his motion, found on page 683, to indefinitely postpone LR 13CA.

Mr. Warner offered the following amendment:
AM0438

1. On page 1, strike the new matter in line 10; in lines 10 and 11 reinstate "the United States"; and in line 11 before "this" insert "or terrorist attack or natural disaster upon".

2. On page 3, strike beginning with the comma in line 7 through the comma in line 8 and insert "upon the United States or terrorist attack"; and strike beginning with "and" in line 9 through "States" in line 11.

The Warner amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not

voting, and 6 excused and not voting.

Messrs. Landis and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

LEGISLATIVE BILL 623. Title read. Considered.

Standing Committee amendment, AM0255, found on page 617, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 710. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 474. Title read. Considered.

Mrs. C. Peterson and Mr. Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM0294, found on page 623, was considered.

Mr. Dierks moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Standing Committee amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 853. Title read. Considered.

Standing Committee amendment, AM0293, found on page 623, was adopted with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 226. Title read. Considered.

Mr. Janssen renewed his pending amendment, AM0424, found on page 682.

The Janssen amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 152. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Engel asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 273. Title read. Considered.

SPEAKER WITHEM PRESIDING

Standing Committee amendment, AM0333, found on page 628, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 720. Title read. Considered.

Mr. Janssen asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM0317, printed separately and referred to on page 631, was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 622. Placed on General File as amended.
Standing Committee amendment to LB 622:

AM0426

1. Insert the following new sections:

"Sec. 43. Sections 1 to 16, 18 to 42, 45, and 46 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date.

Sec. 44. Original section 71-1,314, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 47. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 28, strike beginning with "An" in line 21 through line 27 and insert "An individual who, within one year after the operative date of this section, demonstrates to the board that he or she was certified as a master social worker or professional counselor, shall be licensed as a mental health practitioner by making application to the department and paying the licensure fee.".

3. On page 39, line 12, after "days" insert "after receipt of request from the Department of Health and Human Services".

4. On page 54, strike beginning with "The" in line 9 through "Services" in line 10 and insert "Except for long-term care facilities subject to the jurisdiction of the state long-term care ombudsman pursuant to the Long-Term Care Ombudsman Act, the contracting agency".

5. On page 55, line 13, strike "71-1,314,".

6. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

Appropriations

LEGISLATIVE BILL 887. Placed on General File.

(Signed) Roger R. Wehrbein, Chairperson

Health and Human Services

LEGISLATIVE BILL 369. Placed on General File as amended.
Standing Committee amendment to LB 369:
AM0275

1. Insert the following new sections:

"Sec. 6. Section 71-1,135.03, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.03. (1) No course or courses in pharmacology shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless taught by an institution which is accredited by a regional or professional accrediting organization which is recognized by the United States Department of

Education and the transcript credit for the course or courses is certified to the board by the institution.

(2) No course of instruction in the treatment of glaucoma shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless it is taught by an institution that is recognized by the United States Department of Education or its successor and the content for the course is certified to the board by the institution as being comparable in content to a course of instruction in the treatment of glaucoma required by other licensing boards for licensees or registrants allowed to treat glaucoma in the scope of their professional practice.

Sec. 8. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of glaucoma shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.".

2. On page 2, line 10, after the first comma insert "other than oral therapeutic agents used in the treatment of glaucoma"; and after line 24 insert the following new paragraph:

"The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth.".

3. On page 8, line 8, strike "71-1,135.02 and"; and in line 9 after "71-1,135.04" insert "and 71-1,135.06".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 259. Placed on General File as amended.
Standing Committee amendment to LB 259:
AM0321

1. Strike original sections 1 to 7 and insert the following new sections:

"Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Personal Assistance Services Act.

Sec. 2. For purposes of the Personal Assistance Services Act:

(1) Department means the Department of Health and Human Services;

(2) Person with a disability or disabled family member means a person who has a medically determinable severe, chronic

disability which: (a) Is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is likely to continue indefinitely; (c) results in substantial functional limitations in two or more of the following areas of major life activity: (i) Self-care; (ii) receptive and expressive language; (iii) learning; (iv) mobility; (v) self-direction; (vi) capacity for independent living; (vii) work skills or work tolerance; and (viii) economic sufficiency; and (d) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, vocational rehabilitation, or other services which are of lifelong or extended duration and are individually planned and coordinated; and

(3) Personal assistance services means assistance provided by one or more persons as directed by a person with a disability with tasks which that individual would typically do if they did not experience a disability.

Sec. 3. Administration of the Personal Assistance Services Act shall be through the Department of Health and Human Services through the Disabled Persons and Family Support program with assurances that the funds appropriated will be set aside for personal assistance services demonstration projects.

Sec. 4. The purpose of the Personal Assistance Services Act is to establish and demonstrate a personal assistance services delivery model in at least two sites, one in a metropolitan area and one in a rural area. Such services are necessary to:

(1) Minimize the likelihood of institutionalization of persons with disabilities and maximize their potential for independent living in society;

(2) Enhance the capacity of families to meet the needs of disabled family members;

(3) Remove disincentives for entering into and remaining in a marriage;

(4) Strengthen, promote, and empower families to determine the most appropriate use of resources to address the unique and changing needs of families, including adults and children with disabilities;

(5) Prevent persons with disabilities from terminating employment because of lack of personal assistance services;

(6) Reduce the cost of federal and state programs by removing disincentives for employment. In this way employable persons with disabilities would be encouraged to engage in employment and ultimately become self-supporting;

(7) Enhance the capacity of persons with disabilities to self-direct their services;

(8) Reduce administrative costs of federal and state programs by establishing a model which allows persons with disabilities to control contracting, billing, payment, rate setting, provider recruitment, and provider standard setting;

(9) Make special outreach efforts for delivery of

personal assistance services to minority populations;

(10) Determine applicability of the personal assistance services model for other populations, including persons with cognitive disabilities or behavioral health disabilities, and older Nebraskans; and

(11) Enhance Nebraska's capacity to provide quality personal assistance services and expand and improve existing personal assistance services being provided to persons with disabilities and their families.

Sec. 5. It is the intent of the Legislature to establish two demonstration sites, one in a metropolitan area and one in a rural area. The department and the statewide Independent Living Council together shall:

(1) Determine financial guidelines for the demonstration sites;

(2) Determine eligibility of persons with physical disabilities, mental illnesses, and developmental disabilities. The demonstration projects should be designed in coordination with Nebraska Developmental Disabilities and Behavioral Health State Plans;

(3) Establish criteria for edibility;

(4) Emphasize the self-directed approach to service delivery as outlined in the Nebraska Partnership Services Coordination Model at each demonstration site; and

(5) Insure the funding for the personal assistance services demonstration sites shall be supplemental to other support programs for which the family or disabled person is eligible. It is not intended to reduce the responsibility for the provision of services and support by such other programs from federal, state, local, and private sources, including public and private insurance coverage.".

2. Renumber the remaining sections and correct internal references accordingly.

(Signed) Don Wesely, Chairperson

Agriculture

LEGISLATIVE BILL 192. Placed on General File as amended.
Standing Committee amendment to LB 192:
AM0450

1. On page 4, strike lines 4 through 11 and show the old matter as stricken.

(Signed) Merton L. Dierks, Chairperson

AMENDMENT - Print in Journal

Messrs. Beutler and Wesely filed the following amendment to LB 453:

AM0477

1. On page 18, line 16, after the period insert "Unless the dispute over the registration of the new trade name is otherwise resolved or settled by the parties, the Secretary of State shall make his or her finding within fifteen days after the response by the new registrant.".

NOTICE OF COMMITTEE HEARINGS

Natural Resources

LB 866	Wednesday, March 5, 1997	1:30 p.m.
LB 702	Wednesday, March 5, 1997	1:30 p.m.
LB 701	Wednesday, March 5, 1997	1:30 p.m.

Thursday, March 6, 1997 1:30 p.m.
Hearing pursuant to statutory section 81-1505.04 concerning air quality permit program funding options

LB 707	Thursday, March 6, 1997	1:30 p.m.
LB 655	Thursday, March 6, 1997	1:30 p.m.
LB 704	Wednesday, March 12, 1997	1:30 p.m.
LB 705	Wednesday, March 12, 1997	1:30 p.m.
LB 313	Wednesday, March 12, 1997	1:30 p.m.
LB 664	Wednesday, March 12, 1997	1:30 p.m.
LB 316	Thursday, March 13, 1997	1:30 p.m.
LB 667	Thursday, March 13, 1997	1:30 p.m.
LB 683	Wednesday, March 19, 1997	9:00 a.m.
LR 48CA	Wednesday, March 19, 1997	9:00 a.m.
LR 54	Wednesday, March 19, 1997	9:00 a.m.
LB 329	Thursday, March 20, 1997	9:00 a.m.
LB 552	Thursday, March 20, 1997	9:00 a.m.

Friday, March 21, 1997 9:00 a.m.
Hearing pursuant to statutory section 37-216.07 regarding Game and Parks Commission aquatic habitat plan

LB 819	Friday, March 21, 1997	9:00 a.m.
LB 830	Friday, March 21, 1997	9:00 a.m.
LB 499	Wednesday, March 26, 1997	9:00 a.m.
LB 473	Wednesday, March 26, 1997	9:00 a.m.

(Signed) Chris Beutler, Chairperson

Judiciary

LB 158	Wednesday, March 12, 1997	1:30 p.m.

LB 484	Wednesday, March 12, 1997	1:30 p.m.
LB 467	Wednesday, March 12, 1997	1:30 p.m.
LB 241	Wednesday, March 12, 1997	1:30 p.m.
LB 845	Wednesday, March 12, 1997	1:30 p.m.
LB 729	Wednesday, March 12, 1997	1:30 p.m.
LB 227	Wednesday, March 12, 1997	1:30 p.m.
LB 462	Wednesday, March 12, 1997	1:30 p.m.
LB 841	Wednesday, March 12, 1997	1:30 p.m.
LB 879	Wednesday, March 12, 1997	1:30 p.m.
LB 769	Wednesday, March 12, 1997	1:30 p.m.
LB 236	Thursday, March 13, 1997	1:30 p.m.
LB 301	Thursday, March 13, 1997	1:30 p.m.
LB 289	Thursday, March 13, 1997	1:30 p.m.
LB 392	Thursday, March 13, 1997	1:30 p.m.
LB 512	Thursday, March 13, 1997	1:30 p.m.
LB 438	Thursday, March 13, 1997	1:30 p.m.
LB 265	Thursday, March 13, 1997	1:30 p.m.
LB 244	Thursday, March 13, 1997	1:30 p.m.
LB 628	Thursday, March 13, 1997	1:30 p.m.

(Signed) Kermit A. Brashear, Chairperson

GENERAL FILE

LEGISLATIVE BILL 713. Title read. Considered.

Standing Committee amendment, AM0274, found on page 638, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 809. Title read. Considered.

Standing Committee amendment, AM0278, found on page 638, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 226. No objections. So ordered.

ANNOUNCEMENT

Mr. Withem designates LB 590 as his priority bill.

VISITORS

Visitors to the Chamber were Ruby Meister from Tecumseh and Judy Coe from Johnson; Shirley Flack from Scottsbluff and Nadine DeBacco and Susie Ewing from Gering; Francis and Claudine Penry from Atkinson; 16 ninth grade students and teacher from Omaha Christian Academy, Omaha; Steve Fosselman from Grand Island; 14 fourth grade students and teacher from Central Christian, Omaha; Mary Fritts and Harold Goff from Lyons; and Pam Scott from Scottsbluff.

The Doctor of the Day was Leon Books from Broken Bow.

ADJOURNMENT

At 12:03 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Friday, February 21, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

TWENTY-EIGHTH DAY – FEBRUARY 21, 1997

LEGISLATIVE JOURNAL

TWENTY-EIGHTH DAY - FEBRUARY 21, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 21, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Paul Hebbert, Gering Zion Lutheran Church, Gering, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Kristensen and Mrs. C. Peterson who were excused; and Messrs. Beutler, Bromm, Coordsen, Dierks, Landis, Schmitt, Schrock, Warner, Wickersham, Will, Withem, Mmes. Bohlke, McKenzie, Stuhr, and Suttle who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-seventh day was approved.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 712. Placed on General File as amended.
Standing Committee amendment to LB 712:
AM0475

1. On page 2, line 3, strike "1998" and insert "2000"; in line 6 after "progress" insert "toward academic standards established by the state board"; in line 7 after "a" insert "state and"; strike beginning with the period in line 14 through "All" in line 16 and insert ", and all"; in line 17 strike "participating" and insert "such"; and strike beginning with "Students" in line 19 through line 27 and insert:

"(5) The State Board of Education shall establish criteria that schools may use to exempt special education students from testing in any or all subject areas. The state board may also adopt alternative tests or means of scoring for special education students and students with limited English proficiency.".

2. On page 3, strike beginning with the first "or" in line 2 through "school" in line 2; strike beginning with "and" in line 4 through "school" in line 5; strike beginning with "The" in line 7 through line 14; and after line 16 insert the following new subsection:

"(8) The department shall on or before July 1, 1998, adopt and promulgate rules and regulations to carry out this section.".

(Signed) Ardyce L. Bohlke, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 80. Read. Considered.

LR 80 was adopted with 28 ayes, 0 nays, 4 present and not voting, and 17 excused and not voting.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 782. Placed on General File.

LEGISLATIVE BILL 166. Placed on General File as amended.
Standing Committee amendment to LB 166:
AM0473

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 21, strike "division" and insert "department".

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 104. Mr. Chambers renewed his pending amendment, FA26, found on page 658.

Mrs. Hillman, Messrs. Janssen, Lynch, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. McKenzie moved the previous question. The question is, “Shall the debate now close?” The motion failed with 9 ayes, 15 nays, and 25 not voting.

SPEAKER WITHEM PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 17:

Beutler
Bohlke
Chambers
Crosby
Cudaback
Hartnett
Hilgert
Jones
Kiel
Maurstad
McKenzie
Preister
Robak
Schimek
Schmitt
Suttle
Will

Voting in the negative, 20:

Abboud
Bromm
Brown
Bruning
Elmer
Hudkins
Jensen
Matzke
Pedersen, Dw.
Pederson, D.
Schellpeper
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Present and not voting, 4:

Brashear
Dierks
Engel
Robinson

Excused and not voting, 8:

Coordsen
Hillman
Janssen
Kristensen
Landis
Lynch
Peterson, C.
Warner

The Chambers amendment lost with 17 ayes, 20 nays, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 182. Placed on Select File as amended.
E & R amendment to LB 182:
AM7056

1. In the Standing Committee amendments, AM0217, on page 1, line 3, strike "37-3501" and insert "77-3501".

2. On page 1, line 1, after "sections" insert

"77-3501,"; in line 2 strike "to" and insert ", 77-3508, and" and after the semicolon insert "to provide exemptions for closely related claimants;"; and in line 3 after the semicolon insert "to provide a duty for the Revisor of Statutes;".

LEGISLATIVE BILL 182A. Placed on Select File.

LEGISLATIVE RESOLUTION 8CA. Placed on Select File.

LEGISLATIVE RESOLUTION 47CA. Placed on Select File as amended.
E & R amendment to LR 47CA:
AM7057

1. On page 3, line 4, strike the first comma and show as stricken.

LEGISLATIVE RESOLUTION 17CA. Placed on Select File.

LEGISLATIVE BILL 53. Placed on Select File as amended.
E & R amendment to LB 53:
AM7060

1. On page 14, line 4, after "annual" insert "financial".
2. On page 15, line 11, strike "premium" and insert "premiums".
3. On page 19, line 26, strike "(f)" and insert "(e)".
4. On page 24, line 12, strike "an"; and in line 15 after the first "or" insert "an".
5. On page 34, line 8, strike "Z" and insert "X".
6. On page 40, line 15, after "closing" insert an underscored comma.
7. On page 46, line 16, strike "misquotes", show as stricken, and insert "misquoting".

LEGISLATIVE BILL 130. Placed on Select File as amended.
E & R amendment to LB 130:
AM7059

1. In the Standing Committee amendments, AM0280, on page 1, line 8, strike the underscored period and insert an underscored semicolon.
2. On page 15, line 17, strike "section" and insert "subdivision".

LEGISLATIVE BILL 37. Placed on Select File.
LEGISLATIVE BILL 568. Placed on Select File.
LEGISLATIVE BILL 722. Placed on Select File.

LEGISLATIVE BILL 183. Placed on Select File as amended.
E & R amendment to LB 183:
AM7058

1. On page 1, line 2, strike "and" and after "study" insert "; and to declare an emergency".

LEGISLATIVE BILL 610. Placed on Select File.
LEGISLATIVE BILL 229. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Agriculture

LEGISLATIVE BILL 211. Placed on General File as amended.
Standing Committee amendment to LB 211:
AM0451

1. On page 3, line 24, strike "shall" and insert "may".

LEGISLATIVE BILL 263. Placed on General File as amended.
Standing Committee amendment to LB 263:
AM0452

1. On page 24, lines 16 through 19, strike the new matter and reinstate the stricken matter.

(Signed) Merton L. Dierks, Chairperson

REPORTS

The following reports were received by the Legislature:

Environmental Quality, Department of
Litter Reduction and Recycling Grant Program's Annual Report

Natural Resources District, Lewis and Clark
Report regarding drainage districts as directed by LB 1085

AMENDMENTS - Print in Journal

Mr. Dierks filed the following amendment to LB 192:
AM0504

1. Insert the following new section:
"Sec. 8. This act becomes operative July 1, 1998.".
2. Renumber the remaining sections accordingly.

Mr. Wickersham filed the following amendment to LB 623:
AM0488

1. On page 15, strike beginning with "lesser" in line 10 through "The" in line 11 and show as stricken; in line 12 strike "subdivision (2)(a)", show as stricken, and insert "subsection (2)"; in line 13 after "year" insert an underscored period; and strike beginning with the semicolon in line 13 through line 16 and

show as stricken.

2. On page 45, strike beginning with "lesser" in line 12 through "The" in line 13 and show as stricken; in line 14 strike "subdivision (2)(a)", show as stricken, and insert "subsection (2)"; in line 15 after "year" insert an underscored period; and strike beginning with the semicolon in line 15 through line 18 and show as stricken.

3. On page 53, line 20, strike "amended" and insert "such provision existed on the operative date of this section".

4. On page 74, line 10, strike ", as adjusted," and show as stricken.

5. On page 77, strike beginning with "lesser" in line 2 through "The" in line 3 and show as stricken; in line 4 strike "subdivision (2)(a)", show as stricken, and insert "subsection (2)"; in line 5 after "year" insert an underscored period; and strike beginning with the semicolon in line 5 through line 8 and show as stricken.

Mr. Wesely filed the following amendment to LB 369:
AM0169

1. On page 7, strike lines 15 through 21 and insert the following new subsection:

"(3)(a) An optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes on the effective date of this act who graduated from an accredited school of optometry prior to January 1, 1996, shall complete the education requirements relative to the treatment of glaucoma, as determined by the board of examiners, prior to January 1, 2000, and shall complete such educational requirements prior to treating glaucoma. Failure to complete such education prior to January 1, 2000, shall result in the revocation of the licensee's certification to use pharmaceutical agents for therapeutic purposes.

(b) An optometrist who applies for licensure on or after the effective date of this act who graduated from an accredited school of optometry prior to January 1, 1996, shall complete the education requirements relative to the treatment of glaucoma, as determined by the board of examiners, prior to being issued a license to practice optometry.

(c) An optometrist who graduated from an accredited school of optometry after January 1, 1996, shall be deemed to have met the educational requirements for certification to use pharmaceutical agents for therapeutic purposes which includes the treatment and management of glaucoma.".

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Rick R. Sanders - Nebraska Power Review Board
George W. (Woody) Egermeyer, Jr. - Nebraska Game and Parks Commission

VOTE: Aye: Senators Beutler, Bruning, Elmer, Preister, and Schrock. Nay: None. Absent: Senators Bromm, Bohlke, and McKenzie.

(Signed) Chris Beutler, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 80.

GENERAL FILE

LEGISLATIVE BILL 104. Mrs. Bohlke offered the following amendment:
AM0510

1. On page 3, after line 25 insert the following new subsection:

"(6) The authority to impose a surcharge under this section terminates on January 1, 2002, unless the surcharge is continued in a political subdivision by a majority vote of the registered voters in the political subdivision.".

Messrs. Dierks, Robinson, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Bohlke moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Bohlke amendment was adopted with 31 ayes, 6 nays, 5 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Pending.

MOTION - Place LB 216 on General File

Mr. Wehrbein renewed his pending motion, found on page 658, to place LB 216 on General File notwithstanding the action of the Judiciary Committee.

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. WILL PRESIDING

The Wehrbein motion prevailed with 30 ayes, 4 nays, 9 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 104. Mr. Chambers offered the following amendment:
FA29
Page 2, lines 13, 14, reinstate stricken language and strike new language.

Messrs. Landis, Lynch, Robinson, and Engel asked unanimous consent to be excused. No objections. So ordered.

Pending.

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 730	Wednesday, March 19, 1997 (reset)	8:00 a.m.
LB 291	Wednesday, March 19, 1997	8:00 a.m.
LB 439	Wednesday, March 19, 1997	8:00 a.m.
LB 728	Wednesday, March 19, 1997	8:00 a.m.
LB 751	Wednesday, March 19, 1997	8:00 a.m.
LB 41	Thursday, March 20, 1997 (reset)	8:00 a.m.
LB 149	Thursday, March 20, 1997	8:00 a.m.
LB 790	Thursday, March 20, 1997	8:00 a.m.
LB 816	Thursday, March 20, 1997	8:00 a.m.
LB 818	Thursday, March 20, 1997	8:00 a.m.
LB 596	Wednesday, March 26, 1997	10:00 a.m.
LB 302	Wednesday, March 26, 1997	10:00 a.m.
LB 766	Wednesday, March 26, 1997	10:00 a.m.
LR 16CA	Thursday, March 27, 1997	9:30 a.m.
LR 18CA	Thursday, March 27, 1997	9:30 a.m.
LR 36CA	Thursday, March 27, 1997	9:30 a.m.
Hearings	Thursday, March 27, 1997	11:00 a.m.

Crime Victims Reparation Committee
Phyllis Anstine
Darrell Johnson

Nebraska Board of Parole
Bob Boozer
Jean Lovell

(Signed) Kermit A. Brashear, Chairperson

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 862. Placed on General File as amended.
Standing Committee amendment to LB 862:
AM0437

1. Insert the following new section:

"Sec. 34. Group health plan shall mean an employee welfare benefit plan as defined by 29 U.S.C. 1002 to the extent that the plan provides any hospital, surgical, or medical expense benefits to employees or their dependents, as defined under the terms of the plan, directly or through insurance, reimbursement, or otherwise.".

2. On page 3, lines 9 and 10, before "group" insert "employer".

3. On page 7, line 1, after "the" insert "health"; in line 5 after the second "condition" insert "whether physical or mental, regardless of the cause of the condition,"; strike beginning with "A" in line 8 through the period in line 14; and in line 19 strike "a" and insert "an".

4. On page 8, line 5, after "months" insert ", or eighteen months in the case of a late enrollee,"; in lines 5 and 19 strike "effective" and insert "enrollment"; after line 12 insert the following new subsection:

"(3) A health benefit plan shall not impose any preexisting condition exclusion:

(a) To an individual who, as of the last day of the thirty-day period beginning with the date of birth, is covered under creditable coverage, and the individual had creditable coverage that was continuous to a date not more than sixty-three days prior to the enrollment date of new coverage; or

(b) To a child less than eighteen years of age who is adopted or placed for adoption and who, as of the last day of the thirty-day period beginning on the date of the adoption or placement for adoption, is covered under creditable coverage, and the child had creditable coverage that was continuous to a date not more than sixty-three days prior to the enrollment date of new coverage."; in line 13 strike "(3)" and insert "(4)"; in line 16 after "the" insert "aggregate"; in line 22 strike "employer" and insert "plan sponsor" and before "carrier" insert "health"; and strike lines 25 through 28.

5. On page 9, strike lines 1 through 3 and insert the following new subsection:

"(5)(a) A health carrier shall permit an eligible employee or dependent, who requests enrollment following the open enrollment opportunity, to enroll, and the eligible employee or dependent shall not be considered a late enrollee if the eligible employee or dependent:

(i) Was covered under another health benefit plan at the time the eligible employee or dependent was eligible to enroll;

(ii) Stated in writing at the time of the open enrollment period, that coverage under another health benefit plan was the reason for declining enrollment, but only if the health benefit plan or health carrier required such a written statement and provided a notice of the consequences of such written statement;

(iii) Has lost coverage under another health benefit plan as a result of the termination of employment, the termination of the other health benefit plan's coverage, death of a spouse, legal separation or divorce, or was under a continuation-of-coverage policy or contract available under federal law and the coverage was exhausted; and

(iv) Requests enrollment within thirty days after the termination of coverage under the other health benefit plan.

(b) If a health carrier issues a health benefit plan and makes coverage available to a dependent of an eligible employee and such dependent becomes a dependent of the eligible employee through marriage, birth, adoption, or placement for adoption, then such health benefit plan shall provide for a dependent special enrollment period during which the dependent may be enrolled under the health benefit plan and in the case of the birth or adoption of a child, the spouse of an eligible employee may be enrolled if otherwise eligible for coverage.

(i) A dependent special enrollment period shall be a period of not less than thirty days and shall begin on the later of (A) the date such dependent coverage is available or (B) the date of the marriage, birth, or adoption or placement for adoption.

(ii) If an eligible employee seeks to enroll a dependent during the first thirty days of such a dependent special enrollment period, the coverage of the dependent shall become effective:

(A) In the case of marriage, not later than the first day of the first month beginning after the date the completed request for enrollment is received;

(B) In the case of birth of a dependent, as of the date of birth; and

(C) In the case of a dependent's adoption or placement for adoption, the date of such adoption or placement for adoption."; in line 4 strike "(5)(a)" and insert "(6)(a)"; in lines 13 and 14 before"plan" insert "group health"; in line 20 strike "employer" and insert "plan sponsor"; and in line 28 after "the" insert "health".

6. On page 10, lines 2 and 19, after "the" insert "health"; in lines 8 and 11 strike "director" and insert "commissioner of insurance"; in lines 10, 15, and 19 strike "employers" and insert "plan sponsors"; in line 24 strike "act" and insert "acts"; and in line 25 after "those" insert "plan".

7. On page 11, lines 3, 9, and 15, strike "employers"

and insert "plan sponsors"; in lines 6 and 10 strike "director" and insert "commissioner of insurance"; and in line 20 after "the" insert "health".

8. On page 12, line 8, strike "employer" and insert "plan sponsor".

9. On page 20, lines 8 and 14, strike "33, 35, 36, and 38 to 41" and insert "34, 36, 37, and 39 to 42".

10. On page 25, line 19, after "the" insert "health"; in line 23 after the second "condition" insert "whether physical or mental, regardless of the cause of the condition,"; and strike beginning with "A" in line 26 through line 28.

11. On page 26, strike beginning with line 1 through the period in line 4; and in line 26 strike "plan sponsor" and insert "small employer".

12. On page 27, lines 5 and 27, strike "plan sponsor" and insert "small employer"; in lines 8 and 10 after "the" insert "small employer"; in lines 15, 16, and 24 before "carrier" insert "small employer"; and in line 21 after "commissioner" insert "of insurance".

13. On page 28, line 1, after "the" insert "small employer" and after "to" insert "small"; in lines 6, 13, and 20 before "carrier" insert "small employer"; in line 7 strike "sponsors" and insert "small employers"; in line 10 after "employer" insert "carrier"; and in line 18 after "commissioner" insert "of insurance".

14. On page 30, lines 7 and 13, before each occurrence of "carrier" insert "small employer".

15. On page 31, line 4, after "the" insert "health benefit"; in line 15 after "employers" insert "all health benefit plans it actively markets to small employers in this state, including"; in line 18 after "employer" insert "carrier"; and strike beginning with "A" in line 22 through line 28, show as stricken, and insert "Subject to subdivision (2)(a) of this section, a small employer carrier shall issue any health benefit plan to any eligible small employer that applies for the plan and agrees to make the required premium payments and to satisfy the other reasonable provisions of the health benefit plan not inconsistent with the Small Employer Health Insurance Availability Act. However, no small employer carrier shall be required to issue a health benefit plan to a self-employed individual who is covered by, or is eligible for coverage under, a health benefit plan offered by an employer.".

16. On page 33, line 19, strike "following the effective", show as stricken, and insert ", or eighteen months in the case of a late enrollee, following the enrollment".

17. On page 34, after line 5 insert the following new subdivision:

"(b) A health benefit plan shall not impose any preexisting condition exclusion:

(i) To an individual who, as of the last day of the thirty-day period beginning with the date of birth, is covered under creditable coverage, and the individual had creditable coverage that was continuous to a date not more than sixty-three days prior to the enrollment date of new coverage, or

(ii) To a child less than eighteen years of age who is adopted or placed for adoption and who, as of the last day of the thirty-day period beginning on the date of the adoption or placement for adoption, is covered under creditable coverage, and the child had creditable coverage that was continuous to a date not more than sixty-three days prior to the enrollment date of new coverage."; in line 6 strike "(b)", show as stricken, and insert "(c)"; in line 9 after "the" insert "aggregate"; in line 13 strike "effective", show as stricken, and insert "enrollment"; and strike lines 19 through 25, show as stricken, and insert the following new subdivision:

"(c)(i) A small employer carrier shall permit an eligible employee or dependent, who requests enrollment following the open enrollment opportunity, to enroll, and the eligible employee or dependent shall not be considered a late enrollee if the eligible employee or dependent:

(A) Was covered under another health benefit plan at the time the eligible employee or dependent was eligible to enroll;

(B) Stated in writing at the time of the open enrollment period, that coverage under another health benefit plan was the reason for declining enrollment, but only if the health benefit plan or health carrier required such a written statement and provided a notice of the consequences of such written statement;

(C) Has lost coverage under another health benefit plan as a result of the termination of employment, the termination of the other health benefit plan's coverage, death of a spouse, legal separation, or divorce or was under a continuation-of-coverage policy or contract available under federal law and the coverage was exhausted; and

(D) Requests enrollment within thirty days after the termination of coverage under the other health benefit plan.

(ii) If a small employer carrier issues a health benefit plan and makes coverage available to a dependent of an eligible employee and such dependent becomes a dependent of the eligible employee through marriage, birth, adoption, or placement for adoption, then such health benefit plan shall provide for a dependent special enrollment period during which the dependent may be enrolled under the health benefit plan and in the case of the birth or adoption of a child, the spouse of an eligible employee may be enrolled if otherwise eligible for coverage.

(A) A dependent special enrollment period shall be a period of not less than thirty days and shall begin on the later of (I) the date such dependent coverage is available or (II) the date of the marriage, birth, or adoption or placement for adoption.

(B) If an eligible employee seeks to enroll a dependent during the first thirty days of such a dependent special enrollment period, the coverage of the dependent shall become effective:

(I) In the case of marriage, not later than the first day of the first month beginning after the date the completed request for enrollment is received;

(II) In the case of birth of a dependent, as of the date of birth; and

(III) In the case of a dependent's adoption or placement for adoption, the date of such adoption or placement for adoption.".

18. On page 35, line 14, strike "qualifying existing", show as stricken, and insert "creditable".

19. On page 37, lines 22 and 24, strike "individuals" and insert "employees".

20. Renumber the remaining sections and correct internal references accordingly.

(Signed) David M. Landis, Chairperson

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 104:
FA30

Strike emergency clause.

Mr. Chambers filed the following amendment to LB 104:
FA31

In a county containing a city of the metropolitan class, there shall be no increase in the uniform service surcharge in section (1) until the governing body imposing such an increase shall enact provisions to ensure that no person, due to financial circumstances, will have to forgo telephone service, as a result of having to pay such surcharge.

Mr. Hilgert filed the following amendment to LB 245:
AM0492

1. On page 2, line 9, strike beginning with the first comma through the second comma; in line 11 after the period insert "The payment of such lost wages shall be from the employer and not from the workers' compensation insurance carrier or the risk management pool of the employer and is in addition to other benefits available to the employee under the Nebraska Workers' Compensation Act."; and after line 19 insert the following new subsection:

"(4) This section does not apply to employers with fifteen or fewer employees.".

Mr. Warner filed the following amendment to LR 43CA:
AM0490

1. On page 4, line 18, after "to" insert "approve or to"; and in line 20 strike "confirmed" and insert "rejected".

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 20, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

- Hartmann, Rita A. - St. Louis, MO Monsanto Company
- Kearney, James L. - Lincoln; Nebraska Geological Society
- McFarland, James D. - Lincoln; Clerk of District Court Association
- Mueller, William J./Ruth & Mueller Law Firm
  - Mueller, William J. - Lincoln Rural/Metro Medical Services
- Ruth, Larry L./Ruth & Mueller Law Firm
  - Ruth, Larry L. - Lincoln; Rural/Metro Medical Services

VISITORS

Visitor to the Chamber was Margaret Hebbert from Gering.

The Doctor of the Day was Tami Johnson from Cambridge.

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Monday, February 24, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

TWENTY-NINTH DAY – FEBRUARY 24, 1997

LEGISLATIVE JOURNAL

TWENTY-NINTH DAY - FEBRUARY 24, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

TWENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 24, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Scott Larson, American Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Bromm, Chambers, Engel, Hilgert, Kristensen, Robinson, Vrtiska, Warner, Wesely, Will, Mmes. Brown, McKenzie, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 404A. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 404, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 18.

A BILL FOR AN ACT relating to child support; to amend sections 42-358.02, 42-364.06, and 43-1718.01, Reissue Revised Statutes of Nebraska, and section 43-1718, Revised Statutes Supplement, 1996; to change delinquency, withholding of earnings, and assignment of income provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Beutler
Bohlke
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 15:

Abboud
Brashear
Bromm
Brown
Chambers
Engel
Hilgert
Kristensen
McKenzie
Robinson
Vrtiska
Warner
Wesely
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 108. With Emergency.

A BILL FOR AN ACT relating to the Commission on Public Advocacy; to amend sections 29-3921 and 29-3931, Reissue Revised Statutes of Nebraska; to change provisions relating to funding and cost of defense; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Beutler
Bohlke
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle

Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 15:

Abboud
Brashear
Bromm
Brown
Chambers
Engel
Hilgert
Kristensen
McKenzie
Robinson
Vrtiska
Warner
Wesely
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 194.

A BILL FOR AN ACT relating to the human immunodeficiency virus; to amend section 71-531, Reissue Revised Statutes of Nebraska; to exempt home collection kits from informed consent requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Beutler
Bohlke
Brashear
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Withem

Voting in the negative, 1:

Schimek

Excused and not voting, 14:

Abboud
Bromm
Brown
Chambers
Engel
Hilgert
Kristensen
McKenzie
Robinson
Vrtiska
Warner
Wesely
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 195.

A BILL FOR AN ACT relating to diseases; to define terms; to provide for expert review panels to review the status of infected health care workers; to provide for confidentiality and immunity; and to provide a penalty.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 12:

Abboud
Bromm
Engel
Hilgert
Kristensen
McKenzie
Robinson
Vrtiska
Warner
Wesely
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 222.

A BILL FOR AN ACT relating to health care; to amend sections 71-168 and 71-168.02, Reissue Revised Statutes of Nebraska; to authorize peer review committees for health clinics and health practitioner organizations and associations; to provide privileges from the disclosure of certain information; to authorize the disclosure of information; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Lynch

Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 11:

Abboud
Bromm
Engel
Hilgert
Kristensen
McKenzie
Robinson
Warner
Wesely
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 254. With Emergency.

A BILL FOR AN ACT relating to physically disabled persons; to amend sections 20-126 to 20-129, 20-131.02, and 20-131.04, Reissue Revised Statutes of Nebraska; to provide for service dogs; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jones
Kiel
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 11:

Abboud
Bromm
Engel
Hilgert
Kristensen
McKenzie
Robinson
Warner
Wesely
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 106.

A BILL FOR AN ACT relating to the Governor; to authorize the Governor to designate official state items.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 27:

Beutler
Bohlke
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hudkins
Janssen
Jensen
Jones
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham

Voting in the negative, 8:

Brown
Bruning
Chambers
Coordsen
Hillman
Kiel
Landis
Withem

Present and not voting, 3:

Brashear
Preister
Schimek

Excused and not voting, 11:

Abboud
Bromm
Engel
Hilgert
Kristensen
McKenzie
Robinson
Warner
Wesely
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 170. With Emergency.

A BILL FOR AN ACT relating to risk management pools; to amend section 44-4310, Reissue Revised Statutes of Nebraska; to authorize changes in a reporting and filing deadline; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 9:

Abboud
Engel
Hilgert
McKenzie
Robinson
Warner
Wesely
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 261.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Supplement, 1996; to change provisions relating to overweight vehicles; to provide for a waiver; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska

Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Chambers
Cudaback

Excused and not voting, 7:

Abboud
Engel
Hilgert
McKenzie
Warner
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 272.

A BILL FOR AN ACT relating to insurance; to amend section 28-631, Reissue Revised Statutes of Nebraska, and sections 44-6603 to 44-6606, Revised Statutes Supplement, 1996; to change provisions relating to insurance fraud; to provide powers for the Director of Insurance; to provide penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 7:

Abboud
Engel
Hilgert
McKenzie
Warner
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 52 to Select File

Mr. Wesely moved to return LB 52 to Select File for the following specific amendment:
FA37
Strike enacting clause.

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 52 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 52. With Emergency.

A BILL FOR AN ACT relating to insurance companies; to amend sections 44-205, 44-231, 44-2127, 44-6101, 44-6107, 44-6108, 44-6109, 44-6115, 44-6117, 44-6119, and 44-6120, Reissue Revised Statutes of Nebraska; to change filing requirements relating to articles of incorporation; to change and provide procedures for demutualization; to provide for confidentiality of filings; to provide for enforcement of the Insurers Demutualization Act; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud
Engel
Warner
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 185 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 185.

A BILL FOR AN ACT relating to city-county health departments; to amend sections 71-1628, 71-1628.01, 71-1630, 71-1631, 71-1632, 71-1634, and 71-1635, Reissue Revised Statutes of Nebraska; to provide new procedures for establishing city-county health departments; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud
Engel
Warner
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 79 with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 79.

A BILL FOR AN ACT relating to employment security; to amend section 48-604, Revised Statutes Supplement, 1996; to update a federal reference; to provide an exemption for AmeriCorp participants; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud
Engel
Warner
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 18, 108, 194, 195, 222, 254, 106, 170, 261, 272, 52, 185, and 79.

SELECT FILE

LEGISLATIVE BILL 72. E & R amendment, AM7003, found on page 435, was adopted.

Mr. Cudaback withdrew his amendment, AM0026, found on page 458.

Mr. Hartnett withdrew his amendment, AM0108, found on page 483.

Mrs. Suttle withdrew her amendment, AM0277, found on page 570.

Mr. Cudaback offered the following amendment:
AM0444

1. Strike original section 1 and all amendments thereto and insert the following new section:

"Section 1. Section 60-311.14, Reissue Revised Statutes of Nebraska, is amended to read:

60-311.14. (1) The Department of Motor Vehicles shall, without the payment of any fee except the fees required by section 60-311, issue license plates for one motor vehicle not used for hire to any handicapped or disabled person as defined in section 18-1738 or his or her parent, legal guardian, foster parent, or agent for the exclusive use of the handicapped or disabled person upon application and proof of handicap or disability which shall include proof of identity and a completed medical form containing the statutory criteria for qualification and signed by a physician, physician assistant, or nurse practitioner certifying that the person meets the definition of handicapped or disabled. The license plates shall carry the internationally accepted wheelchair symbol, which symbol is a representation of a person seated in a wheelchair surrounded by a border six units wide by seven units high, and such other letters or numbers as the Director of Motor Vehicles prescribes. Such plates shall be used by such person in lieu of the usual license plates.

(2) The department may, without the payment of any fee except the fees required by section 60-311, issue license plates for one motor vehicle to any individual, corporation, or other business entity that owns, operates, or manages a nursing home, hospital, or other facility licensed by the State of Nebraska which provides housing or care for handicapped or disabled persons and which, in the course of regular business, routinely transports such persons. The motor vehicle shall be used exclusively to transport handicapped or disabled persons as defined in section 18-1738. The individual, corporation, or other business entity transporting such persons shall file appropriate documentation with the department as required by the department to evidence its qualifications for such plates and its compliance with this subsection. The license plates shall be designed the same as provided in subsection (1) of this section. Whenever the motor vehicle ceases to be used exclusively to transport such persons, the individual, corporation, or other business entity shall, within thirty days, notify the department and replace the license plates that have the handicapped or disabled designation with other license plates issued pursuant to

section 60-311.".

Mr. Hartnett asked unanimous consent to bracket LB 72 until January 31, 1998. No objections. So ordered.

LEGISLATIVE BILL 210. Mr. Kristensen withdrew his amendment, AM0315, found on page 615.

Mr. Kristensen offered the following amendment:
AM0482

1. On page 2, line 18; and page 4, line 8, before "gross" insert "willful, wanton, or".
2. On page 2, line 22; page 4, line 12; and page 5, line 11, after "agency" insert "or the person being tested".
3. On page 2, line 26; page 4, line 16; and page 5, line 15, after the period insert "The form of the certificate shall be prescribed by the Department of Health and Human Services Regulation and Licensure and such forms shall be made available to the persons listed in subsection (1) of this section.".
4. On page 5, line 6, before "gross" insert "willful, wanton, or".

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 397. E & R amendment, AM7032, printed separately and referred to on page 626, was adopted.

Mr. Kristensen offered the following amendment:
AM0384

(Amendments to E&R amendments, AM7032)

1. On page 17, line 26, strike "statement" and show as stricken.
2. On page 18, line 10, strike "77-1514" and insert "77-1613.01".
3. On page 26, line 27, strike "the county", show as stricken, and insert "any county within the board's jurisdiction".
4. On page 27, lines 1 and 4, before all occurrences of "county" insert "appropriate".
5. On page 27, line 7; and page 28, line 5, after the period insert "At the hearing, the commission may receive testimony from any interested person.".
6. On page 28, line 18, strike the first "assessment" and insert "value".

7. On page 30, strike beginning with "At" in line 5 through the period in line 7 and show the old matter as stricken.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Kristensen offered the following amendment:
AM0362

(Amendments to E&R amendments, AM7032)

1. Insert the following new section:

"Sec. 16. Section 77-1345, Reissue Revised Statutes of Nebraska, is amended to read:

77-1345. (1) Any owner of lands eligible for special valuation under subsection (1) of section 77-1344 shall, to secure such valuation, make application to the county assessor on or before ~~May~~ August 1 of the first year in which such valuation is requested.

(2)(a) The application shall be made upon forms prepared by the ~~Department of Revenue~~ Property Tax Administrator and supplied by the county assessor and shall include such information as may reasonably be required to determine the eligibility of the applicant.

(b) The application may be signed by any one of the following:

(i) The owner of the ~~farmland~~ agricultural or horticultural land who holds an estate in fee simple or for life;

(ii) Any one of tenants in common or joint tenants, holding an estate in the ~~farmland~~ agricultural or horticultural land in fee simple or for life;

(iii) Any person of legal age duly authorized in writing to sign an application on behalf of any person described in subdivisions (b)(i) and (ii) of this subsection;

(iv) The guardian or conservator of an owner or the executor or administrator of an owner's estate; or

(v) The purchaser of the fee simple or life estate of an owner under a contract of sale.

(c) The assessor ~~or his or her deputy~~ shall not approve an application signed by a person whose authority to sign is not a matter of public record unless there is filed with the assessor a true copy of the deed, contract of sale, power of attorney, or other appropriate instrument evidencing the signer's interest or authority. ~~When filed with the assessor only, such instrument shall not constitute a public record.~~

~~(3) There shall be annexed to each application the affidavit or affirmation of the applicant that the statements contained therein are true.~~".

2. On page 33, line 21, after the fifth comma insert "77-1345,".

3. Renumber the remaining sections and correct internal

references accordingly.

The Kristensen amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

Mr. D. Pederson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 103. Ms. Schimek offered the following amendment:
AM0530

1. Insert the following new section:

"Section 1. It is the intent of the Legislature that Nebraska does not set itself apart from the majority of the states of this country. Nebraska has a vested interest in conforming to other states' standards rather than establishing laws which only pertain entirely or in part to Nebraska. The Legislature also finds that it is not in the best interest of the state to enact laws which at least twenty-five other states of the United States have not adopted. The Legislature hereby directs the Director of Research of the Legislature to review all constitutional provisions and statutory provisions which do not conform to at least twenty-five other states' laws. The Director of Research shall report such findings to the Legislature by December 1, 1997. The Legislature shall then proceed to repeal any and all constitutional provisions and statutory provisions which do not meet the requirements as set out in this section.".

2. Renumber the remaining sections.

Ms. Schimek withdrew her amendment.

Mr. Kristensen moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Ms. Schimek requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 26 ayes, 18 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 344. E & R amendment, AM7037, found on page 628, was adopted.

MR. COORDSEN PRESIDING

Mrs. Brown renewed her pending amendment, AM0252, found on page 647.

Messrs. Lynch and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

The Brown amendment was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 111. Advanced to E & R for engrossment.
LEGISLATIVE BILL 111A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 258. E & R amendment, AM7038, found on page 628, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 30. Mr. Preister moved to indefinitely postpone.

Mr. Preister withdrew his motion to indefinitely postpone.

Mr. Elmer offered the following amendment:
AM0531

1. Strike original section 3 and insert the following new sections:

"Section 1. Section 46-235.04, Revised Statutes Supplement, 1996, is amended to read:

46-235.04. (1) Induced ground water recharge appropriations shall be administered in the same manner as prescribed by Chapter 46, article 2, for other appropriations. Appropriations for induced ground water recharge may be canceled and annulled as provided in section 46-229.04.

(2) The Department of Water Resources may approve the transfer of priority dates among water wells, including replacement water wells, located within a single well field that are subject to an induced recharge appropriation, or are part of an application for such an appropriation, to improve the water well field's efficiency of operation with respect to river flow. The transfers shall be approved if the department finds that (a) the transfers would not increase the quantity of induced ground water recharge under the original priority date or application, (b) the amount of water withdrawn from water wells under the original priority date or application would not increase, (c) the quantity of streamflow needed to sustain well field operation under the original priority date would decrease, (d) the transfer would not impair the rights of other appropriators, and (e) the transfer is in the public interest in the same manner as provided in section 46-235. The department may assign multiple priority dates to a single water well that replaces two or more water wells which are abandoned. Replacement water wells installed pursuant to this subsection ~~may~~

must be installed ~~without regard to the geographical limitation found in the definition of replacement water well in section 46-602 if the replacement water well is located~~ within the same well field as the abandoned water well. Notice shall be furnished and any hearing held as provided in sections 46-291 to 46-293. For purposes of this subsection, the term "single well field" shall mean those contiguous tracts of land owned or leased by the applicant containing two or more water wells subject to induced recharge.

Sec. 2. Section 46-602, Revised Statutes Supplement, 1996, is amended to read:

46-602. (1) For each water well completed in this state on or after September 9, 1993, the water well contractor as defined in section 46-1213 constructing the water well and the owner of the water well shall complete the appropriate registration form after the completion of the water well. The registration form for ~~(a)~~ water wells, ~~excluding replacement water wells and~~ excluding test holes and dewatering wells with intended use of ninety days or less, shall be filed with the Department of Water Resources by the owner within thirty days after completion of the water well. ~~and (b) replacement water wells shall be filed with the department at the same time as the notice of abandonment of the water well being replaced as required by subsection (2) of this section. If no replacement water well is constructed at the time of abandonment but is constructed within the time provided in subsection (3) of this section, the registration form for such replacement water well shall be filed within thirty days after construction of such replacement water well.~~ Registration shall be on a form provided by the Director of Water Resources. The form shall contain ~~(i)~~ (a) the name, address, and signature of the owner, ~~(ii)~~ (b) the legal description of the water well, ~~(iii)~~ (c) the date drilling commenced and the date construction was completed, ~~(iv)~~ (d) the intended use of the water well, ~~(v)~~ (e) the description and depth of geologic materials encountered, ~~(vi)~~ (f) the depth and diameter or dimension of the constructed water well and test hole, ~~(vii)~~ (g) the depth and diameter or dimension of the excavated hole if applicable, ~~(viii)~~ (h) the depth of the formation stabilizer or gravel pack and size of particles if used, ~~(ix)~~ (i) the depth and thickness of grout or other sealing materials if applicable, ~~(x)~~ (j) casing information, including length, inside diameter, wall thickness, and type of material if applicable, ~~(xi)~~ (k) the static water level, ~~(xii)~~ (l) the water level when pumped at the designated rate, giving the rate of pumping and amount of time pumped, if applicable, ~~(xiii)~~ (m) the yield of the water well in gallons per minute if applicable, ~~(xiv)~~ (n) the identification number of any permit for the water well issued pursuant to Chapter 46, article 6, Chapter 66, article 11, or any other law, ~~(xv)~~ (o) the name, address, and license number of any license issued pursuant to the Water Well Standards and Contractors' Licensing Act to any person, other than the owner of the water well, who constructed the water well, ~~(xvi)~~ (p) screen information, including length, trade name, inside and outside diameter, slot size, and type of material if applicable, ~~(xvii)~~ (q) the signature of the water well contractor, ~~(xviii)~~ (r) when the newly constructed water well is a replacement water well, the registration number of the ~~abandoned~~ water well it replaces, if applicable, and the date the original water well was or will be decommissioned, and ~~(xix)~~ (s) such additional information conformable to the statement of purpose contained in section 46-601 as the director requires. A series of water wells completed for purposes of installation of a ground heat exchanger for a structure for utilizing the geothermal properties of the ground shall be considered as one water well, and one registration form and detailed site plan shall be completed for each such series. For water wells constructed as part of a single site plan for monitoring ground water, obtaining hydrogeologic information, or extracting contaminants from the ground and for water wells constructed as part of remedial action approved by the Department of Environmental Quality pursuant to section 66-1525, 66-1529.02, or 81-15,124, one registration form shall be required which shall include a detailed site plan which shows the location of each such water well in the site and a log from each such water well. The Department of Water Resources shall be notified of any change in the ownership of a water well required to be registered under this section. Notification shall be in such form and shall include such evidence of ownership as the director by rule and regulation directs. The department shall use such notice to update the registration on file. The registration requirement in this subsection shall not apply to water wells constructed prior to September 9, 1993, unless previously required to be registered.

(2) Whenever a water well becomes an illegal water well as defined in section 46-1207.01, the owner of the water well shall decommission the water well by completely filling and sealing the water well cavity in accordance with the rules and regulations adopted pursuant to the Water Well Standards and Contractors' Licensing Act. The method specified in such rules and regulations for filling and sealing water well cavities shall be designed to eliminate any safety hazard created by illegal water wells and to prevent deterioration in the quality of the underlying ground water. ~~Written~~ Upon proper decommissioning of any water well, written notice of ~~any such~~ the abandonment shall be provided by the owner to the department within sixty days. The department shall not collect a fee for the filing of the notice.

(3) For purposes of this section, replacement water well means a water well which (a) replaces an abandoned water well within three years of the last operation of the abandoned water well or replaces a water well that will not be used after construction of the new water well and the original water well will be decommissioned within one year of construction of the new water

well and (b) is constructed to provide water to the same tract of land ~~as the abandoned~~ served by the water well being replaced.

(4) For purposes of water well registration under this section, registration fees shall be collected as provided in sections 46-606 and 46-1224.

Sec. 3. Section 46-637, Reissue Revised Statutes of Nebraska, is amended to read:

46-637. The use of water described in section 46-636 may only be made after securing a permit from the Department of Water Resources for such use. In approving or disapproving applications for such permits, the Director of Water Resources shall take into account the effect that such pumping may have on the amount of water in the stream and its ability to meet the requirements of appropriators from the stream. This section shall not apply to (1) water wells located within fifty feet of the bank of any natural stream which were in existence on September 9, 1993, and (2) replacement water wells as defined in subsection (3) of section 46-602 that are located within fifty feet of the banks of a stream if the water wells being replaced were originally constructed prior to September 9, 1993, and were located within fifty feet of the bank of any natural stream.

Sec. 6. Original sections 46-235.04 and 46-637, Reissue Revised Statutes of Nebraska, and sections 46-235.04, 46-602, 46-1239, and 46-1240, Revised Statutes Supplement, 1996, are repealed.".

2. Renumber the remaining sections accordingly.

The Elmer amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Elmer moved to indefinitely postpone LB 30.

Laid over.

LEGISLATIVE BILL 68. Mr. Beutler offered the following amendment:
FA34
To strike section 1 of LB 68.

Mr. Beutler withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 153. E & R amendment, AM7044, found on page 649, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 58. Mr. Beutler offered the following amendment:
AM0346

1. In the Standing Committee amendment, AM0047, on page 1, line 3, strike "or" and after the last "certificate" insert ", or certified copy of the court order of the emancipation"; and in line 7 after the period insert "The notice shall inform the obligee that if he or she does not file a written objection within thirty days after the date the notice was mailed, child support may be terminated without further notice.".

2. On page 2, line 12, strike "or dies" and insert "dies, or is otherwise emancipated"; and in line 17 after "days" insert "after the date the clerk's notice to the obligee was mailed".

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

SPEAKER WITHEM PRESIDING

Advanced to E & R for engrossment.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 121. E & R amendment, AM7040, found on page 652, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 285. E & R amendment, AM7041, found on page 652, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 47. E & R amendment, AM7045, found on page 652, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 11. Advanced to E & R for engrossment.

LEGISLATIVE BILL 315. E & R amendment, AM7048, found on page 652, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 140. Advanced to E & R for engrossment.
LEGISLATIVE BILL 479. Advanced to E & R for engrossment.

LEGISLATIVE BILL 364. E & R amendment, AM7042, found on page 653, was adopted.

Mr. Beutler moved to indefinitely postpone LB 364.

Laid over.

LEGISLATIVE BILL 412. E & R amendment, AM7043, found on page 653, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 230. Advanced to E & R for engrossment.

LEGISLATIVE BILL 426. E & R amendment, AM7046, found on page 653, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 666. Advanced to E & R for engrossment.

LEGISLATIVE BILL 161. E & R amendment, AM7050, found on page 685, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 80. Advanced to E & R for engrossment.

LEGISLATIVE BILL 631. E & R amendment, AM7052, found on page 700, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 199. E & R amendment, AM7055, found on page 700, was adopted.

Mr. Beutler offered the following amendment:
FA32
To strike section 1 of LB 199.

Mr. Beutler withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 453. E & R amendment, AM7053, found on page 701, was adopted.

Mr. Beutler renewed his pending amendment, AM0387, found on page 682.

Mr. Beutler withdrew his amendment.

Messrs. Beutler and Wesely renewed their pending amendment, AM0477, found on page 708.

The Beutler-Wesely amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 184. E & R amendment, AM7051, found on page 701, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 325. E & R amendment, AM7054, found on page 701, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 182. E & R amendment, AM7056, found on page 714, was adopted.

Mr. Beutler withdrew his amendment, AM0388, found on page 682.

Mr. Landis asked unanimous consent to pass over LB 182. No objections. So ordered.

LEGISLATIVE BILL 130. E & R amendment, AM7059, found on page 715, was adopted.

Advanced to E & R for engrossment.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 37. Advanced to E & R for engrossment.
LEGISLATIVE BILL 568. Advanced to E & R for engrossment.
LEGISLATIVE BILL 722. Advanced to E & R for engrossment.

LEGISLATIVE BILL 183. E & R amendment, AM7058, found on page 715, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 610. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 104. Mr. Chambers renewed his pending amendment, FA29, found on page 719.

Messrs. Dw. Pedersen, Dierks, Cudaback, Beutler, Landis, Engel, Schmitt, Mmes. Bohlke, and Hillman asked unanimous consent to be excused. No objections. So ordered.

Pending.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

Hearings	Wednesday, March 5, 1997	1:30 p.m.

Susan E. Prazan - State Personnel Board
Yvonne Norton Leung - Director, Governor's Policy Research and Energy Office

LB 59	Wednesday, March 5, 1997	1:30 p.m.
LB 709	Wednesday, March 5, 1997	1:30 p.m.
LB 781	Wednesday, March 5, 1997	1:30 p.m.
LB 483	Wednesday, March 5, 1997	1:30 p.m.
LB 314	Thursday, March 6, 1997	1:30 p.m.
LB 553	Thursday, March 6, 1997	1:30 p.m.
LB 615	Thursday, March 6, 1997	1:30 p.m.
LB 738	Thursday, March 6, 1997	1:30 p.m.
LB 177	Wednesday, March 12, 1997	1:30 p.m.
LB 178	Wednesday, March 12, 1997	1:30 p.m.
LB 382	Wednesday, March 12, 1997	1:30 p.m.
LB 812	Wednesday, March 12, 1997	1:30 p.m.
LB 638	Thursday, March 13, 1997	1:30 p.m.
LR 40CA	Thursday, March 13, 1997	1:30 p.m.
LB 510	Thursday, March 13, 1997	1:30 p.m.
LB 632	Thursday, March 13, 1997	1:30 p.m.
LR 56CA	Thursday, March 13, 1997	1:30 p.m.

(Signed) C. N. "Bud" Robinson, Chairperson

Banking, Commerce and Insurance

LB 413	Monday, March 3, 1997	1:30 p.m.
LB 436	Monday, March 3, 1997	1:30 p.m.
LB 754	Monday, March 3, 1997	1:30 p.m.
LB 861	Monday, March 3, 1997	1:30 p.m.
LB 159	Tuesday, March 4, 1997	1:30 p.m.
LB 336	Tuesday, March 4, 1997	1:30 p.m.
LB 543	Tuesday, March 4, 1997	1:30 p.m.
LB 741	Tuesday, March 4, 1997	1:30 p.m.

(Signed) David M. Landis, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 362. Placed on Select File as amended.
E & R amendment to LB 362:
AM7061

1. On page 1, lines 2 and 3, strike "Supreme Court salaries" and insert "salary provisions".

LEGISLATIVE BILL 362A. Placed on Select File.

LEGISLATIVE BILL 404. Placed on Select File as amended.
E & R amendment to LB 404:
AM7062

1. On page 3, line 10, after "fifth" insert an underscored comma.

2. On page 4, line 21, strike "11 and 5" and insert "5 and 11".

LEGISLATIVE BILL 343. Placed on Select File.

LEGISLATIVE BILL 264. Placed on Select File as amended.
E & R amendment to LB 264:
AM7063

1. On page 1, line 2, strike "and 77-4909" and insert ", 77-4901, 77-4909, and 77-4924"; and in line 5 strike "an operative date" and insert "for applicability of changes; to harmonize provisions".

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 228. Placed on General File.

LEGISLATIVE RESOLUTION 12CA. Placed on General File.
LEGISLATIVE RESOLUTION 55CA. Placed on General File.

LEGISLATIVE BILL 321. Placed on General File as amended.
Standing Committee amendment to LB 321:
AM0489

1. Strike the original sections and insert the following new sections:

"Section 1. Section 49-1401, Revised Statutes Supplement, 1996, is amended to read:

49-1401. Sections 49-1401 to 49-14,140 and section 3 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.

Sec. 2. Section 49-1458, Revised Statutes Supplement, 1996, is amended to read:

49-1458. (1) A ~~late contribution shall be reported by filing with the filing officer within five days~~ committee which receives a late contribution shall report the contribution to the commission by filing within forty-eight hours after its receipt the full name, street address, occupation, employer, and principal place of business of the contributor. The report shall include the amount of the contribution and the date of receipt. Filing of a report of late contributions may be by hand delivery, facsimile transmission, telegraph, express delivery service, or any other written means of communication and need not contain an original signature. A late contribution shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section. If a campaign statement has not been filed, a late contribution may be reported, if practicable, in the campaign statement and need not be reported in a subsequent campaign statement.

(2) Any ~~person or~~ committee which fails to file a report of late contributions with the commission as required by this section shall pay to the commission a late filing fee of fifty dollars for each day the report remains not filed not to exceed one thousand five hundred dollars or ten percent of the late contribution required to be reported, whichever is greater.

(3) ~~As used in~~ For purposes of this section, .late contribution ~~shall mean~~ means a contribution of five hundred dollars or more received after the closing date of the last campaign statement required to be filed prior to an election.

Sec. 3. (1) A committee which makes a late expenditure shall report the expenditure to the commission by filing within forty-eight hours after making the expenditure the committee's full name and street address, the amount of the expenditure, and the date of the expenditure. The report shall include (a) the full name and street address of the recipient of the expenditure, (b) the name and office sought of the candidate whose nomination or election is supported or opposed by the expenditure, and (c) the identification of the ballot question, the qualification, passage, or defeat of which is supported or opposed. Filing of a report of a late expenditure may be by any written means of communication and need not contain an original signature. A late expenditure shall be reported on subsequent campaign statements without regard to reports filed pursuant to this section. This section shall not apply to an expenditure made by a candidate or his or her candidate committee in support of his or her candidacy.

(2) A committee which fails to file a report of a late expenditure with the commission as required by this section shall pay to the commission a late filing fee of fifty dollars for each day the report remains not filed not to exceed one thousand five hundred dollars or ten percent of the late expenditure required to be reported, whichever is greater.

(3) For purposes of this section, late expenditure means an expenditure as defined in section 49-1419 or an independent expenditure as defined in section 49-1428 of five hundred dollars or more made after the closing date for campaign statements as provided in subdivision (2) of section 49-1459.

Sec. 4. Section 49-1463.01, Revised Statutes Supplement, 1996, is amended to read:

49-1463.01. A person required to pay a late filing fee imposed under section 49-1449, 49-1458, 49-1463, 49-1467, 49-1469, or 49-1479.01 or section 3 of this act may apply to the commission for relief. The commission by order may reduce the amount of a late filing fee imposed upon a showing by such person that (1) the circumstances indicate no intent to file late, (2) the person has not been required to pay late filing fees for two years prior to the time the filing was due, (3) the late filing shows that less than five thousand dollars was raised, received, or expended during the reporting period, and (4) a reduction of the late fees would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.

Sec. 5. Original sections 49-1401, 49-1458, and 49-1463.01, Revised Statutes Supplement, 1996, are repealed.".

LEGISLATIVE BILL 693. Indefinitely postponed.
LEGISLATIVE BILL 795. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Agriculture

LEGISLATIVE BILL 478. Indefinitely postponed.

(Signed) Merton L. Dierks, Chairperson

Revenue

LEGISLATIVE BILL 409. Placed on General File as amended.
Standing Committee amendment to LB 409:
AM0484

1. Strike original sections 3 and 4 and insert the following new sections:

"Sec. 3. (1) The Tax Commissioner may issue direct payment permits to any person who annually purchases at least three million dollars of taxable property excluding purchases for which a resale certificate could be used.

(2) The applicant for a direct payment permit shall apply on a form prescribed by the Tax Commissioner. The applicant shall pay a nonrefundable fee of ten dollars for processing the application. The application shall include the agreement of the applicant to accrue and pay to the Tax Commissioner on or before the twenty-fifth day of the month following the date of purchase, lease, or rental all sales and use taxes on the taxable property purchased, leased, or rented by the applicant unless the items are exempt from taxation and the tax paid will be treated as a sales tax. The Tax Commissioner may require a description of the accounting methods by which an applicant will differentiate between taxable and exempt transactions.

(3) The Tax Commissioner may issue a direct payment permit to any applicant who meets the requirements of subsections (1) and (2) of this section. The direct payment permit shall become effective on the first day of the month following approval of an application. The decision of the Tax Commissioner under this section is not appealable. An applicant who is denied a direct payment permit may submit an amended application or reapply.

(4) A direct payment permit is not transferrable.

(5) The holder of a direct payment permit is not entitled to any collection fee otherwise payable to those who collect and remit sales and use taxes.

Sec. 4. The holder of a direct payment permit shall provide a copy of the permit to each retailer who sells, leases, or rents to the permitholder. The retailer shall not collect sales and use taxes on any future sales, leases, or rentals to the permitholder until notified that the permit has been revoked or relinquished. The direct payment permit may not be used for purchases of motor vehicles. The permitholder shall pay all sales and use taxes even on sales for which a refund could be obtained.".

LEGISLATIVE BILL 117. Indefinitely postponed.
LEGISLATIVE BILL 168. Indefinitely postponed.
LEGISLATIVE BILL 190. Indefinitely postponed.
LEGISLATIVE BILL 308. Indefinitely postponed.
LEGISLATIVE BILL 435. Indefinitely postponed.
LEGISLATIVE BILL 690. Indefinitely postponed.

(Signed) George Coordsen, Vice Chairperson

Urban Affairs

LEGISLATIVE BILL 427. Placed on General File.
LEGISLATIVE BILL 521. Placed on General File.
LEGISLATIVE BILL 734. Placed on General File.
LEGISLATIVE BILL 746. Placed on General File.

LEGISLATIVE BILL 447. Placed on General File as amended.
Standing Committee amendment to LB 447:
AM0459

1. On page 2, line 10, after "district" insert "or with any person or corporation".

2. On page 4, after line 25, insert the following new subsection:

"(5) Before an election is held pursuant to subsection (3) or (4) of this section, the county board or municipal governing body shall hold a public hearing after giving at least ten days' notice. The notice shall include the ballot language, a brief explanation of the issue to be decided at the election, and an invitation to the general public to attend and participate in the hearing. The hearing shall be held not sooner than thirty days and not later than ten days prior to the election."; and in line 26 strike "(5)" and insert "(6)".

3. On page 5, after line 21, insert the following new subsections:

"(7) For purposes of this section:

(a) Corporation means a corporation organized under and operating pursuant to the Nebraska Nonprofit Corporation Act and recognized as tax exempt under section 501 of the Internal Revenue Code; and

(b) Person means an individual who is hired by the county, city, or village as a direct employee and is subject only to the county's, city's, or village's orders and direction.

(8) Subsections (3), (4), and (5) of this section shall not apply to persons or corporations.".

4. On page 6, line 2, after "district" insert "or with any person or corporation".

5. On page 7, after line 13, insert the following new subsection:

"(4) Before an election is held pursuant to subsections (2) or (3) of this section, the county board or municipal governing body shall hold a public hearing after giving at least ten days' notice thereof. The notice shall include the ballot language, a brief explanation of the issue to be decided at the election, and an invitation to the general public to attend and participate in the hearing. The hearing shall be held not sooner than thirty days and not later than ten days prior to the election."; and in line 14 strike "(4)" and insert "(5)".

6. On page 9, after line 8, insert the following new subsections:

"(6) For purposes of this section:

(a) Corporation means a corporation organized under and operating pursuant to the Nebraska Nonprofit Corporation Act and recognized as tax exempt under section 501 of the Internal Revenue Code; and

(b) Person means an individual who is hired by the county, city, or village as a direct employee and is subject only to the county's, city's, or village's orders and direction.

(7) Subsections (3), (4), and (5) of this section shall not apply to persons or corporations.".

LEGISLATIVE BILL 531. Placed on General File as amended.
Standing Committee amendment to LB 531:
AM0463

1. Strike the original sections and insert the following new sections:

"Section 1. Section 31-739, Revised Statutes Supplement, 1996, is amended to read:

31-739. (1) The district may borrow money for corporate purposes and issue its general obligation bonds therefor and shall annually levy a tax on the taxable value of the taxable property in the district sufficient to pay the interest and principal on the bonds. Such levy shall be known as the bond tax levy of the district. The district shall also annually levy a tax on the taxable value of the taxable property in the district for the purpose of creating a sinking fund for the maintenance and repairing of any sewer or water system or electric lines and conduits in the district, for the payment of any hydrant rentals, for the maintenance and repairing of any sidewalks, public roads, streets, and highways, public waterways, docks, or wharfs, and related appurtenances in the district, for the cost of operating any street lighting system for the public streets and highways within the district, for the building, construction, improvement, or replacement of facilities or systems when necessary to remove or alleviate an existing threat to public health and safety affecting no more than one hundred existing homes, for the cost of building, acquiring, maintaining, and operating public parks, playgrounds, and recreational facilities, or, when permitted by section 31-727, for contracting with other sanitary and improvement districts for building, acquiring, maintaining, and operating public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting districts, or for the cost of any other services for which the district has contracted or to make up any deficiencies caused by the nonpayment of any special assessments. Such levy shall be known as the operating levy of the district. On or before September 20 of each year, the clerk of the board shall certify the tax to the county clerk of the counties in which such district is located in order that the tax may be extended upon the county tax list. Nothing contained in this section shall authorize any district which has been annexed by a city or village to levy any taxes within or upon the annexed area after the effective date of the annexation if the effective date of the annexation is prior to such levy certification date of the district for the year in which such annexation occurs.

(2) The county treasurer of the county in which the

greater portion of the area of the district is located shall be ex officio treasurer of the sanitary and improvement district and shall be responsible for all funds of the district coming into his or her hands. He or she shall collect all taxes and special assessments levied by the district and deposit the same in a bond sinking fund for the payment of principal and interest on any bonds outstanding.

(3) The trustees or administrator of the district may authorize the clerk or appoint an independent agent to collect service charges and all items other than taxes, connection charges, special assessments, and funds from sale of bonds and warrants, but all funds so collected shall, at least once each month, be remitted to the treasurer to be held in a fund, separate from the general fund or construction fund of the district, which shall be known as the Service Fee Fund, which fund is hereby created. The trustees or administrator may direct the district's treasurer to disburse funds held in the Service Fee Fund to maintain and operate any service for which the funds have been collected or to deposit such funds into the general fund of the district.

(4) The treasurer of the district shall not be responsible for such funds until they are received by him or her. The treasurer shall disburse the funds of the district only on warrants authorized by the trustees or the administrator and signed by the chairperson and clerk or the administrator.

Sec. 2. Section 31-744, Revised Statutes Supplement, 1996, is amended to read:

31-744. Whenever the board of trustees or the administrator deems it advisable or necessary to build, reconstruct, purchase, or otherwise acquire a water system, an emergency management warning system, a sanitary sewer system, a sanitary and storm sewer or sewage disposal plant, pumping stations, sewer outlets, gas or electric service lines and conduits constructed or to be constructed in whole or in part inside or outside of the district, a system of sidewalks, public roads, streets, and highways wholly within the district, public waterways, docks, or wharfs, and related appurtenances, wholly within the district, or a public park or parks, playgrounds, and recreational facilities wholly within the district, to contract, as permitted by section 31-727, with other sanitary and improvement districts for acquiring, building, improving, and operating public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting districts, or to contract for the installation and operation of a water system, ~~it~~ the board of trustees shall declare the advisability and necessity therefor in a proposed resolution, which resolution, in the case of pipe sewer construction, shall state the kinds of pipe proposed to be used, shall include cement concrete pipe and vitrified clay pipe and any other material deemed suitable, shall state the size or sizes and kinds of sewers proposed to be constructed, and shall designate the location and terminal points thereof. If it is proposed to construct a water system, disposal plants, pumping stations, outlet sewers, gas or electric service lines and conduits, or a system of sidewalks, public roads, streets, or highways or public waterways, docks, or wharfs, to construct or contract for the construction of dikes and levees for flood protection for the district or public parks, playgrounds, or recreational facilities, or to contract, as permitted by section 31-727, with other sanitary and improvement districts for acquiring, building, improving, and operating public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting districts, the resolution shall refer to the plans and specifications thereof which have been made and filed before the publication of such resolution by the engineer employed for such purpose. If it is proposed to purchase or otherwise acquire a water system, a sanitary sewer system, a sanitary or storm water sewer, sewers, sewage disposal plant, pumping stations, sewer outlets, gas or electric service lines and conduits, or public parks, playgrounds, or recreational facilities or to contract, as permitted by section 31-727, with other sanitary and improvement districts for acquiring, building, improving, and operating public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting districts, the resolution shall state the price and conditions of the purchase or how such facility is being acquired. If it is proposed to contract for the installation and operation of a water system for fire protection and for the use of the residents of the district, to contract for the construction of dikes and levees for flood protection for the district or gas or electric service lines and conduits, to contract with a county within which all or a portion of such sanitary and improvement district is located or a city within whose zoning jurisdiction the sanitary and improvement district is located for any public purpose specifically authorized in this section, or to contract, as permitted by section 31-727, with other sanitary and improvement districts for acquiring, building, improving, and operating public parks, playgrounds, and recreational facilities for the joint use of the residents of the contracting districts, the resolution shall state the principal terms of the proposed agreement and how the cost thereof is to be paid. When gas or electric service lines and conduits are among the improvements that are proposed to be constructed, purchased, or otherwise acquired or contracted for, and no construction specifications and standards therefor have been established by the municipality having zoning jurisdiction over the area where such improvements are to be located, or when such service lines and conduits are not to be located within any municipality's area of zoning jurisdiction, the plans and specifications for and the method of construction of such service lines and conduits shall be approved by the supplier of gas or electricity within whose service or customer area they are to be located. Such engineer shall also make and file, prior to the publication of such resolution, an estimate of the total cost of the proposed improvement. The proposed resolution shall state the amount of such estimated cost. The board of trustees or the administrator shall assess, to the extent of special benefits, the cost of such improvements upon properties specially benefited thereby, except that if the improvement consists of the replacement of an existing facility, system, or improvement that poses an existing threat to public health and safety affecting no more than one hundred existing homes, the cost of such improvements may be paid for by an issue of general obligation bonds under section 31-755. The resolution shall state the outer boundaries of the district or districts in which it is proposed to make special assessments.

Sec. 3. Section 31-753, Reissue Revised Statutes of Nebraska, is amended to read:

31-753. All special assessments provided for in section 31-739 shall become due in fifty days after the date of the levy and may be paid within that time without interest, but if not so paid they shall bear interest thereafter at the rate of ten percent per annum until delinquent. Such assessments shall become delinquent in equal annual installments over such periods of years, not exceeding ~~ten~~ twenty, as the board of trustees or the administrator may determine at the time of making the levy. Delinquent installments shall bear interest at the rate set by the district until paid and shall be collected in the usual manner for the collection of taxes. For special assessments levied after April 21, 1982, the district shall set a rate of interest for delinquent installments which shall be the greater of two percent per annum above the rate set by the district on such installments before delinquency or the average rate of interest accruing on construction fund warrants registered against such district sixty days prior to the actual levy of the special assessments, except that no such rate shall exceed the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature. If three or more installments shall be delinquent, the board of trustees or the administrator may declare all of the remaining installments to be at once delinquent and such installments declared delinquent shall bear interest at the rate specified in section 45-104.01, as such rate may from time to time be adjusted by the Legislature, until paid and may be collected the same as other delinquent installments may be collected.

Sec. 4. Original section 31-753, Reissue Revised Statutes of Nebraska, and sections 31-739 and 31-744, Revised Statutes Supplement, 1996, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 589. Placed on General File as amended.
Standing Committee amendment to LB 589:

AM0461

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 855. Placed on General File as amended.
Standing Committee amendment to LB 855:
AM0462

1. Strike original sections 1 to 8.
2. On page 9, line 13, strike "35-508, 35-513,".
3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 872. Placed on General File as amended.
Standing Committee amendment to LB 872:
AM0460

1. Strike original section 5 and insert the following new section:

"Sec. 6. The participation of a volunteer member of a volunteer department in any program adopted pursuant to the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act, and his or her receipt of any benefits under such a program shall not for that reason alone alter the relationship of such person to the city, village, or fire protection district as being one of a volunteer for purposes of the Nebraska Workers' Compensation Act.".

2. On page 4, line 4, strike "Personnal" and insert "Personnel"; and in line 6 strike "fire" and insert "or rescue squad" and after "department" insert "as defined in section 35-901".

LEGISLATIVE BILL 520. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

MESSAGES FROM THE GOVERNOR

February 21, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Environmental Trust Board.

APPOINTEES:

Lynn A. Roper, 3227 South 29 St., Lincoln, NE 68502
Gail Yanney, 6520 Rainwood Road, Omaha, NE 68152
Dick Mercer, Route 4, Kearney, NE 68847

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

February 21, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Power Review Board.

APPOINTEE: Jo Beth Gutgsell, 2105 B Street, Lincoln, NE 68502

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

February 21, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Board of Trustees of the Nebraska State Colleges.

APPOINTEE: Lee-Ellen Matzke, 2311 Maple Street, Sidney, NE 69162

The aforementioned name is respectfully submitted for your consideration.

Sincerely,

(Signed) E. Benjamin Nelson
Governor

EBN:dj

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 393A. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 393, Ninety-fifth Legislature, First Session, 1997.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 24, 1997, at 10:45 a.m., were the following bills: LBs 18, 108, 194, 195, 222, 254, 106, 170, 261, 272, 52, 185, and 79.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 720:
AM0506

(Amendments to AM0317)

1. On page 2, line 19, strike "International Registration Plan", show as stricken, and insert "Motor Carrier Services Division"; strike beginning with the comma in line 19 through the period in line 21, show as stricken, and insert an underscored period; and strike beginning with "Any" in line 24 through line 27 and show as stricken.

2. On page 13, strike lines 23 through 27, show the old matter as stricken, and insert "Motor Carrier Services Division Distributive Fund to carry out the International Fuel Tax Agreement Act.".

3. On page 14, strike line 1 and show as stricken; in line 6 strike the old matter and show as stricken; and in lines 9 and 10 strike the new matter and insert "The Motor Carrier Services Division Distributive Fund is created. The fund shall be set apart and maintained by the State Treasurer to carry out the International Registration Plan and the International Fuel Tax Agreement Act. Any money in the Base State Fuels Tax Fund and in the International Registration Plan Distributive Fund on the operative date of this section shall be transferred to the Motor Carrier Services Division Distributive Fund. Any money in the Motor Carrier Services Division Distributive Fund available for

investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Any interest received on money in the Motor Carrier Services Division Distributive Fund shall be credited to the Highway Trust Fund".

4. On page 27, line 27, strike "66-1414,".

5. On page 28, line 1, strike "60-305.09,"; in line 4 after the second period insert "Original section 66-1414, Reissue Revised Statutes of Nebraska, and section 60-305.09, Revised Statutes Supplement, 1996, are repealed.

Sec. 40."; in line 8 strike "40, and 41" and insert "41, and 42"; and in line 9 after "Sections" insert "11, 22, and 39 of this act become operative on July 1, 1997. Sections" and strike "39" and insert "40".

Mr. Hartnett filed the following amendment to LB 486:
AM0532

(Amendments to Standing Committee amendments, AM0130)

1. On page 1, line 4, strike "county treasurer" and insert "court"; and in line 15 after the underscored period insert the following new paragraph:

"The person redeeming any lot or parcel shall be required to provide the county treasurer with an appropriate receipt evidencing the payment to the court of the amount due with interest and costs and the holder of the tax sale certificate shall file with the county treasurer notice of its dismissal of the claim in the foreclosure proceeding.".

Mr. Schellpeper filed the following amendment to LB 317:
AM0543

(Amendments to Standing Committee amendments, AM0353)

1. On page 1, line 15, strike "therefor", show as stricken, and insert "into the machine".

Mr. Chambers filed the following amendment to LB 104:
FA38

In a county containing a city of the metropolitan class, there shall be no increase in the uniform service surcharge in section (1) unless such increase is approved by a majority vote of the registered voters in the political subdivision.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 23 and LB 612. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 606 and LB 882. No objections. So ordered

VISITORS

Visitors to the Chamber were Lynda and Megan Madison from Omaha; and Alex Matzke from Omaha.

The Doctor of the Day was Jay Matzke from Omaha.

ADJOURNMENT

At 11:59 a.m., on a motion by Mr. Preister, the Legislature adjourned until 9:00 a.m., Tuesday, February 25, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTIETH DAY - FEBRUARY 25, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 25, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Bob Chitwood from Brownville and Talmage Churches.

ROLL CALL

The roll was called and all members were present except Mrs. Hillman who was excused; and Messrs. Beutler, Bromm, Dierks, Hartnett, Jones, Matzke, Preister, Schrock, Tyson, Warner, Wehrbein, Wesely, Will, Mmes. McKenzie, Robak, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 15, 56, 128, 129, 137, 275, 345, and 351.

Enrollment and Review Change to LB 128

The following changes, required to be reported for publication in the Journal, have been made:
ER9011
1. On page 14, line 5, "5" and all amendments thereto have been struck and "4" inserted.

Enrollment and Review Change to LB 137

The following changes, required to be reported for publication in the Journal, have been made:

ER9009

1. On page 1, line 4, "21-1741, 21-17,102, 21-17,106, 21-17,109," has been inserted after the last comma.

Enrollment and Review Change to LB 345

The following changes, required to be reported for publication in the Journal, have been made:

ER9012

1. On page 42, line 24, "with" has been struck and "within" inserted.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 469:

FA33

To strike section 1 of LB 469.

Mr. Schellpeper filed the following amendment to LB 469:

AM0386

(Amendments to Standing Committee amendments, AM0125)

1. Insert the following new sections:

"Sec. 32. Sections 8 and 33 of this act become operative on July 1, 1998. The other sections of this act become operative on January 1, 1998.

Sec. 33. Original section 2-203.01, Revised Statutes Supplement, 1996, is repealed.".

2. On page 18, line 26, after the first comma insert "a county fair board,".

3. On page 19, line 18, strike "2-203.01,"; and in line 24 strike "2-219,".

4. Renumber the remaining sections accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 97014

DATE: February 21, 1997

SUBJECT: Constitutionality of LB 482

REQUESTED BY: Senator Stan Schellpeper, Chairperson, General Affairs Committee

WRITTEN BY: Don Stenberg, Attorney General
Laurie Smith Camp, Deputy Attorney General

You have asked whether a provision in LB 482 would withstand constitutional scrutiny. Specifically, you request our opinion on the constitutionality of the following language contained in Sections 4 and 16 of the bill:

> Nothing in the act shall be construed or interpreted to limit the powers of local governing bodies to (1) suspend, cancel and revoke retail licenses, bottle club licenses, and craft brewery licenses . . . .
>
> . . . .
>
> The governing body of any city or village with respect to licenses within its corporate limits and the governing body of any county with respect to licenses not within the corporate limits of any city or village but within the county shall have the following powers, functions, and duties with respect to retail, bottle club, and craft brewery licenses:
>
> . . . .
>
> (2) To suspend, cancel or revoke, after receiving a citizen's complaint pursuant to Section 53-134.04 or on its own motion, any license if it determines that the licensee has violated any provision of the Nebraska Liquor Control act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor. Any administrative proceeding instituted by a local governing body to suspend, cancel, or revoke a license shall be a contested case conducted in accordance with the provisions of the Administrative Procedure Act. Such order of suspension, cancellation or revocation shall be subject to review as provided in Section 53-1,116 . . . .

As you note in your letter, the Nebraska Supreme Court has ruled that state laws which provided local governing bodies with authority to approve or deny retail liquor licenses were unconstitutional because they delegated authority to the local governing bodies without sufficient, definite, and adequate standards to guide those affected by them. In ***Bosselman, Inc. v. State***, 230 Neb. 471 (1988), the Nebraska Supreme Court found that LB 911, passed in 1986, unconstitutionally delegated the state's legislative power regarding approval or denial of liquor licenses, because the standards by which such powers were to be administered by local governing bodies had not been clearly and definitely stated in the legislature's authorizing act and instead rested on indefinite, obscure, or vague generalities. *Id.* at 476. In 1989, the Nebraska Legislature attempted to address the deficiencies of LB 911 by enacting LB 781 to provide local governing bodies with the authority to grant or deny liquor licenses based on more explicit criteria. In 1992, the legislature took the additional precautionary measure of placing a proposed constitutional amendment on the November 1992 general election ballot to provide a constitutional basis for the authority of local governing bodies to approve or deny retail liquor licenses. The proposed amendment to the Nebraska Constitution was adopted, and became Art. XV, § 19, of the Constitution:

> Notwithstanding any other provision of this Constitution, the governing bodies of municipalities and counties are empowered to approve, deny, suspend, cancel, or revoke retail and bottle club liquor licenses within their jurisdictions as authorized by the legislature.

On February 16, 1993, the provisions of LB 781 were reenacted through LB 183 to bolster the legislature's position that the provisions of LB 781 and LB 183 did not lack a constitutional basis. On April 9, 1993, the Nebraska Supreme Court addressed the issue of the constitutionality of LB 781 in the case of ***Kwik Shop, Inc. v. City of Lincoln***, 243 Neb. 178 (1993). The Plaintiff, Kwik Shop, had challenged the constitutionality of LB 781 under both the Nebraska Constitution and Federal Constitution. The Nebraska Supreme Court found that the 20 standards established by LB 781 (codified at § 53-134(2)(a) through (t)) did not provide local governing bodies with adequate, sufficient, and definite standards within which to exercise their discretion, and did not provide potential applicants with a reasonable opportunity to know what was required to obtain a license. The Court found that the provisions of LB 781 incorporated in § 53-134 were, therefore, unconstitutionally vague and did not meet the requirements of procedural due process under the Fifth and Fourteenth Amendments to the United States Constitution. The Court also found that the provisions of LB 781 contained in § 53-134 were an unconstitutional delegation of power from a legislative authority to an administrative or executive authority, in violation of Art. II, § 1, of the Nebraska Constitution, because those provisions did not provide sufficient guidance to meet the requirements of a constitutional delegation of legislative power.

On April 29, 1993, this office issued its opinion #93034, concluding that LB 183 would be void for the same reasons that the Nebraska Supreme Court had found LB 781 and LB 911 to be void. In ***Marting v. Nebraska Liquor Control Commission***, 250 Neb. 134 (1996), the Court found that despite the legislature's enactment of LB 183 after the adoption of Art. XV, § 19, of the Nebraska Constitution, the 1984 liquor statutes continued to control issues of liquor licensing.

Nebraska's liquor statutes have recognized the authority of local governing bodies to revoke retail liquor licenses "for cause" since the initial adoption of the Liquor Control Act in 1935. The power of local governing bodies to cancel retail licenses was added in 1983. *See* Neb. Rev. Stat. § 53-134 (1984). This same statute recognized the power of local governing bodies to cancel or revoke liquor licenses if a licensee was found to have violated "any valid and subsisting ordinance or regulation duly enacted relating to alcoholic liquors." The constitutionality of those delegations of power to the local governing bodies would be subject to the same standard of review as were the licensing powers delegated through LB 911, LB 781, and LB 183. A delegation of power to local governing bodies should withstand constitutional scrutiny as long as the delegation is not vague; includes adequate standards to guide the discretion of the local governing bodies; and provides adequate notice to the licensees regarding what actions may cause a suspension, cancellation, or revocation of a license. The proposed language in LB 482 now before the General Affairs Committee would authorize local governing bodies to suspend, cancel, or revoke a license if it is determined in accordance with the provisions of the Administrative Procedure Act that the licensee "has violated any provision of the Nebraska Liquor Control Act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, or resolution, rule, or regulation relating to alcoholic liquor."

Liquor licensees have notice of the Nebraska Liquor Control Act, and of the rules and regulations adopted and promulgated by the Nebraska Liquor Control Commission pursuant to the Act. A delegation of authority by the Nebraska Legislature to local governing bodies authorizing them to take action against liquor licensees who violate such statutes or such rules or regulations of the Liquor Commission should not be held unconstitutional on the basis of inadequate notice, vagueness, or inadequate standards to guide discretion. It is more questionable, however, whether the legislature can authorize local governing bodies to suspend, cancel, or revoke liquor licenses based upon a licensee's violation of a local ordinance or a "resolution" or "rule or regulation" not promulgated by the Nebraska Liquor Control Commission pursuant to the Nebraska Liquor Control Act. There are no post-***Bosselman*** Supreme Court cases addressing the power of local governing bodies to revoke or cancel liquor licenses. Even if the licensees were given adequate notice of the ordinances, resolutions, or rules and regulations of the local governing bodies, the proposed delegation of authority might be susceptible to challenge as vague, or lacking clear and definite standards for the exercise of authority by the local governing bodies.

Sincerely,
DON STENBERG
Attorney General
(Signed) Laurie Smith Camp
Deputy Attorney General

44-157-11

GENERAL FILE

LEGISLATIVE BILL 104. Mr. Chambers renewed his pending amendment, FA29, found on page 719 and considered on page 747.

Mr. Landis and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers withdrew his amendment.

Mr. Chambers renewed his pending amendment, FA30, found on page 724.

Messrs. Dw. Pedersen, Janssen, Robinson, Vrtiska, and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Maurstad, Schellpeper, Beutler, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 182:
AM0552

(Amendments to Standing Committee amendments, AM0217)

1. On page 4, lines 7 through 10; page 7, lines 24 through 27; and page 11, lines 18 through 21, strike the new matter and insert the following new subdivision:

"(6) For exemption applications filed in calendar year 1998 and each year thereafter, the income eligibility amounts in subsections (4) and (5) of this section shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code. The income eligibility amounts shall be adjusted for cumulative inflation since 1997. If any amount is not a multiple of one hundred dollars, the amount shall be rounded to the next lower multiple of one hundred dollars.".

Mr. Landis filed the following amendment to LB 128:
AM0512

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. Section 48-134.01, Reissue Revised Statutes of Nebraska, is amended to read:

48-134.01. (1) The Nebraska Workers' Compensation Court may develop and implement an independent medical examiner system consistent with the requirements of this section. As part of such system, the compensation court by a majority vote of the judges thereof may create, maintain, and periodically validate a list of health care providers that it finds to be the most qualified and to be highly experienced and competent in their specific fields of expertise and in the treatment of work-related injuries to serve as independent medical examiners from each of the health care specialties that the compensation court finds most commonly used by injured employees. The compensation court may establish a fee schedule for services rendered by independent medical examiners and may adopt and promulgate any rules and regulations considered necessary to carry out the purposes of this section.

(2) An independent medical examiner shall render medical findings on the medical condition of an employee and related issues as specified under this section. The independent medical examiner shall not be the employee's treating health care provider and shall not have treated the employee with respect to the injury for which the claim is being made or the benefits are being paid.

(3) If the parties to a dispute cannot agree on an independent medical examiner of their own choosing, the compensation court shall assign an independent medical examiner from the list of qualified examiners to render medical findings in any dispute relating to the medical condition of a claimant, including, but not limited to, whether the injured employee is able to perform any gainful employment temporarily or permanently, what physical restrictions, if any, would be imposed on the employee's employment, whether the injured employee has reached maximum medical improvement, the existence and extent of any permanent physical impairment, and the reasonableness and necessity of any medical treatment previously provided, or to be provided, to the injured employee.

(4) The compensation court may adopt and promulgate rules and regulations pertaining to the procedures before the independent medical examiner, including the parties' ability to propound questions relating to the medical condition of the employee to be submitted to the independent medical examiner. In addition to the review of records and information, the independent medical examiner may examine the employee as often as the examiner determines necessary to render medical findings on the questions propounded by the parties or by the compensation court.

(5) The independent medical examiner shall submit a written report to the compensation court, the employer, and the employee stating the examiner's medical findings on the issues raised and providing a description of findings sufficient to explain the basis of those findings. The fee for the examination and report shall be paid by the employer.

(6) The written report of the independent medical examiner's findings shall be admissible in a proceeding before the compensation court and may be received into evidence by the compensation court on its own motion. ~~If the parties agree to use of a medical examiner, the examiner's findings shall be binding unless the employee was not given fair and adequate notice of all rights relinquished by the agreement at the time the agreement was made in a form and manner established by the compensation court or unless the agreement to the use of a medical examiner was procured by fraud or coercion.~~

(7) Any health care provider acting without malice and within the scope of the provider's duties as an independent medical examiner shall be immune from civil liability for making any report

or other information available to the compensation court or for assisting in the origination, investigation, or preparation of the report or other information so provided.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 2, after "48-124," insert "48-134.01,"; in line 4 after the first comma insert "independent medical examiners,"; in line 5 strike "and"; and in line 6 after "sections" insert "; and to declare an emergency".

3. On page 12, line 2, after "48-124," insert "48-134.01,".

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler filed the following amendment to LB 229:
FA35
To strike section 1 of LB 229.

Mr. Beutler filed the following amendment to LB 364:
FA36
To strike section 1 of LB 364.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 376. Placed on General File.
LEGISLATIVE BILL 554. Placed on General File.
LEGISLATIVE BILL 753. Placed on General File.

(Signed) David M. Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 460. Placed on General File as amended.
Standing Committee amendment to LB 460:
AM0534

1. Strike original sections 2, 8, 10, 12, and 14.

2. On page 2, lines 24 and 25; page 5, line 21; page 10, lines 3 through 5; page 11, lines 12 through 15; page 13, line 28; page 14, lines 1 through 10 and lines 16 and 17; page 15, lines 2 and 3; and page 16, lines 2 and 6, reinstate the stricken matter.

3. On page 5, line 20; page 10, line 2; page 11, line 12; page 13, lines 20 through 28; page 14, lines 17, 18, and 28; page 15, lines 1 and 2; and page 16, lines 2 and 6, strike the new matter.

4. On page 15, line 3, before "The" insert "Any signature which is not accompanied by the information required by section 32-630 shall be invalid.".

5. On page 21, line 2, strike "to" and insert ",

32-630,"; and strike line 3 and insert "32-1401, 32-1402, 32-1404, 32-1409, and 32-1411,".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 755. Placed on General File as amended.
Standing Committee amendment to LB 755:
AM0533

1. On page 2, line 1, strike "$25,000" and insert "$30,000".

(Signed) C. N. "Bud" Robinson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 200, 201, 202, and 347.

Enrollment and Review Change to LB 347

The following changes, required to be reported for publication in the Journal, have been made:
ER9013

1. On page 71, line 18, the second comma has been struck, shown as stricken, and "and" inserted.

(Signed) Jon C. Bruning, Chairperson

GENERAL FILE

LEGISLATIVE BILL 104. Mr. Chambers asked unanimous consent to bracket until June 15, 1997.

Mr. Abboud objected.

Mr. Chambers moved to bracket LB 104 until June 15, 1997.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 9:

Chambers Cudaback Hilgert Lynch Preister

Robak
Schmitt
Will
Withem

Voting in the negative, 21:

Abboud
Bromm
Brown
Bruning
Dierks
Elmer
Engel
Hudkins
Kiel
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Witek

Present and not voting, 9:

Bohlke
Brashear
Coordsen
Crosby
Hartnett
McKenzie
Robinson
Schimek
Wickersham

Excused and not voting, 10:

Beutler
Hillman
Janssen
Jensen
Jones
Kristensen
Landis
Schellpeper
Vrtiska
Warner

The Chambers motion to bracket lost with 9 ayes, 21 nays, 9 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. COORDSEN PRESIDING

The Chambers pending amendment, FA30, found on page 724 and considered in this day's Journal, was renewed.

Mmes. McKenzie, C. Peterson, Bohlke, Messrs. Robinson, Lynch, and Hartnett asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers withdrew his amendment.

Pending.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 864. Placed on General File as amended.
Standing Committee amendment to LB 864:
AM0234

1. On page 18, strike beginning with the first comma in

line 4 through "individual" in line 5 and insert "and $6,000 for two or more individuals".

2. On page 21, lines 19 and 20, strike beginning with "five" through "size", show as stricken, and insert "four thousand dollars in value for a single individual and six thousand dollars in value for two or more individuals".

(Signed) Don Wesely, Chairperson

Business and Labor

LEGISLATIVE BILL 557. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

Judiciary

LEGISLATIVE BILL 165. Placed on General File.
LEGISLATIVE BILL 363. Placed on General File.
LEGISLATIVE BILL 398. Placed on General File.
LEGISLATIVE BILL 422. Placed on General File.
LEGISLATIVE BILL 466. Placed on General File.

LEGISLATIVE BILL 234. Placed on General File as amended.
Standing Committee amendment to LB 234:
AM0493

1. Strike the original sections and insert the following new sections:

"Section 1. Section 25-311, Reissue Revised Statutes of Nebraska, is amended to read:

25-311. All persons may join in one action as plaintiffs if they assert any right to relief jointly, severally, or in the alternative in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all these persons will arise in the action. ~~having an interest in the subject of the action, and in obtaining the relief demanded, may be joined as plaintiffs, except as otherwise provided in this chapter.~~

Sec. 2. Section 25-320, Reissue Revised Statutes of Nebraska, is amended to read:

25-320. All persons may be joined in one action as defendants if there is asserted against them jointly, severally, or in the alternative any right to relief in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any question of law or fact common to all defendants will arise in the action. ~~Persons severally liable upon the same obligation or instrument, including the parties to bills of exchange and promissory notes, may, all or any of them, be included in the same action, at the option of the plaintiff.~~

Sec. 3. Section 25-702, Reissue Revised Statutes of Nebraska, is amended to read:

25-702. The ~~Except for product liability actions, the~~ causes of action so united ~~must affect all the parties to the action, and not require different places of trial.~~ may unite causes of action brought by plaintiffs who may be joined in accordance with section 25-311 and may unite causes of action against defendants who may be joined in accordance with section 25-320.

Sec. 4. (1) This section applies when parties or causes of action are joined in accordance with section 25-311, 25-320, or 25-702.

(2) A plaintiff or defendant need not be interested in obtaining or defending against all the relief demanded. Judgment may be given for one or more of the plaintiffs according to their respective rights to relief and against one or more of the defendants according to their respective liabilities.

(3) The court may make such orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of a party against whom the party asserts no claim and who asserts no claim against the party and may order separate trials or make other orders to prevent delay or prejudice.

Sec. 5. Section 25-21,180, Reissue Revised Statutes of Nebraska, is amended to read:

25-21,180. As used in sections 25-224~~,~~ ~~25-702,~~ and 25-21,180 to 25-21,182, unless the context otherwise requires: Product liability action shall mean any action brought against a manufacturer, seller, or lessor of a product, regardless of the substantive legal theory or theories upon which the action is brought, for or on account of personal injury, death, or property damage caused by or resulting from the manufacture, construction, design, formulation, installation, preparation, assembly, testing, packaging, or labeling of any product, or the failure to warn or protect against a danger or hazard in the use, misuse, or intended use of any product, or the failure to provide proper instructions for the use of any product.

Sec. 6. Original sections 25-311, 25-320, 25-702, and 25-21,180, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. The following section is outright repealed: Section 25-317, Reissue Revised Statutes of Nebraska.".

LEGISLATIVE BILL 284. Placed on General File as amended.
Standing Committee amendment to LB 284:
AM0458

1. On page 4, lines 3 through 5, strike the new matter and insert "unless the beneficiary elects to foreclose a trust deed in the manner provided for by law for the foreclosure of mortgages on real estate as provided in section 76-1005, in which case the statute of limitations for the commencement of such action shall be

the same as the statute of limitations for mortgages pursuant to section 25-202".

LEGISLATIVE BILL 350. Placed on General File as amended.
Standing Committee amendment to LB 350:
AM0566

1. On page 2, line 26; and page 3, line 14, strike "eleven" and insert "ten".

LEGISLATIVE BILL 372. Placed on General File as amended.
Standing Committee amendment to LB 372:
AM0495

1. On page 2, line 6, strike the new matter and insert "or trust deeds".

LEGISLATIVE BILL 434. Placed on General File as amended.
Standing Committee amendment to LB 434:
AM0523

1. On page 2, strike the new matter in lines 19 and 20.

LEGISLATIVE BILL 196. Indefinitely postponed.
LEGISLATIVE BILL 240. Indefinitely postponed.
LEGISLATIVE BILL 406. Indefinitely postponed.
LEGISLATIVE BILL 505. Indefinitely postponed.
LEGISLATIVE BILL 642. Indefinitely postponed.
LEGISLATIVE BILL 774. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

Health and Human Services

LEGISLATIVE BILL 260. Placed on General File as amended.
Standing Committee amendment to LB 260:
AM0474

1. Strike original sections 49 and 53 and insert the following new sections:

"Sec. 49. The provisions of the Engineers and Architects Regulation Act regulating the practice of architecture do not apply to the following activities:

(1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet of above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space;

(2) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage, if the structures are designed to be occupied by no more

than twenty persons;

(3) Any public works project with contemplated expenditures for a completed project that do not exceed forty thousand dollars;

(4) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect structural or other safety features of the building;

(5) The teaching, including research and service, of architectural subjects in a college or university offering a degree in architecture accredited by the National Architectural Accreditation Board;

(6) The preparation of submissions to architects, building officials, or other regulating authorities by the manufacturer, supplier, or installer of any materials, assemblies, components, or equipment that describe or illustrate the use of such items, the preparation of any details or shop drawings required of the contractor by the terms of the construction documents, or the management of construction contracts by persons customarily engaged in contracting work;

(7) The preparation of technical submissions or the administration of construction contracts by employees of a person or organization lawfully engaged in the practice of architecture if such employees are acting under the direct supervision of an architect;

(8) The offering by an organization of a combination of services involved in the practice of architecture and construction services if:

(a) An architect or person otherwise permitted under subdivision (10) of this section to offer architectural services participates substantially in all material aspects of the offering;

(b) There is written disclosure at the time of the offering that an architect is engaged by and contractually responsible to such organization;

(c) Such organization agrees that the architect will have direct supervision of the work and that such architect's services will not be terminated without the consent of the person engaging the organization; and

(d) The rendering of architectural services by such architect will conform to the act and the rules and regulations;

(9) A public service provider or an organization who employs a design professional from performing professional services for itself;

(10) A nonresident who holds the certification issued by the National Council of Architectural Registration Boards from offering to render the professional services involved in the practice of architecture. The nonresident shall not perform any of the professional services involved in the practice of architecture until licensed as provided in the act. The nonresident shall notify the board in writing that (a) he or she holds a National

Council of Architectural Registration Boards certificate and is not currently licensed in Nebraska but will be present in Nebraska for the purpose of offering to render architectural services, (b) he or she will deliver a copy of the notice to every potential client to whom the applicant offers to render architectural services, and (c) he or she promises to apply immediately to the board for licensure if selected as the architect for the project;

(11) The practice of any other certified trade or legally recognized profession;

(12) Financial institutions making disbursements of funds in connection with construction projects;

(13) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Water Resources or for work related to livestock waste facilities that are not subject to a permit by the Department of Environmental Quality; and

(14) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance.

Sec. 53. The provisions of the Engineers and Architects Regulation Act regulating the practice of engineering do not apply to the following activities:

(1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space;

(2) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage and if the structures are designed to be occupied by no more than twenty persons;

(3) Any public works project with contemplated expenditures for the completed project that do not exceed forty thousand dollars;

(4) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect structural or other safety features of the building;

(5) The teaching, including research and service, of engineering subjects in a college or university offering an Accrediting Board for Engineering and Technology accredited engineering curriculum of four years or more;

(6) The act does not prevent a public service provider or

an organization who employs a design professional from performing professional services for itself;

(7) The practice of any other certified trade or legally recognized profession;

(8) The offer to practice engineering by a person not a resident of and having no established place of business in this state if the person is legally qualified by licensure to practice engineering in his or her own state or country. The person shall make application to the board in writing and after payment of a fee established by the board may be granted a temporary permit for a definite period of time not to exceed one year to do a specific job. No right to practice engineering accrues to such applicant with respect to any other work not set forth in the permit;

(9) The work of an employee or a subordinate of a person holding a certificate of licensure under the act or an employee of a person practicing lawfully under subdivision (8) of this section if the work is done under the direct supervision of a person holding a certificate of licensure or a person practicing lawfully under such subdivision;

(10) Those services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, marine operating engineers, power plant operating engineers, or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant;

(11) Financial institutions making disbursements of funds in connection with construction projects;

(12) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Water Resources or for work related to livestock waste facilities that are not subject to a permit by the Department of Environmental Quality;

(13) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance; and

(14) Work performed exclusively in the exploration for and development of energy resources and base, precious, and nonprecious minerals, including sand, gravel, and aggregate, which does not have a substantial impact upon public health, safety, and welfare, as determined by the board, or require the submission of reports or documents to public agencies.".

2. On page 5, line 6, after the comma insert "coordination of any elements of technical submissions prepared by others including, as appropriate and without limitation, consulting

engineers and landscape architects,".

3. On page 7, line 10, after "subdivision" insert "which appoints a municipal engineer or".

4. On page 9, line 28, strike "The board may, at its".

5. On page 10, strike beginning with line 1 through the period in line 2.

6. On page 20, line 2, strike "Employs" and insert "Knowingly and intentionally employs".

7. On page 23, line 12, after "furnish" insert "at least minimum" and after "project" insert "or is exempt from the Engineers and Architects Regulation Act under sections 49 and 53 of this act"; and in line 25 after "construction" insert ", review of payment applications, resolution of disputes between the owner and contractor, and other such items which are considered additional construction administration services which the owner may or may not elect to include in the architect's or engineer's scope of work".

8. On page 24, strike lines 11 through 16.

9. On page 25, line 22 strike "and" and insert ". The application shall demonstrate"; in line 26 strike "qualified," and insert "determined by"; and in line 27 after "Architects" insert "to meet this requirement, the board".

10. On page 26, strike beginning with "Beginning" in line 1 through the period in line 4 and insert "Starting January 1, 2000, only individuals who have earned a bachelor of science in architectural studies degree with an architecture emphasis prior to December 31, 1999, can be considered under this subsection.".

11. On page 34, line 16, after the period insert "Nothing in the act shall be construed to establish a statewide building code.".

12. On page 63, line 28, after the stricken matter insert "licensed electrical".

(Signed) Don Wesely, Chairperson

GENERAL FILE

LEGISLATIVE BILL 104. Mr. Chambers renewed his pending amendment, FA31, found on page 724.

Mrs. Stuhr asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 517. Placed on General File.

(Signed) Chris Beutler, Chairperson

Health and Human Services

LEGISLATIVE BILL 476. Placed on General File.

LEGISLATIVE BILL 450. Placed on General File as amended.
(Standing Committee amendment, AM0476, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 452. Placed on General File as amended.
Standing Committee amendment to LB 452:
AM0502

1. On page 3, line 4, after the underscored period insert "For purposes of this subdivision, consultation means the evaluation of the medical data of the patient as provided by the treating physician and rendering a recommendation to such treating physician as to the method of treatment or analysis of the data.".

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

Hearing Wednesday, March 5, 1997 1:30 p.m.
Deb Thomas - Department of Health and Human Services Regulation and Licensure
Jessie Rasmussen - Department of Health and Human Services
Don Leuenberger - Policy Secretary Department of Health and Human Services

(Signed) Don Wesely, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following appointments:

Gutgsell, Jo Beth - Nebraska Power Review Board - Natural Resources
Matzke, Lee-Ellen - Board of Trustees of the Nebraska State Colleges - Education
Mercer, Dick - Nebraska Environmental Trust Board - Natural Resources
Roper, Lynn A. - Nebraska Environmental Trust Board - Natural Resources
Yanney, Gail - Nebraska Environmental Trust Board - Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council

Executive Board

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 628	Thursday, March 13, 1997 (cancel)	1:30 p.m.
LB 628	Thursday, March 20, 1997 (reset)	8:00 a.m.
LB 392	Thursday, March 13, 1997 (cancel)	1:30 p.m.
LB 392	Wednesday, March 26, 1997 (reset)	10:00 a.m.

(Signed) Kermit A. Brashear, Chairperson

AMENDMENT - Print in Journal

Mr. Lynch filed the following amendment to LB 124:
AM0560

1. On page 3, strike beginning with "Each" in line 3 through line 6; and strike beginning with "and" in line 11 through "resolution" in line 12.

ANNOUNCEMENT

Mr. Robinson announced the Government, Military and Veterans Affairs Committee will hold an executive session Wednesday, February 26, 1997 at 11:00 a.m., in Room 1507.

AMENDMENTS - Print in Journal

Mrs. Suttle filed the following amendment to LB 104:
AM0554

1. On page 2, line 7, strike "A", show as stricken, and insert "Except in a county containing a city of the metropolitan class, a"; and in line 10 after the period insert "A governing body in a county containing a city of the metropolitan class incurring costs for 911 service may impose a uniform service surcharge of up to fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area other than local exchange access lines with basic service and no optional services and on any cellular telephone serviced within the governing body's 911 service area.".

Mr. Chambers filed the following amendment to LB 104:
AM0568

1. On page 2, after line 12, insert the following new subsection:

"(2) The Legislature finds that:

(a) An undetermined but significant number of impoverished persons dwell in Douglas County;

(b) Among the impoverished class of persons is an undetermined but significant number of elderly persons;

(c) Impoverished persons, particularly the elderly, constitute a vulnerable class from whom may be exacted hidden, secret taxes euphemistically called surcharges;

(d) Surcharges exacted from the impoverished class have an excellent likelihood of being unnoticed until it is too late for the impoverished to object or protest;

(e) The impoverished class are not organized and do not constitute a political threat; and

(f) With a song in its heart, the Legislature may be complicit in exacting from the impoverished such a surcharge called the uniform service surcharge in order that politicians need not utilize general funds to pay for essential government services such as 911 service.".

2. Renumber the remaining subsections accordingly.

Mrs. Suttle filed the following amendment to LB 104:
AM0569

1. In the Chambers amendment, FA31, insert the following new amendment:

2. On page 2, line 7, strike 'A', show as stricken, and insert 'Except in a county containing a city of the metropolitan class, a'; and in line 10 after the period insert 'A governing body in a county containing a city of the metropolitan class incurring costs for 911 service may impose a uniform service surcharge of up to fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area other than local exchange access lines with basic service and no optional services and on any cellular telephone serviced within the governing body's 911 service area.'.".

Mr. Chambers filed the following amendment to LB 104:
FA39

Page 2, lines 13, 14, strike the new language and reinstate the stricken matter.

Mr. Chambers filed the following amendment to LB 104:
FA40

Strike the emergency clause.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Vrtiska asked unanimous consent to have his name added as cointroducer to LB 211. No objections. So ordered.

Mr. Wickersham asked unanimous consent to have his name added as cointroducer to LB 420. No objections. So ordered.

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 755. No objections. So ordered.

ADJOURNMENT

At 11:56 a.m., on a motion by Mrs. Suttle, the Legislature adjourned until 8:30 a.m., Wednesday, February 26, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIRST DAY – FEBRUARY 26, 1997

LEGISLATIVE JOURNAL

THIRTY-FIRST DAY - FEBRUARY 26, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 26, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Peter MacFarlane, Castelar United Presbyterian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Bromm, Chambers, Cudaback, Landis, Matzke, D. Pederson, Robinson, Schrock, Warner, Wehrbein, Wesely, Wickersham, Will, Mmes. Bohlke, Kiel, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirtieth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 114A. Placed on Select File.

LEGISLATIVE RESOLUTION 13CA. Placed on Select File as amended.
E & R amendment to LR 13CA:
AM7064

1. On page 1, line 8, strike "(1).", show as stricken, and insert "(1)".

2. On page 2, line 26, strike "(2).", show as stricken, and insert "(2)".

Correctly Engrossed

The following bills and resolution were correctly engrossed: LBs 28, 85, 86, 86A, 97, 206, 221, 238, 342, 346, 441, 489, and LR 32CA.

Enrollment and Review Change to LB 221

The following changes, required to be reported for publication in the Journal, have been made:
ER9014
1. On page 3, line 14, the first comma has been struck.

Enrollment and Review Change to LB 346

The following changes, required to be reported for publication in the Journal, have been made:
ER9010
1. In the Bohlke amendment, AM0449:
a. Section 17 has been renumbered as section 18 and section 50 has been renumbered as section 52; and
b. On page 6, line 1, "11" has been struck and "8" inserted.
2. On page 1, line 2, "79-549," has been inserted after the second comma and "79-1116," has been inserted before "79-1117"; in line 3 "79-1127, 79-1129 to" has been struck; and in line 6 "79-1194," has been inserted after the fourth comma.
3. On page 2, line 9; page 7, line 15; page 9, line 17; page 11, lines 20 and 26; page 26, line 12; page 42, line 17; page 43, line 11; and page 48, line 16, "10" has been struck and "12" inserted.
4. On page 14, line 6, "having" has been struck.
5. On page 27, line 1; and page 36, line 12, "servicing" has been struck, shown as stricken, and "service" inserted.
6. On page 48, line 22, the comma has been struck and shown as stricken.

(Signed) Jon C. Bruning, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 81. Introduced by Hillman, 48.

WHEREAS, the Gering High School wrestling team and Coach Chuck Deter won the 1997 Class A State Wrestling Tournament; and

WHEREAS, this is the sixth state wrestling championship Gering High School has won, the national record for most tournament victories. They have also won fourteen district tournament championships and fifteen Western Conference championships in Coach Chuck Deter's wrestling-coach career at Gering High School; and

WHEREAS, there were nine medalists at the 1997 Class A State Wrestling Tournament: One individual champion and eight medalists being among the top six finishers in their weight class, scoring 169 points; and

WHEREAS, Chuck Deter has accomplished outstanding records as coach in his thirty-six total years of his wrestling career. His total win-loss record of 291-53-6 is commendable; and

WHEREAS, during his thirty years with the Gering High School, the retiring Coach Chuck Deter has coached the wrestling team for a win-loss record of 264-43-5, including 106 consecutive undefeated dual meets and ten consecutive undefeated seasons (1973-1984).

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the Gering High School wrestling team and Coach Chuck Deter.

2. That the Legislature wishes Chuck Deter happiness, health, and relaxation on his retirement after thirty-six years of dedication and contribution to youth.

3. That a copy of this resolution be sent to the Superintendent of Gering Public Schools and to Coach Chuck Deter.

Laid over.

LEGISLATIVE RESOLUTION 82. Introduced by Vrtiska, 1.

WHEREAS, Dalton Hartman of Tecumseh was declared the winner of the "You Know Contest", sponsored by the Nebraskaland Foundation and inspired by Barney Oldfield, a retired Air Force colonel and public relations expert; and

WHEREAS, the enterprising thirteen-year-old captured on tape a University of Nebraska-Lincoln athlete uttering the words "you know" forty-one times in an interview which lasted four minutes and thirty-eight seconds; and

WHEREAS, Dalton Hartman's winning entry was declared to have best exemplified the spirit of the contest, which is to draw attention to the pervasiveness of the meaningless phrase "you know" in everyday speech; and

WHEREAS, Dalton Hartman won a one-thousand-dollar scholarship for his efforts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Legislature congratulates Dalton Hartman for winning the "You Know Contest" and encourages his scholastic efforts in the future.

2. That a copy of this resolution be sent to Dalton Hartman and his parents, Mike and Kay Hartman.

Laid over.

MESSAGE FROM THE GOVERNOR

February 25, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building

Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Public Employees Retirement Board.

> APPOINTEE: Retired Judge Merritt C. Warren, Post Office Box 206, Creighton, NE 68729

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

GENERAL FILE

LEGISLATIVE BILL 404A. Title read. Considered.

Mr. Dw. Pedersen moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 256. Title read. Considered.

Messrs. Engel and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 887. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 327A. Introduced by Hilgert, 7.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 327, Ninety-fifth Legislature, First Session, 1997.

ANNOUNCEMENTS

Mr. Bruning designates LB 422 as his priority bill.

Mrs. Suttle designates LB 301 as her priority bill.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 340. Placed on General File as amended.
Standing Committee amendment to LB 340:
AM0472

1. On page 2, line 5, after the stricken "forty" insert "forty-five dollars per month through June 30, 2000, and at least" and after "month" insert "on and after July 1, 2000,".

(Signed) Don Wesely, Chairperson

AMENDMENT - Print in Journal

Mrs. Robak filed the following amendment to LB 138:
AM0518

(Amendments to Standing Committee amendments, AM0380)

1. On page 5, line 13, after "surgeon" insert ", and at least one of the physician members shall be a board-certified emergency physician".

GENERAL FILE

LEGISLATIVE BILL 641. Title read. Considered.

Messrs. Engel and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 641A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 635. Title read. Considered.

Mrs. C. Peterson, Messrs. Vrtiska, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. BOHLKE PRESIDING

Standing Committee amendment, AM0245, found on page 630, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 245. Title read. Considered.

Mr. Hilgert renewed his pending amendment, AM0492, found on page 724.

Mr. Tyson offered the following amendment to the Hilgert pending amendment:
FA41
Amendment to Am 0492
(4) after fifteen, insert "hundred".

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Tyson amendment lost with 6 ayes, 15 nays, 19 present and not voting, and 9 excused and not voting.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 120. Placed on General File.

LEGISLATIVE BILL 17. Indefinitely postponed.
LEGISLATIVE BILL 288. Indefinitely postponed.
LEGISLATIVE BILL 581. Indefinitely postponed.
LEGISLATIVE BILL 613. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 555. Placed on General File.
LEGISLATIVE BILL 740. Placed on General File.

LEGISLATIVE BILL 523. Placed on General File as amended.
Standing Committee amendment to LB 523:
AM0520

1. Strike sections 55 and 70 and insert the following new section:

"Sec. 55. (1) The name of a limited liability partnership shall:

(a) End with 'registered limited liability partnership', 'limited liability partnership', 'R.L.L.P.', 'RLLP', 'L.L.P.', or 'LLP';

(b) Be distinguishable upon the records in the office of the Secretary of State from a trade name registered in this state pursuant to sections 87-208 to 87-220; and

(c) Be distinguishable upon the records in the office of the Secretary of State from any other business entity name registered or on file with the Secretary of State pursuant to Nebraska law.

(2) A limited liability partnership may register under any name which is not distinguishable upon the records in the office of the Secretary of State from any other business entity name registered or on file with the Secretary of State pursuant to Nebraska law with the written consent of the other business entity or with the transfer of the name by the other business entity. Written consent to the use of the name or written consent to the transfer of the name shall be filed with the Secretary of State.

Sec. 64. (1) Before January 1, 2001, the Uniform Partnership Act of 1998 governs only a partnership formed:

(a) On or after the operative date of this act, except a partnership that is continuing the business of a dissolved partnership under section 67-341 as such section existed prior to the operative date of this act; and

(b) Before the operative date of this act, that elects, as provided by subsection (3) of this section, to be governed by the act.

(2) On and after January 1, 2001, the act governs all partnerships.

(3) Before January 1, 2001, a partnership voluntarily may elect, in the manner provided in its partnership agreement or by law for amending the partnership agreement, to be governed by the act. The provisions of the act relating to the liability of the partnership's partners to third parties apply to limit those partners' liability to a third party who had done business with the partnership within one year before the partnership's election to be governed by the act only if the third party knows or has received a notification of the partnership's election to be governed by the act.

Sec. 65. (1) The Uniform Partnership Act of 1998 does not govern a partnership that becomes a limited liability partnership before the operative date of this act, except (a) a partnership that is continuing the business of a dissolved limited liability partnership or (b) a limited liability partnership that elects, before January 1, 2001, in the manner provided by the partnership agreement or by law for amending the agreement, to be governed by the act. If an election is made, the provisions of the act relating to the liability of a partner to a third party apply to limit the partner's liability to a third party who had done business with the partnership within twelve months next preceding the election only if the third party at the time of the election knew or had received notification of the election.

(2) After January 1, 2001, the act governs all limited liability partnerships.

(3) The existing provisions for execution and filing a statement of qualification of a limited liability partnership continue until either the limited liability partnership elects to have the act apply or January 1, 2001.

Sec. 66. The Uniform Partnership Act shall apply to any partnership formed prior to the operative date of this act which is not governed by the Uniform Partnership Act of 1998 as provided in sections 64 and 65 of this act.

Sec. 68. Sections 67-101 to 67-105 shall only apply to partnerships formed under the Uniform Partnership Act prior to the operative date of this act and which are not governed by the Uniform Partnership Act of 1998 as provided in sections 64 and 65 of this act. Sections 67-101 to 67-105 terminate on January 1, 2001.

Sec. 71. Section 67-301, Reissue Revised Statutes of Nebraska, is amended to read:

67-301. Sections 67-301 to 67-346 shall be known and may be cited as the Uniform Partnership Act. The Uniform Partnership Act applies to any partnership formed prior to the operative date of this act which is not governed by the Uniform Partnership Act of 1998 as provided in sections 64 and 65 of this act. The Uniform Partnership Act terminates on January 1, 2001.

Sec. 72. The Revisor of Statutes shall assign section 68 of this act to Chapter 67, article 1.".

2. On page 2, line 1, strike "64" and insert "67".

3. On page 36, line 6, strike "The expiration of" and insert "Within"; strike beginning with "unless" in line 9 through "partnership" in line 13 and insert "the express will of at least a majority of the remaining partners to wind up the partnership business, for which purpose a partner's rightful dissociation pursuant to subdivision (2)(b)(i) of section 32 of this act constitutes the expression of that partner's will to wind up the partnership business".

4. On page 2, lines 2 and 3; page 5, line 17; page 6, line 28; page 7, line 10; page 8, line 20; page 9, line 14; page 21, line 15; page 22, line 16; page 23, line 10; page 26, line 15; page 56, lines 15, 22, and 26; and page 61, line 19, after "Act"

insert "of 1998".

5. On page 53, line 11, after the first comma insert "'limited liability partnership', 'R.L.L.P.', 'RLLP',"; and in line 15 after "(1)(b)" insert "and (c)".

6. On page 61, line 25, strike "and 67-294" and insert ", 67-294, and 67-301".

7. Renumber the remaining sections accordingly.

(Signed) David M. Landis, Chairperson

Education

LEGISLATIVE BILL 647. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 623. Placed on Select File as amended.
E & R amendment to LB 623:
AM7068

1. On page 3, line 17; page 80, line 13; and page 93, line 3, after the period insert "Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.".

2. On page 21, line 10, after "pension" insert an underscored comma.

3. On page 67, lines 9 and 10; and page 72, line 13, strike "sections 81-2014 to 81-2036", show as stricken, and insert "the Nebraska State Patrol Retirement Act".

4. On page 80, line 9, strike the comma.

5. On page 94, line 5, strike "and 84-1504" and insert "84-1504, and 84-1505".

LEGISLATIVE BILL 710. Placed on Select File as amended.
E & R amendment to LB 710:
AM7067

1. On page 10, strike beginning with the second "and" in line 24 through the comma in line 26, show as stricken, and insert an underscored comma.

2. On page 15, line 4; page 18, line 21; and page 25, line 16, before "funds" insert "state aid".

3. On page 18, line 7, strike "date", show as stricken and insert "dates".

4. On page 22, line 2, before "or" insert "personal property tax reimbursement fund,".

LEGISLATIVE BILL 474. Placed on Select File as amended.
E & R amendment to LB 474:
AM7066

1. In the Standing Committee amendment, AM0294, strike amendment 1 and insert the following new amendment:
"1. On page 2, line 6, after "a" insert "self-insured".

LEGISLATIVE BILL 853. Placed on Select File.

LEGISLATIVE BILL 226. Placed on Select File as amended.
E & R amendment to LB 226:
AM7065

1. On page 1, line 2; page 2, lines 1 and 2; and page 5, lines 25 and 26, strike "Revised Statutes Supplement, 1996" and insert "Reissue Revised Statutes of Nebraska".
2. On page 1, line 3, strike "and"; and in line 4 after "section" insert "; and to declare an emergency".
3. On page 2, line 23; and page 3, line 4, strike "such" and show as stricken and after "section" insert "60-6,235".

LEGISLATIVE BILL 152. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

Thursday, March 6, 1997 1:30 p.m.
Hearing on the Fiscal Year 1997 Community Service Block Grant State Plan

(Signed) Don Wesely, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 635A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 635, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

LEGISLATIVE BILL 256A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 256, Ninety-fifth Legislature, First Session, 1997.

AMENDMENT - Print in Journal

Mr. Hilgert filed the following amendment to LB 245:
FA42
line 2 strike "not" through "cause," and insert
"shall, under no conditions,"
line 5 strike ",without reasonable cause,".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 755. No objections. So ordered.

VISITORS

Visitor to the Chamber was Orv Johnson from Wahoo.

The Doctor of the Day was Richard Hanisch from St. Paul.

ADJOURNMENT

At 11:01 a.m., on a motion by Mrs. Brown, the Legislature adjourned until 9:00 a.m., Thursday, February 27, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SECOND DAY - FEBRUARY 27, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

THIRTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 27, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Landis who was excused; and Messrs. Abboud, Beutler, Brashear, Bromm, Chambers, Coordsen, Engel, Kristensen, Dw. Pedersen, Robinson, Vrtiska, Warner, Wehrbein, Wickersham, Will, Withem, Mmes. Bohlke, Brown, Hillman, McKenzie, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 615, line 40, strike "sponsors" and insert "25 adults representing Leadership Kearney".
The Journal for the twenty-third day was approved as corrected.
The Journal for the thirty-first day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 273. Placed on Select File as amended.
E & R amendment to LB 273:
AM7070

1. On page 1, line 5, after the first comma insert "and".

2. On page 31, lines 18 and 24, strike the comma; in line 20 after "warrants" insert an underscored comma; and in line 26 after "segregating" insert an underscored comma.

3. On page 33, line 2, after "value" insert an underscored comma; and in line 11 strike the period and insert an

underscored semicolon.

4. On page 37, line 8, after the fourth comma insert "and".

LEGISLATIVE BILL 720. Placed on Select File as amended.
E & R amendment to LB 720:
AM7069

1. On page 1, line 1, strike "the Department of Motor Vehicles" and insert "transportation"; in line 2 strike "60-104," and strike "and" and insert "66-718, 66-1405, 66-1411, 66-1414, 77-27,119, and 77-27,208,"; in line 3 strike "60-320.01,"; in line 5 after the third comma insert "60-305.09," and strike "and"; in line 6 after the first comma insert "and 60-6,290,"; in line 9 strike "certificates of title,"; in line 11 strike "provide for and"; and in line 12 after the semicolon insert "to change vehicle length provisions; to change provisions relating to the International Registration Plan and the International Fuel Tax Agreement Act; to change provisions relating to transfers of fuel tax funds; to authorize and establish procedures for a fuel tax setoff against state income tax refunds for the Department of Motor Vehicles;".

LEGISLATIVE BILL 713. Placed on Select File as amended.
E & R amendment to LB 713:
AM7072

1. On page 6, line 27, strike "the lesser of:", show as stricken, and insert an underscored colon; in line 28 strike "in" and insert "through", after the comma insert "the lesser of", and after "(i)" insert "the".

2. On page 7, line 19, after the comma insert "the lesser of".

LEGISLATIVE BILL 809. Placed on Select File as amended.
E & R amendment to LB 809:
AM7071

1. On page 3, lines 16 and 17; and page 13, line 17, strike "and" and insert "or".

2. On page 3, line 21; and page 5, line 2, after "school" insert a comma.

3. On page 3, line 16, strike "lawfully"; and in line 23 after "structures" insert a comma.

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARINGS
Appropriations

Corrections to hearings scheduled for March 3 and March 6.

Monday, March 3, 1997, the hearings will be held in Room 1520 at 1:30 p.m. instead of Room 1003 as previously scheduled.

Thursday, March 6, 1997, the agency hearings will include Agency 10, State Auditor, which will be heard first.

LB 27	Tuesday, March 18, 1997	8:30 a.m.
LB 514	Tuesday, March 18, 1997	8:30 a.m.
LB 669	Tuesday, March 18, 1997	8:30 a.m.
LB 833	Tuesday, March 18, 1997	8:30 a.m.

Tuesday, March 18, 1997, Room 1520 8:30 a.m.
Agency 20 - Department of Health and Human Services - Regulation
Agency 25 - Department of Health and Human Services - Services
Agency 27 - Department of Health and Human Services - Finance

Wednesday, March 19, 1997, Room 1003 9:00 a.m.
Agency 52 - State Board of Agriculture (State Fair Board)
Agency 18 - Department of Agriculture
Agency 29 - Department of Water Resources
Agency 84 - Department of Environmental Quality

LB 214	Thursday, March 20, 1997	9:00 a.m.
LB 673	Thursday, March 20, 1997	9:00 a.m.

Thursday, March 20, 1997, Room 1003 9:00 a.m.
Agency 21 - State Fire Marshal
Agency 54 - Nebraska State Historical Society
Agency 72 - Department of Economic Development
Agency 31 - Military Department
Agency 33 - Game and Parks Commission
(Also, briefing on the Aquatic Habitat Plan.)

LB 681	Friday, March 21, 1997	9:00 a.m.

Friday, March 21, 1997, Room 1003 9:00 a.m.
Agency 07 - Governor
Agency 08 - Lieutenant Governor
Agency 09 - Secretary of State
Agency 12 - State Treasurer
Agency 03 - Legislative Council

(Signed) Roger R. Wehrbein, Chairperson

UNANIMOUS CONSENT - Announcement

Mr. Abboud asked unanimous consent for the Business and Labor Committee to schedule the annual claims bill hearing on Tuesday, March 18, 1997, in Room 1510. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 256A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 2 present and not voting, and 22 excused and not voting.

LEGISLATIVE BILL 635A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

LEGISLATIVE BILL 245. Mr. Hilgert renewed his pending amendment, AM0492, found on page 724 and considered on page 789.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

The Hilgert amendment lost with 8 ayes, 24 nays, 7 present and not voting, and 10 excused and not voting.

Mr. Hilgert renewed his pending amendment, FA42, found on page 794.

Mr. Hilgert withdrew his amendment.

Mr. Hilgert moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Hilgert requested a roll call vote on the advancement of the bill.

Mr. Maurstad requested the roll call vote be taken in reverse order.

Voting in the affirmative, 8:

Chambers
Hartnett
Hilgert
Lynch
Preister
Wesely
Wickersham
Will

Voting in the negative, 34:

Bohlke
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hudkins
Janssen
Jensen
Jones
Kiel
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Witek
Withem

Excused and not voting, 7:

Abboud
Beutler
Brashear
Hillman
Kristensen
Landis
Warner

Failed to advance to E & R for review with 8 ayes, 34 nays, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

REFERENCE COMMITTEE REPORT

Warren, Retired Judge Merritt C. - Public Employees Retirement Board - Nebraska Retirement Systems

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 83. Introduced by Stuhr, 24.

WHEREAS, the Seward High School Bluejays won the 1997 Class B Championship at the Nebraska State High School Wrestling Tournament at Lincoln on February 22, 1997; and

WHEREAS, this was the first boys' state athletic title since 1949 for the Seward Bluejays; and

WHEREAS, this team broke the all-class record for recording 17 total pins in the tournament; and

WHEREAS, team members Joe Schluckebier, Sam Schluckebier, James Ferguson, Mike Reifenrath, Josh Hayek, Doug Theobald, John Wolfe, Jimmy Soukup, Andrew Schlueter, Andy Fuller, Nate Hurt, Nick Schaefer, Coach H. Cecil Hinshaw, and Assistant Coaches Luke Fiala, Jeff Theobald, and Harold Pester attained the championship through personal dedication, commitment to excellence, and discipline; and

WHEREAS, recognition also goes to additional team members, Shane Reifenrath, Josh Cook, Brock Anderson, Walter Jensen, Aaron Jirovsky, Josh Ferguson, Ryan Hindricks, Trevor Ocken, Tony Bye, managers Mark Bianco and Josh Noxon, and statisticians Jill Helmink, Katie Schlueter, Kelli Hinshaw, and Melissa Meese for their personal dedication and commitment; and

WHEREAS, such team achievement is made possible not only by individual members' performance and coaching guidance but also through the support of Seward teachers, administrators, and parents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Seward Bluejays on their championship wrestling season.
2. That copies of this resolution be presented to the team members, coaching staff, and administration of Seward High School.

Laid over.

ANNOUNCEMENT

Mr. Jensen designates LB 280 as his priority bill.

NOTICE OF COMMITTEE HEARINGS
Education

Tuesday, March 11, 1997 1:25 p.m.
Lee-Ellen Matzke - Board of Trustees of the Nebraska State Colleges

(Signed) Ardyce L. Bohlke, Chairperson

Health and Human Services

Wednesday, March 12, 1997 1:30 p.m.
Health and Human Services Partnership Council
Pamela D. Bataillon
Aaron D. Black Sr.
Dr. Stacie Bleicher
Elnora Carr
Connie J. Day
George Dillard
Charles Evans
Cydney Janssen
Dr. Rudi L. Mitchell
Kathy Bigsby Moore
Ella E. Ochoa
Judge Gerald Rouse
Bradley L. Sher
Michael Zgud

(Signed) Don Wesely, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 424. Placed on General File.

(Signed) Don Wesely, Chairperson

General Affairs

LEGISLATIVE BILL 45. Placed on General File as amended.
Standing Committee amendment to LB 45:
AM0314

1. Strike original section 1 and insert the following new section:

"Section 1. Section 53-177, Reissue Revised Statutes of Nebraska, is amended to read:

53-177. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred ~~and~~ fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives, or their ~~or~~ children, except ~~;~~ ~~PROVIDED,~~ that this prohibition shall not apply (1) to any location within such distance of one hundred ~~and~~ fifty feet for which a license to sell alcoholic ~~liquors~~ liquor at retail has been granted by the ~~Nebraska Liquor Control Commission~~ commission for two years continuously prior to making of application for license, ~~and~~ (2) to hotels offering restaurant service, regularly organized clubs or to restaurants, food shops or other places where sale of alcoholic ~~liquors~~ liquor is not the principal business carried on, if such place of business so exempted ~~shall have been~~ was established for such purposes prior to May 24, 1935, and (3) to a retail license for consumption off the licensed premises within such distance of one hundred fifty feet if the city council, village board, or county board adopts a resolution recommending to the commission that such license be issued. No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state.".

LEGISLATIVE BILL 148. Placed on General File as amended.
Standing Committee amendment to LB 148:
AM0003

1. Strike the original sections and insert the following new sections:

"Section 1. Section 9-401, Revised Statutes Supplement, 1996, is amended to read:

9-401. Sections 9-401 to 9-437 and section 4 of this act shall be known and may be cited as the Nebraska Lottery and Raffle Act.

Sec. 2. Section 9-411, Revised Statutes Supplement, 1996, is amended to read:

9-411. (1) Lottery shall mean a gambling scheme in which (a) participants pay or agree to pay something of value for an opportunity to win, (b) winning opportunities are represented by tickets differentiated by sequential enumeration, and (c) winners are determined by a random drawing of the tickets or by the method set forth in section 4 of this act.

(2) Lottery shall not include (a) any raffle as defined in section 9-415, (b) any gambling scheme which uses any mechanical, computer, electronic, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value, (c) any activity which is authorized or regulated under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Pickle Card Lottery Act, the

Nebraska Small Lottery and Raffle Act, the State Lottery Act, section 9-701, or Chapter 2, article 12, or (d) any activity which is prohibited under Chapter 28, article 11.

Sec. 3. Section 9-415, Revised Statutes Supplement, 1996, is amended to read:

9-415. (1) Raffle shall mean a gambling scheme in which (a) participants pay or agree to pay something of value for an opportunity to win, (b) winning opportunities are represented by tickets differentiated by sequential enumeration, (c) winners are determined by a random drawing of the tickets or by the method set forth in section 4 of this act, and (d) at least eighty percent of all of the prizes to be awarded are merchandise prizes which are not directly or indirectly redeemable for cash by the licensed organization conducting the raffle or any agent of the organization.

(2) Raffle shall not include (a) any gambling scheme which uses any mechanical, computer, electronic, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value, (b) any activity which is authorized or regulated under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, section 9-701, or Chapter 2, article 12, or (c) activity which is prohibited under Chapter 28, article 11.

Sec. 4. (1) Pursuant to a special permit obtained in accordance with section 9-426, a licensed organization may conduct a lottery or raffle in which the winners are to be determined by a race utilizing inanimate, buoyant objects floated along a river, canal, or other waterway. The objects shall each bear a number or other unique identifying mark which corresponds to sequentially numbered tickets which are sold to participants in the lottery or raffle. A licensed organization utilizing this method of winner determination shall comply with all other requirements of the Nebraska Lottery and Raffle Act and any rules and regulations adopted and promulgated pursuant to the act.

(2) The department may adopt and promulgate rules and regulations for the conduct of a lottery or raffle utilizing the method of winner determination provided by this section.

Sec. 5. Original sections 9-401, 9-411, and 9-415, Revised Statutes Supplement, 1996, are repealed.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 248. Placed on General File as amended.
Standing Committee amendment to LB 248:
AM0591

1. Insert the following new sections:

"Sec. 30. It is the intent of the Legislature to appropriate to the Compulsive Gamblers Assistance Fund from the Charitable Gaming Operations Fund two hundred fifty thousand dollars on July 1 of each year for fiscal years 1997-98, 1998-99, and 1999-2000. For fiscal 2000-01 and each fiscal year thereafter, it is the intent of the Legislature to appropriate five hundred thousand dollars to the Compulsive Gamblers Assistance Fund from the Charitable Gaming Operations Fund.

Sec. 33. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 57, line 17, after "shall" insert "purchase or"; and in line 18 after "make" insert "or be allowed to make".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 249. Placed on General File as amended.
Standing Committee amendment to LB 249:
AM0592

1. Insert the following new section:

"Sec. 13. Section 53-1,104, Reissue Revised Statutes of Nebraska, is amended to read:

53-1,104. (1) Any licensee which sells or permits the sale of any alcoholic liquor not authorized under the terms of such license on the licensed premises or in connection with such licensee's business or otherwise shall be subject to suspension, cancellation, or revocation of such license by the commission.

(2) When any order suspending a retail license to sell alcoholic liquor becomes final, the licensee may elect to pay a cash penalty to the commission in lieu of suspending sales of alcoholic liquor for the designated period. For the first such suspension for any licensee, the penalty shall be two hundred fifty dollars per day. For a second ~~or any subsequent~~ suspension, the penalty shall be ~~one~~ five hundred dollars per day, and for a third or subsequent suspension the penalty shall be one thousand dollars per day, except that for any licensee which has no violation for a period of four years consecutively, the suspension shall be treated as a first suspension. Such election shall be filed with the commission in writing one week before such suspension is ordered to commence and shall be accompanied by payment in full of the sum required by this section. If such election has not been received by the commission by the close of business one week before the day such suspension is ordered to commence, it shall be conclusively presumed that the licensee has elected to close for the period of the suspension and any election received later shall be absolutely void and the payment made shall be returned to the licensee. The election shall be made on a form prescribed by the commission. All funds received under this section shall be remitted to the State Treasurer for credit to the temporary school fund.".

2. On page 46, line 26, after the third comma insert "53-1,104,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 848. Placed on General File as amended.
Standing Committee amendment to LB 848:
AM0590

1. Strike original section 1.
2. On page 5, line 26, strike "2-1203,".
3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 482. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

GENERAL FILE

LEGISLATIVE BILL 502. Title read. Considered.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM0359, found on page 639, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Messrs. Coordsen, Chambers, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Preister moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Preister requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 22:

Beutler
Bohlke
Bromm
Brown
Bruning
Crosby
Engel
Hartnett
Hilgert
Hillman
Janssen
Kiel
Lynch
Robinson
Schimek
Schmitt
Suttle
Tyson
Wesely
Wickersham
Will
Withem

Voting in the negative, 14:

Elmer
Hudkins
Jensen
Jones
Kristensen
McKenzie
Pedersen, Dw.
Pederson, D.
Schellpeper
Schrock
Stuhr
Vrtiska
Wehrbein
Witek

Present and not voting, 5:

Cudaback	Dierks	Matzke	Maurstad	Preister

Excused and not voting, 8:

Abboud	Chambers	Landis	Robak	Warner
Brashear	Coordsen	Peterson, C.		

Failed to advance to E & R for review with 22 ayes, 14 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Wesely, Beutler, and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 832. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Revenue

LEGISLATIVE BILL 270. Placed on General File as amended.
(Standing Committee amendment, AM0485, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jerome Warner, Chairperson

Natural Resources

LEGISLATIVE BILL 356. Placed on General File.

LEGISLATIVE BILL 518. Placed on General File as amended.
(Standing Committee amendment, AM0403, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Chris Beutler, Chairperson

Agriculture

LEGISLATIVE BILL 193. Placed on General File.

(Signed) Merton L. Dierks, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 252. Placed on General File as amended.
Standing Committee amendment to LB 252:
AM0497

1. On page 2, strike beginning with "includes" in line 11 through "training" in line 23 and insert "equals five thousand dollars".

2. On page 3, after line 27 insert the following new subsection:

"(9) A governmental entity which owes reimbursement under this section shall pay the reimbursement within ninety days after the law enforcement officer commences employment with the governmental entity. If reimbursement is not paid within the ninety-day period, the governmental entity owed reimbursement may bring a civil action to collect the reimbursement.".

(Signed) C. N. "Bud" Robinson, Chairperson

Judiciary

LEGISLATIVE BILL 643. Placed on General File as amended.
Standing Committee amendment to LB 643:
AM0593

1. On page 5, strike lines 8 through 18 and insert the following new subdivision:

"(2)(a) No custodian of a videotape of a child victim or child witness alleging, explaining, denying, or describing an act of sexual assault pursuant to section 28-319 or 28-320.01 or child abuse pursuant to section 28-707 as part of an investigation or evaluation of the abuse or assault shall release or use a videotape or copies of a videotape or consent, by commission or omission, to the release or use of a videotape or copies of a videotape to or by any other party without a court order, notwithstanding the fact that the child victim or child witness has consented to the release or use of the videotape or that the release or use is authorized under law, except as provided in section 28-730. Any custodian may release or consent to the release or use of a videotape or copies of a videotape to law enforcement agencies or agencies authorized to prosecute such abuse or assault cases on behalf of the state.".

2. On page 6, line 2, after "releases" insert "or uses".

LEGISLATIVE BILL 407. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

DEQ--Air Emission Fee Report		
	Thursday, March 6, 1997 (Cancel)	1:30 p.m.
	Thursday, March 13, 1997 (Reset)	1:30 p.m.
LB 667	Thursday, March 13, 1997 (Cancel)	1:30 p.m.
LB 667	Thursday, March 6, 1997 (Reset)	1:30 p.m.
LB 707	Thursday, March 6, 1997 (Cancel)	1:30 p.m.
LB 707	Thursday, March 13, 1997 (Reset)	1:30 p.m.

(Signed) Chris Beutler, Chairperson

Appropriations/Nebraska Retirement Systems

CORRECTION:
The Agency 85, Employees Retirement Board, meeting at 1:30 p.m. on March 13 in Room 1003, will be a joint meeting with the Appropriations Committee and the Nebraska Retirement Systems Committee.

(Signed) Roger R. Wehrbein, Chairperson

Transportation

LB 353	Tuesday, March 18, 1997	9:30 a.m.
LB 402	Tuesday, March 18, 1997	9:30 a.m.
LB 463	Tuesday, March 18, 1997	9:30 a.m.
LB 694	Tuesday, March 18, 1997	9:30 a.m.
LB 697	Tuesday, March 18, 1997	9:30 a.m.
LB 698	Tuesday, March 18, 1997	9:30 a.m.

(Signed) Douglas A. Kristensen, Chairperson

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LB 364:
AM0539

1. On page 4, lines 9, 12, and 16, before "secured" insert "fully".

ANNOUNCEMENT

Mr. Jones designates LB 465 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 124. Title read. Considered.

Mr. Lynch renewed his pending amendment, AM0560, found on page 781.

SPEAKER WITHEM PRESIDING

Messrs. Dierks, Robinson, and Cudaback asked unanimous consent to be excused. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Lynch moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Lynch amendment was adopted with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 11, 47, 58, 68, 80, 103, 111, 111A, 121, 140, 153, 161, 210, 230, 258, 285, 315, 344, 412, 426, 479, 631, and 666.

Enrollment and Review Change to LB 58

The following changes, required to be reported for publication in the Journal, have been made:
ER9018
1. In the Beutler amendment, AM0346, on page 1, line 3, "certified copy of the court order of the" has been struck and "court order of" inserted.

Enrollment and Review Change to LB 111

The following changes, required to be reported for publication in the Journal, have been made:
ER9020
1. On page 4, line 6, "person" has been struck and "persons" inserted.

Enrollment and Review Change to LB 161

The following changes, required to be reported for publication in the Journal, have been made:
ER9021
1. On page 2, line 18, strike "of", show as stricken, and insert "after".

Enrollment and Review Change to LB 344

The following changes, required to be reported for publication in the Journal, have been made:
ER9016

1. In the Brown amendment, AM0252, on page 1, line 21, "section" has been struck.
2. On page 1, line 1, "the Nebraska Redevelopment Act" has been struck and "economic development" inserted; in line 2 "58-504" has been struck and "77-4935, Reissue Revised Statutes of Nebraska, and sections 58-504 and 58-533" inserted; in line 4 "to eliminate termination date provisions;" has been inserted after the first semicolon; and in line 5 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 412

The following changes, required to be reported for publication in the Journal, have been made:
ER9019

1. Original section 3 has been renumbered as section 2.
2. In the Standing Committee amendment, AM0286, section 4 has been renumbered as section 3.

(Signed) Jon C. Bruning, Chairperson

ANNOUNCEMENTS

Mr. Kristensen announced the Transportation Committee will hold an executive session Monday, March 3, 1997, at 1:30 p.m., and Tuesday, March 4, 1997, at 1:30 p.m., in Room 1113.

The General Affairs Committee designates LB 248 and LB 249 as its priority bills.

AMENDMENT - Print in Journal

Mr. Kristensen filed the following amendment to LB 397:
AM0632

1. In the E & R amendments, AM7032:
   a. Strike section 41;
   b. On page 33, line 20, strike "77-510" and insert "77-509.02";
   c. On page 34, line 1, after the first comma insert "77-510,"; and
   d. Renumber the remaining sections and correct internal references accordingly.
2. On page 1, line 2, strike "77-510" and insert "77-509.02".

3. On page 2, line 5, after the first comma insert "77-510,".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 422. No objections. So ordered.

STANDING COMMITTEE REPORT
Revenue

The Committee on Revenue desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Catherine Lang-Morrissey - Property Tax Administrator

VOTE: Aye: Senators Coordsen, Hartnett, Kristensen, Schellpeper, Warner, Wickersham, and Will. Nay: None. Absent: Senator Landis.

(Signed) Jerome Warner, Chairperson

VISITORS

Visitors to the Chamber were 24 fourth grade students and sponsor from Esther's Home School, Omaha, Nebraska.

The Doctor of the Day was Lynne Holz from Lincoln.

ADJOURNMENT

At 11:58 a.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Friday, February 28, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-THIRD DAY - FEBRUARY 28, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, February 28, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Larry Kassebaum, Our Saviour's Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Kiel and Mr. Landis who were excused; and Mmes. Bohlke, Brown, McKenzie, Witek, Messrs. Brashear, Bromm, Hilgert, Kristensen, Lynch, Warner, Wehrbein, Wesely, Wickersham, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-second day was approved.

RESOLUTIONS

LEGISLATIVE RESOLUTION 81. Read. Considered.

LEGISLATIVE RESOLUTION 82. Read. Considered.

LEGISLATIVE RESOLUTION 83. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 81, 82, and 83 were adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 717: Rick R. Sanders - Nebraska Power Review Board and George W. (Woody)

Egermeyer, Jr. - Nebraska Game and Parks Commission.

Voting in the affirmative, 27:

Abboud
Beutler
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Maurstad
Pedersen, Dw.
Pederson, D.
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Withem

Voting in the negative, 0.

Present and not voting, 6:

Elmer
Matzke
Peterson, C.
Robak
Tyson
Vrtiska

Excused and not voting, 16:

Bohlke
Brashear
Bromm
Brown
Hilgert
Kiel
Kristensen
Landis
Lynch
McKenzie
Warner
Wehrbein
Wesely
Wickersham
Will
Witek

The appointments were confirmed with 27 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

Mr. Coordsen moved the adoption of the report of the Revenue Committee for the following appointment found on page 810: Catherine Lang-Morrissey - Property Tax Administrator.

Voting in the affirmative, 29:

Abboud
Bruning
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 6:

Beutler
Dierks
Maurstad
Robak
Robinson
Tyson

Excused and not voting, 14:

Bohlke
Brashear
Bromm
Brown
Hilgert
Kiel
Kristensen
Landis
Lynch
McKenzie
Warner
Wesely
Will
Witek

The appointment was confirmed with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

MOTION - Introduce New Bills

Mr. Abboud moved to permit the introduction of new bills by the Business and Labor Committee, Req. 1257 and Req. 1258, pursuant to Rule 5, Section 4(c).

The motion prevailed with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 890. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27; Schrock, 38.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

LEGISLATIVE BILL 891. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27; Schrock, 38.

A BILL FOR AN ACT relating to claims against the state; to disapprove certain claims.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 873. Placed on General File.
LEGISLATIVE BILL 874. Placed on General File.

LEGISLATIVE BILL 299. Placed on General File as amended.
Standing Committee amendment to LB 299:
AM0464

1. Strike the original sections and insert the following new sections:

"Section 1. Section 18-1736, Revised Statutes Supplement, 1996, is amended to read:

18-1736. (1) A city or village may designate parking spaces for the exclusive use of (a) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to section 60-311.14, (b) handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state, (c) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city or village, whose motor vehicles display the permit specified in section 18-1739, and (d) such other motor vehicles, as certified by the city or village, which display the permit specified in section 18-1739. All such permits shall be displayed by ~~attaching~~ hanging the permit ~~to~~ from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. ~~When there is no rearview mirror, the~~ The permit shall be displayed on the dashboard only when there is no rearview mirror.

(2) If a city or village so designates a parking space, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space a sign as described in section 18-1737. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space.

Sec. 2. Section 18-1737, Revised Statutes Supplement, 1996, is amended to read:

18-1737. (1) Any city or village, any state agency, and any person in lawful possession of any offstreet parking facility may designate stalls or spaces in such facility owned or operated by the city, ~~or~~ village, state agency, or person for the exclusive use of handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to section 60-311.14, such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the city or village, whose motor vehicles display the permit specified in section 18-1739, and such other motor vehicles, as certified by the city or village, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space a sign which is in conformance with the Manual on Uniform Traffic Control Devices adopted pursuant to section 60-6,118.

(2) The owner or person in lawful possession of an offstreet parking facility, after notifying the police or sheriff's department, as the case may be, and any city, ~~or~~ village, or state agency providing onstreet parking or owning, operating, or providing an offstreet parking facility may cause the removal, from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying the proper permit or the distinguishing license plates

specified in this section if there is posted aboveground and immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(3) A person who parks a vehicle in any onstreet parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space in any offstreet parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom, as the case may be, the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space shall be guilty of a handicapped parking infraction as defined in section 18-1741.01 and shall be subject to the penalties and procedures set forth in sections 18-1741.01 to 18-1741.07. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction as defined in section 18-1741.01. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section. In the case of a privately owned offstreet parking facility, a city or village shall not require the owner or person in lawful possession of such facility to inform the city or village of a violation of this section prior to the city or village issuing the violator a handicapped parking infraction citation.

(4) For purposes of this section and section 18-1741.01, state agency means any division, department, board, bureau, commission, or agency of the State of Nebraska created by the Constitution of Nebraska or established by act of the Legislature, including the University of Nebraska and the Nebraska state colleges, when the entity owns, leases, controls, or manages property which includes offstreet parking facilities.

Sec. 3. Section 18-1741.01, Revised Statutes Supplement, 1996, is amended to read:

18-1741.01. (1) For purposes of sections 18-1741.01 to 18-1741.07, handicapped parking infraction shall mean the violation of any statute or ordinance regulating (a) the use of parking spaces designated for use by handicapped or disabled persons or (b) the obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990.

(2) For any offense classified as a handicapped parking

infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance or resolution approved by a governing board of a county, city, or village to exercise the authority to issue a citation for any handicapped parking infraction. Such authorization shall be carried out in the manner specified in sections 18-1741.03 and 18-1741.04.

(3) A state agency as defined in section 18-1737 which owns, leases, controls, or manages state property on which public parking is allowed may enter into an agreement with the governing board of the county, city, or village in which the state property or any portion of it is located to allow the political subdivision to enforce sections 18-1736 to 18-1741.07 on such state property.

Sec. 4. Section 81-1108.15, Revised Statutes Supplement, 1996, is amended to read:

81-1108.15. (1) The division shall have the primary functions and responsibilities of statewide facilities planning, facilities construction, and facilities administration and shall adopt and promulgate rules and regulations to carry out this section.

(2) Facilities planning shall include the following responsibilities and duties:

(a) To maintain utilization records of all state-owned, state-occupied, and vacant facilities;

(b) To coordinate comprehensive capital facilities planning;

(c) To define and review program statements based on space utilization standards;

(d) To prepare or review planning and construction documents;

(e) To develop and maintain time-cost schedules for capital construction projects;

(f) To assist the Governor and the Legislative Fiscal Analyst in the preparation of the capital construction budget recommendations;

(g) To maintain a complete inventory of all state-owned, state-occupied, and vacant sites and structures and to review the proposals for naming such sites and structures;

(h) To determine space needs of all state agencies and establish space-allocation standards; and

(i) To cause a state comprehensive capital facilities plan to be developed.

(3) Facilities construction shall include the following powers and duties:

(a) To maintain close contact with and inspections of each project so as to assure execution of time-cost schedules and efficient contract performance if such project's total design and construction cost is more than fifty thousand dollars;

(b) To perform final acceptance inspections and evaluations; and

(c) To coordinate all change or modification orders and progress payment orders.

(4) Facilities administration shall include the following powers and duties:

(a) To serve as state leasing administrator or agent for all facilities to be leased for use by the state and for all state-owned facilities to be rented to state agencies or other parties subject to section 81-1108.22. The division shall remit the proceeds from any rentals of state-owned facilities to the State Treasurer for credit to the State Building Revolving Fund and the Building Renewal Allocation Fund;

(b) To provide all maintenance, repairs, custodial duties, security, and administration for all buildings and grounds owned or leased by the State of Nebraska except as provided in subsection (5) of this section;

(c) To procure and manage office space and assign the remaining office space after the Executive Board of the Legislative Council has made its determination pursuant to subsection (1) of section 81-1108.21;

(d) To be responsible for adequate parking and the designation of parking stalls or spaces in offstreet parking facilities for the exclusive use of handicapped or disabled or temporarily handicapped or disabled persons pursuant to section 18-1737;

(e) To ensure that all state-owned, state-occupied, and vacant facilities are maintained or utilized to their maximum capacity or to dispose of such facilities through lease, sale, or demolition;

(f) To report monthly time-cost data on projects to the Governor and the Clerk of the Legislature;

(g) To administer the State Emergency Capital Construction Contingency Fund;

(h) To submit status reports to the Governor and the Legislative Fiscal Analyst after each quarter of a construction project is completed detailing change orders and expenditures to date. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division; and

(i) To submit a final report on each project to the Governor and the Legislative Fiscal Analyst. Such report shall include, but not be limited to, a comparison of final costs and appropriations made for the project, change orders, and modifications and whether the construction complied with the related approved program statement. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division.

(5) Subdivisions (4)(a) through (4)(e) of this section shall not apply to (i) state-owned facilities to be rented to state

agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (ii) buildings and grounds owned or leased for use by the University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, (iii) facilities to be leased for nonoffice use by the Department of Roads, (iv) buildings or grounds owned or leased by the Game and Parks Commission if the application of such subdivisions to the buildings or grounds would result in ineligibility for or repayment of federal funding, (v) buildings or grounds of the state park system, state recreation areas, state historical parks, state wildlife management areas, or state recreational trails, or (vi) other buildings or grounds owned or leased by the State of Nebraska which are specifically exempted by the division because the application of such subdivisions would result in the ineligibility for federal funding or would result in hardship on an agency, board, or commission due to other exceptional or unusual circumstances.

(6) Each member of the Legislature shall receive a copy of the reports required by subdivisions (4)(f), (h), and (i) of this section by making a request for them to the administrator. The information on such reports shall be submitted to the division by the agency responsible for the project.

Sec. 5. Original sections 18-1736, 18-1737, 18-1741.01, and 81-1108.15, Revised Statutes Supplement, 1996, are repealed.".

LEGISLATIVE BILL 298. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

ANNOUNCEMENT

The Chair announced today is Senator McKenzie's birthday.

GENERAL FILE

LEGISLATIVE BILL 104. Mr. Chambers renewed his pending amendment, FA31, found on page 724 and considered on page 779.

Messrs. Beutler, Withem, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Suttle renewed her pending amendment, AM0569, found on page 782, to the Chambers pending amendment.

Messrs. Maurstad and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Suttle moved for a call of the house. The motion prevailed with 14

ayes, 0 nays, and 35 not voting.

Mrs. Suttle requested a roll call vote on her amendment.

Voting in the affirmative, 9:

Crosby
Dierks
Hilgert
Jensen
Lynch
Preister
Robak
Schimek
Suttle

Voting in the negative, 9:

Abboud
Bruning
Elmer
Hudkins
Kristensen
Matzke
Schrock
Wehrbein
Wickersham

Present and not voting, 19:

Beutler
Chambers
Cudaback
Engel
Hartnett
Hillman
Janssen
Jones
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robinson
Schmitt
Stuhr
Tyson
Vrtiska
Wesely
Will

Excused and not voting, 12:

Bohlke
Brashear
Bromm
Brown
Coordsen
Kiel
Landis
Maurstad
Schellpeper
Warner
Witek
Withem

The Suttle amendment lost with 9 ayes, 9 nays, 19 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved to reconsider the vote on the Suttle amendment.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Robinson and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion failed with 22 ayes, 1 nay, and 26 not voting.

Messrs. Schmitt, Wesely, and Janssen asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Will moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 30:

Abboud
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hillman
Hudkins
Jensen
Kristensen
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Schrock
Stuhr
Tyson
Vrtiska
Warner
Wehrbein
Wickersham
Will
Witek

Voting in the negative, 2:

Chambers
Schimek

Present and not voting, 7:

Hartnett
Hilgert
Lynch
McKenzie
Preister
Suttle
Withem

Excused and not voting, 10:

Beutler
Bohlke
Janssen
Jones
Kiel
Landis
Robinson
Schellpeper
Schmitt
Wesely

The motion to cease debate prevailed with 30 ayes, 2 nays, 7 present and not voting, and 10 excused and not voting.

The Chambers motion to reconsider failed with 11 ayes, 25 nays, 3 present and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

NOTICE OF COMMITTEE HEARINGS
General Affairs

LB 101	Monday, March 10, 1997	1:30 p.m.
LB 242	Monday, March 10, 1997	1:30 p.m.
LB 247	Monday, March 10, 1997	1:30 p.m.

LB 359	Monday, March 10, 1997	1:30 p.m.
LB 582	Monday, March 10, 1997	1:30 p.m.
LB 846	Monday, March 10, 1997	1:30 p.m.
LR 46CA	Monday, March 10, 1997	1:30 p.m.

Monday, March 10, 1997 1:30 p.m.
Nebraska Advisory Commission on Compulsive Gambling
Janet French
Leonard Hawkins
Dick Stalker

(Signed) Stan Schellpeper, Chairperson

AMENDMENTS - Print in Journal

Messrs. Wickersham and Schellpeper filed the following amendment to LB 250:
AM0654

1. Strike original section 4 and insert the following new section:

"Sec. 4. (1) For purposes of this section:

(a) Political subdivision includes villages, cities of all classes, counties, school districts, public power districts, and all other units of local government, including entities created by local public agencies pursuant to the Interlocal Cooperation Act. Political subdivision does not include any contractor with a political subdivision;

(b) Receiving entity means a political subdivision which receives transferred employees from a separate political subdivision; and

(c) Transferring entity means a political subdivision which is transferring employees to a separate political subdivision.

(2) For transfers involving a retirement system which maintains a defined benefit plan, the transfer value of the transferring employee's accrued benefit shall be calculated by one or both of the retirement systems involved as follows:

(a) If the retirement system of the transferring entity maintains a defined benefit plan, an initial benefit transfer value of the employee's accrued benefit shall be determined by calculating the present value of the employee's retirement benefit based on the employee's years of service as of the date of transfer and the other actuarial assumptions of the retirement system of the transferring entity so that the effect on the retirement system of the transferring entity will be actuarially neutral; and

(b) If the retirement system of the receiving entity maintains a defined benefit plan, the final benefit transfer value of the employee's accrued benefit shall be determined by calculating the present value of the employee's retirement benefit as if the employee were employed on the date of transfer and had completed the same amount of service with the same compensation as the employee actually completed at the transferring entity prior to transfer. The calculation shall then be based on the employee's assumed years of service as of the date of transfer and the other actuarial assumptions of the retirement system of the receiving entity so that the effect on the retirement system of the receiving entity will be actuarially neutral.

(3) A full-time or part-time employee of a transferring entity who becomes an employee of a receiving entity pursuant to a merger of services shall receive credit for his or her years of participation in the retirement system of the transferring entity for purposes of membership in the retirement system of the receiving entity.

(4) An employee referred to in subsection (3) of this section shall elect one of the following options:

(a) The employee may elect to take a termination benefit in the retirement system of the transferring entity as if the employee were terminating employment with the transferring entity and shall thereafter be treated as a new employee for purposes of the retirement system of the receiving entity; or

(b)(i) If the retirement system of the receiving entity maintains a defined contribution plan, the employee may transfer all of his or her funds by paying to the retirement system of the receiving entity from funds held by the retirement system of the transferring entity an amount equal to one of the following: (A) If the retirement system of the transferring entity maintains a defined benefit plan, an amount not to exceed the initial benefit transfer value, leaving no funds attributable to the transferred employee within the retirement system of the transferring entity, or (B) if the retirement system of the transferring entity maintains a defined contribution plan, an amount not to exceed the employee and employer accounts of the transferring employee plus earnings during the period of employment with the transferring entity. The employee shall receive eligibility and vesting credit for his or her years of service in a governmental plan, as defined in section 414(d) of the Internal Revenue Code, maintained by the transferring entity. Payment shall be made within five years after employment begins with the receiving entity or prior to retirement, whichever comes first, and may be made through direct payment, installment payments, or an irrevocable payroll deduction authorization; or

(ii) If the retirement system of the receiving entity maintains a defined benefit plan, the employee may transfer all of his or her funds out of the retirement system of the transferring entity to purchase service credits that will generate a final benefit transfer value not to exceed the employee's initial benefit transfer value in the retirement system of the transferring entity. After such purchase, the employee shall receive eligibility and vesting credit in the retirement system of the receiving entity for his or her years of service in a governmental plan, as defined in section 414(d) of the Internal Revenue Code, maintained by the transferring entity. The election to purchase service credit shall be made within three years after the employment begins with the receiving entity. The amount to be paid by the member for such service credit shall equal the actuarial cost to the retirement system of the receiving entity for allowing such additional service credit to the employee. If any funds remain in the retirement system of the transferring entity after the employee has purchased service credits in the retirement system of the receiving entity, such remaining funds shall be rolled over into another qualified trust under section 401(a) of the Internal Revenue Code, an individual retirement account, or an individual retirement annuity. Payment shall be made within five years after the employee elects to purchase the service credit or prior to retirement, whichever comes first, and may be made through direct payment, installment payments, or an irrevocable payroll deduction authorization.

(5) The transferring entity, the receiving entity, and the employees who are being transferred may by binding agreement determine which parties will provide funds to pay any amount needed to purchase creditable service in the retirement system of the receiving entity sufficient to provide a final benefit transfer value not to exceed the employee's initial benefit transfer value, if the amount of a direct rollover from the retirement system of the transferring entity is not sufficient to provide a final benefit transfer value in the retirement system of the receiving entity.

(6) The retirement system of the receiving entity may accept cash rollover contributions from a member who is making payment pursuant to this section if the contributions do not exceed the amount of payment required for the service credits purchased by the member and the contributions represent (a) all or any portion of the balance of the member's interest in a qualified trust under section 401(a) of the Internal Revenue Code or (b) the interest of the member from an individual retirement account or an individual retirement annuity, the entire of which is attributable to a qualified total distribution, as defined in the Internal Revenue Code, from a qualified trust under section 401(a) of the code and qualified as a tax-free rollover amount. The member's interest under subdivision (a) or (b) of this subsection must be transferred to the retirement system within sixty days after the date of the distribution from the qualified trust, individual retirement account, or individual retirement annuity.

(7) Cash transferred to the retirement system of the receiving entity as a rollover contribution shall be deposited as other contributions.

(8) The retirement system of the receiving entity may accept direct rollover distributions made from a qualified trust

pursuant to section 401(a)(31) of the Internal Revenue Code. The direct rollover distribution shall be deposited as all other payments under this section.

(9) The receiving entity or its retirement system shall adopt provisions defining procedures for acceptance of rollovers which are consistent with sections 401(a)(31) and 402 of the Internal Revenue Code.

(10) Any retirement system authorized pursuant to section 14-1805, 15-1017, 16-1004, 16-1023, 19-3501, or 23-1118 or any retirement system for a city of the metropolitan class authorized pursuant to home rule charter shall be modified to conform with this section prior to any merger of service involving such system.".

Mr. Lynch filed the following amendment to LB 803:
AM0672

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 10 of this act shall be known and may be cited as the Community-Based Neurobehavioral Rehabilitation Act.

Sec. 2. For purposes of the Community-Based Neurobehavioral Rehabilitation Act:

(1) Activity and vocational services means services which are intended to provide routine structure and activity in a vocational setting to enhance the adaptive behavioral capability of individuals with disabilities whose primary disability results from brain or head injuries and who as a consequence of the disabilities are unable to pursue competitive employment. Activity and vocational services shall include such services provided and coordinated through appropriately structured adult day care, work activity, vocational training, and sheltered employment settings with an intended goal of enhancing the individual's long-term potential for vocational activity;

(2) Associated neurobehavioral services means any service necessary or essential to enhance the adaptive capability of a person with a history of brain or head injuries. Examples of such services include behavior management, visual rehabilitation, occupational therapy, epilepsy treatment and control, and use of assistive technology devices;

(3) Behavior management services means behavioral manipulation or modification of the behavior of individuals with disabilities whose primary disability results from brain or head injuries which (a) enhances behavioral capabilities to acquire or demonstrate psychosocial adaptive behavior, (b) teaches such individuals to learn or acquire new skills or information, (c) provides systematic observation and supervision to sustain the safety, health, or well-being of such individuals, and (d) enhances other sensory, cognitive, or behavioral capabilities which enable

such individuals to compensate for their functional limitations. Behavior management services may be provided individually or to groups and shall be provided by trained neurobehavioral rehabilitation case counselors. Assistive technology devices may be used;

(4) Community-based neurobehavioral rehabilitation means the provision of behavior management and associated neurobehavioral services to provide independent living services, activity and vocational services, and psychosocial rehabilitation services in community-based settings to individuals with disabilities whose primary disability results from brain or head injuries;

(5) Department means the State Department of Education;

(6) Division means the Division of Rehabilitation Services of the department;

(7) Independent living services means the behavioral manipulation or modification of the environment and includes the use of assistive technology devices and assistive technology services to enhance the independent living capability of individuals with disabilities whose primary disability results from brain or head injuries;

(8) Individuals with disabilities whose primary disability results from brain or head injuries means individuals:

(a) Who have acquired brain or head injuries resulting directly or indirectly from closed or penetrating brain or head trauma, infection, febrile condition, anoxia, vascular lesion, toxin, metabolic condition, or spinal cord injury and whose brain or head injuries are not primarily related to congenital or degenerative conditions, chemical dependency, or aging processes; and

(b) Who have permanent or temporary impairment of mental, cognitive, behavioral, or physical functioning which directly or indirectly results in impairment in attention, cognition, language function, memory, conduct, behavior, motor function, or any other neuropsychological or cognitive behavioral function that did not occur as a result of perinatal factors or developmental anomaly;

(9) Neurobehavioral rehabilitation case counselors means credentialed individuals who have no less than a master's degree in vocational rehabilitation counseling, counseling psychology, or guidance and counseling, who are responsible for developing and implementing planned, systematic behavior management services for individuals with disabilities whose primary disability results from brain or head injuries, and who have received additional specialized training for such responsibilities pursuant to subdivision (1) of section 6 of this act; and

(10) Psychosocial rehabilitation services means the community-based psychosocial rehabilitation services intended (a) to reduce the likelihood that individuals with disabilities whose primary disability results from brain or head injuries will develop aberrant or otherwise undesirable behavioral adaptations, (b) to

reduce inactivity, and (c) to provide age-appropriate psychosocial interactions and activities.

Sec. 3. The department shall establish within the division the Community-Based Comprehensive Neurobehavioral Rehabilitation Pilot Project Program. The division, with the assistance of the Community-Based Neurobehavioral Rehabilitation Steering Committee, shall establish additional guidelines and criteria for three pilot projects in the program. Each project shall be provided funds of up to one hundred thousand dollars per year.

Sec. 4. The Community-Based Neurobehavioral Rehabilitation Steering Committee is created to provide, in an advisory capacity, technical assistance and support to the State Department of Education in the development and implementation of the Community-Based Neurobehavioral Rehabilitation Act. The committee is comprised of eight members as follows: (1) The director of the Division of Rehabilitation or his or her representative; (2) the director of the assistive technology project of the Division of Rehabilitation; (3) two individuals who serve as director or administrator of a consumer-controlled private corporation qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, that has been in existence for at least five years, which is an advocate for individuals with disabilities whose primary disability results from brain or head injuries; and (4) four persons who are individuals with disabilities whose primary disability results from brain or head injuries or immediate family members or guardians of such individuals.

The members of the committee shall be appointed by the State Board of Education within ninety days after the effective date of this act. Any vacancy occurring on the committee shall be filled from the same category and in the same manner as the original appointment was made.

Members of the committee shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177. The committee shall select a chairperson and such other officers as it deems necessary to perform its functions and shall establish rules and regulations to govern its procedures.

Sec. 5. Each pilot project program shall:

(1) Provide community-based neurobehavioral rehabilitation services and provide payment for such services for individuals with disabilities whose primary disability results from brain or head injuries and who are medically stable and, as a result of such primary disability, are unable to sustain competitive employment or are psychosocially dependent with regard to their personal safety;

(2) Identify and assess such individuals' needs for community-based neurobehavioral rehabilitation. Such identification and assessment shall be carried out with federal,

state, and appropriate professional standards deemed necessary for the adequate provision of such services;

(3) Identify and coordinate state policies, resources, including funding resources, and services relating to the provision of community-based neurobehavioral rehabilitation;

(4) Ensure that community-based neurobehavioral rehabilitation is planned or provided by neurobehavioral rehabilitation case counselors. Such counselors shall obtain cognitive, behavioral, psychosocial, and medical diagnostic information as required and shall coordinate, plan, and provide individualized community-based neurobehavioral rehabilitation. Special attention to the needs of families and caregivers of such individuals shall be a principal concern of neurobehavioral rehabilitation case counselors;

(5) Compile and evaluate appropriate data relating to the program;

(6) Establish procedures providing for the active involvement of individuals with disabilities whose primary disability results from brain or head injuries, families or representatives of such individuals, appropriate advocacy organizations, or other appropriate individuals in the development and implementation of the program and for the active involvement, to the maximum extent appropriate, of such individuals who use community-based neurobehavioral rehabilitation in decisions relating to the use, planning, or provision of such behavior management services; and

(7) Any other function the division considers appropriate.

Sec. 6. The division shall:

(1) Develop and implement a program for the training of neurobehavioral rehabilitation case counselors which shall address principles and practices of rehabilitation and behavior management for individuals with disabilities whose primary disability results from brain or head injuries; and

(2) Develop and implement a public awareness and information program addressing (a) the prevention of brain and head injuries and (b) the availability of services and funding for the treatment of individuals with disabilities whose primary disability results from brain or head injuries.

Sec. 7. To carry out subsection (2) of section 6 of this act, the division may contract with a consumer-controlled private corporation qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, that has been in existence for at least five years and which is an advocate for individuals with disabilities whose primary disability results from brain or head injury.

Sec. 8. One pilot project program shall be located in each of the three congressional districts and shall begin providing services July 1, 1998.

Sec. 9. The pilot projects shall continue for three calendar years and by January 1, 2001, the department shall conduct an overall evaluation of the success or failure of the pilot project programs and components thereof. A report evaluating the pilot projects shall be made to the State Board of Education and the Legislature by January 15, 2001.

Sec. 10. The department with advice from the steering committee shall adopt and promulgate rules and regulations to carry out the Community-Based Neurobehavioral Rehabilitation Act.".

Mr. Cudaback filed the following amendment to LB 70:
AM0661

(Amendments to Standing Committee amendments, AM0371)

1. On page 2, line 20; page 3, lines 4 and 10; page 4, line 13; page 7, line 25; and page 8, line 26, strike "designated".

2. On page 2, strike line 21 and insert "official, or political subdivision".

3. On page 3, lines 4 and 11; and page 4, line 14, strike "other".

4. On page 10, line 23, strike "(2)" and insert "(5)".

Mr. Lynch filed the following amendment to LB 802:
AM0667

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Assistive Technology Regulation Act.

Sec. 2. For purposes of the Assistive Technology Regulation Act, the definitions found in sections 3 to 13 of this act apply.

Sec. 3. Assistive device means any device, including a demonstrator, that a consumer purchases or accepts transfer of in this state which is used for a major life activity, including, but not limited to, manual wheelchairs, motorized wheelchairs, motorized scooters, and other aides that enhance the mobility of an individual; hearing aids, telephone communication devices for the deaf (TTY), assistive listening devices, and other aides that enhance an individual's ability to hear; voice synthesized computer modules, optical scanners, talking software, braille printers, and other devices that enhance a sight-impaired individual's ability to communicate; environmental control units; and any other assistive device that enables a person with a disability to communicate, see, hear, or maneuver.

Sec. 4. Assistive device dealer means a person who is in the business of selling assistive devices.

Sec. 5. Assistive device lessor means a person who leases an assistive device to a consumer under a written lease or who holds the lessor's rights under a written lease.

Sec. 6. Collateral costs means expenses incurred by an assistive device lessor or a consumer in connection with the repair of a nonconformity, including the costs of sales tax and of obtaining an alternative assistive device.

Sec. 7. Consumer means any of the following:

(1) An individual or entity purchasing an assistive device if the assistive device was purchased from an assistive device dealer or manufacturer for purposes other than resale;

(2) An individual or entity to whom the assistive device is transferred for purposes other than resale if the transfer occurs before the expiration of an express warranty applicable to the assistive device;

(3) An individual or entity who may enforce the warranty; or

(4) An individual or entity who leases an assistive device from an assistive device lessor under a written lease.

Sec. 8. Demonstrator means an assistive device used primarily for the purpose of demonstration to the public.

Sec. 9. Manufacturer means a person who manufactures or assembles assistive devices and agents of that person, including an importer, a distributor, a factory branch, a distributor branch, and any warrantors of the manufacturer's assistive device, but not including an assistive device dealer.

Sec. 10. Major life activity means a function such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Sec. 11. Nonconformity means a condition or defect that substantially impairs the use, value, or safety of an assistive device and that is covered by an express warranty applicable to the assistive device or to a component of the assistive device but does not include (1) a condition or defect that is the result of abuse, neglect, or unauthorized modification or alteration of the assistive device by a consumer or (2) a condition that is the result of normal use which could be resolved through fitting adjustments, cleaning, or proper care.

Sec. 12. Reasonable allowance for use means an amount up to a maximum of the amount obtained by multiplying the total amount for which the written lease obligates the consumer by a fraction, the denominator of which is one thousand eight hundred twenty-five and the numerator of which is the number of days that the consumer used the assistive device before first reporting the nonconformity to the manufacturer, assistive device lessor, or assistive device dealer.

Sec. 13. Reasonable attempt to repair means within the terms of an express warranty applicable to a new assistive device:

(1) Any nonconformity within the warranty that has been repaired by the manufacturer, the assistive device lessor, or any of the manufacturer's authorized assistive device dealers on at least two previous occasions and a nonconformity continues; or

(2) The assistive device is out of service for repair for

an aggregate of at least thirty cumulative days because of warranty nonconformity.

Sec. 14. (1) A manufacturer who sells an assistive device to a consumer, either directly or through an assistive device dealer, shall furnish the consumer with an express warranty for the assistive device. The duration of the express warranty shall be not less than one year after first delivery of the assistive device to the consumer. If a manufacturer fails to furnish an express warranty as required by this section, the assistive device shall be covered by an express warranty for a period of one year as if the manufacturer had furnished an express warranty to the consumer as required by this section.

(2) An express warranty does not take effect until the consumer takes possession of the new assistive device.

(3) If a new assistive device does not conform to an applicable express warranty and the consumer reports the nonconformity to the manufacturer, the assistive device lessor, or any of the manufacturer's authorized assistive device dealers and makes the assistive device available for repair before one year after first delivery of the device to a consumer, the nonconformity shall be repaired or a refund or replacement shall be made pursuant to section 15 of this act.

Sec. 15. (1) The manufacturer shall:

(a) Accept an offer to return or an offer to transfer possession of any nonconforming assistive device by a consumer. Within thirty days after such offer, the manufacturer shall provide the consumer with a comparable assistive device or refund to the consumer and to any holder of a perfected security interest in the consumer's assistive device, as the interest may appear, the amount paid by the consumer at the point of sale, plus any finance charge and collateral costs, less a reasonable allowance for use; or

(b) Accept an offer to return or an offer to transfer possession of any nonconforming assistive device by an assistive device lessor. Within thirty days after such offer, the manufacturer shall provide the assistive device lessor with a comparable assistive device or refund to the assistive device lessor and to any holder of a perfected security interest in the assistive device, as the interest may appear, the amount paid by the assistive device lessor at the time of purchase, plus any finance charge and collateral costs incurred by both the assistive device lessor and the consumer, and the amount paid under the written lease, less a reasonable allowance for use.

(2)(a) To receive a comparable new assistive device or a refund, a consumer shall:

(i) Offer to return the assistive device having the nonconformity to its manufacturer. When the manufacturer provides a comparable assistive device or a refund pursuant to subdivision (1)(a) of this section, the consumer shall return to the manufacturer the assistive device having the nonconformity; or

(ii) Offer to transfer possession of the assistive device having the nonconformity to the manufacturer of the assistive device. When the manufacturer provides the new assistive device or a refund pursuant to subdivision (1)(a) of this section, the consumer shall return the assistive device having the nonconformity to the manufacturer along with any endorsements necessary to transfer real possession to the manufacturer.

(b) If the consumer has leased the assistive device from an assistive device lessor, the consumer shall return the assistive device having a nonconformity to the assistive device lessor. The assistive device lessor shall provide to the consumer a comparable assistive device or a refund pursuant to subdivision (3)(b) of this section.

(3)(a) To receive a refund, an assistive device lessor shall:

(i) Offer to return the assistive device having the nonconformity to its manufacturer. When the manufacturer provides a refund pursuant to subdivision (1)(b) of this section, the assistive device lessor shall return the assistive device to the manufacturer; or

(ii) Offer to transfer possession of the assistive device having the nonconformity to its manufacturer. When the manufacturer provides a refund pursuant to subdivision (1)(b) of this section, the assistive device lessor shall return the assistive device to the manufacturer along with any endorsements necessary to transfer real possession to the manufacturer.

(b) The assistive device lessor shall refund to the consumer the amount that the consumer paid under the written lease and collateral costs paid by the consumer, less a reasonable allowance for use.

Sec. 16. (1) No assistive device returned by a consumer or assistive device lessor in this state or in any other state may be sold or leased again in this state unless full written disclosure of the reasons for return is made to any prospective buyer or lessee.

(2) No person may enforce the lease against the consumer after the consumer receives a refund.

Sec. 17. (1) The Assistive Technology Regulation Act shall not limit rights or remedies available to a consumer under any other law.

(2) Any waiver of rights by a consumer under the act shall be void.

(3) In addition to pursuing any other remedy, a consumer may bring an action to recover for any damages caused by a violation of the act. The court shall award a consumer who prevails in such an action the amount of any pecuniary loss, together with cost, disbursements, reasonable attorney's fees, and any equitable relief that the court determines is appropriate.

Sec. 18. (1) If an assistive device covered by a manufacturer's express warranty is tendered by a consumer to the dealer from whom it was purchased or exchanged for the repair of any nonconformity to which the warranty is applicable and at least one of the conditions described in subdivision (a) or (b) of this subsection exists, the manufacturer shall provide directly to the consumer for the duration of the repair period a rental assistive device reimbursement of up to twenty dollars per day. The applicable conditions are:

(a) The repair period exceeds ten working days, including the day on which the device is tendered to the dealer for repair; or

(b) The nonconformity is the same for which the assistive device has been tendered to the dealer for repair on at least two previous occasions.

(2) The provisions of this section regarding a manufacturer's duty shall apply for the period of the manufacturer's express warranty or for one year from delivery of the assistive device to the consumer, whichever period of time is longer.

Sec. 19. The Assistive Technology Regulation Act shall apply to assistive devices delivered after the effective date of this act and shall in no way be applied retroactively.".

Messrs. Abboud and Will filed the following amendment to LB 104:
AM0678

1. On page 2, after line 27 insert:

"Any qualified claimant as defined in section 77-3505 in a county containing a city of the metropolitan class who qualified for a homestead exemption under section 77-3507 in the prior calendar year shall be entitled to a refund of any additional surcharge imposed under this subsection for that year. The qualified claimant shall apply for a refund by April 30 each year by application to the treasurer for the governing body. The treasurer shall refund the amounts paid by the qualified claimant in the prior calendar year after the homestead exemption status has been established.".

Mrs. Bohlke filed the following amendment to LB 303:
AM0558

1. Strike the Standing Committee amendment, AM0355.

2. On page 3, strike beginning with "Does" in line 1 through "handicap" in line 3, show the old matter as stricken, and insert "Has a student admissions policy which does not violate any other Nebraska or federal law against discrimination on the basis of race, color, creed, national origin, ancestry, age, gender, or handicap".

RESOLUTION

LEGISLATIVE RESOLUTION 84. Introduced by Robinson, 16.

WHEREAS, Jordan Johnson of Oakland-Craig High School, Buck Rasmussen of Tekamah-Herman High School, Shawn Schulzkump of West Point High School, Bubba Stork of Arlington High School, and Nick Uhing of Tekamah-Herman High School, won state wrestling championships in their respective weights at the state wrestling tournament February 20, 21, and 22, 1997; and

WHEREAS, the Tekamah-Herman Tigers won the Class C team championship at the state wrestling tournament February 20, 21, and 22, 1997; and

WHEREAS, Bubba Stork's performance at the tournament led to his third straight state championship, making him one of only sixty-three wrestlers in Nebraska history to win three state championships; and

WHEREAS, Nick Uhing's performance at the tournament led to his second straight state championship and contributed to the Tekamah-Herman Tigers' team championship; and

WHEREAS, Buck Rasmussen's performance at the tournament gave him an undefeated season and his first state championship, as well as making him Tekamah-Herman's first-ever undefeated champion and contributed to the Tekamah-Herman Tigers' team championship; and

WHEREAS, personal discipline and commitment, as well as the leadership of devoted coaching staffs and supportive school communities, made these championships possible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Bubba Stork on his third state wrestling championship.
2. That the Legislature congratulates Nick Uhing on his second state wrestling championship.
3. That the Legislature congratulates Jordan Johnson, Buck Rasmussen, and Shawn Schulzkump on their first state wrestling championships.
4. That the Legislature congratulates the Tekamah-Herman Tigers on their 1997 Class C team state wrestling championship.
5. That copies of this resolution be presented to Jordan Johnson, Buck Rasmussen, Shawn Schulzkump, Bubba Stork, Nick Uhing, and the coaching staffs and administration of Oakland-Craig, West Point, Arlington, and Tekamah-Herman high schools.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 610A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, Ninety-fifth

Legislature, First Session, 1997.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 656. Placed on General File as amended.
Standing Committee amendment to LB 656:
AM0521

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that the Niobrara River corridor is a local, state, and national treasure and that the natural diversity of the river corridor should be preserved through maximizing cooperation between local landowners and other Nebraska citizens, as well as local, state, and federal governments. The federal Niobrara Scenic River Designation Act, Public Law 102-50, designated a part of the river corridor as a component of the national wild and scenic rivers system, and the United States Department of the Interior, National Parks Service issued a General Management Plan and Final Environmental Impact Statement outlining management alternatives for the federally designated portion of the river corridor. The preferred management alternative suggests creation of a council pursuant to the Interlocal Cooperation Act to coordinate planning and management for the relevant portions of the river corridor in Cherry, Brown, Rock, and Keya Paha counties. Due to the fact that all the people of Nebraska have a stake in continued good stewardship of the land and natural resources of the Niobrara River corridor, it is appropriate that the Legislature provide financial resources to assist the council in its efforts.

Sec. 2. For purposes of this act, council means the Nebraska Scenic River Local Management Council formed pursuant to the Interlocal Cooperation Act to carry out the intent stated in section 1 of this act.

Sec. 3. The Legislature recognizes that the council can provide important planning and management coordination for the federally designated portions of the Niobrara River corridor if the conditions in this section are met, and it is the intent of the Legislature to annually appropriate fifty percent of the nonfederal share of the costs of the council, up to a maximum of fifty thousand dollars per year if: (1) The membership of the council includes representatives of the county commissions or county boards in Cherry, Brown, Rock, and Keya Paha counties, the Middle Niobrara Natural Resources District, the Lower Niobrara Natural Resources District, the Game and Parks Commission, the United States Fish and Wildlife Service, and the National Parks Service; (2) Cherry, Brown, Rock, and Keya Paha counties each adopt a comprehensive zoning plan that include provisions for the federally designated portions of the Niobrara River corridor in each county; (3) each zoning-related ordinance or resolution adopted by any of the four counties includes provisions for at least thirty days' notice by the county to the council prior to the final public hearing and final vote by the county on any zoning changes or revisions within the federally designated portions of the Niobrara River corridor; and (4) the council submits nonbinding opinions on all zoning-related ordinances or resolutions noticed under subdivision (3) of this section prior to the final public hearing or final vote on the change or revision.

Sec. 4. (1) Any state or state-assisted activity or undertaking proposed within the federal boundaries of a river corridor designated pursuant to the federal Niobrara Scenic River Designation Act or the Wild and Scenic Rivers Act of 1968, as amended, shall be consistent with the purpose of the federal acts, including the river corridor's free-flowing condition, scenic, geological, biological, agricultural, historic, and prehistoric resources.

(2) The head of any state or local agency having direct or indirect jurisdiction over a proposed state or state-assisted undertaking within the designated federal boundary of the Niobrara River corridor and the head of any agency having authority to license or permit any undertaking in such area shall at the earliest feasible time prepare a detailed proposal and submit it to the council for their review.

(3) The council shall review the proposal and consult with the agency. If, within thirty days after such review and consultation, the council finds that the proposed action is not consistent with the purpose of this section, the agency shall not proceed with the action until after a justification for the action has been submitted to the Governor and approved by the Governor in writing. The justification shall include the following elements: The anticipated, current, future, and cumulative effects on the scenic and natural resources of the designated river corridors, the social and economic necessity for the proposed action, all possible alternatives to the proposed action including a no action alternative, the comparative benefits of proposed alternative actions, and the mitigation measures outlined in the proposed action.".

LEGISLATIVE BILL 173. Placed on General File as amended.
Standing Committee amendment to LB 173:
AM0323

1. On page 6, line 5, after the underscored period insert "Costs to the commission of implementing such declaration and documentation and for participation in a federal program designed to obtain survey information on migratory bird hunting activity shall be funded from the State Game Fund.".

(Signed) Chris Beutler, Chairperson

Health and Human Services

LEGISLATIVE BILL 66. Placed on General File.
LEGISLATIVE BILL 851. Placed on General File.

(Signed) Don Wesely, Chairperson

Judiciary

LEGISLATIVE BILL 573. Placed on General File as amended.
Standing Committee amendment to LB 573:
AM0639

1. On page 2, lines 23 and 25 and 26; and page 3, line 24, strike "one hundred" and insert "twenty-five".

2. On page 3, line 2, strike "attached" and insert "attacked".

(Signed) Kermit A. Brashear, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 404A. Placed on Select File.

LEGISLATIVE BILL 256. Placed on Select File as amended.
E & R amendment to LB 256:
AM7074

1. On page 3, line 6; and page 7, line 24, after "confidential" insert an underscored comma.

LEGISLATIVE BILL 887. Placed on Select File.

LEGISLATIVE BILL 641. Placed on Select File as amended.
E & R amendment to LB 641:
AM7073

1. Strike the original sections and insert the following new sections:

"Section 1. Section 48-720, Reissue Revised Statutes of Nebraska, is amended to read:

48-720. As used in the Boiler Inspection Act, unless the context otherwise requires:

(1) Board ~~shall mean~~ means the Boiler Safety Code Advisory Board;

(2) Boiler ~~shall mean~~ means a closed vessel in which water or other liquid is heated, steam or vapor is generated, steam or vapor is superheated, or any combination thereof, under pressure or vacuum, for internal or external use to itself, by the direct application of heat and an unfired pressure vessel in which the pressure is obtained from an external source or by the application

of heat from an indirect or direct source. Boiler ~~shall~~ ~~include~~ includes a fired ~~units~~ unit for heating or vaporizing liquids other than water only when such ~~units~~ ~~are~~ unit is separate from processing systems and complete within ~~themselves~~ itself; and

(3) Commissioner ~~shall~~ ~~mean~~ means the Commissioner of Labor.

Sec. 2. Section 48-722, Revised Statutes Supplement, 1996, is amended to read:

48-722. The state boiler inspector shall inspect or cause to be inspected at least once every twelve months all boilers required to be inspected by the Boiler Inspection Act to determine whether the boilers are in a safe and satisfactory condition and properly constructed and maintained for the purpose for which the boiler is used, except that hobby boilers, steam farm traction engines, portable and stationary show engines, and portable and stationary show boilers, which are not otherwise exempted from the act pursuant to section 48-726, shall be subject to inspection at least once every twenty-four months. No boilers required to be inspected by the act shall be operated without valid and current certification pursuant to rules and regulations adopted and promulgated by the commissioner in accordance with the requirements of the Administrative Procedure Act. The owner of any boiler installed after September 2, 1973, shall file a manufacturer's data report covering the construction of such boiler with the state boiler inspector. Such reports shall be used to assist the state boiler inspector in the certification of boilers. No boiler required to be inspected by the Boiler Inspection Act shall be operated at any type of public gathering or show without first being inspected and certified as to its safety by the state boiler inspector. Antique engines with boilers may be brought into the state from other states without inspection, but inspection as provided in this section shall be made and the boiler certified as safe before being operated.

Sec. 3. Section 48-726, Revised Statutes Supplement, 1996, is amended to read:

48-726. The Boiler Inspection Act shall not apply to (1) boilers of railway locomotives subject to federal inspection, (2) boilers operated and regularly inspected by railway companies operating in interstate commerce, (3) boilers under the jurisdiction and subject to inspection by the United States Government, (4) boilers used exclusively for agricultural purposes, (5) steam heating boilers in single-family residences and apartment houses with four or less units using a pressure of less than fifteen pounds per square inch and having a safety valve set at not higher than fifteen pounds pressure per square inch, (6) heating boilers using water in single-family residences and apartment houses with four or less units using a pressure of less than thirty pounds per square inch and having a safety valve set at not higher than thirty pounds pressure per square inch, (7) fire engine boilers brought into the state for temporary use in times of emergency, (8) boilers of a miniature model locomotive or boat or tractor or stationary engine constructed and maintained as a hobby and not for commercial use and having a diameter of less than ten inches inside diameter and a grate area not in excess of one and one-half square feet and that are properly equipped with a safety valve, ~~and~~ (9) hot water supply boilers not having more than (a) one hundred fifty thousand British thermal units of input, (b) one hundred twenty gallons of nominal capacity, or (c) two hundred ten degrees Fahrenheit output, and (10) unfired pressure vessels not exceeding (a) five cubic feet in volume and a pressure of two hundred fifty pounds per square inch or (b) one and one-half cubic feet in volume regardless of the amount of pressure used.

Sec. 4. Original section 48-720, Reissue Revised Statutes of Nebraska, and sections 48-722 and 48-726, Revised Statutes Supplement, 1996, are repealed.".

2. On page 1, line 1, strike "Safety" and insert "Inspection"; and in line 2 strike "section" and insert "sections 48-722 and".

LEGISLATIVE BILL 641A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: 37, 130, 183, 184, 199, 325, 453, 568, 610, and 722.

Enrollment and Review Change to LB 130

The following changes, required to be reported for publication in the Journal, have been made:
ER9023
1. On page 6, line 7, the new matter has been struck.

Enrollment and Review Change to LB 199

The following changes, required to be reported for publication in the Journal, have been made:
ER9015
1. In the E & R amendments, AM7055:
a. Amendment 14 has been struck and amendment 15 has been renumbered as amendment 14; and
b. On page 2, line 4, the matter beginning with the semicolon through the last quotation mark has been struck.
2. On page 10, line 11, an underscored comma has been inserted after "Administration" and the colon has been struck.
3. On page 22, line 25, "is" has been struck; and in line 26 "Suffering" has been struck and "Is suffering" inserted.

Enrollment and Review Change to LB 453

The following changes, required to be reported for publication in the Journal, have been made:
ER9022
1. On page 10, line 3, the first comma has been struck and shown as stricken.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 278. Placed on General File as amended.
Standing Committee amendment to LB 278:
AM0427

1. On page 5, line 10, strike "shall" and insert "may".

2. On page 6, strike beginning with "or" in line 4 through line 5; in lines 8 and 9 and 17 and 18 strike "juvenile detention facility,"; in line 10 strike "or adjudicated"; in lines 11, 12 and 13, and 16 strike "or adjudication"; and strike beginning with "or" in line 22 through "committed" in line 24.

3. On page 7, strike beginning with "qualified" in line 1 through "manner" in line 2 and insert "who are physicians, registered nurses, or meet the requirements of subdivisions (18) or (19) of section 71-1,103"; and strike lines 16 through 20.

4. On page 8, lines 15 and 22, strike "or adjudication".

LEGISLATIVE BILL 280. Placed on General File as amended.
Standing Committee amendment to LB 280:
AM0404

1. On page 2, line 26, strike "section 42-103" and insert "subdivision (1), (2), or (3) of section 42-103 or under subdivision (4) of such section if the parties are more closely related than first cousins".

(Signed) Kermit A. Brashear, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 420. No objections. So ordered.

Mrs. C. Peterson asked unanimous consent to have her name added as cointroducer to LB 182. No objections. So ordered.

Mr. Preister asked unanimous consent to have his name added as cointroducer to LB 492. No objections. So ordered.

WITHDRAW - Cointroducer

Mr. Chambers withdrew his name as cointroducer to LB 593.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 27, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ashford, Brad - Omaha; Lincoln City Employees/Lincoln Police Union
Cederberg, John E. - Lincoln; Limited Liability Company Association
Cline, Williams, Wright, Johnson & Oldfather
  Campbell, Mary M. - Lincoln; Friends of Nebraska Non-Profit Hospitals
Crosby, Guenzel, Davis, Kessner & Kuester
  Crosby, Robert B. - Lincoln; Nebraska Cooperative Council
Harrison, Gregory P. - Tulsa, OK; TCI Communications, Inc.
Herrin, Sally J. - Lincoln; Nebraska Farmers Union
Lombardi-Erickson/American Communications Group
  Lombardi, Richard A. - Lincoln; Nebraska Public Power District
Miller, Sherry - Lincoln; Nebraska Congress of Parents and Teachers
Nelson, Paul - Butte; Boyd County Monitoring Committee
O'Hara & Associates, Inc.
  O'Hara, Paul V. - Lincoln; Nebraska Citizens for the Arts
Pappas, James E. - Lincoln; EnTire Recycling, Inc.
Petersen, Randall V. - Lincoln; Lancaster County School District No. 153
Rasmussen, Dennis - Lincoln; Friends of Nebraska Non-Profit Hospitals
Sieh, Loren - Butte; Boyd County Monitoring Committee
Wittstruck, Holly Jo - Martell; Rokeby #152
Yost, Kurt T. - Lincoln; Friends of Nebraska Non-Profit Hospitals

VISITORS

Visitors to the Chamber were 40 fourth grade students and teachers from Yutan Elementary School, Yutan; 41 students and teacher from Pius X High School, Lincoln; Mary Margaret Dodd; 8 students and teacher from the University of Wisconsin; Senator Witek's daughter, Kimberly Witek, and Kortney Pincock and Andrea Perry from Omaha; 27 fourth and fifth grade students and teacher from Cross Lutheran School, Omaha; 18 third, fourth, and fifth grade students and teacher from Columbus Christian School, Columbus; and 19 third and fourth grade students and teacher from Benedict Elementary School, Benedict.

ADJOURNMENT

At 12:06 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Monday, March 3, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FOURTH DAY – MARCH 3, 1997

LEGISLATIVE JOURNAL

THIRTY-FOURTH DAY – MARCH 3, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 3, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor E. Gordon Jorgensen, Trinity Lutheran Church, Papillion, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Bromm, Cudaback, Kristensen, Matzke, Warner, Wesely, Wickersham, Mmes. Bohlke, Hudkins, Kiel, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-third day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 635. Placed on Select File as amended.
E & R amendment to LB 635:
AM7075

1. On page 3, line 26, after the first "information" insert an underscored comma.

LEGISLATIVE BILL 256A. Placed on Select File.
LEGISLATIVE BILL 635A. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mr. Withem filed the following amendment to LR 1:
AM0673
1. On page 1, line 2, strike "the people, and".

Mr. Withem filed the following amendment to LR 1:
AM0674
1. On page 1, lines 3 and 4, strike ", due to our desire to establish term limits on Congress,".

ANNOUNCEMENT

Mr. Abboud designates LB 278 as his priority bill.

MESSAGES FROM THE GOVERNOR

February 28, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 108, 194, 195, 222, 254, 106, 170, 261, 272, 52, 185, and 79 were received in my office on February 24, 1997.

These bills were signed by me on February 28, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

February 28, 1997

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

LB 18 was received in my office on February 24, 1997. The bill was signed by me on February 28, 1997 and delivered to the Secretary of State.

LB 18 makes much sense as it would help those noncustodial parents who make every effort to support their children. The bill would alleviate the problems of a person who is complying with an income withholding order and who has support automatically withheld from his/her paycheck from being considered delinquent simply because of a disparity caused by timing.

Now, we must move forward and take another step by passing LB 752 as it comes before you. LB 752 will provide the tools to Nebraska's child support enforcement efforts to ensure that everyone who should pay child support, does pay, by authorizing license suspension by the state for non-payment of support owed. In 1996, $76 million of current court ordered support was unpaid in Nebraska. Our children suffer when their parents shirk their responsibility by failing to pay child support and the taxpayers of Nebraska carry an increased financial burden of support through public assistance programs.

Thank you for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

John Kingsbury - State Highway Commission

VOTE: Aye: Senators Coordsen, Elmer, Dw. Pedersen, C. Peterson, and Robinson. Nay: None. Absent: Senators Bruning, Kristensen, and Matzke.

(Signed) Douglas A. Kristensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 248. Title read. Considered.

MR. COORDSEN PRESIDING

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0591, found on page 802, was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA43
Amend Committee Amendments
Strike AM0591
(New sections)

Messrs. Dw. Pedersen and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Bromm, Coordsen, and Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Chambers
Jensen
Robak
Tyson

Voting in the negative, 34:

Beutler
Bohlke
Brown
Bruning
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pederson, D.
Peterson, C.
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wesely
Wickersham
Will
Witek

Present and not voting, 2:

Maurstad
Withem

Excused and not voting, 9:

Abboud
Brashear
Bromm
Coordsen
Engel
Hilgert
Pedersen, Dw.
Warner
Wehrbein

The Chambers amendment lost with 4 ayes, 34 nays, 2 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 335. Placed on General File as amended.
Standing Committee amendment to LB 335:
AM0563
1. On page 4, line 17, after "broker-dealer" insert "or

its agent whose performance of these services is solely incidental to its business as a broker-dealer and who receives no special compensation for them".

2. On page 9, line 10, strike the new matter; strike beginning with the comma in line 11 through the period in line 16, show the old matter as stricken, and insert an underscored period; and in line 18 strike "(7)(g)" and insert "(7)(g)(i)".

3. On page 15, line 5, after the period insert "A federal covered adviser may renew its notice filing by filing with the director prior to the expiration thereof the documents filed with the Securities and Exchange Commission, as the director by rule or regulation may require, a consent to service of process, and the prescribed fee."; and in line 10 after the period insert "The fee for initial or renewal filings for a federal covered adviser shall be two hundred dollars.".

4. On page 39, line 20, strike the new matter and reinstate the stricken matter.

5. On page 46, line 12, strike "filling" and insert "filing"; and in line 16 strike "(4)" and insert "(4)(A), (B), and (C)".

6. On page 47, line 16, strike "securities" and insert "federal covered securities under section 18(b)(2) of the Securities Act of 1933".

(Signed) David M. Landis, Chairperson

Revenue

LEGISLATIVE BILL 24. Placed on General File.
LEGISLATIVE BILL 583. Placed on General File.

LEGISLATIVE BILL 443. Indefinitely postponed.
LEGISLATIVE BILL 634. Indefinitely postponed.
LEGISLATIVE BILL 696. Indefinitely postponed.
LEGISLATIVE BILL 745. Indefinitely postponed.

LEGISLATIVE RESOLUTION 64CA. Indefinitely postponed.
LEGISLATIVE RESOLUTION 65CA. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson

NOTICE OF COMMITTEE HEARINGS
Banking, Commerce and Insurance

LB 566	Monday, March 10, 1997	1:30 p.m.
LB 618	Monday, March 10, 1997	1:30 p.m.
LB 630	Monday, March 10, 1997	1:30 p.m.
LB 731	Monday, March 10, 1997	1:30 p.m.

LB 326	Tuesday, March 11, 1997	1:30 p.m.
LB 432	Tuesday, March 11, 1997	1:30 p.m.
LB 515	Tuesday, March 11, 1997	1:30 p.m.
LB 800	Tuesday, March 11, 1997	1:30 p.m.
LB 849	Tuesday, March 11, 1997	1:30 p.m.
LB 425	Tuesday, March 18, 1997	9:00 a.m.
LB 739	Tuesday, March 18, 1997	9:00 a.m.
LB 868	Tuesday, March 18, 1997	9:00 a.m.

(Signed) David M. Landis, Chairperson

GENERAL FILE

LEGISLATIVE BILL 248. Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA45
Amend Committee Amendments
Lines 7, 8, strike five hundred thousand and insert "one million"

Messrs. Janssen, Lynch, and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA46
Amend AM0591
In lines 7, 8, strike "five hundred thousand" and insert "one million";
In line 9, strike the period and insert: "if the need for such funds is demonstrated to the Legislature.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Chambers amendment was adopted with 29 ayes, 5 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 3 nays, 8 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 29 ayes, 2 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 249. Title read. Considered.

Standing Committee amendment, AM0592, found on page 803, was considered.

Mrs. Hillman and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Schellpeper offered the following amendment to the Standing Committee amendment:
FA44
to amend committee amendments to L.B. 249, AM0592
Page 1, line 13, strike "two hundred-fifty" and insert "one hundred"
line 15 strike "five" and insert "two"
line 16 strike "one thousand" and insert "three hundred"

Messrs. Beutler and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Schellpeper amendment was adopted with 26 ayes, 7 nays, 9 present and not voting, and 7 excused and not voting.

Messrs. Hilgert and Lynch asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 1 nay, 11 present and not voting, and 8 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 886. Placed on General File as amended.
Standing Committee amendment to LB 886:
AM0629

1. On page 8, after line 5, insert the following new subsection:

"(4) For purposes of subsection (1), two or more parcels of real property which are within the same municipality or county shall constitute one business location if the business activities conducted by the taxpayer on such parcels are interdependent. This subsection shall be applicable to all returns for which, on the effective date of this act, section 77-2786 has not barred a deficiency determination or section 77-2793 has not barred a claim for credit or refund.".

(Signed) Jerome Warner, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 1. Placed on General File.
LEGISLATIVE RESOLUTION 14CA. Placed on General File.

LEGISLATIVE RESOLUTION 35. Indefinitely postponed.
LEGISLATIVE RESOLUTION 57CA. Indefinitely postponed.

(Signed) George Coordsen, Chairperson

Judiciary

LEGISLATIVE BILL 207. Placed on General File.
LEGISLATIVE BILL 274. Placed on General File.
LEGISLATIVE BILL 588. Placed on General File.
LEGISLATIVE BILL 727. Placed on General File.
LEGISLATIVE BILL 856. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

AMENDMENTS - Print in Journal

Mr. Preister filed the following amendment to LB 109:
AM0738
(Amendments to Standing Committee amendments, AM0116)

1. On page 1, line 4, strike the comma and insert "or"; and strike beginning with the first comma in line 5 through "codes" in line 6.

Mr. Abboud filed the following amendment to LB 104:
AM0683

1. In the Chambers amendment, FA31, on page 1, strike lines 1 through 5 and insert:

"1. On page 2, after line 27 insert:

'Any qualified claimant as defined in section 77-3505 in a county containing a city of the metropolitan class who qualified for a homestead exemption under section 77-3507 in the prior calendar year shall be entitled to a refund of any additional surcharge imposed under this subsection for that year. The qualified claimant shall apply for a refund by April 30 each year by application to the treasurer for the governing body. The treasurer shall refund the amounts paid by the qualified claimant in the prior calendar year after the homestead exemption status has been established.'.".

Mr. Beutler filed the following amendment to LB 248:
AM0733

1. On page 12, line 14; page 27, line 24; and page 49, line 5, after "act" insert "plus the financial benefit derived by the violator as a result of the violation".

Mmes. Hudkins, Stuhr, Robak, Hillman, McKenzie, Messrs. Vrtiska, Bromm, Wickersham, and Matzke filed the following amendment to LB 404:
AM0567

1. On page 3, lines 9 through 11, strike the new matter and reinstate the stricken matter.

2. On page 4, line 20, reinstate the stricken matter; and in line 21 strike "Districts 11 and 5" and all amendments thereto.

Mr. Maurstad filed the following amendment to LB 249:
(Amendment, AM0668, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

ANNOUNCEMENT

The Health and Human Services Committee designates LB 622 as its priority bill.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the attached report on the referral of the following legislative bills:

LB	**Committee**
890	Business and Labor
891	Business and Labor

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

UNANIMOUS CONSENT - Add Cointroducer

Mr. Beutler asked unanimous consent to have his name added as cointroducer to LB 182. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Matzke's daughter, Doran Matzke, from Denver, Colorado; and 17 high school students and teachers from

Wilcox.

The Doctor of the Day was Jay Matzke from Seward.

ADJOURNMENT

At 12:00 noon, on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, March 4, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-FIFTH DAY – MARCH 4, 1997

LEGISLATIVE JOURNAL

THIRTY-FIFTH DAY – MARCH 4, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 4, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Jim Voss, Rosemont Alliance Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Coordsen, Hartnett, Hilgert, Dw. Pedersen, Robinson, Warner, Will, Withem, Mmes. Bohlke, Kiel, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 847, lines 7, 8, and 9, strike "p.m." and insert "a.m.".
The Journal for the thirty-fourth day was approved as corrected.

STANDING COMMITTEE REPORT
Banking, Commerce and Insurance

LEGISLATIVE BILL 861. Placed on General File.

(Signed) David M. Landis, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 85. Introduced by Lynch, 13.

WHEREAS, the Omaha North High School girls' swim team won the 1997 Nebraska Class A High School swimming championship; and

WHEREAS, the Omaha North Vikings' win over Omaha Westside in the girls' state Class A swimming championship ended Westside's two-year hold on the championship; and

WHEREAS, the Omaha North Vikings girls' swim team exemplifies the spirit of competition and the pursuit of excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Omaha North High girls' swim team and their coach, Allison Terry, for their outstanding accomplishment.
2. That a copy of this resolution be sent to Omaha North High School.

Laid over.

LEGISLATIVE RESOLUTION 86. Introduced by Lynch, 13.

WHEREAS, the State of Nebraska, throughout its history, has sustained a rich tradition of preserving our community's pioneer heritage; and

WHEREAS, two of the most famous pioneer trails, the Mormon Trail and the Oregon Trail, pass through the state; and

WHEREAS, the spring and summer of 1997 mark the one hundred fiftieth anniversary of the first companies of Mormon pioneers moving across the trail on their historic trek to the Rocky Mountains; and

WHEREAS, honoring the Mormon pioneers, who were people of courage and commitment, can inspire those same qualities in our community members today.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature proclaims April 17 through June 3, 1997, as "Mormon Pioneer Heritage Days".
2. That the Legislature encourages all citizens of Nebraska to participate in the events and activities held during the Mormon Pioneer Heritage Days.
3. That a copy of this resolution be presented to the Nebraska Mormon Trails Association.

Laid over.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 15.

A BILL FOR AN ACT relating to the State Government Effectiveness Act; to amend sections 81-2706 and 81-2707, Revised Statutes Supplement, 1996; to change the duties of the Public Counsel; to change hearing, relief, and appeal provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Beutler
Brashear
Bromm
Brown
Bruning
Crosby
Cudaback
Dierks
Elmer
Engel
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely

Voting in the negative, 0.

Present and not voting, 2:

McKenzie
Wickersham

Excused and not voting, 13:

Abboud
Bohlke
Chambers
Coordsen
Hartnett
Hilgert
Kiel
Pedersen, Dw.
Robinson
Warner
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 56. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1996; to change provisions relating to detached branch banks in Class II counties; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 36:

Beutler
Brashear
Bromm
Brown
Bruning
Crosby
Cudaback
Dierks
Elmer
Engel
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek

Voting in the negative, 0.

Present and not voting, 2:

Landis
Wickersham

Excused and not voting, 11:

Abboud
Bohlke
Chambers
Coordsen
Hartnett
Hilgert
Pedersen, Dw.
Robinson
Warner
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 128 to Select File

Mr. Landis moved to return LB 128 to Select File for his specific amendment, AM0512, found on page 768.

The Landis motion to return prevailed with 37 ayes, 0 nays, 3 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 128. The Landis specific amendment, AM0512, found on page 768, was adopted with 34 ayes, 0 nays, 6 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 200.

A BILL FOR AN ACT relating to the Farm Mediation Act; to amend sections 2-4804, 2-4808, 2-4809, and 2-4811 to 2-4814, Reissue Revised Statutes of Nebraska, and sections 2-4802 and 2-4816, Revised Statutes Supplement, 1996; to expand the scope of mediation; to change a termination date; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis

Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek

Voting in the negative, 0.

Present and not voting, 2:

Lynch
Wickersham

Excused and not voting, 9:

Abboud
Bohlke
Coordsen
Hartnett
Pedersen, Dw.
Robinson
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 201.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3902 and 2-3903, Reissue Revised Statutes of Nebraska, and sections 2-3901, 2-3910, and 2-3917, Revised Statutes Supplement, 1996; to adopt by reference federal provisions into the Nebraska Pasteurized Milk Law; to change a manufacturing milk standard; to eliminate duplicative provisions; to harmonize provisions; to repeal the original sections; and to outright repeal sections 2-3902.01 and 2-3912, Revised Statutes Supplement, 1996.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 9:

Abboud
Bohlke
Coordsen
Hartnett
Pedersen, Dw.
Robinson
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 202. With Emergency.

A BILL FOR AN ACT relating to potato development; to amend section 2-1807, Reissue Revised Statutes of Nebraska; to change potato shipper requirements; to provide a penalty; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 8:

Abboud
Brown
Coordsen
Hartnett
Pedersen, Dw.
Warner
Will
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 275. With Emergency.

A BILL FOR AN ACT relating to the investment of public funds; to amend sections 72-1262, 77-2387, and 77-2391, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nebraska Capital Expansion Act and the Public Funds Deposit Security Act; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Beutler
Bohlke
Brashear
Bromm
Bruning
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Wickersham

Excused and not voting, 5:

Abboud
Brown
Coordsen
Warner
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 351. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1996; to adopt the Interstate Branching By Merger Act of 1997; to provide an operative date; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 5:

Abboud
Brown
Jensen
Warner
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 28.

A BILL FOR AN ACT relating to the Nebraska Local Hospital District Act; to amend sections 23-3547 and 23-3552, Revised Statutes Supplement, 1996; to change provisions relating to powers and duties of districts; to change provisions relating to taxation; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Preister
Wickersham

Excused and not voting, 5:

Abboud
Brown
Jensen
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 85.

A BILL FOR AN ACT relating to county government; to amend section 23-1601, Revised Statutes Supplement, 1996; to change duties of county treasurers; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Beutler
Bohlke
Brashear
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Bromm
Chambers

Excused and not voting, 5:

Abboud
Brown
Jensen
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 97.

A BILL FOR AN ACT relating to the Oil and Gas Conservation Fund; to amend section 57-919, Revised Statutes Supplement, 1996; to change the maximum amount of a production charge; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Beutler
Bohlke
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Brashear
Brown
Jensen
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 206.

A BILL FOR AN ACT relating to teachers' certificates; to amend section 79-810, Reissue Revised Statutes of Nebraska; to change provisions relating to fees; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Beutler
Bohlke
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Lynch
Maurstad
Robinson
Vrtiska

Excused and not voting, 6:

Abboud
Brashear
Brown
Jensen
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 221.

A BILL FOR AN ACT relating to elections; to amend sections 32-560, 32-603, and 32-604, Revised Statutes Supplement, 1996; to define a term; to prohibit certain candidates and officeholders from filing for or holding more than one office; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Beutler
Bohlke
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Maurstad
Robinson

Excused and not voting, 6:

Abboud
Brashear
Brown
Jensen
Warner
Will

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 238.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-321, 17-568.01, 48-1501, and 48-1502, Reissue Revised Statutes of Nebraska; to change provisions relating to public works contracts and bids; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Beutler
Bohlke
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wickersham
Witek

Voting in the negative, 1:

Withem

Present and not voting, 3:

Lynch
Vrtiska
Wesely

Excused and not voting, 7:

Abboud
Brashear
Brown
Jensen
Suttle
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 342. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-112, 77-508.01, 77-1365, and 79-1016, Reissue Revised Statutes of Nebraska; to provide for the correction of clerical errors in valuation used for school finance purposes; to change terminology; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Beutler
Bohlke
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Brashear
Brown
Jensen
Warner
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 441.

A BILL FOR AN ACT relating to veterans; to amend sections 80-401.03 and 80-403, Reissue Revised Statutes of Nebraska; to redefine a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Beutler
Bohlke
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Engel

Excused and not voting, 6:

Abboud
Brashear
Brown
Jensen
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 489.

A BILL FOR AN ACT relating to taxation; to amend sections 77-3201, 77-3203, 77-3204, and 77-3205, Reissue Revised Statutes of Nebraska; to change provisions relating to county land reutilization authorities and commissions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Bohlke
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Beutler
Chambers
Kristensen
Maurstad

Excused and not voting, 6:

Abboud
Brashear
Brown
Jensen
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 129 with 39 ayes, 1 nay, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 129.

A BILL FOR AN ACT relating to labor; to amend sections 77-27,119, 77-27,197, and 77-27,199, Reissue Revised Statutes of Nebraska, and section 48-604, Revised Statutes Supplement, 1996; to change employment security law terms; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 4:

Abboud
Brashear
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 345 with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 345.

A BILL FOR AN ACT relating to schools; to amend sections 53-138.01, 66-528 to 66-530, 79-101, 79-102, 79-104, 79-406, 79-407, 79-411, 79-420, 79-423, 79-447, 79-451, 79-472, 79-473, 79-4,106, 79-510, 79-519, 79-540, 79-543, 79-548, 79-549, 79-565, 79-569, 79-574, 79-576, 79-594, 79-1029, 79-1035, 79-1099, 79-10,101, 79-10,103, 79-10,105, 79-10,111 to 79-10,113, 79-10,117, 79-10,118, 79-10,121, 79-10,122, 79-10,125, 79-1207, 79-1217, 79-1405, and 79-1406, Reissue Revised Statutes of Nebraska; to define and redefine terms; to provide for funds; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Beutler
Bohlke
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Abboud
Brashear
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 347.

Mr. Chambers requested a record vote.

Voting in the affirmative, 38:

Bromm
Brown
Bruning
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 6:

Beutler
Bohlke
Crosby
Kristensen
Robak
Robinson

Excused and not voting, 4:

Abboud
Brashear
Warner
Will

The Legislature approved the dispensing of the reading at large of LB 347 with 38 ayes, 1 nay, 6 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 347.

A BILL FOR AN ACT relating to schools; to amend sections 79-203, 79-233, 79-245, 79-301, 79-411, 79-424, 79-431, 79-440, 79-462, 79-463, 79-479, 79-482, 79-526, 79-540, 79-581, 79-705, 79-743, 79-744, 79-748, 79-756, 79-802, 79-814, 79-850, 79-902, 79-962, 79-978, 79-1003, 79-1015, 79-1018, 79-1032, 79-1105 to 79-1107, 79-1140, 79-1181, 79-1182, 79-1198, 79-11,100, 79-11,102, 79-11,103, 79-11,106, 79-11,109, 79-11,114, 79-11,115, 79-1217, 79-1222, 79-1301, 79-1313, 79-1314 to 79-1316, 79-1322, 79-1323, and 79-1325, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to schools, education, penalties, and school districts; to harmonize provisions; to provide a duty for the Revisor of Statutes; to eliminate the Children with Disabilities and Family Service System Act, the Nebraska Student Exchange Act, the Nebraska Schools Accountability Commission, the School Restructuring Commission, and provisions relating to the federal Educational Finance Act of 1949; to repeal the original sections; and to outright repeal sections 79-224 to 79-231, 79-247, 79-2,108 to 79-2,113, 79-428 to 79-430, 79-456, 79-457, 79-459, 79-529, 79-538, 79-710, 79-711, 79-749, 79-751 to 79-755, 79-823, 79-879, 79-1054 to 79-1061, 79-1109, 79-1189 to 79-1195, 79-1197, 79-1205, and

79-1401 to 79-1416, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Kiel

Excused and not voting, 4:

Abboud
Brashear
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MRS. CROSBY PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 346 with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 346.

A BILL FOR AN ACT relating to schools; to amend sections 79-238, 79-241, 79-244, 79-245, 79-549, 79-816, 79-1103, 79-1110, 79-1116, 79-1117, 79-1120, 79-1121, 79-1124 to 79-1138, 79-1140, 79-1142 to 79-1144, 79-1147, 79-1148, 79-1152 to 79-1157, 79-1160 to 79-1163, 79-1165, 79-1167, 79-1168, 79-1170, 79-1185, 79-1187, 79-1191, 79-1194, 79-11,109 to 79-11,111, 79-11,113, 79-11,119, 79-1231, and 85-179, Reissue Revised Statutes of Nebraska, and section 43-2505, Revised Statutes

Supplement, 1996; to redefine terms; to change terminology; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Janssen
Schellpeper
Withem

Excused and not voting, 4:

Abboud
Brashear
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 485. Placed on General File.
LEGISLATIVE BILL 760. Placed on General File.

LEGISLATIVE BILL 780. Placed on General File as amended.
(Standing Committee amendment, AM0698, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Kermit A. Brashear, Chairperson

Health and Human Services

LEGISLATIVE BILL 633. Placed on General File as amended.
Standing Committee amendment to LB 633:
AM0465

1. On page 4, line 17; and page 5, lines 1 and 2, strike "legal permanent resident" and insert "non-citizen".
2. On page 4, line 27; and page 5, line 11, strike "state warrant" and insert "a state voucher which can be used only for food products authorized under the federal Food Stamp Act".
3. On page 5, line 13, strike "legal permanent residents" and insert "non-citizens".

(Signed) Don Wesely, Chairperson

MOTION - Return LB 397 to Select File

Mr. Kristensen moved to return LB 397 to Select File for his specific amendment, AM0632, found on page 809.

The Kristensen motion to return prevailed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 397. The Kristensen specific amendment, AM0632, found on page 809, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 397 to Select File

Mr. Landis moved to return LB 397 to Select File for the following specific amendment:
AM0753

(Amendments to E & R amendments, AM7032)

1. Insert the following new sections:

"Sec. 26. Section 77-3510, Reissue Revised Statutes of Nebraska, is amended to read:

77-3510. On or before ~~January 1~~ April 1 of each year, the Tax Commissioner shall prescribe forms to be used by all claimants for homestead exemption or for transfer of homestead exemption. Such forms shall contain provisions for the showing of all information which the Tax Commissioner may deem necessary to (1) enable the county officials and the Tax Commissioner to determine whether each claim for exemption under sections 77-3507 to 77-3509 should be allowed and (2) enable the county assessor to determine whether each claim for transfer of homestead exemption pursuant to section 77-3509.01 should be allowed. It shall be the duty of the county assessor of each county in this state to furnish such forms, upon request, to each person desiring to make application for homestead exemption or for transfer of homestead exemption. The forms so prescribed shall be used uniformly throughout the state, and no application for exemption or for transfer of homestead exemption shall be allowed unless the applicant uses the prescribed form in making an application. The forms shall require the attachment of an income statement as prescribed by the Tax Commissioner fully accounting for all household income. The application and information contained on any attachments to the application shall be confidential and available to tax officials only.

Sec. 27. Section 77-3512, Reissue Revised Statutes of Nebraska, is amended to read:

77-3512. It shall be the duty of each owner who applies for the homestead exemption provided in sections 77-3507 to 77-3509 to file an application therefor with the county assessor of the county in which the homestead is located after January 1, 1997, and April 1 in subsequent years and on or before ~~May 31 in 1996 and April 30 in subsequent years~~ June 30 of each year. Failure to do so shall constitute a waiver of the exemption for that year, except that the county board of the county in which the homestead is located may, by majority vote, extend the deadline to on or before ~~June 20 in 1996 and May 20 in subsequent years~~ July 20 of each year. An extension shall not be granted to an applicant who received an extension in the immediately preceding year.

Sec. 28. Section 77-3513, Reissue Revised Statutes of Nebraska, is amended to read:

77-3513. (1) ~~For tax year 1995, all persons who apply for a homestead exemption provided in sections 77-3507 to 77-3509 shall file an application pursuant to section 77-3512.~~ For tax year 1996 and subsequent tax years, except as required by section 77-3514, if an owner is granted a homestead exemption as provided in section 77-3507 or 77-3509 or subdivision (1)(b), (c), (d), or (e) of section 77-3508, no reapplication need be filed for succeeding years, in which case the county assessor and Tax Commissioner shall determine whether the claimant qualifies for the homestead exemption in such succeeding years as otherwise provided in sections 77-3501 to 77-3529 as though a claim were made.

(2) It shall be the duty of each claimant who wants the homestead exemption provided in subdivision (1)(a) of section 77-3508 to file an application therefor with the county assessor on or before ~~May 31 in 1996 and April 30 in subsequent years~~ June 30 of each year. Failure to do so shall constitute a waiver of the exemption for such year, except that the county board of the county in which the homestead is located may, by majority vote, extend the deadline to on or before ~~June 20 in 1996 and May 20 in subsequent years~~ July 20 of each year. An extension shall not be granted to an applicant who received an extension in the immediately preceding year.

Sec. 29. Section 77-3514, Reissue Revised Statutes of Nebraska, is amended to read:

77-3514. ~~In tax year 1996 and subsequent tax years, a~~ A claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509, except subdivision (1)(a) of section 77-3508, shall certify to the county assessor on or before ~~May 31 in 1996 and April 30 in subsequent years~~ June 30 of each year that a change in the homestead exemption status has occurred or that no change in the homestead exemption status has occurred. The county board of the county in which the homestead is located may, by majority vote, extend the deadline to on or before ~~June 20 in 1996 and May 20 in subsequent years~~ July 20 of each year. An extension shall not be granted to an applicant who received an extension in the immediately preceding year. For purposes of this section, change in the homestead exemption status shall include any change in the name of the owner, ownership, residence, occupancy, marital status, veteran status, or rating by the United States Department of Veterans Affairs or any other change that would affect the qualification for or type of exemption granted, except income checked by the Tax Commissioner under section 77-3517. The certificate shall require the attachment of an income statement as prescribed by the Tax Commissioner fully accounting for all household income. The certification and the information contained on any attachments to the certification shall be confidential and available to tax officials only. In addition, a claimant who is the owner of a homestead which has been granted an exemption under sections 77-3507 to 77-3509 may notify the county assessor by August 15 of each year of any change in the homestead exemption status occurring in the preceding portion of the calendar year as a result of a transfer of the homestead exemption pursuant to sections 77-3509.01 and 77-3509.02. If by his or her failure to give such notice any property owner permits the allowance of the homestead exemption for any year, or in the year of application in the case of transfers pursuant to sections 77-3509.01 and 77-3509.02, after the homestead exemption status of such property has changed, an amount equal to the amount of the taxes lawfully due but not paid by reason of such unlawful and improper allowance of homestead exemption, together with penalty and interest on such total sum as provided by statute on delinquent ad valorem taxes, shall be due and shall upon entry of the amount thereof on the books of the county treasurer be a lien on such property while unpaid. Such lien may be enforced in the manner provided for liens for other delinquent taxes. Any person who has permitted the improper and unlawful allowance of such homestead exemption on his or her property shall, as an additional penalty, also forfeit his or her right to a homestead exemption on any property in this state for the two succeeding years.

Sec. 30. Section 77-3516, Reissue Revised Statutes of Nebraska, is amended to read:

77-3516. The county assessor shall examine each application for homestead exemption filed with him or her for an exemption pursuant to sections 77-3507 to 77-3509 and shall determine, except for the income requirements, whether or not such application should be approved or rejected. If the application is approved, the county assessor shall mark the same approved and sign the application. In case he or she finds that the exemption should not be allowed by reason of not being in conformity to law, the county assessor shall mark the application rejected and state thereon the reason for such rejection and sign the application. In any case when the county assessor rejects an application for exemption, he or she shall notify the applicant of such action by mailing written notice to the applicant at the address shown in the application, which notice shall be mailed not later than ~~June 30 in 1996 and May 31 in subsequent years~~ July 31 of each year, except that in cases of a change in ownership or occupancy from January 1 through August 15 or a late application authorized by the county board, the notice shall be sent within a reasonable time. The notice shall be on forms prescribed by the Tax Commissioner.

Sec. 31. Section 77-3517, Reissue Revised Statutes of Nebraska, is amended to read:

77-3517. (1) On or before ~~July 1 in 1996 and June 1 in subsequent years~~ August 1 of each year, the county assessor shall forward approved applications for homestead exemptions and a copy of the certification of disability status to the Tax Commissioner who shall determine if the applicant meets the income requirements and, on or before November 1, certify his or her determinations to the county assessor. If the application is approved, the county assessor shall make the proper deduction on the assessment rolls. If the application is denied or approved in part, the Tax Commissioner shall notify the applicant of the denial or partial approval by mailing written notice to the applicant at the address shown on the application. The applicant may appeal the Tax Commissioner's denial or partial approval pursuant to section 77-3520. Late applications authorized by the county board shall be processed in a similar manner after approval by the county assessor.

(2)(a) Upon his or her own action or upon a request by an applicant, a spouse, or an owner-occupant, the Tax Commissioner may review the income information of applicants. Any action taken by the Tax Commissioner pursuant to this subsection shall be taken within three years after December 31 of the year in which the exemption was claimed.

(b) If an exemption should have been approved or increased for reasons of the income requirements, the Tax Commissioner shall notify the applicant, spouse, or owner-occupant and the county treasurer and assessor of his or her determination. The applicant, spouse, or owner-occupant shall receive a refund of the tax, if any, that was paid as a result of the exemption being denied, in whole or in part. The county treasurer shall make the refund and shall amend the county's claim for reimbursement from the state.

(c) If an exemption should have been denied or reduced for reasons of the income requirements, the Tax Commissioner shall notify the applicant, spouse, or owner-occupant of such denial or reduction. The applicant, the spouse, and any owner-occupant may appeal the Tax Commissioner's denial or reduction pursuant to section 77-3520. Upon the expiration of the appeal period in section 77-3520, the Tax Commissioner shall notify the county assessor of the denial or reduction and the county assessor shall remove or reduce the exemption from the tax rolls of the county. Upon notification by the Tax Commissioner to the county assessor, the amount of tax due as a result of the action of the Tax Commissioner shall become a lien on the homestead until paid. Upon attachment of the lien, the county treasurer shall refund to the Tax Commissioner the amount of tax equal to the denied or reduced exemption for deposit into the General Fund. No lien shall be created if a change in ownership of the homestead or death of the applicant, the spouse, and all other owner-occupants has occurred prior to the Tax Commissioner's notice to the county assessor.

Sec. 33. Section 77-3528, Reissue Revised Statutes of Nebraska, is amended to read:

77-3528. Any veteran claiming the exemption as provided by section 77-3527 shall make application to the county assessor upon forms prescribed and furnished by the Tax Commissioner. Such application shall be made on or before ~~May 31 in 1996 and April 30 in subsequent years~~ June 30 of each year. Exemptions claimed before ~~May 31 in 1996 and April 30 in subsequent years~~ June 30 shall apply for the year such exemption is claimed.".

2. On page 33, line 23, strike "77-3523," and insert "77-3510, 77-3512, 77-3513, 77-3514, 77-3516, 77-3517, 77-3523, 77-3528,".

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. C. Peterson and Mr. Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

The Landis motion to return prevailed with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 397. The Landis specific amendment, AM0753, found in this day's Journal, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 250. Messrs. Schellpeper and Wickersham withdrew their amendment, AM0348, found on page 632 and considered on page 694.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler renewed his pending amendment, AM0332, found on page 615.

Mr. Beutler withdrew his amendment.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Wickersham and Schellpeper renewed their pending amendment, AM0654, found on page 821.

PRESIDENT ROBAK PRESIDING

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Wickersham-Schellpeper amendment was adopted with 25 ayes, 1 nay, 20 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

Mr. Jensen and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 486. Mr. Hartnett renewed his pending amendment, AM0532, found on page 761.

The Hartnett amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 469. E & R amendment, AM7049, found on page 653, was adopted.

Mr. Beutler withdrew his amendment, FA33, found on page 764.

Mr. Schellpeper renewed his pending amendment, AM0386, found on page 764.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:

FA51

1. On page 10, line 6, strike "twenty-five" and insert "fifteen"; and in line 13 strike "sixty percent" and insert "a majority".

The Beutler amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 229. Mr. Beutler withdrew his amendment, FA35, found on page 770.

Mr. Wickersham offered the following amendment:
AM0760

1. Insert the following new section:

"Section 1. Section 24-1201, Reissue Revised Statutes of Nebraska, is amended to read:

24-1201. There is hereby created the Judicial Resources Commission consisting of: (1) Four judges, including one district court judge, one county court judge, one separate juvenile court judge, and one Justice or judge of the Supreme Court, all of whom shall be appointed by the Supreme Court; (2) one member of the Nebraska State Bar Association from each of the six judicial districts prescribed in Article V, section 5, of the Constitution of Nebraska who shall have practiced law in this state for at least ten years and who shall be appointed by the Executive Council of the Nebraska State Bar Association; and (3) one citizen from each of the six judicial districts prescribed in Article V, section 5, of the Constitution of Nebraska appointed by the Governor and one additional citizen who shall be appointed at large, none of whom shall be (a) a justice or judge of the Supreme Court or a judge of any other court, active or retired, (b) a member of the Nebraska State Bar Association, or (c) an immediate family member of any person listed in subdivisions (a) and (b) of this subdivision. The Justice or judge of the Supreme Court serving on the commission shall also serve as chairperson of the commission. Ten members of the commission shall constitute a quorum for the transaction of business. The commission shall act by a vote of the majority of its members present, except that no action of the commission creating a new judgeship, reducing judgeships, changing judicial districts or boundaries, or reallocating judgeships shall be valid unless concurred in by at least eight members.".

2. On page 3, line 3, strike "section" and insert "sections 24-1201 and"; and in line 4 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Beutler offered the following amendment:
AM0750

(Amendments to AM0423)

1. On page 2, lines 3 through 5, strike the new matter; and in line 6 after "taken" insert "in the first legislative session commencing after receipt of the report by the Legislature".

The Beutler amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills and resolutions: LBs 15, 56, 200, 201, 202, 275, 351, 28, 85, 97, 206, 221, 238, 342, 441, 489, 129, 345, 347, 346, LRs 81, 82, and 83.

SELECT FILE

LEGISLATIVE BILL 229. Mr. Wickersham offered the following amendment:
(Amendment, AM0747, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA53
To amend AM0747 as follows:
"Dec 1, 1997" shall be substituted for "October 1, 1998" in line 3, page 33

SPEAKER WITHEM PRESIDING

Mr. Hartnett asked unanimous consent to be excused. No objections. So ordered.

Pending.

LEGISLATIVE BILL 343. Advanced to E & R for engrossment.

LEGISLATIVE BILL 264. E & R amendment, AM7063, found on page 749, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 114A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 474. E & R amendment, AM7066, found on page 793, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 853. Advanced to E & R for engrossment.
LEGISLATIVE BILL 152. Advanced to E & R for engrossment.

LEGISLATIVE BILL 713. E & R amendment, AM7072, found on page 796, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 809. E & R amendment, AM7071, found on page 796, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 635. E & R amendment, AM7075, found on page 842, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 635A. Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 32. Placed on General File.
LEGISLATIVE BILL 548. Placed on General File.
LEGISLATIVE BILL 834. Placed on General File.

LEGISLATIVE BILL 854. Placed on General File as amended.
Standing Committee amendment to LB 854:
AM0739

1. On page 7, lines 10 and 11, strike the new matter and reinstate the stricken matter.
2. On page 8, lines 20 and 21, strike "Except" through "every" and insert "Every".
3. On page 9, lines 23 and 24, strike "Except" through "when" and insert "When".
4. On page 11, strike lines 4 through 12.

(Signed) Chris Abboud, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 360. Placed on General File.
LEGISLATIVE BILL 361. Placed on General File.

LEGISLATIVE BILL 591. Placed on General File.
LEGISLATIVE BILL 636. Placed on General File.
LEGISLATIVE BILL 726. Placed on General File.
LEGISLATIVE BILL 768. Placed on General File.

LEGISLATIVE BILL 378. Indefinitely postponed.
LEGISLATIVE BILL 379. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Judiciary

LEGISLATIVE BILL 23. Placed on General File as amended.
Standing Committee amendment to LB 23:
AM0748

1. Strike the original sections and insert the following new sections:

"Section. 1. Section 28-325, Reissue Revised Statutes of Nebraska, is amended to read:

28-325. The Legislature hereby finds and declares:

(1) That the following provisions were motivated by the legislative intrusion of the United States Supreme Court by virtue of its decision removing the protection afforded the unborn. Sections 28-325 to 28-345 and section 3 of this act are in no way to be construed as legislatively encouraging abortions at any stage of unborn human development, but are rather an expression of the will of the people of the State of Nebraska and the members of the Legislature to provide protection for the life of the unborn child whenever possible;

(2) That the members of the Legislature expressly deplore the destruction of the unborn human lives which has and will occur in Nebraska as a consequence of the United States Supreme Court's decision on abortion of January 22, 1973;

(3) That it is in the interest of the people of the State of Nebraska that every precaution be taken to insure the protection of every viable unborn child being aborted, and every precaution be taken to provide life-supportive procedures to insure the unborn child its continued life after its abortion;

(4) That currently this state is prevented from providing adequate legal remedies to protect the life, health, and welfare of pregnant women and unborn human life; and

(5) That it is in the interest of the people of the State of Nebraska to maintain accurate statistical data to aid in providing proper maternal health regulations and education.

Sec. 2. Section 28-326, Revised Statutes Supplement, 1996, is amended to read:

28-326. For purposes of sections 28-325 to 28-345 and section 3 of this act, unless the context otherwise requires:

(1) Abortion ~~shall mean~~ means the use or prescription of

any instrument, medicine, drug, or other substance or device intentionally to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child, and which causes the premature termination of the pregnancy;

(2) Hospital ~~shall mean~~ means those institutions licensed by the Department of Health and Human Services Regulation and Licensure pursuant to sections 71-2017 to 71-2029;

(3) Physician ~~shall mean~~ means any person licensed to practice medicine in this state as provided in sections 71-102 to 71-110;

(4) Pregnant ~~shall mean~~ means that condition of a woman who has unborn human life within her as the result of conception;

(5) Conception ~~shall mean~~ means the fecundation of the ovum by the spermatozoa;

(6) Viability ~~shall mean~~ means that stage of human development when the unborn child is potentially able to live more than merely momentarily outside the womb of the mother by natural or artificial means;

(7) Emergency situation ~~shall mean~~ means that condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial impairment of a major bodily function; ~~and~~

(8) Probable gestational age of the unborn child ~~shall mean~~ means what will with reasonable probability, in the judgment of the physician, be the gestational age of the unborn child at the time the abortion is planned to be performed; and

(9) Partial-birth abortion means an abortion procedure in which the person performing the abortion partially delivers vaginally a living unborn child before killing the unborn child and completing the delivery.

Sec. 3. (1) No partial-birth abortion shall be performed in this state, unless such procedure is necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury, and no other medical procedure would suffice for that purpose.

(2) The intentional and knowing performance of an unlawful partial-birth abortion in violation of subsection (1) of this section is a Class III felony.

(3) No woman upon whom an unlawful partial-birth abortion is performed shall be prosecuted under this section or for conspiracy to violate this section.

(4) The intentional and knowing performance of an unlawful partial-birth abortion shall result in the automatic suspension and revocation of an attending physician's license to practice medicine in Nebraska by the Director of Regulation and

Licensure pursuant to sections 71-147 to 71-161.20.

Sec. 4. Section 28-340, Reissue Revised Statutes of Nebraska, is amended to read:

28-340. Any person whose employment or position has been in any way altered, impaired, or terminated in violation of sections 28-325 to 28-345 and section 3 of this act may sue in the district court for all consequential damages, lost wages, reasonable attorney's fees incurred, and the cost of litigation.

Sec. 5. Section 71-148, Reissue Revised Statutes of Nebraska, is amended to read:

71-148. For purposes of section 71-147, unprofessional conduct ~~shall~~ ~~mean~~ means any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or occupation or the ethics of the profession or occupation, regardless of whether a person, patient, or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest, including, but not limited to:

(1) Solicitation of professional patronage by agents or persons, popularly known as cappers or steerers, or profiting by the acts of those representing themselves to be agents of the licensee, certificate holder, or registrant;

(2) Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured;

(3) Division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a patient;

(4) Obtaining any fee for professional services by fraud, deceit, or misrepresentation, including, but not limited to, falsification of third-party claim documents;

(5) Cheating on or attempting to subvert the licensing or certification examination;

(6) Assisting in the care or treatment of a patient without the consent of such patient or his or her legal representative;

(7) Use of any letters, words, or terms, either as a prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that such person is entitled to practice a system or mode of healing for which he or she is not licensed, certified, or registered;

(8) Performing, procuring, or aiding and abetting in the performance or procurement of a criminal abortion;

(9) Willful betrayal of a professional secret except as otherwise provided by law;

(10) Making use of any advertising statements of a character tending to deceive or mislead the public;

(11) Advertising professional superiority or the performance of professional services in a superior manner;

(12) Advertising to guarantee any professional service or

to perform any operations painlessly;

(13) Performance by a physician of an abortion as defined in subdivision (1) of section 28-326 under circumstances when he or she will not be available for a period of at least forty-eight hours for postoperative care unless such postoperative care is delegated to and accepted by another physician;

(14) Performing an abortion upon a minor without having satisfied the notice requirements of sections 71-6901 to 71-6908;

(15) The intentional and knowing performance of a partial-birth abortion as defined in subdivision (9) of section 28-326, unless such procedure is necessary to save the life of the mother whose life is endangered by a physical disorder, physical illness, or physical injury, and no other medical procedure would suffice for that purpose;

~~(15)~~ (16) The providing by a massage therapist of sexual stimulation as part of massage therapy;

~~(16)~~ (17) Violating an assurance of compliance entered into under section 71-171.02;

~~(17)~~ (18) Commission of any act of sexual abuse, misconduct, or exploitation related to the practice of the profession or occupation of the applicant, licensee, certificate holder, or registrant;

~~(18)~~ (19) Failure to keep and maintain adequate records of treatment or service;

~~(19)~~ (20) Prescribing, administering, distributing, dispensing, giving, or selling any controlled substance or other drug recognized as addictive or dangerous for other than a medically accepted therapeutic purpose;

~~(20)~~ (21) Prescribing any controlled substance to oneself or, except in the case of a medical emergency, to one's spouse or child; and

~~(21)~~ (22) Such other acts as may be defined in rules and regulations adopted and promulgated by the board of examiners in the profession of the applicant, licensee, certificate holder, or registrant with the approval of the department.

Nothing in this section shall be construed to exclude determination of additional conduct that is unprofessional by adjudication in individual contested cases.

Sec. 6. Section 71-171.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-171.02. Upon referral of a matter under section 71-171.01 by the Attorney General, the board of examiners may:

(1) Send to the licensee, certificate holder, or registrant a letter of concern, approved by the Attorney General, which includes a statement of the statute, rule, or regulation in question and a statement advising the licensee, certificate holder, or registrant of the conduct that would violate such statute, rule, or regulation. Such letter shall be signed by the board and shall become a part of the public record of the licensee, certificate

holder, or registrant;

(2) Advise the Attorney General on the content of an agreement to serve as the basis of an assurance of compliance. The Attorney General may contact the licensee, certificate holder, or registrant to reach, by voluntary agreement, an assurance of compliance. The assurance shall include a statement of the statute, rule, or regulation in question, a description of the conduct that would violate such statute, rule, or regulation, the assurance of the licensee, certificate holder, or registrant that he or she will not engage in such conduct, and acknowledgment by the licensee, certificate holder, or registrant that violation of the assurance constitutes unprofessional conduct as provided by subdivision ~~(16)~~ (17) of section 71-148. Such assurance shall be signed by the licensee, certificate holder, or registrant and shall become a part of the public record of the licensee, certificate holder, or registrant. The licensee, certificate holder, or registrant shall not be required to admit to any violation of the law and the assurance shall not be construed as such an admission; or

(3) Recommend that the Attorney General file a petition under section 71-150.

Sec. 7. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 8. Original sections 28-325, 28-340, 71-148, and 71-171.02, Reissue Revised Statutes of Nebraska, and section 28-326, Revised Statutes Supplement, 1996, are repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 204. Placed on General File as amended.
Standing Committee amendment to LB 204:
AM0665

1. On page 2, lines 9 and 14, strike "may" and insert "shall"; in line 19 strike "Attorney General" and insert "Nebraska State Patrol"; and strike beginning with "The" in line 27 through line 28 and insert "(a) The Nebraska State Patrol".

2. On page 3, line 1, strike "subsection" through the comma; strike beginning with "The" in line 3 through line 16 and insert the following new subdivisions

"(b) The rules and regulations adopted by the Nebraska State Patrol shall identify and incorporate factors relevant to the sex offender's risk of recidivism. Factors relevant to the risk of recidivism include, but are not limited to:

(i) Conditions of release that minimize the risk of recidivism, including probation, parole, counseling, therapy, or treatment;

(ii) Physical conditions that minimize the risk of recidivism, including advanced age or debilitating illness; and

(iii) Any criminal history of the sex offender indicative of a high risk of recidivism, including:

(A) Whether the conduct of the sex offender was found to be characterized by repetitive and compulsive behavior;

(B) Whether the sex offender committed the sexual offense against a child;

(C) Whether the sexual offense involved the use of a weapon, violence, or infliction of serious bodily injury;

(D) The number, date, and nature of prior offenses;

(E) Whether psychological or psychiatric profiles indicate a risk of recidivism;

(F) The sex offender's response to treatment;

(G) Any recent threats by the sex offender against a person or expressions of intent to commit additional crimes; and

(H) Behavior of the sex offender while confined.

(c) The procedures for release of information established by the Nebraska State Patrol shall provide for three levels of notification by the law enforcement agency in whose jurisdiction the sex offender is to be released depending on the risk of recidivism by the sex offender as follows:

(i) If the risk of recidivism is low, other law enforcement agencies likely to encounter the sex offender shall be notified;

(ii) If the risk of recidivism is moderate, in addition to the notice required by subdivision (i) of this subdivision, schools, daycare centers, and religious and youth organizations shall be notified; and

(iii) If the risk of recidivism is high, in addition to the notice required by subdivisions (i) and (ii) of this subdivision, the public shall be notified through means designed to reach members of the public likely to encounter the sex offender, which are limited to direct contact, news releases, postings, or a system utilizing a telephone system which charges a fee for each use. If any means of notification proposes a fee for usage, then nonprofit organizations holding a certificate of exemption under section 501(c) of the Internal Revenue Code shall not be charged.

(d) The Nebraska State Patrol shall establish procedures for the evaluation of the risk of recidivism and implementation of community notification that promote the uniform application of the notification rules and regulations required by this section.

(e) The Nebraska State Patrol shall assign a notification level, based upon the risk of recidivism, to all persons required to register under the act."; and strike lines 22 through 28.

3. On page 4, strike lines 1 through 14.

LEGISLATIVE BILL 373. Placed on General File as amended.
Standing Committee amendment to LB 373:
AM0428

1. Insert the following new sections:

"Sec. 2. Food products or dietary supplements containing ephedrine as described in subdivision (g)(3) of Schedule IV of section 28-405 shall be packaged with a prominent label securely affixed to each package that states:

(1) The amount in milligrams of ephedrine and ephedrine alkaloids in a serving or dosage contains a dose limitation of not more than twenty-five milligrams of ephedrine or ephedrine alkaloids;

(2) The amount of the product or supplement that constitutes a serving or dosage unit;

(3) That the maximum recommended twenty-four-hour dosage for an adult human is one hundred milligrams, except that if the federal Food and Drug Administration recommends a twenty-four-hour dosage other than one hundred milligrams, the recommendation of the federal Food and Drug Administration applies;

(4) That consumption of more than the recommended serving or dosage limitation for the product or supplement, or that consumption of a serving or dosage at a more frequent interval than recommended, does not guarantee or increase effectiveness and may cause adverse effects; and

(5) That consumption of more than the recommended serving or dosage limitation or at more frequent intervals than recommended is discouraged because of the potential for illness or injury.

Sec. 3. Except as provided in this section, no person shall dispense, sell, or otherwise give to a minor a food product or dietary supplement containing ephedrine as described in subdivision (g)(3) of Schedule IV of section 28-405. A physician or pharmacist may dispense or otherwise give such product or supplement to a minor. A minor's parent or legal guardian may give such product or supplement to a minor within the parent's or legal guardian's home. For purposes of this section, minor means a person under twenty-one years of age. Any person who violates this section is guilty of a Class IV felony.

Sec. 4. Section 28-438, Reissue Revised Statutes of Nebraska, is amended to read:

28-438. ~~This article~~ Sections 28-401 to 28-445 and sections 2 and 3 of this act shall be known and may be cited as the Uniform Controlled Substances Act.

2. On page 17, after line 13 insert:

"(3) The following food products or dietary supplements containing ephedrine, its salts, optical isomers, and salts of such optical isomers are excepted from subdivisions (g)(1) of Schedule IV if they are labeled in a manner consistent with section 2 of this act; they are not marketed, advertised, or represented in any manner for the indication of stimulation, mental alertness, euphoria, ecstasy, a buzz or high, heightened sexual performance, or, because it contains ephedrine alkaloids, increased muscle mass; and any dosage form of the products or supplements does not contain any hydrochloride or sulfate salts of ephedrine alkaloids and does not contain more than twenty-five milligrams of ephedrine alkaloids, except that if the federal Food and Drug Administration recommends a maximum safe dose other than twenty-five milligrams, the recommendation of the federal Food and Drug Administration applies.".

3. On page 18, line 13, after "Original" insert "section 28-438, Reissue Revised Statutes of Nebraska, and"; and in line 14 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 167. Indefinitely postponed.
LEGISLATIVE BILL 217. Indefinitely postponed.
LEGISLATIVE BILL 430. Indefinitely postponed.
LEGISLATIVE BILL 480. Indefinitely postponed.
LEGISLATIVE BILL 677. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 248. Placed on Select File as amended.
E & R amendment to LB 248:
AM7076

1. In the Chambers amendment, FA46, after "Legislature" insert an underscored period.

2. On page 1, line 8, after the comma insert "criminal history record checks,"; in line 11 strike "and" and insert "prohibited interests, contraband possession,"; in line 12 after "licenses" insert ", and extensions of credit"; in line 13 after the second semicolon insert "to state intent relating to appropriations;"; and in line 15 strike "and".

3. On page 2, line 1, after "1996" insert "; and to declare an emergency".

4. On page 12, line 11; page 27, line 21; and page 49, line 2, after "act" insert ", rules,".

5. On page 35, line 1, strike the comma; and in line 21 strike "(c)(16)" and insert "(3)(10)".

Correctly Reengrossed

The following bill was correctly reengrossed: 128.

Correctly Engrossed

The following bill was correctly engrossed: 397.

Enrollment and Review Change to LB 397

The following changes, required to be reported for publication in the Journal, have been made:
ER9017
1. In the E & R amendments, AM7032:
a. On page 2, line 10, "them" has been struck, shown as stricken, and "it" inserted;
b. On page 11, line 21, "19" has been struck and "20" inserted;
c. On page 15, line 18; and page 28, line 9, "36" has been struck and "44" inserted;
d. On page 17, line 27, "Tax Commissioner" has been struck, shown as stricken, and "Property Tax Administrator" inserted;
e. On page 21, lines 5 and 6, "32 to 41" has been struck and "40 to 48" inserted;
f. On page 26, line 3, "32" has been struck and "40" inserted;
g. On page 27, line 18, "33" has been struck and "41" inserted;
h. On page 29, line 27, "34 or 36" has been struck and "42 or 44" inserted;
i. On page 30, line 24, "38" has been struck and "46" inserted; and
j. On page 34, line 17, "change provisions relating to homestead exemptions; to change and" has been inserted after the second "to".
2. On page 1, line 3, ", 77-1345" has been inserted after "77-1338"; and in line 5 "77-3523," has been struck and "77-3510, 77-3512, 77-3513, 77-3514, 77-3516, 77-3517, 77-3523, 77-3528," inserted.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 465. Placed on General File as amended.
(Standing Committee amendment, AM0617, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Kermit A. Brashear, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 248A. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 248, Ninety-fifth Legislature, First Session, 1997; to provide for transfers between funds; and to declare an emergency.

NOTICE OF COMMITTEE HEARINGS
Government, Military and Veterans Affairs

LB 400	Wednesday, March 19, 1997	8:30 a.m.
LB 500	Wednesday, March 19, 1997	8:30 a.m.
LB 743	Wednesday, March 19, 1997	8:30 a.m.
LB 778	Wednesday, March 19, 1997	8:30 a.m.
LB 805	Wednesday, March 19, 1997	8:30 a.m.
LB 847	Thursday, March 20, 1997	8:30 a.m.
LB 449	Thursday, March 20, 1997	8:30 a.m.
LB 607	Thursday, March 20, 1997	8:30 a.m.
LB 820	Thursday, March 20, 1997	8:30 a.m.
LB 839	Thursday, March 20, 1997	8:30 a.m.
LR 52CA	Friday, March 21, 1997	8:30 a.m.
LR 58CA	Friday, March 21, 1997	8:30 a.m.
LR 60CA	Friday, March 21, 1997	8:30 a.m.
LR 53	Friday, March 21, 1997	8:30 a.m.
LB 31	Friday, March 21, 1997	8:30 a.m.
LB 878	Friday, March 21, 1997	8:30 a.m.

(Signed) C. N. "Bud" Robinson, Chairperson

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 279. Placed on General File as amended.
Standing Committee amendment to LB 279:
AM0746

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 24 of this act shall be known and may be cited as the Managed Care Patient Protection Act.

Sec. 2. The purposes of the Managed Care Patient Protection Act are to (1) establish standards and requirements for written agreements between health carriers offering managed care plans and participating providers regarding the standards, terms, and provisions under which the participating provider will provide services to covered persons and (2) establish standards for access to and delivery of emergency medical services.

Sec. 3. For the purposes of the Managed Care Patient Protection Act, the definitions found in sections 4 to 19 of this act shall apply.

Sec. 4. Closed plan means a managed care plan that requires covered persons to use participating providers under the terms of the managed care plan.

Sec. 5. Covered benefits means those health care services to which a covered person is entitled under the terms of a health benefit plan.

Sec. 6. Covered person means a policyholder, subscriber, enrollee, or other individual participating in a health benefit plan.

Sec. 7. Emergency medical condition means a medical or behavioral condition, the onset of which is sudden, that manifests itself by symptoms of sufficient severity, including, but not limited to, severe pain, that a prudent layperson, possessing an average knowledge of medicine and health, could reasonably expect the absence of immediate medical attention to result in (1) placing the health of the person afflicted with such condition in serious jeopardy or, in the case of a behavioral condition, placing the health of such persons or others in serious jeopardy, (2) serious impairment to such person's bodily functions, (3) serious impairment of any bodily organ or part of such person, or (4) serious disfigurement of such person.

Sec. 8. Emergency services means health care items and services necessary to screen and stabilize a covered person in connection with an emergency medical condition. For purposes of this section, stabilize means when, with respect to transfer to another facility, the examining physician at a hospital emergency department where an individual has sought treatment for an emergency medical condition has determined, within reasonable medical probability:

(1) With respect to an emergency medical condition, that no material deterioration of the condition is likely to result from or occur during a transfer of the individual from the facility; and

(2) The receiving facility has available space and qualified personnel for the treatment of the individual and has agreed to accept transfer of the individual and provide appropriate medical treatment.

Sec. 9. Facility means an institution providing health care services or a health care setting, including, but not limited to, hospitals and other licensed inpatient center, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings.

Sec. 10. Health benefit plan means a policy contract, certificate, or agreement entered into, offered, or issued by any person to provide, deliver, arrange for, pay for, or reimburse the costs of health care services.

Sec. 11. Health care professional means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care service consistent with state law.

Sec. 12. Health care provider means a health care professional or a facility.

Sec. 13. Health care services means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

Sec. 14. Health carrier means an entity that contracts, offer to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, a prepaid limited health service organization, or any other entity providing a plan of health insurance, health benefits, or health care services.

Sec. 15. Managed care plan means a health benefit plan, including closed plans and open plans, that either requires a covered person to use or creates financial incentives by providing a more favorable deductible, coinsurance, or copayment level for a covered person to use health care providers managed, owned, under contract with, or employed by the health carrier.

Sec. 16. Network means the group of participating providers providing services to a managed care plan.

Sec. 17. Open plan means managed care plan other than a closed plan that provides incentives, including financial incentives for covered persons to use participating providers under the terms of the managed care plan.

Sec. 18. Participating provider means a health care provider who, under a contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payment, other than coinsurance, copayments or deductibles, directly or indirectly from the health carrier.

Sec. 19. Person means an individual, a corporation, a partnership, an association, a joint venture, joint stock company, a trust, an unincorporated organization, any similar entity, or any combination of the foregoing.

Sec. 20. The Managed Care Patient Protection Act applies to all health carriers that offer managed care plans.

Sec. 21. A health carrier shall not offer an inducement under a managed care plan to a health care provider to provide less than medically necessary services under the terms of the managed care plan to a covered person.

Sec. 22. A health carrier shall not prohibit a participating provider from discussing treatment options with covered persons irrespective of the health carrier's position on the treatment options or from advocating on behalf of covered persons within the utilization review or grievance processes established by the carrier or a person contracting with the carrier.

Sec. 23. (1) A health carrier which provides a covered benefit for emergency services is, subject to the terms and conditions of the health benefit plan, responsible for charges for medically necessary emergency services provided to a covered person, including services furnished outside the network and services deemed approved under subsection (2) of this section.

(2) If a treating physician or other emergency department personnel who have provided emergency services to a person covered by a health carrier determine that additional medically necessary

services are promptly needed by the covered person and they have requested health carrier approval for such services, the health carrier is deemed to have approved the request if the treating physician or other emergency department personnel involved:

(a) Has made a reasonable effort to contact the individual at the health carrier authorized to approve such requests and the health carrier has not provided access to that individual; or

(b) Has requested authorization from the individual at the health carrier authorized to approve such requests and the individual has not denied authorization within thirty minutes after the time the request was made, unless the plan can document that it had made a good faith effort but was unable to reach the emergency physician within thirty minutes after receiving a request for authorization.

A request which is deemed approved under this subsection shall be treated as approval for any medically necessary covered benefits that are required to treat the medical condition identified by the treating physician or other emergency department personnel.

(3) A health carrier may impose a reasonable copayment for emergency services to deter inappropriate use of services of hospital emergency departments if the copayment is the same without regard to whether the health care professional or facility has a contractual or other arrangement with the health carrier.

Sec. 24. The Department of Insurance shall enforce the Managed Care Patient Protection Act. The department may use the types of penalties and remedies available under the Health Maintenance Organization Act to enforce the Managed Care Patient Protection Act.".

(Signed) Don Wesely, Chairperson

AMENDMENTS - Print in Journal

Mr. Janssen filed the following amendment to LB 116:
AM0745

1. Strike original section 1 and insert the following new section:

"Section 1. Section 19-1831, Reissue Revised Statutes of Nebraska, is amended to read:

19-1831. (1) An applicant for a position of any kind under civil service shall be able to read and write the English language, meet the minimum job qualifications of the position as established by the appointing authority, and be of good moral character. An applicant shall be required to disclose his or her past employment history and his or her criminal record, if any, and submit a full set of his or her fingerprints and a written statement of permission authorizing the appointing authority to forward the fingerprints for identification. Prior to certifying to the appointing authority the names of the persons eligible for the position or positions, the commission shall validate the qualifications of such persons.

(2) The appointing authority shall require an applicant, as part of the application process, to submit a full set of his or her fingerprints along with written permission authorizing the appointing authority to forward the fingerprints to the Federal Bureau of Investigation through the Nebraska State Patrol, for identification. The fingerprint identification shall be solely for the purpose of confirming information provided by the applicant.

(3) Any fingerprints received by the commission or appointing authority pursuant to a request made under subsection (2) of this section and any information in the custody of the commission or appointing authority resulting from inquiries or investigations made with regard to those fingerprints initiated by the commission or appointing authority shall not be a public record within the meaning of sections 84-712 to 84-712.09 and shall be withheld from the public by the lawful custodians of such fingerprints and information and shall only be released to those lawfully entitled to the possession of such fingerprints and information. Any member, officer, agent, or employee of the commission, appointing authority, or municipality who comes into possession of fingerprints and information gathered pursuant to subsection (2) of this section shall be an official within the meaning of section 84-712.09.".

Mr. Brashear filed the following amendment to LB 362:
FA52

Line 12 after "be" strike "ninety-eight thousand six hundred eighty-eight dollars" and insert "ninety-seven thousand seven hundred thirty-nine dollars".

Line 15 after "be" strike "one hundred one thousand six hundred forty-eight dollars and eighty-six cents" and insert "101,649".

Mr. Chambers filed the following amendment to LB 362:
FA54

P. 2, line 12 after "be", strike all language through "cents." in line 13, and insert "ninety-six thousand dollars";

line 15 after "be", strike all language through "cents." in line 16, and insert "ninety-eight thousand six hundred dollars"

Mr. Beutler filed the following amendment to LB 273:
FA47

to strike section 1 of LB 273

Mr. Beutler filed the following amendment to LB 226:
FA48

to strike section 1 of LB 226

Mr. Beutler filed the following amendment to LB 256:
FA49
Strike Section 1

Mr. Beutler filed the following amendment to LB 887:
FA50
Strike Section 1

UNANIMOUS CONSENT - Add Cointroducers

Mmes. Witek, Stuhr, Messrs. Hilgert, and Jensen asked unanimous consent to have their names added as cointroducers to LB 23. No objections. So ordered.

Messrs. Jensen and Wesely asked unanimous consent to have their names added as cointroducers to LB 182. No objections. So ordered.

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 853. No objections. So ordered.

WITHDRAW - Cointroducer

Mrs. Suttle withdrew her name as cointroducer to LB 232.

VISITORS

Visitors to the Chamber were 90 fourth grade students, principal, and teachers from Cozad.

ADJOURNMENT

At 11:58 a.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 8:30 a.m., Wednesday, March 5, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SIXTH DAY - MARCH 5, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 5, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mr. Vrtiska presiding.

PRAYER

The prayer was offered by Pastor Dr. Thomas Hallstrom, Grace Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Coordsen and Withem who were excused; and Messrs. Abboud, Beutler, Chambers, Cudaback, Engel, Hilgert, Landis, Robinson, Schmitt, Warner, Wesely, Will, Mmes. Bohlke, Brown, Crosby, Stuhr, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 868, lines 33 and 34, strike "printed with soy ink on recycled paper 0 LB 347 LB 347 1".
The Journal for the thirty-fifth day was approved as corrected.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 4, 1997, at 12:50 p.m., were the following bills: LBs 15, 56, 200, 201, 202, 275, 351, 28, 85, 97, 206, 221, 238, 342, 441, 489, 129, 345, 347, and 346.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ANNOUNCEMENT

The Revenue Committee designates LB 270 as its priority bill.

SELECT FILE

LEGISLATIVE BILL 116. Mr. Janssen renewed his pending amendment, AM0745, found on page 892.

The Janssen amendment was adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

Advanced to E & R for engrossment.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 364. Mr. Beutler renewed his pending motion, found on page 746, to indefinitely postpone.

Mr. Beutler withdrew his motion to indefinitely postpone LB 364.

Mr. Beutler withdrew his amendments, FA36 and AM0539, found on pages 770 and 807.

Mr. Beutler offered the following amendment:
FA55
to strike Section 2 of LB 364 and renumber accordingly

The Beutler amendment was adopted with 26 ayes, 1 nay, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 182. Mr. Landis renewed his pending amendment, AM0552, found on page 768.

The Landis amendment was adopted with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 182A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 362. E & R amendment, AM7061, found on page 749, was adopted.

Mr. Brashear asked unanimous consent to replace his amendment, FA52, found on page 893, with a substitute amendment. No objections. So ordered.

Mr. Brashear withdrew his amendment, FA52, found on page 893.

Mr. Brashear offered the following substitute amendment:
AM0796
1. On page 2, strike beginning with "ninety-eight" in

line 12 through "eighty-eight" in line 13 and insert "ninety-seven thousand seven hundred thirty-nine"; in line 15 strike "forty-eight" and insert "forty-nine"; and in line 16 strike "and eighty-six cents".

Mr. Brashear asked unanimous consent to pass over LB 362. No objections. So ordered.

LEGISLATIVE BILL 404. E & R amendment, AM7062, found on page 749, was adopted.

Mmes. Hudkins, Stuhr, Robak, Hillman, McKenzie, Messrs. Vrtiska, Bromm, Wickersham, and Matzke renewed their pending amendment, AM0567, found on page 850.

Messrs. Landis and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Bromm moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Hudkins requested a roll call vote on the Hudkins et al. amendment.

Voting in the affirmative, 24:

Bohlke
Bromm
Chambers
Cudaback
Dierks
Engel
Hillman
Hudkins
Janssen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Peterson, C.
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wickersham

Voting in the negative, 17:

Abboud
Beutler
Brashear
Brown
Bruning
Hartnett
Hilgert
Jensen
Landis
Pedersen, Dw.
Pederson, D.
Preister
Schimek
Suttle
Wehrbein
Wesely
Will

Present and not voting, 4:

Crosby
Elmer
Lynch
Witek

Absent and not voting, 1:

Kiel

Excused and not voting, 3:

Coordsen Warner Withem

The Hudkins et al. amendment lost with 24 ayes, 17 nays, 4 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Tyson moved to indefinitely postpone LB 404.

Laid over.

LEGISLATIVE BILL 623. E & R amendment, AM7068, found on page 792, was adopted.

Mr. Wickersham renewed his pending amendment, AM0488, found on page 716.

The Wickersham amendment was adopted with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 226. E & R amendment, AM7065, found on page 793, was adopted.

Mr. Beutler withdrew his pending amendment, FA48, found on page 893.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 273. E & R amendment, AM7070, found on page 795, was adopted.

Mr. Beutler withdrew his pending amendment, FA47, found on page 893.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 720. E & R amendment, AM7069, found on page 796, was adopted.

Mr. Kristensen renewed his pending amendment, AM0506, found on page 760.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 256. E & R amendment, AM7074, found on page 836, was adopted.

Mr. Beutler withdrew his pending amendment, FA49, found on page 894.

Mr. Dw. Pedersen offered the following amendment:
AM0570

1. Insert the following new section:

"Sec. 7. Section 81-1021, Revised Statutes Supplement, 1996, is amended to read:

81-1021. (1) All motor vehicles acquired by the State of Nebraska shall be indelibly and conspicuously lettered, in plain letters of a contrasting color or reflective material:

(a) On each side thereof with the words State of Nebraska and following such words the name of whatever board, department, bureau, division, institution, including the University of Nebraska or state college, office, or other state expending agency of the state to which the motor vehicle belongs; and

(b) On the back thereof with the words State of Nebraska.

(2) This section shall not apply to motor vehicles used or controlled by:

(a) The Nebraska State Patrol, the Public Service Commission, the Game and Parks Commission, deputy state sheriffs employed by the Nebraska Brand Committee and State Fire Marshal for state law enforcement purposes, inspectors employed by the Nebraska Liquor Control Commission, and persons employed by the Tax Commissioner for state revenue enforcement purposes, the exemption for state law enforcement purposes and state revenue enforcement purposes being confined strictly to the seven agencies specifically named;

(b) The Department of Health and Human Services or the Department of Correctional Services for the purpose of apprehending and returning escaped offenders or parole violators to facilities in the Department of Correctional Services and transporting offenders and personnel of the Department of Correctional Services and patients and personnel of the Department of Public Institutions until January 1, 1997, and on and after January 1, 1997, the Department of Health and Human Services who are engaged in off-campus program activities;

(c) The Military Department;

(d) Vocational rehabilitation counselors and the Department of Health and Human Services for the purposes of communicable disease control, for the prevention and control of those communicable diseases which endanger the public health, or used by the Department of Health and Human Services Regulation and Licensure in the enforcement of drug control laws or for other investigation purposes;

(e) The Department of Agriculture for special investigative purposes; ~~and~~

(f) The Nebraska Motor Vehicle Industry Licensing Board for investigative purposes; and

(g) The Nebraska Probation System for the intensive supervision of a convicted person pursuant to sections 29-2262.02 to 29-2262.05.".

2. On page 2, strike beginning with "may" in line 1 through the period in line 4 and insert "shall be issued only to governmental agencies and shall be used only for legitimate criminal investigatory purposes or the intensive supervision of a convicted person pursuant to sections 29-2262.02 to 29-2262.05."; and in line 14 after "purposes" insert "or the supervision of a convicted person".

3. On page 8, line 9, strike "and"; and in line 10 after the first comma insert "and 81-1021,".

4. Renumber the remaining sections accordingly.

Messrs. Landis, Brashear, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 580. Placed on General File as amended.
Standing Committee amendment to LB 580:
AM0481

1. Strike the original sections and insert the following new sections:

"Section 1. Section 70-601, Reissue Revised Statutes of Nebraska, is amended to read:

70-601. ~~As used in~~ For purposes of Chapter 70, article 6, unless the context otherwise requires:

(1) District ~~shall mean~~ means a public power district, public irrigation district, or public power and irrigation district, organized under Chapter 70, article 6, either as originally organized or as the same may from time to time be altered or extended, and ~~shall include~~ includes, when applicable, rural public power districts organized under Chapter 70, article 8, and subject to Chapter 70, article 6;

(2) Municipality, when used in relation to the organization or charter of a public power district or to the election of successors to the board of directors of a public power district, ~~shall mean~~ means any county, city, incorporated village,

or voting precinct in this state;

(3) Governing body, whenever used in relation to any municipality, ~~shall~~ ~~mean~~ means the duly constituted legislative body or authority within and for such municipality as a public corporation and governmental subdivision. When used with reference to a voting precinct, governing body ~~shall~~ ~~mean~~ means the county board of the county in which the precinct is located;

(4) Irrigation works ~~shall~~ ~~mean~~ means any and all sites, dams, dikes, abutments, reservoirs, canals, flumes, ditches, head gates, machinery, equipment, materials, apparatus, and all other property used or useful for the storage, diversion, damming, distribution, sale, or furnishing of water supply or storage of water for irrigation purposes or for flood control, or used or useful for flood control, whether such works be operated in conjunction with or separately from electric light and power plants or systems;

(5) Power ~~shall~~ ~~include~~ includes any and all electrical energy generated, produced, distributed, bought, or sold and ethanol produced for purposes of lighting, heating, power, and any and every other useful purpose whatsoever; ~~and~~

(6) Plant or system ~~shall~~ ~~include~~ includes any and all property owned, used, operated, or useful for operation in the district's business, including the generation by means of water power, steam, or other means or in the transmission, distribution, sale, or purchase of electrical energy or ethanol for any and every useful purpose, including any and all irrigation works which may be owned, used, or operated in conjunction with such power plant or system; and

(7) Energy equipment includes but is not limited to, equipment or facilities used or useful to generate, produce, transmit, or distribute power, heated or chilled water, or steam for use by the district or the district's commercial and industrial customers.

Sec. 2. Section 70-604, Reissue Revised Statutes of Nebraska, is amended to read:

70-604. The petition shall be addressed to the Nebraska Power Review Board and state in substance that it is the intent and purpose of the petitioners by such petition to create or amend the charter of a district subject to approval by the Nebraska Power Review Board. The petition shall state and contain:

(1) The name of the district, which name shall contain, if the district is to engage or is engaged in the electric light and power business or ethanol production and distribution, the words public power district. If the district is to engage or is engaged in the business of owning and operating irrigation works, the name shall include the words public irrigation district, except that if electric light and power are the major business of such district, it need not include these words in its name. A district may be organized to engage only in the electric light and power

business and the production and distribution of ethanol, only in the business of owning and operating irrigation works, in any business identified in section 70-625, or in all of such businesses;

(2) The names of the municipalities constituting the district and the boundaries of such district;

(3) A general description of the nature of the business which the district intends to engage in and, for the original creation of a district, the location and method of operation of the proposed power plants and systems or irrigation works of the district;

(4) The location of the principal place of business of the district;

(5) A statement that the district shall not have the power to levy taxes nor to issue general obligation bonds;

(6) When the Nebraska Power Review Board finds from the evidence that subdivisions, from which directors are to be elected or appointed, are necessary or desirable, such subdivisions shall be of substantially equal population, except that no district shall be required to redistrict its subdivisions for purposes of equalizing population more frequently than every ten years following publication of the most recent federal decennial census; and

(7) Except in a district having within its boundaries twenty-five or more cities or villages, the names and addresses of the members of the board of directors of the district, not less than five nor more than twenty-one, who shall serve or continue to serve until their successors are elected and qualified. In any district having within its boundaries twenty-five or more cities and villages, (a) the original petition for creation shall set forth the number of directors of the district and shall provide that the board of directors, to serve until their successors are elected and qualified, shall be appointed by the Governor within thirty days after the approval of the formation of the district and (b) a petition to amend a charter shall set forth the names and addresses of the members of the board of directors of the district. In the petition the directors named or to be appointed by the Governor shall be divided as nearly as possible into three equal groups, the members of the first group to hold office until their successors, elected at the first general state election thereafter, shall have qualified, the members of the second group to hold office until their successors, elected at the second general state election thereafter, shall have qualified, and the members of the third group to hold office until their successors, elected at the third general state election thereafter, shall have qualified. The group to which each proposed director belongs shall be designated in the petition or, for an original petition in case the district has within its proposed boundaries twenty-five or more cities and villages, shall be set forth in the order of appointment by the

Governor.

Sec. 3. Section 70-625, Reissue Revised Statutes of Nebraska, is amended to read:

70-625. Subject to the limitations of the petition for its creation and all amendments thereto, a public power district shall have all the usual powers of a corporation for public purposes and may purchase, hold, sell, and lease personal property and real estate reasonably necessary for the conduct of its business. No district may sell household appliances at retail if the retail price of any such appliance exceeds fifty dollars, except that newly developed electrical appliances may be merchandised and sold during the period of time in which any such appliances are being introduced to the public. New models of existing appliances shall not be deemed to be newly developed appliances. An electrical appliance shall be considered to be in such introductory period of time until the particular type of appliance is used by twenty-five percent of all the electrical customers served by such district, but such period shall in no event exceed five years from the date of introduction by the manufacturer of the new appliance to the local market.

In addition to its powers authorized by Chapter 70 and specified in its petition for creation as amended, a public power district may sell, lease, and service satellite television signal descrambling or decoding devices, satellite television programming, and equipment and services associated with such devices and programming, except that nothing in this section shall authorize public power districts (1) to operate as contract or common carriers engaged in furnishing communication services for hire in Nebraska intrastate commerce, (2) to provide signal descrambling or decoding devices or satellite programming to any location (a) being furnished such devices or programming on April 24, 1987, or (b) where community antenna television service is available from any person, firm, or corporation holding a franchise pursuant to sections 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on April 24, 1987, or (3) to sell, service, or lease C-band satellite dish systems or repair parts.

Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act. In addition to the powers authorized by Chapter 70 and specified in its petition for creation, as amended, and without the need for further amendment thereto, a public power district may own and operate, contract to operate, or lease energy equipment and provide billing, meter reading, surveys, or evaluations and other administrative services of public utility systems within a district's service territory.

Sec. 4. Original sections 70-601, 70-604, and 70-625, Reissue Revised Statutes of Nebraska, are repealed.".

(Signed) Chris Beutler, Chairperson

Judiciary

LEGISLATIVE BILL 504. Placed on General File as amended.
Standing Committee amendment to LB 504:
AM0782

1. On page 2, line 5, reinstate the stricken matter and strike the new matter.

(Signed) Kermit A. Brashear, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 741. Placed on General File.

LEGISLATIVE BILL 159. Indefinitely postponed.
LEGISLATIVE BILL 336. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 396. Placed on General File.
LEGISLATIVE BILL 421. Placed on General File.
LEGISLATIVE BILL 546. Placed on General File.
LEGISLATIVE BILL 767. Placed on General File.
LEGISLATIVE BILL 776. Placed on General File.

LEGISLATIVE RESOLUTION 7CA. Placed on General File.

LEGISLATIVE RESOLUTION 15CA. Placed on General File as amended.
Standing Committee amendment to LR 15CA:
AM0754

1. On page 1, strike beginning with "The" in line 10 through "Constitution" in line 12 and insert "As soon as practicable after the adoption of this section to the Constitution, the Secretary of State shall revise and reprint this Constitution to implement subsection (1) of this section".

2. On page 2, strike beginning with "Revisor" in line 1 through "construction" in line 3 and insert "Secretary of State to revise and reprint the Constitution to implement such construction".

LEGISLATIVE BILL 665. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Health and Human Services

LEGISLATIVE BILL 65. Placed on General File.
LEGISLATIVE BILL 146. Placed on General File.
LEGISLATIVE BILL 375. Placed on General File.
LEGISLATIVE BILL 577. Placed on General File.
LEGISLATIVE BILL 837. Placed on General File.

LEGISLATIVE BILL 307. Placed on General File as amended.
Standing Committee amendment to LB 307:
AM0670

1. Strike sections 14, 15, 60, 62 to 68, 99, 100, 101, 121 to 133, 136 to 144, 147, 216, 227 to 230, 240, 255, 260, 263 to 268, 271 to 273, 281 to 301, and 305 and insert the following new sections:

"Sec. 133. Section 71-1,312, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,312. After September 1, 1995, no person shall engage in mental health practice or hold himself or herself out as a mental health practitioner unless he or she is licensed for such purpose pursuant to the Uniform Licensing Law, except that this section shall not be construed to prevent:

(1) Qualified members of other professions who are licensed, certified, or registered by this state from practice of any mental health activity consistent with the scope of practice of their respective professions;

(2) Alcohol, drug abuse, and compulsive gambling counselors who are certified by the Department of Health and Human Services Regulation and Licensure pursuant to section 228 of this act from practicing their profession. Such exclusion shall include students training and working under the supervision of a certified alcohol and drug abuse counselor to become certified;

(3) Any person employed by an agency, bureau, or division of the federal government from discharging his or her official duties, except that if such person engages in mental health practice in this state outside the scope of such official duty or represents himself or herself as a licensed mental health practitioner, he or she shall be licensed;

(4) Teaching or the conduct of research related to mental health services or consultation with organizations or institutions if such teaching, research, or consultation does not involve the delivery or supervision of mental health services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services;

(5) The delivery of mental health services by:

(a) Students, interns, or residents whose activities constitute a part of the course of study for medicine, psychology, nursing, school psychology, social work, clinical social work, counseling, marriage and family therapy, or other health care or mental health service professions; or

(b) Individuals seeking to fulfill postgraduate requirements for licensure when those individuals are supervised by a licensed professional consistent with the applicable regulations of the appropriate professional board;

(6) Duly recognized members of the clergy from providing mental health services in the course of their ministerial duties and consistent with the codes of ethics of their profession if they do not represent themselves to be mental health practitioners;

(7) The incidental exchange of advice or support by persons who do not represent themselves as engaging in mental health practice, including participation in self-help groups when the leaders of such groups receive no compensation for their participation and do not represent themselves as mental health practitioners or their services as mental health practice;

(8) Any person employed by an agency or department of the State of Nebraska from discharging official duties within such agency or department during the six years immediately following September 1, 1994, except that no person shall represent himself or herself as a licensed mental health practitioner unless he or she holds such a license;

(9) Any person providing emergency crisis intervention or referral services or limited services supporting a service plan developed by and delivered under the supervision of a licensed mental health practitioner, licensed physician, or a psychologist licensed to engage in the practice of psychology if such persons are not represented as being licensed mental health practitioners or their services are not represented as mental health practice; or

(10) Staff employed in a program designated by an agency of state government to provide rehabilitation and support services to individuals with mental illness from completing a rehabilitation assessment or preparing, implementing, and evaluating an individual rehabilitation plan.

Sec. 226. Section 83-158.01, Revised Statutes Supplement, 1996, is amended to read:

83-158.01. Sections 83-158.01 to 83-169 and section 228 of this act shall be known and may be cited as the Alcoholism, Drug Abuse, and Addiction Services Act.

Sec. 227. Section 83-164, Revised Statutes Supplement, 1996, is amended to read:

83-164. The division, with the advice of the committee and the commission, is authorized to:

(1) Study alcoholism, drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction and their problems, including methods and facilities available for the care, custody, detention, treatment, employment, and vocational rehabilitation of resident alcoholics, drug abusers, compulsive gamblers, and individuals with other compulsive disorders resulting from addiction;

(2) Promote meetings and programs for the discussion of alcoholism, drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction or any of their aspects, disseminate information on the subject of alcoholism, drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction for the guidance and assistance of individuals, courts, and public and private agencies for the prevention of alcoholism, drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction, and inform and educate the general public on problems of alcoholism, drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction and their prevention and treatment, to the end that alcoholism, drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction may be prevented and that persons suffering from alcoholism, drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction may be disposed to seek available treatment;

(3) Promote or establish cooperative relationships with courts, hospitals and clinics, medical, social, and welfare agencies, public health authorities, law enforcement agencies, educational and research organizations, vocational rehabilitation agencies, federal and state agencies, and drug abuse and other related groups and encourage coordination of their programs and services which may relate to alcoholism, drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction;

(4) Promote, evaluate, or conduct research on alcoholism, drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction;

(5) Promote the establishment and operation of public clinics and other public alcoholism and drug abuse treatment facilities in local communities of the state;

(6) Provide consultation services to public and private agencies and groups;

(7) Cooperate with and assist political subdivisions of the state, educational institutions, religious organizations, and other organized groups dealing with problems associated with alcoholism, drug abuse, compulsive gambling, and other compulsive disorders resulting from addiction;

(8) Train personnel for work in the field of alcoholism and drug abuse and set and enforce certification standards for such personnel;

(9) ~~Establish~~ Recommend minimum standards and training requirements for individuals providing services for compulsive gambling and other compulsive disorders resulting from addiction, with standards and requirements for compulsive gambling to be based on any generally recognized national standards, including the criteria used by the National Council on Problem Gambling;

(10) Promote or conduct educational, training, and preventive programs on alcoholism, drug abuse, compulsive gambling,

and other compulsive disorders resulting from addiction in tax-supported schools of the elementary, secondary, university, and graduate levels;

(11) Accept for examination, diagnosis, guidance, and treatment, insofar as funds permit, any resident of the state coming to the division of his or her own volition for advice or guidance respecting alcoholism, drug abuse, compulsive gambling, or other compulsive disorders resulting from addiction, including persons under the age of nineteen;

(12) Establish, from time to time, policies governing the acceptance, care, and treatment of alcoholics, drug abusers, compulsive gamblers, and individuals with other compulsive disorders resulting from addiction and adopt such rules as may be necessary to regulate the conduct and stay of all patients of the division;

(13) Employ such personnel as may be necessary to carry out the purposes of the Alcoholism, Drug Abuse, and Addiction Services Act; and

(14) Adopt and promulgate rules, regulations, and standards to carry out the act. In adopting such rules, regulations, and standards, the director shall be governed by the Administrative Procedure Act. Any rules, regulations, and standards shall be adopted only after consultation with the committee.

Sec. 228. (1) The Department of Health and Human Services Regulation and Licensure, in consultation with the Department of Health and Human Services, shall set and enforce certification standards for and shall certify (a) counselors for alcoholism and drug abuse and (b) counselors providing services for compulsive gambling and other compulsive disorders resulting from addiction.

(2) The Department of Health and Human Services Regulation and Licensure shall adopt and promulgate rules and regulations to carry out this section. The rules and regulations shall be adopted and promulgated pursuant to the Administrative Procedure Act.

Sec. 257. (1) All rules, regulations, and orders adopted prior to July 1, 1997, made by the agency then enforcing this act shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.

(2) All licenses, certificates, registrations, permits, seals, or other forms of approval issued by the agencies enforcing such sections prior to July 1, 1997, shall remain valid as issued under the names of the original agencies unless revoked or their effectiveness is otherwise terminated as provided by law.

(3) No suit, action, or other proceeding, judicial or administrative, lawfully commenced prior to July 1, 1997, or which could have been commenced prior to that date by or against any of such agency or director or employee thereof in such director's or

employee's official capacity or in relation to the discharge of his or her official duties shall abate by reason of the transfer of duties and functions from such agency as provided in such sections.

Sec. 258. This act becomes operative on July 1, 1997.".

2. On page 97, lines 27 and 28, reinstate the stricken matter.

3. On page 98, line 1, strike "department", show as stricken, and insert "Department of Health and Human Services".

4. On page 156, line 18; page 157, line 3; page 241, lines 3 and 25; page 242, lines 22 and 28; and page 243, line 16, after "Services" insert "Finance and Support".

5. On page 313, line 20, strike "department", show as stricken, and insert "Department of Health and Human Services"; and in lines 21 and 22 reinstate the stricken matter.

6. On page 331, strike beginning with "83-465" in line 14 through the second comma in line 15; in line 16 strike "43-287,"; and strike line 17 and insert "Revised Statutes".

7. Renumber the remaining sections and correct the internal references accordingly.

LEGISLATIVE BILL 352. Placed on General File as amended.
Standing Committee amendment to LB 352:
AM0742

1. Strike original section 1.

2. On page 4, line 21, strike "sections 71-1,145 and" and insert "section"; and in line 22 strike "are" and insert "is".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 69. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

ANNOUNCEMENTS

The Nebraska Retirement Systems Committee designates LB 624 and LB 724 as its priority bills.

Mrs. Hudkins designates LB 485 as her priority bill.

The Natural Resources Committee designates LB 297 and LB 518 as its priority bills.

Mr. Wesely designates LB 587 as his priority bill.

RESOLUTIONS

LEGISLATIVE RESOLUTION 87. Introduced by Bromm, 23.

WHEREAS, the East Butler High School wrestling team won the 1997 Class D State Wrestling Tournament; and

WHEREAS, the East Butler High School girls' cross country team won the state cross-country championship this year to mark a total of three state titles in the school's thirty-five-year history; and

WHEREAS, East Butler High School qualified ten wrestlers in thirteen weight classes for the state wrestling tournament; and

WHEREAS, six wrestlers earned medals; and

WHEREAS, Josh Schommer pinned all four of his opponents in the state wrestling tournament to win the Class D 145-pound weight class; and

WHEREAS, Darth Tesinsky repeated as the Class D state champion of the 189-pound weight class.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the East Butler High School girls' cross country team and the East Butler High School wrestling team and their coaches and families.
2. That a copy of this resolution be sent to East Butler Public Schools.

Laid over.

LEGISLATIVE RESOLUTION 88. Introduced by Beutler, 28; Hilgert, 7; D. Pederson, 42; Abboud, 12; Bruning, 3; Bromm, 23; Wickersham, 49; Kristensen, 37; Matzke, 47; Will, 8; Brashear, 4.

WHEREAS, it is the intent of the Legislature that a decision of the Court of Appeals made on a question of law arising in a case before it and necessary to the determination of the case is binding authority or precedent in the same court or in courts and tribunals of lower rank in subsequent cases in which the very point is again in controversy; and

WHEREAS, the statutes creating the Court of Appeals intend such court to function as a doctrinal court; and

WHEREAS, the functioning of the Court of Appeals as a doctrinal court with stare decisis function to lower courts does not change the position of the Supreme Court as the court of final authority on issues of Nebraska state law.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature encourages the Supreme Court to recognize the precedential value of the opinions of the Court of Appeals for lower courts and tribunals when appropriate to effectuate the intent of the Legislature expressed in this resolution.
2. That a copy of this resolution be delivered to the Supreme Court.

Laid over.

MOTION - Print in Journal

Mr. D. Pederson filed the following motion to LB 404:

To reconsider the vote on AM0567 to LB 404 taken on March 5th, 1997.

AMENDMENTS - Print in Journal

Mr. Matzke filed the following amendment to LB 107:
AM0684

1. On page 2, line 28, strike "It" and insert "Except as permitted by law or rule and regulation of the commission, it".

2. On page 3, line 1, after the period insert "It shall be lawful to possess horns of mountain sheep lawfully obtained in this state or in another state or country.".

Mr. Chambers filed the following amendment to LB 256:
FA56

P. 2, line 2; p. 6, line 20:
Strike "federal"

Mr. Janssen filed the following amendment to LB 249:
AM0795

1. In the Standing Committee amendment, AM0592:

a. On page 1, strike the new matter and all amendments thereto and reinstate the stricken matter; in line 12 after the period insert

"(a) For any suspension based on a violation of section 53-180 or 53-180.02 or any rule or regulation of the Nebraska Liquor Control Commission concerning sale to minors or minors in possession on the licensed premises, the penalty shall be one hundred dollars for the first suspension, two hundred dollars for the second suspension, and three hundred dollars for third or subsequent suspension; and

(b)" and strike "For the first such", show as stricken, and insert "for any violation of the Nebraska Liquor Control Act not covered by subdivision (a) of this subsection: (i) For the first"; in line 14 strike ". For", show as stricken, and insert "; and (ii) for"; and in line 19 after the period insert paragraphing.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 544. Placed on General File as amended.
Standing Committee amendment to LB 544:
AM0669

1. Strike the original section and insert the following new section.

"Section 1. (1) For purposes of this section:

(a) Health care provider has the same meaning as in section 30-3402; and

(b) Mental health medical records means medical records or parts thereof created by or under the direction or supervision of a licensed psychiatrist, a licensed psychologist, or a mental health practitioner licensed or certified pursuant to sections

71-1,295 to 71-1,338.

(2) A patient or former patient (or the patient's authorized representative if the patient is incompetent or deceased) may request, or may authorize his or her attorney or another representative to request, a copy of the patient's medical record; except that mental health medical records may be withheld if any treating physician, psychologist, or mental health practitioner determines in his or her professional opinion that release of the records would not be in the best interest of the patient, unless the release is required by court order. The request and the authorization shall be in writing and shall have been executed not more than one hundred eighty days prior to the date of delivery to the health care provider. Upon receiving such written request, a health care provider shall furnish the person making the request a copy of the patient's medical record including, but not limited to, bills, X-rays, laboratory reports, prescriptions, and other reports of diagnostic testing. This section does not apply to information contained within a medical record which was originally prepared by a different health care provider than the one receiving the request, does not require retention of records or impose liability for the destruction of records in the ordinary course of business prior to receipt of a request, and does not require the production of opinions or other records or reports not already contained in the medical record at the time the request is received. No health care provider shall charge more than twenty-five dollars for the first ten pages, one dollar for each additional page from eleven through sixty pages, fifty cents for each additional page from sixty-one through four hundred pages, and twenty-five cents for each additional page over four hundred pages, which includes any research fees, handling fees, or related costs, plus the cost of first-class postage, if applicable, for furnishing a medical record pursuant to this section, except the health care provider may charge the amount necessary to cover the cost of labor and materials for furnishing a copy of an X-ray or similar special medical record and may charge the amount necessary to cover the cost of furnishing records which are more than two years old and are not stored onsite and in paper form. If the health care provider does not have the ability to reproduce X-rays or other records requested, the person making the request shall arrange, at his or her expense, for the reproduction of records. A health care provider shall furnish the medical record within thirty days after the written request is received and the person making the request has fully complied with this section.

(3) This section shall not apply to the release of medical and hospital information under the Nebraska Workers' Compensation Act.".

LEGISLATIVE BILL 788. Placed on General File as amended.
Standing Committee amendment to LB 788:

AM0770

1. On page 2, line 13, strike "two" and insert "three"; and after line 20 insert:

"(3) The Department of Health and Human Services shall conduct a medical assessment of the mental and physical needs of any child to be adopted.".

(Signed) Don Wesely, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hartnett asked unanimous consent to have his name added as cointroducer to LB 296. No objections. So ordered.

Messrs. Wehrbein, Dierks, Elmer, Schmitt, D. Pederson, Robinson, Bromm, Brashear, Mmes. Crosby, and Hudkins asked unanimous consent to have their names added as cointroducers to LB 23. No objections. So ordered.

VISITORS

Visitors to the Chamber were the League of Women Voters of Nebraska; Mele Mason from Omaha; and Dorothy Elias from Omaha.

The Doctor of the Day was Dr. Weiss from Lincoln.

ADJOURNMENT

At 11:03 a.m., on a motion by Mr. Dw. Pedersen, the Legislature adjourned until 9:00 a.m., Thursday, March 6, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-SEVENTH DAY – MARCH 6, 1997

LEGISLATIVE JOURNAL

THIRTY-SEVENTH DAY – MARCH 6, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 6, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Jim Hardy, Florence Christian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Robak, Messrs. Coordsen, and Withem who were excused; and Messrs. Abboud, Bromm, Kristensen, Matzke, Maurstad, Schrock, Warner, Wesely, Will, Mmes. Brown, McKenzie, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-sixth day was approved.

ANNOUNCEMENTS

Mr. Schmitt designates LB 146 as his priority bill.

The Business and Labor Committee designates LB 854 as its priority bill.

The Education Committee designates LB 865 as its priority bill.

ATTORNEY GENERAL'S OPINION

Opinion No. 97015

DATE: March 3, 1997

SUBJECT: LB 878; Constitutionality of a Buy-Out Program for State Employees

REQUESTED BY: Senator David I. Maurstad
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Dale A. Comer, Assistant Attorney General

In our Op. Att'y Gen. No. 97002 (January 8, 1997), we discussed a number of questions pertaining to state employee buy-outs posed to us by Lawrence Primeau, the Director of the Nebraska Department of Administrative Services ("DAS"). In his opinion request, Mr. Primeau raised several issues involving the propriety and constitutionality of possible legislation which would permit state employee buy-outs. Based upon our policy of responding to opinion requests from state officials only with respect to questions arising "in the discharge of their duties," we declined to answer Mr Primeau's questions concerning the constitutionality of possible legislation dealing with state employee buy-outs, and we stated that we preferred to address such constitutional questions in the context of an opinion request from a legislator in reference to specific proposed legislation. You have now posed such constitutional questions in reference to LB 878, a legislative bill pertaining to state employee buy-outs.

LB 878 would require the Personnel Division of DAS to "develop, administer, and coordinate all requests from agencies for an employee buy-out program." The Personnel Division would further "determine under what conditions a buy-out is offered, including the appropriateness of a buy-out and the number of buy-outs to be offered." Section 1 of the bill also includes the following specific findings by the Legislature:

> The Legislature finds that the state must use its human resources in the most cost-effective manner possible by employing skilled workers at reasonable rates and in positions in which their skills will be best utilized. The Legislature also finds that it is necessary to create a program that will give state employees the opportunity to leave state government with compensation for surrendering vested rights under the State Personnel System or the state's collective-bargaining agreement.

LB 878 goes on to define the "employees" which would be subject to the bill as those state employees covered under the State Personnel System or a collective bargaining agreement, and the bill would apply only to the state agencies, departments, or boards whose employees fit into those categories. LB 878 also creates the following procedure for establishment of a buy-out program:

> If an agency determines there is a need for a buy-out program, the director of the affected agency shall submit a proposed plan detailing the scope of the buy-out, addressing such factors as geographic sites, classifications impacted, future agency needs, and potential costs. The

> Director of Administrative Services shall be responsible for approving any buy-out plan prior to the offering of the plan to eligible employees.

LB 878 does not define the term "buy-out;"[1] nor does the bill describe the particulars of any employee rights which might be the subject of a buy-out program or how those rights might be valued.

You first ask, "[d]oes LB 878 allow impermissible compensation to state employees that is contrary to the constitutional provision prohibiting the payment of extra compensation after services are rendered? (Article III, Section 19)"

Art. III, § 19 of the Nebraska Constitution provides, in pertinent part,

> The Legislature shall never grant any extra compensation to any public officer, agent, or servant after the services have been rendered nor to any contractor after the contract has been entered into, . . . nor shall the compensation of any public officer, including any officer whose compensation is fixed by the Legislature, be increased or diminished during his term of office . . .

Since LB 878 specifically applies to state employees rather than officers of state government, we will concern ourselves only with the initial portion of art. III, § 19.

The purpose of state constitutional provisions prohibiting extra compensation to public employees after services are rendered is to prevent payments in the nature of gratuities for past services. 67 C.J.S. ***Officers*** § 236. As stated by the Nebraska Supreme Court in ***Wilson v. Marsh***, 162 Neb. 237, 75 N.W.2d 723 (1956), a case which, in part, involved the application of art. III, § 19 to judicial pensions:

> It could hardly be made clearer or more positive that retirement benefits are either earned compensation for services rendered after the grant of them and that they are therefore valid or that they are a gratuity and not a part of compensation and therefore invalid.

Id. at 253, 75 N.W.2d at 733. As a result, if the language of LB 878 allows buy-out programs which might constitute gratuities for past services, then the provisions of the bill are of suspect constitutionality. On the other hand, if the only buy-out programs permitted by LB 878 involve payment to state employees for the actual value of existent rights earned when services were rendered rather than gratuities, then the bill is acceptable under art. III, § 19.

---

[1] While LB 878 does not define the term "buy-out," we assume, for purposes of this opinion, that "buy-out" refers to the situation where a state employee would leave his or her position with state government and waive any rights in connection with that employment in exchange for some form of monetary payment by the State.

While Section 1 of LB 878 detailing legislative findings refers to compensation for the surrender of "vested" employee rights under the Personnel System or collective bargaining agreements, that is the only reference in the bill to the nature of the employee rights which would be subject to the buy-out process. Beyond that reference, the term "buy-out" is not defined in LB 878, and the bill does not specify either the nature of the rights subject to the buy-out process or the manner in which those rights must be valued. Instead, the bill essentially leaves the determination of the conditions of a buy-out and its "appropriateness" to the DAS Personnel Division and the Director of DAS. As a result, there is no way to determine on the face of LB 878 whether the buy-outs contemplated under the bill would involve improper gratuities for past services or permissible payment for the actual value of existent rights earned when services were rendered. It seems to us, therefore, that LB 878 does allow impermissible compensation to state employees in contravention of art. III, § 19 simply because it fails to specify the exact nature of the rights which would be subject to a buy-out program and how those rights must be valued.

You also ask, "[w]hat rights and benefits do state employees possess that would enable the state to offer a monetary buy-out?"

As discussed above, art. III, § 19 of the Nebraska Constitution prohibits gratuities for past services. Therefore, it would appear that the acceptability of any buy-out program under art. III, § 19 involves two considerations. The buy-out cannot constitute a gratuity. Nor can the payment included with the buy-out be for past services.

In the context of government employee pension benefits, the Nebraska Supreme Court has indicated that an award of pension benefits to particular government employees involves an impermissible gratuity for past services when the services of those employees were rendered and terminated before the date of the legislative act awarding the benefits. ***Retired City Civilian Employees Club of the City of Omaha v. The City of Omaha Employees' Retirement System***, 199 Neb. 507, 260 N.W.2d 472 (1977). On the other hand, all that is necessary to avoid this problem with benefits for past services is that the employees receiving the pension benefits in question be employees of the governmental entity on the effective date of the Act creating the benefits. ***Gossman v. State Employees Retirement System of the State of Nebraska***, 177 Neb. 326, 129 N.W.2d 97 (1964). In the present instance, the employees subject to buy-outs under LB 878 are defined as "those employees covered under the State Personnel System or a collective bargaining agreement." Under that definition, the persons receiving the benefit of the buy-outs would necessarily be current employees of the State of Nebraska. As a result, we do not believe that the bill involves a payment for past services.

Permissible buy-out payments also cannot constitute gratuities. A gratuity, in turn, is something acquired without bargain or inducement, or a gift. BLACK'S LAW DICTIONARY 631 (5th ed. 1979). With this definition in mind, it seems to us that payments to state employees in a buy-out program must involve an actual or existent right which the individual employee possesses, and that the amount of the payment for the buy-out must reflect the actual value of the right, as best it can be ascertained. Anything beyond that would constitute both a gift and an impermissible gratuity.

State employees who are covered by the State Personnel System or collective bargaining agreements have a number of statutory rights which are clearly existent rights subject to valuation. For example, under Neb. Rev. Stat. § 81-1328 (1994), state employees earn vacation time and can be paid for that time if they are dismissed or voluntarily leave state employment. Similarly, under Neb. Rev. Stat. §§ 81-1320 and 81-1325 (1994), state employees earn sick leave and can be paid for accumulated portions of that leave upon retirement under certain circumstances. We believe that payment for the readily ascertainable value of such rights in a buy-out program would not involve an impermissible gratuity.

In our Opinion No. 97002, we also discussed other rights available to state employees in response to specific questions from the Director of DAS. We were asked whether there is a legal right to continued employment in Nebraska, whether such a right can be valued and whether employee "bumping rights" can be valued.[2] In Opinion No. 97002, we concluded that certain state employees subject to the Personnel Rules or labor contracts have the rights established by those enactments or agreements and are not employees "at will." We also indicated that the rights of those employees and state employee bumping rights could theoretically be valued, although we were uncertain about what valuation theory would be used, and we were concerned about the speculative nature of that valuation process. Nonetheless, since certain state employees are not entirely employees "at will," and since those rights and state employee bumping rights can, in theory, be valued, we believe that such rights could form the basis for a state employee buy-out program. However, we would caution that the valuation process for such a buy-out program must be sufficiently precise so as to avoid any payment beyond the actual value of the rights at issue. Otherwise, the buy-out program would involve an impermissible gratuity. Moreover, we believe that the valuation process involved in such an employee buy-out program should be stated in the enabling statute in order to avoid the difficulty with LB 878 where the lack of precise definitions and definite valuation procedures could allow impermissible gratuitous buy-outs.

---

[2] As we noted in Opinion No. 97002, to "bump" is to fill a position with an employee of greater seniority at the expense of one with less seniority, so that the senior employee can avoid layoff. ***Smith v. Sorensen***, 748 F.2d 427 (8th Cir. 1984).

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-60-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

COMMUNICATION

Received a copy of House Joint Resolution 8, Enrolled Joint Resolution 2 from the Wyoming Secretary of State requesting that the Congress of the United States pass, and propose to the States for ratification, an amendment to the Constitution requiring a balanced budget.

REPORTS

The following reports were received by the Legislature:

Labor, Department of
  State Labor Area Summary

Legislative Council
  Tax Incentives Review Committee Report (Cost-Benefit Model Recommendations)

Roads, Department of
  Board of Public Roads Classifications and Standards Minutes for December 1996

Supreme Court
  Nebraska Probation System Report for 1994 and 1995

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 114A, 116, 152, 182, 182A, 250, 264, 343, 364, 469, 474, 486, 635, 635A, 713, 809, and 853.

Enrollment and Review Change to LB 250

The following changes, required to be reported for publication in the Journal, have been made:

ER9026

1. On page 17, line 1, the comma has been struck and an underscored

period inserted.

Enrollment and Review Change to LB 364

The following changes, required to be reported for publication in the Journal, have been made:

ER9025

1. In the E & R amendments, AM7042, amendment 2 has been struck.
2. On page 1, lines 1 and 2; and page 7, line 6, ", 8-143.01," has been struck.
3. On page 1, line 4, "and loans to bank executive officers" has been struck.

Enrollment and Review Change to LB 469

The following changes, required to be reported for publication in the Journal, have been made:

ER9024

1. In the E & R amendment, AM7049, on page 1, line 15, "2-219," has been struck.
2. On page 1, line 10, "to provide operative dates;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 474

The following changes, required to be reported for publication in the Journal, have been made:

ER9028

1. On page 9, line 18, "(a)" has been struck and "(1)" inserted; in line 24 "(b)" has been struck and "(2)" inserted; and in line 28 "(c)" has been struck and "(3)" inserted.

(Signed) Jon C. Bruning, Chairperson

GENERAL FILE

LEGISLATIVE BILL 550. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 246. Title read. Considered.

Standing Committee amendment, AM0283, found on page 641, was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 393. Title read. Considered.

Standing Committee amendment, AM0157, found on page 642, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 393A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 317. Title read. Considered.

Standing Committee amendment, AM0353, found on page 654, was considered.

Mr. Schellpeper renewed his pending amendment, AM0543, found on page 761, to the Standing Committee amendment.

The Schellpeper amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 526. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 70. Title read. Considered.

Standing Committee amendment, AM0371, printed separately and referred to on page 676, was considered.

Pending.

LEGISLATIVE BILL 51. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 54. Title read. Considered.

Standing Committee amendment, AM0435, found on page 699, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 166. Title read. Considered.

Standing Committee amendment, AM0473, found on page 713, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 263. Title read. Considered.

Standing Committee amendment, AM0452, found on page 716, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 862. Title read. Considered.

Standing Committee amendment, AM0437, found on page 720, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 543. Placed on General File as amended.
Standing Committee amendment to LB 543:
AM0799
1. On page 2, line 19, strike "the property damages" and

insert "coverage and the amount of the loss".

(Signed) David M. Landis, Chairperson

Judiciary

LEGISLATIVE BILL 551. Placed on General File.
LEGISLATIVE BILL 814. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

Health and Human Services

LEGISLATIVE BILL 119. Placed on General File as amended.
Standing Committee amendment to LB 119:
AM0630

1. Strike the original sections and insert the following new sections:

"Section 1. Section 28-710, Revised Statutes Supplement, 1996, is amended to read:

28-710. For purposes of sections 28-710 to 28-727, unless the context otherwise requires:

(1) ~~Department shall mean the Department of Health and Human Services;~~

~~(2) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol; and~~

~~(3)~~ Abuse or neglect ~~shall mean~~ means knowingly, intentionally, or negligently causing or permitting a minor child to be:

(a) Placed in a situation that endangers his or her life or physical or mental health;

(b) Cruelly confined or cruelly punished;

(c) Deprived of necessary food, clothing, shelter, or care;

(d) Left unattended in a motor vehicle if such minor child is six years of age or younger;

(e) Sexually abused; or

(f) Sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions;

(2) Department means the Department of Health and Human Services;

(3) Law enforcement agency means the police department or town marshal in incorporated municipalities, the office of the sheriff in unincorporated areas, and the Nebraska State Patrol; and

(4) Out-of-home abuse or neglect means abuse or neglect

occurring in day care homes, foster homes, day care centers, group homes, and other child care facilities or institutions.

Sec. 2. Section 28-713, Revised Statutes Supplement, 1996, is amended to read:

28-713. ~~(1)~~ Upon the receipt of a call reporting abuse and neglect as required by section 28-711:

(1) It is ~~, it shall be~~ the duty of the law enforcement agency to investigate the report, to take immediate steps to protect the child, and to institute legal proceedings if appropriate. In situations of alleged out-of-home abuse or neglect if the person or persons to be notified have not already been notified and the person to be notified is not the subject of the report, the law enforcement agency shall immediately notify the person or persons having custody of each child who has allegedly been abused or neglected that such report of alleged abuse or neglect has been made and shall provide such person or persons with information of the nature of the alleged abuse or neglect. The law enforcement agency may request assistance from the Department of Health and Human Services during the investigation and shall, by the next working day, notify either the hotline or the appropriate child protective services unit of the department of receipt of the report, including whether or not an investigation is being undertaken by the law enforcement agency. A copy of all reports, whether or not an investigation is being undertaken, shall be provided to the department;~~.~~

(2) In situations of alleged out-of-home abuse or neglect if the person or persons to be notified have not already been notified and the person to be notified is not the subject of the report, the department shall immediately notify the person or persons having custody of each child who has allegedly been abused or neglected that such report of alleged abuse or neglect has been made and shall provide such person or persons with information of the nature of the alleged abuse or neglect and any other information that the department deems necessary. The department shall investigate for the purpose of assessing each report to determine the risk of harm to the child involved. The department shall also provide such social services as are necessary and appropriate under the circumstances to protect and assist the child and to preserve the family;~~.~~

(3) The department may make a request for further assistance from the appropriate law enforcement agency or take such legal action as may be appropriate under the circumstances;~~.~~

(4) The department shall, by the next working day after receiving a report under ~~subsection~~ subdivision (1) of this section, make a written report or a summary on forms provided by the department to the proper law enforcement agency in the county and enter in the central registry all reports opened for investigation of abuse or neglect and any action taken; and~~.~~

(5) The department shall, upon request, make available to

the appropriate investigating law enforcement agency and the county attorney a copy of all reports relative to a case of suspected abuse or neglect.

Sec. 3. Section 28-713.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-713.01. Upon completion of the investigation pursuant to section 28-713:

(1) The person or persons having custody of the allegedly abused or neglected child or children shall be given written notice of the results of the investigation and any other information the law enforcement agency or department deems necessary; and

(2) The ~~;~~ ~~the~~ subject of the report shall be given written notice of the determination of the case and whether ~~he~~ ~~or~~ ~~she~~ the subject of the report will be entered into the central register pursuant to subdivision (1), (2), or (3) of section 28-720.

The notice to the person or persons having custody of the child or children shall be sent by first-class mail. The ~~Such~~ notice to the subject shall be sent by certified mail to the subject's last-known address and shall include:

~~(1)~~ (a) The nature of the report;

~~(2)~~ (b) The classification of the report; and

~~(3)~~ (c) Notification of the subject's right to a hearing and appeal in accordance with section 28-723.

Sec. 4. Section 28-726, Reissue Revised Statutes of Nebraska, is amended to read:

28-726. Except as provided in this section and section 28-722, no person, official, or agency shall have access to such records unless in furtherance of purposes directly connected with the administration of sections 28-710 to 28-727. Such persons, officials, and agencies having access to such records shall include, but not be limited to:

(1) A law enforcement agency investigating a report of known or suspected abuse or neglect;

(2) A county attorney in preparation of an abuse, neglect, or termination petition;

(3) A physician who has before him or her a child whom he or she reasonably suspects may be abused or neglected;

(4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused or neglected child or ~~a~~ ~~parent,~~ ~~a~~ ~~guardian,~~ the person or persons having custody of ~~or~~ ~~other~~ ~~person~~ ~~responsible~~ ~~for~~ the abused or neglected ~~child's~~ ~~welfare~~ ~~who~~ ~~is~~ child whether or not such person is the subject of a report;

(5) Any person engaged in bona fide research or auditing. No information identifying the subjects of the report shall be made available to the researcher or auditor;

(6) The State Foster Care Review Board when the records relate to a child in a foster care placement as defined in section

43-1301. The records provided to the state board shall not include the name or identity of any person making a report of suspected child abuse or neglect; and

(7) The designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act, 42 U.S.C. 6000, as amended, and the Protection and Advocacy for Mentally Ill Individuals Act, 42 U.S.C. 10801, as amended, acting upon a complaint received from or on behalf of a person with developmental disabilities or mental illness.

Sec. 5. Original sections 28-710, 28-713.01, and 28-726, Reissue Revised Statutes of Nebraska, and section 28-713, Revised Statutes Supplement, 1996, are repealed.".

LEGISLATIVE BILL 310. Placed on General File as amended.
Standing Committee amendment to LB 310:
AM0766

1. Strike original section 7.

2. On page 4, line 1; page 5, line 20; page 6, line 6; page 7, line 25; page 8, line 27; page 15, lines 1 and 16; page 18, lines 9 and 19; and page 19, line 5, strike "9 to 11" and insert "8 to 10".

3. On page 6, line 24, strike the new matter and reinstate the stricken matter.

4. On page 9, strike beginning with "The" in line 1 through the period in line 3 and insert "The department may amend a license upon change of ownership or location. Amending a license requires a site inspection by the department at the time of amendment except for amendment of a Family Child Care Home I license for which an inspection shall occur within sixty days."; and strike beginning with "By" in line 13 through "an" in line 15 and insert "An".

5. On page 14, line 5, strike "10 and 11" and insert "9 and 10".

6. On page 19, line 18, strike "71-1912,".

(Signed) Don Wesely, Chairperson

NOTICE OF COMMITTEE HEARINGS
Business and Labor

LB 890	Tuesday, March 18, 1997	9:00 a.m.
LB 891	Tuesday, March 18, 1997	9:00 a.m.

(Signed) Chris Abboud, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 656A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 656, Ninety-fifth Legislature, First Session, 1997.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 5, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ashley, Thomas R. - Lincoln; Lincoln Benefit Life Company
Eret, Don - Dorchester; Supporters of Nebraska Tractor Testing Laboratory
Graham, Ronald - Blue Springs, MO; Novartis Pharmaceuticals Corporation
Mossman, Stephen D. - Lincoln; Butler County Landfill, Inc.
Peffer, Jr., Walter - Omaha; Alan Baer & Associates

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Don Leuenberger - Policy Secretary, Health and Human Services
Jessie Rasmussen - Director, Department of Health and Human Services
Deb Thomas - Director, Department of Health and Human Services Regulation and Licensure

VOTE: Aye: Senators Wesely, Matzke, Dierks, Jensen, C. Peterson, Suttle, and Witek. Nay: None. Absent: None.

(Signed) Don Wesely, Chairperson

AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendment to LB 610A:
AM0758

1. On page 2, lines 1 and 3, strike "$24,000" and insert "$72,000".

Mr. Beutler filed the following amendment to LB 518:
AM0777

(Amendments to Standing Committee amendments, AM0403)

1. On page 1, line 19, strike "as".

2. On page 5, line 13, strike "replacement" and insert "repayment"; in line 18 after "appropriations" insert "and the earnings on such appropriations"; in line 21 strike "department" and insert "director"; and in line 24 after "Water" strike "Administration".

3. On page 8, line 12, strike "publicly".

4. On page 11, line 27, strike "Drinking Water Facilities" and insert "fund from which the loan was made.".

5. On page 12, strike line 1.

6. On page 21, strike lines 15 through 27.

7. On page 22, strike lines 1 through 4; and strike lines 22 through 27.

8. On page 23, strike lines 1 through 13; and in line 15 strike "assure the" and insert "determine demonstration requirements for".

9. On page 24, lines 14 and 15, strike "Nebraska" through "Water" and insert "Drinking Water State Revolving Fund"; and in line 18 strike "act" and insert "Nebraska Safe Drinking Water Act".

GENERAL FILE

LEGISLATIVE BILL 734. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 746. Title read. Considered.

MR. WICKERSHAM PRESIDING

Advanced to E & R for review with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 531. Title read. Considered.

Standing Committee amendment, AM0463, found on page 754, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 589. Title read. Considered.

Standing Committee amendment, AM0461, found on page 757, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 554. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 753. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 755. Title read. Considered.

Standing Committee amendment, AM0533, found on page 771, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 165. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 578. Placed on General File.

(Signed) Janis McKenzie, Vice Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 136. Placed on General File as amended.
Standing Committee amendment to LB 136:
AM0832

1. Strike original section 1 and insert the following new section:

"Section 1. Section 8-157, Revised Statutes Supplement, 1996, is amended to read:

8-157. (1) Except as provided in subsections (2) through (10) of this section and section 8-122.01, the general business of every bank shall be transacted at the place of business specified in its charter.

(2)(a) With the approval of the director, any bank may maintain an attached branch bank if such branch bank is physically connected by a pneumatic tube or tubes or a walkway, a tunnel, or any other electronic, mechanical, or structural connection or attachment for the public use of the bank and is within two hundred feet of the building containing the premises specified as its place of business in its charter or any adjacent connected building housing a continuation of the operations of the bank's main office.

(b) With the approval of the director, any bank located in a Class I or Class III county may establish and maintain in Class I and Class III counties an unlimited number of detached branch banks at which all banking transactions allowed by law may be made.

(c) With the approval of the director, any bank located in a Class II county may establish and maintain not more than nine detached branch banks at which all banking transactions allowed by law may be made. If the bank is located within the corporate limits of a city, such detached branch banks shall be within the corporate limits of the city. If the bank is located within the zoning jurisdiction of a city of the primary class or is located within an unincorporated city or unincorporated area in a county which contains a city of the primary class, such detached branch banks may also be within the corporate limits of such city if the bank was in existence at such location prior to April 4, 1996.

(d) With the approval of the director, any bank located in a Class IV county may establish and maintain not more than six detached branch banks at which all banking transactions allowed by law may be made. Such detached branch banks shall be within the corporate limits of the city in which such bank is located.

(e) Any detached branch bank established and maintained by a bank pursuant to an acquisition or merger under sections 8-1506 to 8-1510 or an acquisition under section 8-1515 shall not count against the number of locations of detached branch banks permitted under this subsection.

(f) With the approval of the director, any bank or any detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank may establish and maintain a mobile branch bank at which all banking transactions allowed by law may be made. Such mobile branch bank may consist of one or more vehicles which may transact business only within the corporate limits of the city in which such bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank is located, except that (i) a mobile branch bank of a bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank located in a Class I or Class III county, may transact business anywhere in Class I and III counties and (ii) a mobile branch bank of a bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank located in a Class II county and within the zoning jurisdiction of a city of the primary class or within an unincorporated city or unincorporated area in a county which contains a city of the primary class may transact business within the corporate limits of such city if the bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank was in existence at such location prior to April 4, 1996.

(g) ~~(f)~~ For purposes of this section:

(i) Class I county ~~shall~~ ~~mean~~ means a county in this state with a population of three hundred thousand or more as determined by the most recent federal decennial census;

(ii) Class II county ~~shall~~ ~~mean~~ means a county in this state with a population of at least two hundred thousand and less than three hundred thousand as determined by the most recent federal decennial census;

(iii) Class III county ~~shall~~ ~~mean~~ means a county in this state with a population of at least one hundred thousand and less than two hundred thousand as determined by the most recent federal decennial census; and

(iv) Class IV county ~~shall~~ ~~mean~~ means a county in this state with a population of less than one hundred thousand as determined by the most recent federal decennial census.

(3) With the approval of the director, a bank may acquire another financial institution in Nebraska as the result of a purchase or merger pursuant to section 8-1516. Any detached branch banks established and maintained by a bank pursuant to a purchase or merger under section 8-1516 shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. If the acquired institution is in a Class I county or in a Class III county, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain a mobile branch bank and detached branches to the same extent that the acquired institution could have established and maintained a mobile branch bank and detached branches as provided in ~~subdivision~~ subdivisions (2)(b) and (2)(f) of this section or section 8-345.02 if the purchase or merger had not occurred. If the acquired institution is in a Class II county and it has not established a mobile branch bank and nine detached branches as permitted by ~~subdivision~~ subdivisions (2)(c) and (2)(f) of this section or section 8-345.02, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain a mobile branch bank and detached branch banks to the same extent that the acquired institution could have established and maintained a mobile branch bank and detached branches as provided in ~~subdivision~~ subdivisions (2)(c) and (2)(f) of this section or section 8-345.02 if the purchase or merger had not occurred. If the acquired institution is in a Class IV county and it has not established a mobile branch bank and six detached branches as permitted by ~~subdivision~~ subdivisions (2)(d) and (2)(f) of this section or section 8-345.02, following a purchase or merger

pursuant to this subsection the acquiring bank may establish and maintain a mobile branch bank and detached branches to the same extent that the acquired institution could have established and maintained a mobile branch bank and detached branches as provided in ~~subdivision~~ subdivisions (2)(d) and (2)(f) of this section or section 8-345.02 if the purchase or merger had not occurred. Regardless of the date of acquisition of such financial institution or whether the acquired financial institution was state-chartered or federally chartered, the acquired institution shall be deemed for purposes of this subsection to have been permitted to establish and maintain a mobile branch bank and detached branches solely to the extent permitted to state-chartered financial institutions under subsection (2) of this section or under section 8-345.02 at the time of establishment of a new mobile branch bank or detached branch. For purposes of this subsection, financial institution or institution means a bank, savings bank, building and loan association, or savings and loan association organized under the laws of this state or organized under the laws of the United States to do business in this state.

(4) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached branch of another financial institution in Nebraska if:

(a) The acquired detached branch has been established, maintained, and operated for more than eighteen months; and

(b) The acquired detached branch is converted to a detached branch bank of the acquiring bank.

All banking transactions allowed by law may be made at a detached branch acquired pursuant to this subsection. Such detached branches shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate the mobile branch bank and all of the detached branch banks of the acquired bank as a mobile branch bank and detached branch banks of the acquiring bank.

For purposes of this subsection, financial institution means a bank, savings bank, building and loan association, or savings and loan association organized under the laws of this state or organized under the laws of the United States to do business in this state.

(5) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached branch bank of another bank in Nebraska or acquire the assets and assume the deposits of an eligible savings association acquired by another bank in Nebraska pursuant to section 8-1515 if:

(a) The acquired detached branch bank or eligible savings association is converted to a detached branch bank of the acquiring bank; and

(b) The detached branch bank or the eligible savings association to be acquired was operated, established, and maintained as an eligible savings association at its existing location prior to August 9, 1989, and was maintained at such location on such date.

All banking transactions allowed by law may be made at a detached branch bank acquired pursuant to this subsection. Such detached branch banks shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate the mobile branch bank and all of the detached branch banks of the acquired bank as a mobile branch bank and detached branch banks of the acquiring bank. The detached branch bank or eligible savings association acquired as a detached branch bank under this subsection and section 8-1515 shall continue to be entitled to establish and maintain such branches as it could have established and maintained if such acquisition had not occurred. Regardless of the date of acquisition of such detached branch bank or eligible savings association or whether the acquired detached branch bank or eligible savings association was state-chartered or federally chartered, the acquired detached branch bank or eligible savings association shall be deemed for purposes of this subsection to have been permitted to establish and maintain a mobile branch bank and detached branches solely to the extent permitted to state-chartered financial institutions under subsection (2) of this section or under section 8-345.02 at the time of establishment of a new mobile branch bank or detached branch.

(6) With the approval of the director, a bank may acquire a branch of a savings association which is a successor to an eligible savings association if such acquisition occurs within ninety days of the date the successor savings association acquired the eligible savings association and the branch is converted to a detached branch bank of the acquiring bank. The detached branch of an eligible savings association acquired as a detached branch bank under this subsection and section 8-1515 shall continue to be entitled to establish and maintain a mobile branch bank and such branches as it could have established and maintained if such acquisition had not occurred. Regardless of the date of acquisition of such detached branch of an eligible savings association or whether the acquired detached branch of an eligible savings association was state-chartered or federally chartered, the acquired detached branch of an eligible savings association shall be deemed for purposes of this subsection to have been permitted to establish and maintain a mobile branch bank and detached branches solely to the extent permitted to state-chartered financial institutions under section 8-345.02 at the time of establishment of a new mobile branch bank or detached branch.

(7) With the approval of the director and subject to the

limitations specified in this subsection, a single bank may establish one detached branch bank within the corporate limits of any municipality in which a financial institution has closed and ceased doing business within the preceding two years if no other financial institution operates an office within such municipality. If thirty days or less have elapsed since the financial institution ceased operation, the director shall only approve the establishment of a detached branch bank by a bank which has its place of business, as specified in its charter, in the same county as or in a contiguous county to the county in which such municipality is located. If more than thirty days have elapsed since the financial institution ceased operation, the director may approve the establishment of a detached branch bank by any bank located within Nebraska.

For purposes of this subsection:

(a) An unattended automatic teller machine shall not be deemed to be an office operated by a financial institution; and

(b) Financial institution ~~shall mean~~ means a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering automatic teller machine transactions.

(8) The name given to any detached branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing bank or branch bank which is unaffiliated with the newly created detached branch bank and is located in the same municipality. The name of such newly created detached branch bank shall be approved by the director.

(9) A bank which has a main chartered office or an approved branch bank located in the State of Nebraska may, through any of its executive officers, including executive officers licensed as such pursuant to section 8-139, or designated agents, conduct a loan closing at a location other than the place of business specified in the bank's charter or any detached branch thereof. The director may adopt and promulgate rules and regulations to implement the provisions of this section.

(10) A bank which has a main chartered office or approved branch office located in the State of Nebraska may, upon notification to the department, establish savings account programs at any elementary or secondary school, whether public or private, located in the same city or village as the main chartered office or branch office of the bank, or, if the main office of the bank is located in an unincorporated area of a county, at any school located in the same unincorporated area. The savings account programs shall be limited to the establishment of individual student accounts and the receipt of deposits for such accounts.".

(Signed) David M. Landis, Chairperson

Judiciary

LEGISLATIVE BILL 437. Placed on General File as amended.
Standing Committee amendment to LB 437:
AM0846

1. On page 2, line 6, strike "and"; and in line 7 after "association" insert ", one child support obligor, and one child support obligee".

LEGISLATIVE BILL 882. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 588A. Introduced by Vrtiska, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 588, Ninety-fifth Legislature, First Session, 1997.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 362:
AM0810

1. Insert the following new section:

"Sec. 2. Section 24-513, Reissue Revised Statutes of Nebraska, is amended to read:

24-513. ~~As soon as the same may be legally paid under the Constitution of Nebraska, each county judge shall receive an annual salary of twenty-eight thousand five hundred dollars per year, except that each county judge in a county judge district having a population of one hundred thousand or more according to the latest federal census shall receive an annual salary of thirty-four thousand four hundred fifty dollars per year. On January 8, 1981, the salary shall be increased to an amount equal to six percent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing thirty-two thousand dollars by six percent, except that for each county judge in a county judge district having a population of one hundred thousand or more, base salary shall mean the amount derived by increasing thirty-six thousand nine hundred fifty dollars by six percent. On January 6, 1983, and thereafter the salary paid~~ The annual salary of each county judge shall be an amount equal to eighty-five percent of the salary set for the Chief Justice and judges of the Supreme Court; except that as soon as may be legally paid under the Constitution of Nebraska, the annual salary of each county judge shall be an amount equal to ninety-two and one-half percent of the salary set for the Chief Justice and judges of the Supreme Court. Judges of the county court shall be considered to be of the same class and when one member of the class, as a judge of the county court, is entitled to a raise in salary, all members of the class shall be entitled to such raise in salary. All county judges shall be compensated for necessary travel expenses in the same manner as provided in sections 81-1174 to 81-1177. ~~for state employees.~~ Salaries of clerk magistrates and other employees of the court shall be set by rule by the Supreme Court.".

2. On page 2, line 23, strike "section 24-201.01" and insert "sections 24-201.01 and 24-513"; and in line 24 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Hilgert filed the following amendment to LB 641:
AM0800

(Amendments to E & R amendments, AM7073)

1. On page 3, line 22, strike "and"; and in line 25 after "used" insert ", and (11) unfired pressure vessels owned and maintained by a district or corporation organized under the provisions of Chapter 70, article 6".

Mr. Maurstad filed the following amendment to LB 249:
(Amendment, AM0806, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

GENERAL FILE

LEGISLATIVE BILL 363. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 398. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Messrs. Lynch, Bruning, Maurstad, Mmes. Hillman, and C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 466. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 234. Mr. Brashear asked unanimous consent to pass over. No objections. So ordered.

LEGISLATIVE BILL 284. Title read. Considered.

Standing Committee amendment, AM0458, found on page 774, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

MR. WILL PRESIDING

Ms. Schimek asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 372. Title read. Considered.

Standing Committee amendment, AM0495, found on page 775, was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mrs. Suttle asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 495. Placed on General File.
LEGISLATIVE BILL 679. Placed on General File.

(Signed) Chris Beutler, Chairperson

Health and Human Services

LEGISLATIVE BILL 798. Placed on General File.

(Signed) Don Wesely, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 656:
AM0807

(Amendments to Standing Committee amendments, AM0521)

1. On page 2, line 26, after the period insert "All

appropriations to provide fifty percent of the nonfederal share of the costs of the council shall be administratively located within the Game and Parks Commission. Prior to the first release of state matching funds to the council, the council shall: (a) Certify to the Game and Parks Commission that the council has been in operation for one year; and (b) provide the Game and Parks Commission with all information necessary to determine the amount required to provide fifty percent of the nonfederal share of the costs of the council, up to a maximum of fifty thousand dollars. In subsequent fiscal years, the council shall provide the Game and Parks Commission with all information necessary to determine the amount required to provide fifty percent of the nonfederal share of the costs of the council, up to a maximum of fifty thousand dollars.".

Mr. Brashear filed the following amendment to LB 234:
AM0838

(Amendments to Standing Committee amendments, AM0493)

1. Strike section 3 and insert the following new section:

"Sec. 3. Section 25-701, Reissue Revised Statutes of Nebraska, is amended to read:

25-701. ~~The plaintiff may unite several causes of action in the same petition, whether they be such as have heretofore been denominated legal or equitable, or both, when they are included in any of the following classes: (1) The same transaction or transactions connected with the same subject of action; (2) contracts, express or implied; (3) injuries with or without force to person and property or either; (4) injuries to character; (5) claims to recover possession of personal property, with or without damages for the withholding thereof; (6) claims to recover real property with or without damages for the withholding thereof and the rents and profits of the same; and (7) claims against a trustee by virtue of a contract, or by operation of law.~~ A party asserting a claim to relief as an original claim, counterclaim, cross-claim, or third-party claim may join, either as independent or as alternate claims, as many claims, legal or equitable, as the party has against an opposing party.".

2. On page 2, line 11, strike "25-702" and insert "25-701"; and after line 21 insert the following new subsections:

"(4) Persons other than those made parties to the original action may be made parties to a counterclaim or cross-claim in accordance with section 25-311 or 25-320.

(5) Misjoinder of parties is not ground for dismissal of an action. Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just. Any claim against a party may be severed and proceeded with separately.

(6) When more than one claim for relief is presented in

an action, whether as a claim, counterclaim, cross-claim, or third-party claim, or when multiple parties are involved, the court may direct the entry of a final judgment as to one or more but fewer than all of the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. In the absence of such determination and direction, any order or other form of decision, however designated, which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall not terminate the action as to any of the claims or parties, and the order or other form of decision is subject to revision at any time before the entry of judgment adjudicating all the claims and the rights and liabilities of all the parties.

(7) When a court has ordered a final judgment under the conditions stated in subsection (6) of this section, the court may stay enforcement of that judgment until the entering of a subsequent judgment or judgments and may prescribe such conditions as are necessary to secure the benefit thereof to the party in whose favor the judgment is entered.".

3. On page 3, line 9, strike "25-702" and insert "25-701"; in line 11 strike "section is" and insert "sections are"; and in line 12 strike "Section 25-317" and insert "Sections 25-317 and 25-702".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Engel and Mrs. C. Peterson asked unanimous consent to have their names added as cointroducers to LB 23. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 648. No objections. So ordered.

Ms. Schimek asked unanimous consent to have her name added as cointroducer to LB 849. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 434. Title read. Considered.

Standing Committee amendment, AM0523, found on page 775, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 517. Title read. Considered.

Mr. Beutler offered the following amendment:

AM0835

1. Strike original sections 1 and 3.
2. On page 8, strike beginning with "sections" in line 26 through "are" in line 28 and insert "section 66-1518, Reissue Revised Statutes of Nebraska, is".
3. Renumber the remaining sections accordingly.

The Beutler amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

REPORT

The following report was received by the Legislature:

University of Nebraska
Status of collective bargaining negotiations

VISITORS

Visitors to the Chamber were 28 students from Tokaha University, Japan and their sponsor from Omaha; 28 sixth grade students, teacher, and sponsors from Lake View School, Lincoln; 30 students and teacher from Burke High School, Omaha; Nancy Brown from Stanley, Kansas; Cory Pelnar, Cathie Long, and Sharron Blanchard from Omaha; and 23 third and fourth grade students and teacher from Bradshaw.

The Doctor of the Day was Brad Hupp from Albion.

ADJOURNMENT

At 12:07 p.m., on a motion by Mrs. Witek, the Legislature adjourned until 9:00 a.m., Monday, March 10, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

THIRTY-EIGHTH DAY - MARCH 10, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 10, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Father Michael Christensen, St. Peter's Parish, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Cudaback, Engel, Hilgert, Kristensen, Landis, Dw. Pedersen, Vrtiska, Warner, Wesely, Will, Withem, Mmes. Bohlke, and Crosby who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-seventh day was approved.

ANNOUNCEMENTS

Mr. Cudaback designates LB 70 as his priority bill.

Mrs. Kiel designates LB 648 as her priority bill.

Mr. Engel designates LB 882 as his priority bill.

MESSAGE FROM THE GOVERNOR

March 7, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Boiler Safety Advisory Board.

APPOINTEES:
Ray Otter, 115 Ruggles Street, Omaha, NE 68124
Allan W. Spary, 3135 South 158 Street, Omaha, NE 68130
Laurie L. Klosterboer, 7830 Lowell Court, Lincoln, NE 68506
Tor Anderson, 2941 NW 9th Street, Lincoln, NE 68521

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 226, 273, 623, and 720.

Enrollment and Review Change to LB 623

The following changes, required to be reported for publication in the Journal, have been made:
ER9029
1. In the E & R amendment, AM7068, amendment 5 has been struck.
2. On page 20, line 26, "with" has been struck and shown as stricken.

Enrollment and Review Change to LB 720

The following changes, required to be reported for publication in the Journal, have been made:
ER9027
1. In the Kristensen amendment, AM0506, on page 1, line 8, "the" has been inserted before "Motor".
2. Original sections 21 and 22 have been renumbered as sections 41 and 42.
3. On page 1, the matter beginning with "the" in line 1 through line 12 and all amendments thereto have been struck and "transportation; to amend sections 60-133, 60-310, 60-311.09, 66-718, 66-1405, 66-1411, 66-1414, 77-27,119, and 77-27,208, Reissue Revised Statutes of Nebraska, and sections 37-1214, 37-1216, 37-1276 to 37-1278.01, 37-1286, 37-1289, 60-302, 60-305.09, 60-311.07, 60-312, 60-320, 60-483, and 60-6,290, Revised Statutes Supplement, 1996; to change

provisions relating to certificates of title and registration of motorboats; to change and provide fees; to change provisions relating to odometers, proof of financial responsibility, registration of motor vehicles, In Transit decals, driver record information, vehicle length provisions, the International Registration Plan, the International Fuel Tax Agreement Act, and transfers of fuel tax funds; to create and eliminate funds; to authorize and establish procedures for a fuel tax setoff against state income tax refunds for the Department of Motor Vehicles;" inserted.

(Signed) Jon C. Bruning, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 97016

DATE:	March 5, 1997
SUBJECT:	LB 100; Constitutionality of a bill which would specify that newspaper carriers are employees for purposes of the Nebraska Workers' Compensation statutes.
REQUESTED BY:	Senator Edward J. Schrock Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Dale A. Comer, Assistant Attorney General

Neb. Rev. Stat. § 48-115 (Cum. Supp. 1996) specifies, in some detail, what the terms "employee" and "worker" should be construed to include for purposes of the Nebraska Workers' Compensation Act. LB 100 would add a new subsection 5 to § 48-115 in order to have that statute read, in pertinent part:

> The terms employee and worker are used interchangeably and have the same meaning throughout the Nebraska Workers' Compensation Act. Such terms include the plural and all ages and both sexes and shall be construed to mean:
>
> * * * *
>
> ***(5) Every person who delivers or distributes newspapers for the owner or operator of a newspaper business or the owner or owners of a business hired to deliver or distribute newspapers shall be an employee of such business under the Nebraska Workers' Compensation Act.***

(emphasis added). You state that you have "several grave concerns about LB 100," and therefore you have posed two questions to us concerning its constitutionality.

Your first question involves a concern that the language of LB 100 emphasized above is "extremely vague and ambiguous." You point out that "every person" could include a newspaper carrier along with a host of other persons such as parents, spouses, etc., who might be involved at some time and in some way in the delivery process. You also point out that "every person" could include people who are in the delivery business who are hired to transport or distribute newspapers together with other products such as auto parts or beauty supplies. Your concern extends further to the terms "such business," "operator of a newspaper business," and "owners of a newspaper business hired to deliver or distribute newspapers" which you also believe are extremely ambiguous and unclear. In light of these concerns, you ask:

> . . . should LB100 be deemed void for vagueness based on the due process guarantees of the U.S. Constitution and Article I, section 3, of our Nebraska Constitution? Persons of ordinary intelligence should not have to guess at its meaning especially when violations of Nebraska's workers' compensation laws can have criminal ramifications (see, ***e.g.*** Neb. Rev. Stat. Sec. 48-144.04).

With respect to state legislation such as the language at issue in LB 100, the void for vagueness doctrine is based on the due process requirements contained in the Fourteenth Amendment to the United States Constitution and in Article I, section 3, of the Nebraska Constitution. ***U.S. v. Articles of Drug***, 825 F.2d 1238 (8th Cir. 1987). In order to pass constitutional muster, a statute must be sufficiently specific so that persons of ordinary intelligence do not have to guess at its meaning, and the statute must contain ascertainable standards by which it may be applied. ***Articles of Drug***, 825 F.2d at 1243. The void for vagueness doctrine applies to both criminal and civil statutes. ***Id.*** at 1244. However, greater vagueness is tolerated in civil statutes than in criminal statutes. ***Id.***

In regards to Nebraska's workers' compensation laws, a violation of those laws could result in criminal ramifications pursuant to Neb. Rev. Stat. § 48-144.04 (1993) and Neb. Rev. Stat. § 48-145.01 (1993). However, an employer is not directly subject to criminal sanctions for any violation of the workers' compensation laws, but only indirectly subject to them for violating an order of the Nebraska Workers' Compensation Court. For example, § 48-144.04 states, in relevant part, that "[a]ny employer . . . who fails, neglects, or refuses to file any report required of him or her by the Nebraska Workers' Compensation Court shall be guilty of a Class II misdemeanor for each such failure, neglect, or refusal. . . ." Similarly, § 48-145.01 states in relevant part that "[a]ny employer required [by the Nebraska Workers' Compensation Court] to secure the payment of compensation under the Nebraska Workers' Compensation Act who willfully fails to secure the payment of such compensation shall be guilty of a Class I misdemeanor. . . ." Therefore, it is likely that greater vagueness would be tolerated with respect to LB 100 since, for all intents and purposes, Nebraska's workers' compensation laws, including the definitional change proposed LB 100, involve civil rather than criminal statutes.

The Nebraska Supreme Court has indicated that a civil statute which is otherwise valid will not be held void for vagueness unless it is so deficient in its terms as to render it impossible to enforce. ***Neeman v. Nebraska Natural Resources Comm'n***, 191 Neb. 672, 217 N.W.2d 166 (1974). In ***State ex rel. Douglas v. Herrington***, 206 Neb. 516, 294 N.W.2d 330 (1980), the court said that the established test for vagueness in a statute is whether it either forbids or requires the doing of an act in terms so vague that persons of common intelligence must necessarily guess at its meaning and differ as to its application. ***Id.*** at 521, 294 N.W.2d at 333.

In applying that due process test to LB 100, it first must be determined, based upon your various concerns, whether "every person" in the context of that bill is a phrase of ordinary understanding such that persons of common intelligence would not have to guess at its meaning in terms of complying with the prohibitions in the bill. There are several reasons why we believe that it is.

Considering "every person" in the context of LB 100, it appears to us that persons of common intelligence would not have to guess at its meaning or differ as to its application. It is true that the phrase "every person" could include not only the newspaper carrier, but also the carrier's husband, children, siblings or others. However, under the language of LB 100, in order to be subject to the workers' compensation laws, "every person" must be delivering newspapers "***for*** the owner or operators of a newspaper business or the owner or owners of a business hired to deliver or distribute newspapers." (Emphasis added.) Thus, only the carrier would be the person who is responsible for delivering the newspapers for the owner. A spouse, child or sibling of the carrier would be delivering the newspapers for the carrier, not for the owner. Accordingly, persons of common intelligence would not have to guess at the meaning of the phrase "every person," read in context with the whole of LB 100, since most people would assume that its scope covers only those hired by the business to deliver its newspapers.[1]

---

[1] ***Larson v. Hometown Communications, Inc.*** 248 Neb. 942, 540 N.W.2d 339 (1995) supports this conclusion. The issue in that case was whether a young girl who carried newspapers for the Fremont Tribune as a substitute for another girl was an independent contractor or an employee of the paper for purposes of the Workers' Compensation statutes. The Court specifically considered whether the substitute had any contractual or employment relation with the paper, and indicated that a person working as a substitute for another may be an employee under the Workers' Compensation law when the employer knows of, and acquiesces in, the substitution. This

(continued...)

In addition, according to the clear language of LB 100, if a carrier delivers more than one newspaper, the carrier would be deemed an employee of every business in which he has a contract of employment to deliver its papers. For example, if the carrier delivers newspapers for the ***Omaha World-Herald*** and the ***Wall Street Journal***, then the carrier would be an employee of both papers. Indeed, the clear and unambiguous language of LB 100 dictates that both the ***Omaha World-Herald*** and the ***Wall Street Journal*** would be deemed employers of the carrier and both would be subject to the workers' compensation laws. Similarly, the phrase "every person" could include people who are in the delivery business who are hired to distribute newspapers to various drop points, but who typically haul other products such as auto parts and beauty supplies. Once again, the language of LB 100 would make these people employees of the newspaper business. Thus, we believe that the phrase "every person" in LB 100 is not unconstitutionally vague. When the phrase is read in conjunction with the whole of the bill, persons of ordinary intelligence would not have to guess at its meaning.

In applying the due process test to the other language of LB 100 which causes you concern, we must determine whether the phrases "such business," "operator of a newspaper business," and "owners of a business hired to deliver or distribute newspapers" are phrases of ordinary understanding such that persons of common intelligence would not have to guess at their meaning in terms of complying with the prohibitions in the bill. LB 100 states that any operator of a newspaper business or an owner of a business who hires an individual to deliver newspapers should be deemed an employer of that individual and subject to the workers' compensation laws. We believe that persons of ordinary intelligence would assume that LB 100 applies to either a specific operator of a newspaper business who hires individuals to deliver newspapers or to an owner of a non-newspaper business that hires individuals to deliver newspapers. In other words, either the carrier will be delivering newspapers for the newspaper business itself or the carrier will be delivering newspapers for a non-newspaper business that hires individuals to deliver newspapers. Again, we do not believe that this language is unconstitutionally vague.

As a result, it appears to us that LB 100 generally uses ordinary terms which find adequate interpretation in common usage and understanding. On that basis, we do not believe that LB 100 is sufficiently vague so as to violate due process. Nevertheless, if you continue to believe that LB 100 is confusing and unclear, you may wish to introduce further amendatory language to deal with the interpretation problems which you perceive.

(...continued)
necessarily implies that persons subject to the Workers' Compensation Act must be hired by the employer.

Your second question involves art. III, § 18 of the Nebraska Constitution. You state that the Nebraska Workers Compensation Act currently applies to every employer in the state of Nebraska except for certain enumerated nonhazardous occupations, and that LB 100 seems premised on an assumption that all newspaper carriers and distributors are currently being treated as independent contractors who require special legislation separate and apart from all other independent contractors. You then note two potential problems with the bill from that prospective. First, some newspapers apparently already hire their carriers as employees, and LB 100 would be duplicative of those efforts. Second, "bestowing special protection to a limited group of people who are otherwise part of a larger group of independent contractors appears to be a creation of an unreasonable class and unconstitutional. LB 100 seems to be trying to differentiate between independent contractors with no rational basis for the distinction." Based upon these concerns, you ask ". . . whether LB100 constitutes 'class legislation' that is in contravention of Article III, Section 18 of the Nebraska Constitution?"

Art. III, § 18 of the Nebraska Constitution provides, as is pertinent:

> The Legislature shall not pass local or special laws in any of the following cases, that is to say:
>
> * * * *
>
> Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever.... In all other cases where a general law can be made applicable, no special law shall be enacted.

A legislative bill can violate art. III, § 18 by (1) creating a totally arbitrary and unreasonable method of classification, or (2) by creating a permanently closed class. ***MAPCO v. State Board of Equalization***, 238 Neb. 565, 471 N.W.2d 734 (1991); ***Haman v. Marsh***, 237 Neb. 699, 467 N.W.2d 836 (1991). As a result, LB 100 must be measured under those criteria.

At the outset, we are not entirely sure that the language at issue from LB 100 even creates a classification. You state that the bill attempts to treat one group of independent contractors (newspaper carriers) differently than all other independent contractors, and therefore, separately classifies them. However, it is not completely clear that most newspaper carriers are independent contractors under the current statutes. In ***Larson v. Hometown Communications, Inc.***, 248 Neb. 942, 540 N.W.2d 339 (1995), the Nebraska Supreme Court determined that a young girl who was injured while delivering newspapers was an employee of the paper involved under the facts of that case and the current Workers' Compensation statutes. Obviously, the decision in ***Larson*** that the carrier was an employee rather than an independent contractor was based upon the factual situation in that specific case. However, we suspect that the circumstances surrounding the employment of the plaintiff in the ***Larson*** case are not very different from the employment situation with respect to many other newspaper carriers across the state. Therefore, it could be argued that the bill does not treat one group of independent contractors differently from all others.

Assuming, however, that a classification is involved in LB 100, under the initial test described above, that classification cannot be totally arbitrary and unreasonable. In that regard, the Nebraska Supreme Court has indicated that legislative "[c]lassifications must be based on some ***substantial*** difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified." ***Haman v. Marsh supra*** at 713, 467 N.W.2d at 847 (emphasis in original). "The test for statutes challenged under the special-laws prohibitions . . . is that they must bear 'a reasonable and substantial relation to the objects sought to be accomplished by the legislation.' " ***Id.***

We cannot say, as a matter of law, that there is no substantial difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation with respect to newspaper carriers versus other independent contractors, or that any such classification does not bear a reasonable and substantial relation to the objects sought to be accomplished. For one thing, it is apparent that many newspaper carriers are minors. Therefore, it could be argued that children carrying newspapers should, as a matter of justice or expediency, be treated differently from other independent contractors who are operating businesses as adults, and that such separate treatment bears a substantial relation to the object of protecting those minors. As the trial judge stated in the ***Larson*** case, "[i]t is beyond sophistry and closer to outright dishonesty to characterize a 10-year[-]old party to a contract as a 'little merchant' and thus an independent contractor." ***Larson*** at 959, 540 N.W.2d at 351. As a result, since there may well be differences of circumstances which suggest the necessity for different treatment of newspaper carriers under statute, we do not believe that any classifications inherent in LB 100 are clearly arbitrary or unreasonable.

Art. III, § 18 is also violated by legislation which creates a permanently closed class. With regard to a closed class in this context, "a classification which limits the application of the law to a present condition, and leaves no room for opportunity for an increase in the numbers of the class by future growth or development, is special." ***Haman v. Marsh, supra*** at 716, 467 N.W.2d at 848. In the present instance, the provisions at issue in LB 100 would apply to existing newspaper carriers and also to those individuals who become newspaper carriers in the future. Consequently, LB 100 does not involve a closed class, since it allows for an increase in the numbers of the class. It, therefore, does not violate art. III, § 18 on that basis. ***See also*** Op. Att'y Gen. No. 92129 (December 30, 1992) (statutory classification which allowed additional members in the future was not a closed class under art. III, § 18).

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

5-14-7.1
cc. Patrick J. O'Donnell
Clerk of the Legislature

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 24A. Introduced by Maurstad, 30.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 24, Ninety-fifth Legislature, First Session, 1997.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 11.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-4012 and 2-4013, Reissue Revised Statutes of Nebraska, and section 2-4002, Revised Statutes Supplement, 1996; to define a term; to change provisions relating to grain sorghum; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 13:

Abboud
Bohlke
Crosby
Cudaback
Engel
Hilgert
Kristensen
Landis
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 58.

A BILL FOR AN ACT relating to child support; to provide for termination of support upon certain events and for procedures; to provide duties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Kiel
Robinson
Tyson

Excused and not voting, 13:

Abboud
Bohlke
Crosby
Cudaback
Engel
Hilgert
Kristensen
Landis
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 68.

A BILL FOR AN ACT relating to courts; to amend section 24-1104, Revised Statutes Supplement, 1996; to change provisions relating to opinions of the Court of Appeals; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 33:

Beutler
Brashear
Bromm
Bruning
Chambers
Coordsen
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Wehrbein
Wickersham

Voting in the negative, 1:

Witek

Present and not voting, 3:

Brown
Matzke
Tyson

Excused and not voting, 12:

Abboud
Bohlke
Crosby
Cudaback
Engel
Kristensen
Landis
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 80.

A BILL FOR AN ACT relating to adoptions; to amend section 43-113, Reissue Revised Statutes of Nebraska; to provide copies of decrees of adoption; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Wehrbein
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 12:

Abboud
Bohlke
Crosby
Cudaback
Engel
Kristensen
Landis
Vrtiska
Warner
Wesely
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 121.

A BILL FOR AN ACT relating to the Nebraska Nonprofit Corporation Act; to amend sections 21-19,119 and 21-19,121, Revised Statutes Supplement, 1996; to change provisions relating to mergers; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Witek

Voting in the negative, 0.

Present and not voting, 2:

Lynch
Wickersham

Excused and not voting, 11:

Abboud
Bohlke
Crosby
Cudaback
Engel
Kristensen
Landis
Vrtiska
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 140.

A BILL FOR AN ACT relating to wind energy; to amend sections 66-901, 66-902, and 66-910 to 66-914, Reissue Revised Statutes of Nebraska; to define terms; to provide for wind energy easements; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Bohlke
Cudaback
Engel
Kristensen
Landis
Vrtiska
Warner
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 153 to Select File

Mr. Jones moved to return LB 153 to Select File for the following specific amendment:
AM0863

(Amendments to the Final Reading copy)
1. On page 6, line 10, strike "four" and insert "three".

The Jones motion to return prevailed with 37 ayes, 0 nays, 3 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 153. The Jones specific amendment, AM0863, found in this day's Journal, was adopted with 40 ayes, 0 nays, and 9 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 161.

A BILL FOR AN ACT relating to law enforcement; to amend section 81-1414, Revised Statutes Supplement, 1996; to change provisions relating to training requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Cudaback
Engel
Vrtiska
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 210.

A BILL FOR AN ACT relating to driving or boating under the influence of alcohol or a controlled substance; to amend sections 37-1254.06 and 60-6,202, Reissue Revised Statutes of Nebraska, and sections 60-462 and 60-479, Revised Statutes Supplement, 1996; to provide for blood specimen certificates as prescribed; to provide for liability of the state as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Cudaback
Engel
Vrtiska
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 230.

A BILL FOR AN ACT relating to cities and villages; to amend sections 16-202 and 17-503, Revised Statutes Supplement, 1996; to provide for validation of signatures on remonstrance petitions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Cudaback
Engel
Vrtiska
Warner

Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 258. With Emergency.

A BILL FOR AN ACT relating to managed care; to provide for enrollment in and switching between plans as prescribed; to provide operative dates; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Jensen
McKenzie
Wickersham

Excused and not voting, 6:

Abboud
Engel
Vrtiska
Warner
Will
Cudaback

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 285.

A BILL FOR AN ACT relating to the Nebraska Nonprofit Corporation Act; to amend section 21-1914, Revised Statutes Supplement, 1996; to redefine a term; to exempt from the act certain corporations created to carry out a federal mandate; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Engel
Vrtiska
Warner
Will
Cudaback

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 315.

A BILL FOR AN ACT relating to cities and villages; to provide for purchases without competitive bidding; and to define terms.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Engel
Vrtiska
Warner
Will
Cudaback

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 412. With Emergency.

A BILL FOR AN ACT relating to the Uniform Commercial Code; to amend section 9-105, Uniform Commercial Code; to change provisions relating to secured transactions; to redefine a term; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud
Cudaback
Engel
Warner
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 426. With Emergency.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-927, Reissue Revised Statutes of Nebraska; to change provisions relating to planning commission meetings; to harmonize provisions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown

Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud
Cudaback
Engel
Warner
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 479.

A BILL FOR AN ACT relating to the Nebraska Liquor Control Act; to amend section 53-123.11, Reissue Revised Statutes of Nebraska; to change provisions relating to farm wineries; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Jensen
Suttle

Excused and not voting, 5:

Abboud
Cudaback
Engel
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 666.

A BILL FOR AN ACT relating to cities and villages; to amend section 18-1901, Revised Statutes Supplement, 1996; to change a bond requirement for members of plumbing boards; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud
Cudaback
Engel
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 37.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-1003, Reissue Revised Statutes of Nebraska; to change provisions relating to emergency telephone services; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins

Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud
Cudaback
Engel
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 183. With Emergency.

A BILL FOR AN ACT relating to health care credentialing; to state findings and intent; to define terms; to provide for a study; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Wehrbein

Excused and not voting, 5:

Abboud
Cudaback
Engel
Warner
Will

A constitutional two-thirds majority having voted in the affirmative, the

bill was declared passed with the emergency clause and the title agreed to.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 184.

A BILL FOR AN ACT relating to the Critical Incident Stress Debriefing Act; to amend sections 71-7101 to 71-7112, Reissue Revised Statutes of Nebraska; to rename the act; to provide for stress management for hospital personnel and state correctional employees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Lynch
Witek

Excused and not voting, 5:

Cudaback
Engel
Tyson
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 325.

A BILL FOR AN ACT relating to victims; to amend section 81-1850, Reissue Revised Statutes of Nebraska, and section 83-109, Revised Statutes Supplement, 1996; to provide notice of certain mental health commitment petitions and dispositions; to provide duties for the Department of Health and Human Services; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 5:

Cudaback
Engel
Tyson
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 568.

A BILL FOR AN ACT relating to the Telecommunications Relay System Act; to amend sections 86-1302 and 86-1304, Revised Statutes Supplement, 1996; to provide vouchers for certain individuals; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Lynch

Excused and not voting, 5:

Cudaback
Engel
Tyson
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 722.

A BILL FOR AN ACT relating to motor carriers; to amend sections 75-363 and 75-364, Reissue Revised Statutes of Nebraska; to update state adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 5:

Cudaback
Engel
Tyson
Warner
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 47. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-371 and 44-1089, Reissue Revised Statutes of Nebraska; to change provisions exempting annuity contracts and life insurance proceeds from claims of judgment creditors as prescribed; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Withem

Excused and not voting, 5:

Cudaback
Engel
Tyson
Warner
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 631 with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

MOTION - Return LB 631 to Select File

Mr. Wesely moved to return LB 631 to Select File for the following specific amendment:
FA57
Strike the enacting clause.

Mr. Wesely withdrew his motion to return.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 631. With Emergency.

A BILL FOR AN ACT relating to limited liability companies; to amend sections 21-2603 to 21-2606, 21-2608, 21-2610, 21-2612, 21-2615 to 21-2622, 21-2628, 21-2631, 21-2633, 21-2640, 21-2647 to 21-2649, and 21-2651 to 21-2653, Revised Statutes Supplement, 1996; to change provisions relating to management, formation, member contributions, dissolution, taxation, and merger; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Wesely

Present and not voting, 3:

Chambers
Hilgert
Lynch

Excused and not voting, 5:

Cudaback
Engel
Landis
Tyson
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 397 with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 397. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 66-4,142, 66-4,144, 77-425, 77-501 to 77-503, 77-505, 77-506, 77-507.01, 77-507.03 to 77-509.02, 77-1234, 77-1301.16, 77-1311, 77-1311.02, 77-1338, 77-1345, 77-1378, 77-1380, 77-1381, 77-1384, 77-1504.01, 77-1510, 77-1775.01, 77-27,137, 77-3510, 77-3512, 77-3513, 77-3514, 77-3516, 77-3517, 77-3523, 77-3528, 77-5001, 77-5007, 77-5011, 77-5012, 77-5016, 77-5018, and 79-1018, Reissue Revised Statutes of Nebraska, and sections 13-501, 13-509, and 46-133, Revised Statutes Supplement, 1996; to transfer powers and duties from the State Board of Equalization and Assessment to the Tax Equalization and Review Commission; to define and redefine terms; to authorize certain appeals to the Tax Equalization and Review Commission and the district court; to rename the State Board of Equalization and Assessment; to provide and change powers and duties of the Tax Equalization and Review Commission and the Property Tax Administrator; to provide duties for county assessors; to provide and eliminate penalties; to change provisions relating to homestead exemptions; to change and eliminate powers and duties of the State Board of Equalization and Assessment and provisions relating to assessment; to eliminate a fund and fund distribution provisions; to harmonize provisions; to repeal the original sections; to outright repeal sections 13-513, 77-510, 77-511, 77-1314, 77-3616, and 77-3617, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Hilgert

Excused and not voting, 5:

Cudaback
Engel
Landis
Tyson
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 130 with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 130.

A BILL FOR AN ACT relating to the Employment Security Law; to amend section 48-604, Revised Statutes Supplement, 1996; to change the definition of employment; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Hilgert
Maurstad

Excused and not voting, 5:

Cudaback
Engel
Landis
Tyson
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT ROBAK PRESIDING

Mr. Withem and Mrs. Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 199 with 36 ayes, 1 nay, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 199.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3508, 81-2,239, 81-2,240, 81-2,258, 81-2,262, 81-2,263, 81-2,267, 81-2,268, 81-2,270, 81-2,271, 81-2,272, 81-2,273, 81-2,275, 81-2,276, 81-2,281, 81-2,284, and 81-2,288, Reissue Revised Statutes of Nebraska, and section 54-1902, Revised Statutes Supplement, 1996; to change egg identification provisions; to define and redefine terms and change and eliminate certain provisions and codes adopted in the Nebraska Pure Food Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-2,245, 81-2,246, 81-2,248, 81-2,249, 81-2,250, 81-2,251.01, 81-2,253, 81-2,254, 81-2,255, 81-2,256, 81-2,257, 81-2,259, 81-2,260, 81-2,261, 81-2,264, 81-2,265, 81-2,266, 81-2,269, 81-2,272.01, 81-2,277, 81-2,278, 81-2,279, and 81-2,280, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 3:

Hilgert
Schrock
Vrtiska

Excused and not voting, 6:

Cudaback
Engel
Landis
Tyson
Warner
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Maurstad and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 453 with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 453.

A BILL FOR AN ACT relating to trade practices; to amend sections 87-123, 87-208 to 87-218, and 87-220, Reissue Revised Statutes of Nebraska, and sections 21-1931, 21-19,151, 21-2028, and 21-20,173, Revised Statutes Supplement, 1996; to change provisions relating to trademarks and trade names; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 2:

Chambers Hilgert

Excused and not voting, 5:

Cudaback Engel Tyson Warner Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 107

Mr. Matzke withdrew his amendment, AM0684, found on page 911, to LB 107.

MOTION - Return LB 107 to Select File

Messrs. Matzke, Beutler, and Mrs. Hudkins moved to return LB 107 to Select File for the following specific amendment:
AM0869

1. On page 3, line 1, strike "horns of mountain sheep" and insert "mountain sheep or any part of a mountain sheep except (a) as permitted by law or rule or regulation of the commission and (b) for possession of mountain sheep or any part of a mountain sheep lawfully obtained in this state or another state or country".

The Matzke-Beutler-Hudkins motion to return prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 107. The Matzke-Beutler-Hudkins specific amendment, AM0869, found in this day's Journal, was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 560. Placed on General File.
LEGISLATIVE BILL 562. Placed on General File.
LEGISLATIVE BILL 770. Placed on General File.
LEGISLATIVE BILL 772. Placed on General File.

LEGISLATIVE BILL 771. Placed on General File as amended.
Standing Committee amendment to LB 771:
AM0864

1. On page 3, line 22, strike the new matter and reinstate the stricken matter.

(Signed) Kermit A. Brashear, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Anderson, Tor - Boiler Safety Advisory Board - Business and Labor
Klosterboer, Laurie L. - Boiler Safety Advisory Board - Business and Labor
Otter, Ray - Boiler Safety Advisory Board - Business and Labor
Spary, Allan W. - Boiler Safety Advisory Board - Business and Labor

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 465:
AM0865

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new section:

"Sec. 25. This act becomes operative on January 1, 1998.".

2. Renumber the remaining section accordingly.

Mr. Brashear filed the following amendment to LB 362A:
AM0833

1. On page 2, line 17, strike "$160,291" and insert "$120,215"; in line 24 strike "$157,999" and insert "$118,498"; and in line 25 strike "$139,930" and insert "$104,945".

2. On page 3, line 4, strike "$137,931" and insert "$103,445".

NOTICE OF COMMITTEE HEARINGS
Judiciary

LB 134	Wednesday, March 19, 1997	8:00 a.m.
LR 59CA	Thursday, March 27, 1997	8:00 a.m.
LR 61CA	Thursday, March 27, 1997	8:00 a.m.
LR 16CA	Thursday, March 27, 1997 (Cancel)	9:30 a.m.
LR 16CA	Thursday, March 27, 1997 (Reschedule)	8:00 a.m.

LR 18CA	Thursday, March 27, 1997 (Cancel)	9:30 a.m.
LR 18CA	Thursday, March 27, 1997 (Reschedule)	8:00 a.m.
LR 36CA	Thursday, March 27, 1997 (Cancel)	9:30 a.m.
LR 36CA	Thursday, March 27, 1997 (Reschedule)	8:00 a.m.

(Signed) Kermit A. Brashear, Chairperson

Nebraska Retirement Systems

Tuesday, March 18, 1997 12:15 p.m.
Charles A. Peters - PERB
Honorable Merritt C. Warren, D. J. retired - PERB

(Signed) William R. Wickersham, Chairperson

PROPOSED RULES CHANGE

Mr. Wesely offered the following proposed rules change:
Sec. 8. Final Reading, Motions. (a) On Final Reading the bill shall be read at large with all amendments thereto before the vote is taken, unless three-fifths of all of the members elected to the Legislature vote to dispense with the at large reading under this section. The Speaker shall designate on the published agenda which bills will be considered for a vote without an at large reading. This vote to dispense with final reading shall be taken on ~~each bill individually~~ the package of all those bills the Speaker has designated on his published agenda without amendment, motion, or debate. If the Legislature confirms the Speaker's designation, the title of the bill will be read, and the final vote will be taken with voting being held open for ~~three~~ one minute. If the motion on ~~any~~ the package of bills fails to receive the support of three-fifths of the elected members of the Legislature, then ~~such~~ each bill and all amendments thereto will be read at large prior to the vote being taken.

Referred to the Rules Committee.

GENERAL FILE

LEGISLATIVE BILL 248A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 249. Considered.

Mr. Maurstad asked unanimous consent to replace his pending amendment, AM0668, printed separately and referred to on page 850, with a substitute amendment. No objections. So ordered.

Mr. Maurstad withdrew his amendment, AM0668, printed separately and referred to on page 850.

Mr. Maurstad renewed his pending substitute amendment, AM0806, printed separately and referred to on page 936.

The Maurstad amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Janssen renewed his pending amendment, AM0795, found on page 911.

The Janssen amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 622. Title read. Considered.

Standing Committee amendment, AM0426, found on page 704, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 11, 58, 68, 80, 121, 140, 161, 210, 230, 258, 285, 315, 412, 426, 479, 666, 37, 183, 184, 325, 568, 722, 47, 631, 397, 130, 199, and 453.

GENERAL FILE

LEGISLATIVE BILL 270. Title read. Considered.

Standing Committee amendment, AM0485, printed separately and referred to on page 805, was considered.

SPEAKER WITHEM PRESIDING

Mmes. Bohlke and Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 527. Placed on General File.
LEGISLATIVE BILL 290. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

General Affairs

LEGISLATIVE BILL 627. Placed on General File.

LEGISLATIVE BILL 99. Placed on General File as amended.
Standing Committee amendment to LB 99:
AM0804

1. Strike original sections 3 through 6.

2. On page 3, line 15, strike "and" and "permit" and show as stricken.

3. On page 8, line 12, strike beginning with "sections" through the last comma and insert "section 9-255.04,"; in line 15 strike "Sections" and insert "Section" and strike "9-433" through the last comma; and in line 16 strike "sections" and insert "section" and strike and "9-643".

4. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 732. Placed on General File as amended.
Standing Committee amendment to LB 732:
AM0688

1. Strike original sections 1 and 4.

2. On page 3, lines 7 through 9; and page 4, lines 1 through 3, strike the new matter and insert "except as provided in section 9-346".

3. On page 6, strike beginning with "played" in line 27 through line 28 and insert "which are designed by a manufacturer to utilize bingo numbers drawn during the conduct of bingo to determine a winning combination. Such pickle card units shall be sold by a licensed distributor only to an organization licensed to conduct a lottery by the sale of pickle cards which is also licensed to conduct bingo and shall be played only at the bingo premises of the licensed organization during a bingo occasion conducted pursuant to the Nebraska Bingo Act.".

4. On page 7, strike lines 1 and 2 and show the period as stricken; and in line 3 strike "9-204," and "9-338,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 380. Indefinitely postponed.
LEGISLATIVE BILL 381. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

Revenue

LEGISLATIVE BILL 371. Placed on General File.

LEGISLATIVE BILL 415. Placed on General File as amended.
Standing Committee amendment to LB 415:
AM0822

1. Strike the original sections and insert the following new sections:

"Section 1. (1) For redevelopment projects approved on or after July 1, 1997, all local option sales taxes collected and not refunded within a redevelopment project financed in whole or in part using tax increment financing under sections 18-2147 to 18-2153 shall be credited to the Tax Increment Financing Impact Fund for the period of time the property tax is divided. The Tax Commissioner shall remit the taxes collected to the State Treasurer for credit to the fund monthly within thirty days after the end of the month during which local option sales taxes are reported and paid. The Tax Commissioner shall provide forms for separating sales and use tax on sales made within a redevelopment project. The forms shall include a space for designating the redevelopment project to which the taxes are attributable.

(2) At the time the taxes are remitted to the State Treasurer, the Tax Commissioner shall issue a report to the Property Tax Administrator indicating the total amount of local option sales taxes, excluding the three-percent deduction in section 77-27,144, collected within each redevelopment project.

(3) The fund shall be distributed to political subdivisions based upon the total amount of sales and use taxes attributable to sales within the redevelopment project times a fraction, the numerator of which is the property taxes levied on the redevelopment project valuation by the political subdivision and the denominator of which is the total property taxes levied by all political subdivisions on the redevelopment project valuation. The Property Tax Administrator shall calculate the amount due each political subdivision under this section. Distributions shall be made quarterly and warrants issued within thirty days of the end of each quarter.

(4) The Tax Increment Financing Impact Fund is created. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 2. (1) The incorporated municipality shall file with the Tax Commissioner a certified copy of the ordinance or resolution designating a redevelopment project using tax increment financing under sections 18-2147 to 18-2153. The filing shall include the address of the redevelopment project and a listing of all businesses located within the redevelopment project, and the nine-digit zip codes at the redevelopment project shall be attached to the certified copy of the ordinance or resolution.

(2) The effective date of the division of the local option sales tax collections shall be the first day of the calendar quarter which is at least sixty days following receipt by the Tax Commissioner of the required filing, including all attachments.

(3) The incorporated municipality shall file a supplemental listing of the businesses or the listing of zip codes that are at the redevelopment project within fifteen days after the end of a quarter if any changes have occurred.

(4) The effective date of the termination of the division of the local option sales tax collections shall be the first day of the calendar quarter which is at least sixty days following receipt by the Tax Commissioner of a certified statement terminating the division of property tax receipts.

Sec. 3. The incorporated municipality shall be liable to any political subdivision that does not receive the full portion of the local option sales tax collections to which it is entitled due to a failure of the incorporated municipality to make required filings promptly or completely. The incorporated municipality shall be liable for the amount not received and interest. Neither the Tax Commissioner nor the State Treasurer shall be liable to any political subdivision for any such failure by the incorporated municipality.

Sec. 4. (1) After receiving the listing from the incorporated municipality, the Department of Revenue shall notify each listed business at a redevelopment project that the business is in a redevelopment project and the identification of the redevelopment project that will be used for reporting purposes.

(2) Each business within the redevelopment project shall notify all persons from whom the business makes purchases that the business is at a redevelopment project. The business shall also notify all persons from whom they make purchases when the redevelopment project is no longer utilizing tax increment financing.

(3) Failure of a business making sales in a redevelopment project to properly account and report those sales shall subject the business to a loss of collection fee.

Sec. 5. All relevant provisions of the Nebraska Revenue Act of 1967, as amended from time to time, and the Local Option Revenue Act, including the determination of the location of a sale, shall govern transactions, proceedings, and activities pursuant to any tax collected within a redevelopment project.

Sec. 6. Section 18-2101, Reissue Revised Statutes of Nebraska, is amended to read:

18-2101. Sections 18-2101 to 18-2144 and sections 1 to 5 of this act shall be known and cited as the Community Development Law.

Sec. 7. Section 77-27,144, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,144. The Tax Commissioner shall collect the tax imposed by any incorporated municipality concurrently with collection of a state tax in the same manner as the state tax is collected. ~~The~~

Until July 1, 1998, the Tax Commissioner shall remit monthly the proceeds of the tax to the incorporated municipalities levying the tax, after deducting the amount of refunds made, the amounts credited to the Tax Increment Financing Impact Fund pursuant to section 1 of this act, and three percent of the tax collected less refunds to be credited to the state General Fund. Beginning July 1, 1998, the Tax Commissioner shall remit monthly the proceeds of the tax to the incorporated municipalities levying the tax, after deducting the amount of refunds made, the amounts credited to the Tax Increment Financing Impact Fund pursuant to section 1 of this act, and three percent of the ~~remainder~~ tax collected less refunds to be credited to the Municipal Equalization Fund. The Tax Commissioner shall keep full and accurate records of all money received and distributed under the provisions of the Local Option Revenue Act.

Sec. 8. Original sections 18-2101 and 77-27,144, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 25. Indefinitely postponed.
LEGISLATIVE BILL 179. Indefinitely postponed.
LEGISLATIVE BILL 223. Indefinitely postponed.
LEGISLATIVE BILL 277. Indefinitely postponed.
LEGISLATIVE BILL 304. Indefinitely postponed.
LEGISLATIVE BILL 312. Indefinitely postponed.
LEGISLATIVE BILL 429. Indefinitely postponed.
LEGISLATIVE BILL 488. Indefinitely postponed.
LEGISLATIVE BILL 513. Indefinitely postponed.
LEGISLATIVE BILL 538. Indefinitely postponed.
LEGISLATIVE BILL 570. Indefinitely postponed.
LEGISLATIVE BILL 597. Indefinitely postponed.
LEGISLATIVE BILL 598. Indefinitely postponed.
LEGISLATIVE BILL 599. Indefinitely postponed.
LEGISLATIVE BILL 625. Indefinitely postponed.
LEGISLATIVE BILL 646. Indefinitely postponed.
LEGISLATIVE BILL 691. Indefinitely postponed.
LEGISLATIVE BILL 821. Indefinitely postponed.
LEGISLATIVE BILL 831. Indefinitely postponed.

LEGISLATIVE RESOLUTION 63CA. Indefinitely postponed.

(Signed) George Coordsen, Vice Chairperson

GENERAL FILE

LEGISLATIVE BILL 518. Title read. Considered.

Standing Committee amendment, AM0403, printed separately and referred to on page 805, was considered.

Mr. Schellpeper offered the following amendment to the Standing Committee amendment:
AM0844

(Amendments to Standing Committee amendments, AM0403)

1. Strike sections 24 and 25.
2. On page 2, line 27; page 15, line 22; page 16, lines 2 and 10; page 17, lines 5, 20, and 24; page 18, lines 9, 13, and 22; and page 23, line 14, strike "Environmental Quality Council" and insert "Advisory Council on Public Water Supply".
3. On page 3, lines 1 and 2, strike "Environmental Quality" and insert "Department of Health and Human Services Regulation and Licensure".
4. On page 2, line 3; and page 12, line 9, strike "Environmental Quality" and insert "Regulation and Licensure".
5. On page 49, line 15, strike "71-5313" through the second comma and insert "and 71-5313"; and in lines 15 and 16 strike "and" through the fourth comma.
6. Renumber the remaining sections accordingly.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 550. Placed on Select File as amended.
E & R amendment to LB 550:
AM7077

1. On page 2, lines 17, 21, and 25; and page 3, lines 1 and 6, strike "section" and insert "subsection".
2. On page 5, line 5, strike "Each two-year period" and show as stricken; and in line 7 strike "during the months" and insert "During the month".

LEGISLATIVE BILL 246. Placed on Select File as amended.
E & R amendment to LB 246:
AM7079

1. On page 1, line 4, after "court" insert "and to change the term of the office".

LEGISLATIVE BILL 393. Placed on Select File as amended.

E & R amendment to LB 393:
AM7078

1. On page 1, strike beginning with "eliminate" in line 3 through "prescribed" in line 4 and insert "change provisions relating to payment of fees and costs and forms"; in line 4 after the last semicolon insert "and"; and strike beginning with the semicolon in line 5 through "Nebraska" in line 6.

2. On page 2, line 19, after "except" insert "that".

LEGISLATIVE BILL 393A. Placed on Select File.

LEGISLATIVE BILL 317. Placed on Select File as amended.
E & R amendment to LB 317:
AM7080

1. In the Standing Committee amendment, AM0353, on page 6, line 13, strike the first comma and show as stricken.

2. On page 1, line 2, strike "77-3004" and insert "77-3005"; and in line 3 strike "a term" and insert "terms".

LEGISLATIVE BILL 526. Placed on Select File.
LEGISLATIVE BILL 51. Placed on Select File.

LEGISLATIVE BILL 54. Placed on Select File as amended.
E & R amendment to LB 54:
AM7081

1. Insert the following new section:

"Sec. 14. Section 30-2464, Reissue Revised Statutes of Nebraska, is amended to read:

30-2464. (a) A personal representative is a fiduciary who shall (1) prior to the effective date of this act, observe the standards of care applicable to trustees as described by section 30-2813 and (2) on and after the effective date of this act, comply with the Nebraska Uniform Prudent Investor Act. A personal representative is under a duty to settle and distribute the estate of the decedent in accordance with the terms of any probated and effective will and this code, and as expeditiously and efficiently as is consistent with the best interests of the estate. He or she shall use the authority conferred upon him or her by this code, the terms of the will, if any, and any order in proceedings to which he or she is party for the best interests of successors to the estate.

(b) A personal representative shall not be surcharged for acts of administration or distribution if the conduct in question was authorized at the time. Subject to other obligations of administration, an informally probated will is authority to administer and distribute the estate according to its terms. An order of appointment of a personal representative, whether issued in informal or formal proceedings, is authority to distribute apparently intestate assets to the heirs of the decedent if, at the time of distribution, the personal representative is not aware of a pending testacy proceeding, a proceeding to vacate an order entered in an earlier testacy proceeding, a formal proceeding questioning his or her appointment or fitness to continue, or a supervised administration proceeding. Nothing in this section affects the duty of the personal representative to administer and distribute the estate in accordance with the rights of claimants, the surviving spouse, any minor and dependent children and any pretermitted child of the decedent as described elsewhere in this code.

(c) Except as to proceedings which do not survive the death of the decedent, a personal representative of a decedent domiciled in this state at his or her death has the same standing to sue and be sued in the courts of this state and the courts of any other jurisdiction as his or her decedent had immediately prior to death.".

2. On page 1, line 1; and page 8, line 5, after "sections" insert "30-2464,".

3. On page 1, lines 4 and 5, strike "to provide operative dates;".

4. On page 6, line 14, strike the underscored comma; and in line 19 after "skills" insert an underscored comma.

5. On page 7, line 6, strike the comma.

6. Renumber original sections 14 to 17 as sections 15 to 18, respectively.

LEGISLATIVE BILL 166. Placed on Select File as amended.
E & R amendment to LB 166:
AM7082

1. On page 1, line 4, strike "and" and after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 263. Placed on Select File as amended.
E & R amendment to LB 263:
AM7084

1. On page 1, line 4, after the first semicolon insert "to define and redefine terms;".

2. On page 6, line 22, strike "shall include", show as stricken, and insert "includes".

3. On page 30, line 10, strike "and".

(Signed) Jon C. Bruning, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 10, 1997, at 11:30 a.m., were the following bills: LBs 11, 58, 68, 80, 121, 140, 161, 210, 230, 258, 285, 315, 412, 426, 479, 666, 37, 183, 184, 325, 568, 722, 47, 631, 397, 130, 199, and 453.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ATTORNEY GENERAL'S OPINION

Opinion No. 97017

DATE:	March 7, 1997
SUBJECT:	LB 447; Whether the Term "Corporation" as Used in the Bill Includes Nonprofit Corporations
REQUESTED BY:	Senator Jon Bruning Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Dale A. Comer, Assistant Attorney General

LB 447 would change the Nebraska statutes dealing with the provision of ambulance service by local governmental entities in several respects. In your opinion request regarding that bill, you note that the term "corporation" is used throughout the legislation, and you request a "clarification" of the meaning of that language. Specifically, you state that:

> [t]he Papillion Fire Department is a nonprofit corporation and there is concern that the term "corporation" [in LB 447] refers to it. This is not the intention of LB 447.

We, therefore, assume that you wish our opinion as to whether the term "corporation," as it is used in LB 447, includes nonprofit corporations as well as for-profit entities.

The term "corporation" is not defined in LB 447; nor is it defined in the statute which contains general definitions for use with the Nebraska statutes. ***See*** Neb. Rev. Stat. § 49-801 (1993). In Nebraska, in the absence of anything indicating the contrary, statutory language is to be given its plain and ordinary meaning. ***Application of City of Grand Island*** 247 Neb. 446, 527 N.W.2d 864 (1995). Consequently, we believe that the term "corporation" in LB 447 must be interpreted in its plain and ordinary sense.

Generally, a "corporation" is defined as "[a]n artificial person or legal entity created by or under the authority of the laws of a state or nation . . . . which is regarded in law as having an existence distinct from its several members." BLACK'S LAW DICTIONARY 307 (5th ed. 1979). Consistent with this definition, the Nebraska Supreme Court has stated that, "[a] corporation may be said to be an artificial person created by or under legislative enactment." ***Nebraska Wheat Growers Association v. Smith***, 115 Neb. 177, 190, 212 N.W. 39, 44 (1927). In Nebraska, there are generally two types of corporations which may be created by private individuals, including for-profit corporations created under the Nebraska Business Corporation Act, Neb. Rev. Stat. §§ 21-2001 through 21-20,193 (Cum. Supp. 1996), and nonprofit corporations created under the Nebraska Nonprofit Corporation Act, Neb. Rev. Stat. §§ 21-1901 through 21-19,177 (Cum. Supp. 1996).

LB 447 does not specify whether "corporation," as used in that bill, refers to for-profit or nonprofit entities. However, we believe that the term "corporation," as it is generally defined, includes both types of corporations, since both are artificial legal entities created under authority of state statute. As a result, it appears to us that the term "corporation" in LB 447 does include both for-profit and nonprofit corporations.

We would also note that the term "corporation" is used several times in LB 447 with the term "private," as in the bill's proposed addition to Neb. Rev. Stat. § 13-303 (Cum. Supp. 1996):

> (3) The county board or municipal governing body shall not contract with a ***private*** person, firm or ***corporation*** to provide fire service or ambulance service . . . unless the authority to so contract is approved by a majority of the registered voters of the county, city or village voting on the question at a general or special election.

(emphasis added). However, we believe that such references to "private" corporations simply distinguish between corporations which are established under statute by private individuals, and "public corporations" which are corporations established by government for the administration of governmental functions. ***See*** BLACK'S LAW DICTIONARY 307 (5th ed. 1979). Therefore, under the ordinary meaning of those terms, for-profit and nonprofit corporations are both "private corporations."

You state that it is "not the intention of LB 447" to include nonprofit corporations such as the Papillion Fire Department within its definition of "corporation." If that is the case, we suggest that you consider amending the bill to make it clear, in some way, that references to "corporation" are intended to apply only to for-profit corporations.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-61-14.op

cc: Patrick O'Donnell
Clerk of the Legislature

AMENDMENTS - Print in Journal

Mr. Tyson filed the following amendment to LB 87:

AM0867

1. On page 2, line 12, after "(2)" insert "Clergy shall be allowed to visit persons confined in a facility. Such visitation may occur by approved clergy during reasonable hours or in verifiable emergencies pursuant to rules and regulations of the department.

(3)".

Mr. Will filed the following amendment to LB 249:
AM0805

1. In the Standing Committee amendment, AM0592:

a. On page 1, strike the new matter and all amendments thereto and reinstate the stricken matter; in line 12 strike "For the first such", show as stricken, and insert

"(a) For any suspension based on a violation of section 53-180 or 53-180.02 or any rule or regulation of the Nebraska Liquor Control Commission concerning sale to minors or minors in possession on the licensed premises, the penalty shall be fifty dollars for the first suspension, one hundred dollars for the second suspension, and three hundred dollars for third or subsequent suspension, except that for a licensee which has no violations for a period of four years consecutively, a suspension shall be treated as a first suspension; and

(b) For any violation of the Nebraska Liquor Control Act not covered by subdivision (a) of this subsection: (i) For the first"; in line 14 strike ". For", show as stricken, and insert "; and (ii) for"; and in line 19 after the period insert paragraphing.

Mr. Preister filed the following amendment to LB 109:
AM0878

(Amendments to Standing Committee amendments, AM0116)

1. On page 1, lines 6 and 14, after "codes" insert "and constructional technical codes"; in line 8 after "authority" insert ", after being trained,"; in line 14 strike "that", after "(a)" insert "that", and after "infractions" insert an underscored comma; in line 15 strike "and" and after "(b)" insert "that"; and in line 17 after "enforcing" insert ", and (c) in which the case circumstances do not pose a danger to the official or inspector".

RESOLUTION

LEGISLATIVE RESOLUTION 89. Introduced by C. Peterson, 35.

WHEREAS, the Grand Island Boys' Basketball Team has a 17-4 record; and

WHEREAS, the Islanders have won the Class A, District 6 Championship; and

WHEREAS, the Grand Island Boys' Basketball Team exemplifies the spirit of competition, the pursuit of team excellence, and the opportunity for parent and community involvement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Grand Island Boys' Basketball Team and their coach, Craig Jacobson, for their outstanding accomplishment.
2. That a copy of this resolution be sent to the Grand Island Senior High School.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 88 was referred to the Reference Committee.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 116A. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 116, Ninety-fifth Legislature, First Session, 1997.

LEGISLATIVE BILL 260A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 260, Ninety-fifth Legislature, First Session, 1997.

ANNOUNCEMENT

Mrs. Crosby designates LB 864 as her priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 612. No objections. So ordered.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 422:

(1)

FA58

Page 2, line 7, strike "or threat".

(2)

FA59
Page 2, line 10, strike "apparent"

(3)

FA60
Page 2, line 16, strike "heinous".

(4)

FA61
Page 2, line 16, strike "atrocious".

(5)

FA62
Page 2, line 16, strike "cruel".

(6)

FA63
Page 2, line 18, strike "morality and".

(7)

FA64
Page 2, line 21, after "great", insert "and substantial".

ADJOURNMENT

At 11:57 a.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Tuesday, March 11, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

THIRTY-NINTH DAY - MARCH 11, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

THIRTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 11, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Mr. Douglas Switzer, First Church Christian Science, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Cudaback, Hartnett, Hilgert, Landis, Warner, Wickersham, Will, Withem, Mmes. Bohlke, and Brown who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-eighth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 862. Placed on Select File as amended.
(E & R amendment, AM7083, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 734. Placed on Select File.
LEGISLATIVE BILL 746. Placed on Select File.

LEGISLATIVE BILL 531. Placed on Select File as amended.
E & R amendment to LB 531:
AM7087

1. On page 1, line 2, after "section" insert "31-753, Reissue Revised Statutes of Nebraska, and sections 31-739 and"; in line 3 strike "and" and insert "to change provisions relating to

special assessments;"; and in line 4 strike "section" and insert "sections; and to declare an emergency".

LEGISLATIVE BILL 589. Placed on Select File as amended.
E & R amendment to LB 589:
AM7092

1. On page 1, line 4, strike "and"; and in line 5 after "sections" insert "; and to declare an emergency".
2. On page 8, line 22, after "necessary" insert "(1)".
3. On page 9, line 4, strike the semicolon and insert ", (2)"; in line 9 strike the semicolon, reinstate the stricken comma, and after the reinstated comma insert "(3)"; and in line 13 strike the semicolon, reinstate the stricken comma, and after "or" insert "(4)".

LEGISLATIVE BILL 554. Placed on Select File as amended.
E & R amendment to LB 554:
AM7085

1. On page 3, line 23, strike "provided that" and insert "if".

LEGISLATIVE BILL 753. Placed on Select File as amended.
E & R amendment to LB 753:
AM7086

1. On page 2, line 15; and page 3, line 5, after the comma insert "and".

LEGISLATIVE BILL 755. Placed on Select File.

Correctly Reengrossed

The following bill was correctly reengrossed: 153.

Correctly Engrossed

The following bill was correctly engrossed: 107.

Enrollment and Review Change to LB 107

The following changes, required to be reported for publication in the Journal, have been made:
ER9008

1. In the Beutler amendment, AM0454:

a. Section 1 has been renumbered as section 4; and

b. On page 2, the matter beginning with the semicolon in line 16 through the last quotation marks in line 17 has been struck.

2. In the Wickersham amendment, AM0341, on page 6, line 27, "37-215.03," has been inserted after the second comma.

3. On page 1, line 1, "37-308, Reissue Revised Statutes of Nebraska,

and sections 37-105, 37-215, 37-215.03, and" has been inserted after "section"; in line 2 "to provide for permits to hunt and kill mountain sheep; to provide for fees and an auction; to provide a penalty; to change limited elk permit provisions;" has been inserted after the semicolon; and in line 5 "section" has been struck and "sections" inserted.

(Signed) Jon C. Bruning, Chairperson

MESSAGE FROM THE GOVERNOR

March 10, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 15, 56, 200, 201, 202, 275, 351, 28, 85, 97, 206, 221, 238, 342, 441, 489, 129, 345, 347, and 346 were received in my office on March 4, 1997.

These bills were signed by me on March 10, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

GENERAL FILE

LEGISLATIVE BILL 422. Mr. Chambers moved to indefinitely postpone the bill before the reading of the title, pursuant to Rule 6(3)(f).

Messrs. Coordsen and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Matzke moved the previous question. The question is, “Shall the debate now close?”

Mr. Matzke moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 20 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 2:

Chambers
Kiel

Voting in the negative, 29:

Brashear
Bromm
Bruning
Cudaback
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Robinson
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek

Present and not voting, 9:

Beutler
Brown
Crosby
Hartnett
Kristensen
Lynch
Robak
Schellpeper
Schimek

Excused and not voting, 9:

Abboud
Bohlke
Coordsen
Landis
Pedersen, Dw.
Warner
Wickersham
Will
Withem

The Chambers motion to indefinitely postpone failed with 2 ayes, 29 nays, 9 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

ANNOUNCEMENT

Mrs. Brown designates LB 752 as her priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 90. Introduced by Elmer, 44.

WHEREAS, the Wauneta-Palisade High School Lady Broncos won the Class D-1 championship in the 1997 Nebraska Girl's State High School Basketball Tournament; and

WHEREAS, the Wauneta-Palisade High School Lady Broncos defeated the Lindsay Holy Family High School Bulldogs 68-36 in the Class D-1 championship game; and

WHEREAS, the Wauneta-Palisade High School Lady Broncos, coached by Roger Lauhead, are Sara Todd, Leigh Majors, Dawn Applegarth, Erin Padilla, Jessica Harrison, Trish Fanning, Melissa Lytle, Mindy Humphrey, Ane Sandman, Raelyn Brunkhorst, Tami Sandman, and Megan Buffington; and

WHEREAS, the Wauneta-Palisade High School Lady Broncos scored a three-game total of 205 points in the 1997 Girls' State High School Basketball Tournament a Class D-1 record; and

WHEREAS, the Wauneta-Palisade High School Lady Broncos finish the 1997 basketball season with a 24-1 record.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the 1997 Wauneta-Palisade High School Lady Broncos girls' basketball team and Coach Roger Lauhead.
2. That a copy of this resolution be sent to Wauneta-Palisade High School.

Laid over.

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 554:
AM0884

1. Insert the following new section: "Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 700. Placed on General File as amended.
Standing Committee amendment to LB 700:
AM0794

1. On page 22, after line 20, insert the following new subdivision: "(5) Work performed by a professional engineer appropriately licensed in this state that is within the generally accepted scope of engineering practice;"; in line 21 strike "(5)" and insert "(6)"; and in line 23 strike "(6)" and insert "(7)".
2. On page 23, line 6, strike "(7)" and insert "(8)".

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 422. Mr. Chambers requested the bill be read section by section, pursuant to Rule 6, section (3)(a).

Read. Considered.

MR. COORDSEN PRESIDING

Mr. Chambers withdrew his amendments, FA58, FA59, FA60, FA61, FA62, FA63, and FA64, found on pages 985 and 986.

Messrs. Schellpeper and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA65
P. 2, line 8, after "substantial", insert, "prior".

MRS. CROSBY PRESIDING

Messrs. Coordsen, Maurstad, Dierks, Abboud, Landis, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENT - Print in Journal

Mr. Dierks filed the following amendment to LB 396:
AM0876
1. On page 13, strike beginning with "Institutional" in line 22 through "Act" in line 27 and insert "Department of Health and Human Services Cash Fund".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 396A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 396, Ninety-fifth Legislature, First Session, 1997; and to reduce appropriations.

LEGISLATIVE BILL 485A. Introduced by Hudkins, 21.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, Ninety-fifth Legislature, First Session, 1997.

ANNOUNCEMENTS

Mr. Janssen designates LB 310 as his priority bill.

Ms. Schimek designates LR 7CA as her priority resolution.

STANDING COMMITTEE REPORT
Government, Military and Veterans Affairs

The Committee on Government, Military and Veterans Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Susan E. Prazan - State Personnel Board
Yvonne Norton Leung - Director, Governor's Policy Research and Energy Office

VOTE: Aye: Senators Robinson, Janssen, Tyson, Schmitt, Stuhr, Vrtiska, and Schimek. Nay: None. Absent: Senator Cudaback.

(Signed) C. N. "Bud" Robinson, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 91. Introduced by Crosby, 29; Schimek, 27; Beutler, 28.

WHEREAS, the Lincoln Southeast High School girls' basketball team won the Class A Girls' State High School Basketball Championship with a fifty-one to thirty-eight victory over Omaha Marian; and

WHEREAS, the Lincoln Southeast High School girls' basketball team has won four championships in five years and seven championships overall; and

WHEREAS, the Lincoln Southeast High School girls' basketball team won twenty-three of twenty-five games played this season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth in our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Lincoln Southeast High School girls' basketball team be congratulated for their exemplary effort this season and in the Girls' State High School Basketball Tournament.
2. That a copy of this resolution be sent to Coach John Larsen and Lincoln Southeast High School.

Laid over.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 281. Placed on General File.
LEGISLATIVE BILL 420. Placed on General File.

LEGISLATIVE BILL 764. Placed on General File as amended.
(Standing Committee amendment, AM0874, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 545. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 165. Placed on Select File.

LEGISLATIVE BILL 363. Placed on Select File as amended.
E & R amendment to LB 363:
AM7089

1. On page 2, line 13, strike the comma and show as stricken and after "or" insert an underscored comma.

LEGISLATIVE BILL 398. Placed on Select File.

LEGISLATIVE BILL 466. Placed on Select File as amended.
E & R amendment to LB 466:
AM7093

1. On page 12, underscore beginning with "the" in line 26 through the first comma in line 28.

LEGISLATIVE BILL 284. Placed on Select File.

LEGISLATIVE BILL 372. Placed on Select File as amended.
E & R amendment to LB 372:
AM7088

1. On page 2, line 5, strike the semicolon and show as stricken.

LEGISLATIVE BILL 434. Placed on Select File as amended.
E & R amendment to LB 434:
AM7090

1. On page 1, lines 2 and 3, strike "decree dissolution" and insert "dissolution decree".

LEGISLATIVE BILL 517. Placed on Select File as amended.
E & R amendment to LB 517:
AM7091

1. On page 1, strike beginning with "petroleum" in line 1 through line 6 and insert "the Petroleum Release Remedial Action Act; to amend section 66-1518, Reissue Revised Statutes of Nebraska; to change provisions relating to rules and regulations; and to repeal the original section.".

LEGISLATIVE BILL 248A. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS

Business and Labor

LEGISLATIVE BILL 569. Placed on General File as amended.
Standing Committee amendment to LB 569:
AM0571

1. On page 2, lines 11 through 13, strike the new matter.

(Signed) Chris Abboud, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 413. Indefinitely postponed.
LEGISLATIVE BILL 618. Indefinitely postponed.
LEGISLATIVE BILL 630. Indefinitely postponed.
LEGISLATIVE BILL 675. Indefinitely postponed.
LEGISLATIVE BILL 754. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

Transportation

LEGISLATIVE BILL 91. Placed on General File.
LEGISLATIVE BILL 801. Placed on General File.

LEGISLATIVE BILL 300. Placed on General File as amended.
Standing Committee amendment to LB 300:
AM0350

1. On page 2, strike lines 15 through 28 and insert

"(2) The license plates issued pursuant to this section shall be issued and renewed as provided in sections 60-310 and 60-311, except that when new plates are issued pursuant to subsection (2) of section 60-311, proof of handicap or disability must be presented to the department. In years when the department issues renewal tabs, registrants shall apply to the county and no proof of handicap or disability shall be required. If a handicapped or disabled person dies or ceases to be eligible for the plates, the license plates issued for that person shall expire and shall be returned to the department.

(3) Thirty days before the beginning of the month in which the registration expires in a year that new plates are issued, the department shall send by first-class mail to the registrant, at his or her most recent address in the department records, an application for renewal and a medical form with instructions about how to complete the renewal process and how to provide proof of handicap or disability.

(4) The fees for original and renewal license plates issued pursuant to this section shall be the same as provided in sections 60-302, 60-310, and 60-311.

(5) For purposes of issuance and renewal, proof of handicap or disability shall be shown by a completed medical form containing the statutory criteria for qualification and signed by a physician, physician assistant, or nurse practitioner certifying that the individual meets the definition of handicapped or disabled person. If the applicant is the parent, legal guardian, foster parent, or agent of the handicapped or disabled person, the application shall include a signed statement that the handicapped or disabled person depends on the applicant for transportation.".

2. On page 3, strike lines 1 through 11.

LEGISLATIVE BILL 309. Placed on General File as amended. (Standing Committee amendment, AM0767, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 320. Placed on General File as amended. (Standing Committee amendment, AM0856, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 603. Placed on General File as amended.
Standing Committee amendment to LB 603:
AM0857

1. On page 6, strike beginning with "The" in line 15 through line 17.

2. On page 15, line 6, strike "(1)"; and strike beginning with "This" in line 9 through line 16.

LEGISLATIVE BILL 143. Indefinitely postponed.
LEGISLATIVE BILL 332. Indefinitely postponed.
LEGISLATIVE BILL 377. Indefinitely postponed.
LEGISLATIVE BILL 464. Indefinitely postponed.
LEGISLATIVE BILL 477. Indefinitely postponed.
LEGISLATIVE BILL 786. Indefinitely postponed.

(Signed) Douglas A. Kristensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 422. The Chambers pending amendment, FA65, found in this day's Journal, was renewed.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?"

Mr. Bromm moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chambers amendment was adopted with 36 ayes, 0 nays, 4 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA66
P. 2, line 9, strike the semicolon and add, "and such history must be based upon criminal convictions lawfully procured;"

SPEAKER WITHEM PRESIDING

Messrs. Elmer and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

The Chambers amendment lost with 5 ayes, 28 nays, 7 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mrs. Robak and Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA67
P. 2, line 12, strike "a" and insert, "such".

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused. No objections. So ordered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 854A. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations relating to the provisions of Legislative Bill 854, Ninety-fifth Legislature, First Session, 1997.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 451. Placed on General File as amended.
Standing Committee amendment to LB 451:
AM0843

1. On page 2, lines 6 and 7 and 12, strike "contract with a statewide" and insert "have authority to contract with an"; and in line 14 strike "statewide".

2. On page 3, line 17, reinstate the stricken matter beginning with "(3)" through "conduct"; in line 18 reinstate "quality of life" and after "life" insert "surveys"; reinstate beginning with the second "of" in line 18 through "services" in line 19; reinstate beginning with "and" in line 19 through "the" in line 23; and in line 23 after the reinstated "the" insert "department.".

(Signed) Don Wesely, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 374. Placed on General File as amended.
Standing Committee amendment to LB 374:
AM0619

1. Strike original sections 40 to 46 and 49.

2. On page 2, line 1, strike "53" and insert "45"; and in line 27 strike "from all sources".

3. On page 3, line 26, strike "322" and insert "302".

4. On page 5, line 7, strike "312" and insert "313"; in line 14 after "Quality" insert "or his or her designee"; in line 15 after "Licensure" insert "or his or her designee" and after "Engineer" insert "or his or her designee"; in line 16 after "Safety" insert "or his or her designee"; in line 17 after "Marshal" insert "or his or her designee" and after "Agency" insert "or his or her designee"; and in line 20 after the comma insert "local emergency management,".

5. On page 6, line 21, after the semicolon insert "and"; and strike lines 22 through 25 and insert the following new subsection:

"(c) Oversee and establish a system to verify compliance with the requirements of the Nebraska Emergency Planning and Community Right to Know Act.".

6. On page 7, line 3, strike "ensure compliance with" and insert "supervise and coordinate"; strike beginning with "ensure" in line 6 through "documents" in line 9 and insert

"receive emergency notification and facility reports and establish procedures for receiving and processing requests from the public for information as required to be provided under the Nebraska Emergency Planning and Community Right to Know Act"; in line 10 after "as" insert "commission"; and in line 20 after the period insert "Payment from the fund for costs of administering the fund shall not exceed fifteen percent of the total receipts of the fund during the fiscal year.".

7. On page 8, lines 14 and 15, strike "emergency responders" and insert "local emergency management".

8. On page 9, line 6, after "committee" insert "consistent with sections 84-712 to 84-712.09 and 84-1408 to 84-1414"; in line 14 after the period insert "The procedures shall include provisions to inform members of the public of the right to bring an action under federal law to enforce the act."; in line 17 after "1998" insert ", unless a plan for the emergency planning district has previously been submitted and approved by the commission"; in line 18 after "review" insert "and update"; in line 20 strike "and"; and in line 24 after "resources" insert "; and

(e) Designate a public library in each county within its district as a depository for the emergency plan, deliver the plan to the designated library, and update the plan as necessary".

9. On page 10, line 2, after the period insert "Any gifts, bequests, grants, fees, or other contributions or donations received from public or private sources shall be accounted for in an annual report to the commission. The commission shall adopt and promulgate rules and regulations governing the receipt and use of any gifts, bequests, grants, fees, or other contributions or donations from public or private sources."; and in line 8 after "act" insert "unless notification was made prior to the effective date of this act".

10. On page 12, line 26, strike "obtain the approval of" and insert "provide" and strike "from" and insert "to"; in line 27 after "district" insert "for review"; and in line 28 strike "Each governing body".

11. On page 13, strike beginning with line 1 through the period in line 4.

12. On page 14, line 11, strike ", to the director," and insert "coordinator for information".

13. On page 16, line 6, after "chemical" insert "meeting threshold quantity requirements under regulations promulgated under Title III"; in line 9 strike the semicolon and insert "coordinator for information; and"; in line 11 strike the semicolon and "and" and insert a period; and strike line 12.

14. On page 17, line 6, strike "The" and insert "Unless provided prior to the effective date of this act, the".

15. On page 18, line 11, after "chemical" insert "meeting threshold quantity requirements under regulations promulgated under Title III"; in line 16 strike the semicolon and

insert "coordinator for information; and"; in line 18 strike the semicolon and "and" and insert a period; and strike line 19.

16. On page 21, line 23, strike "(3)" and insert "(2)"; and in line 25 strike "administrator and to the".

17. On page 22, strike beginning with "have" in line 1 through line 12 and insert "are required to file reports under section 313 of Title III and rules and regulations promulgated thereunder.".

18. On page 31, line 28, strike "46 or 47" and insert "40".

19. On page 32, line 4, strike "47" and insert "40"; in lines 9 and 13 strike "sections 46 and 47" and insert "section 40"; in line 19 strike "director" and insert "Administrator"; in line 21 strike "director" and insert "Administrator pursuant to Title III"; and in line 28 strike "46 or".

20. On page 33, line 1, strike "47" and insert "40"; in line 2 strike "director" and insert "Administrator"; strike beginning with "the" in line 4 through "Act" in line 5 and insert "Title III"; in line 13 strike "46 or 47" and insert "40"; in line 18 strike "the United States or"; in line 19 strike "or both,"; strike beginning with "and" in line 26 through "Quality" in line 27; in line 27 after "shall" insert "as necessary"; and in line 28 after "out" insert "its responsibilities under".

21. On page 34, line 1, after the period insert "The Environmental Quality Council shall adopt and promulgate rules and regulations necessary for the Department of Environmental Quality to carry out its responsibilities under the act.".

22. Renumber the remaining sections accordingly.

(Signed) C. N. "Bud" Robinson, Chairperson

Health and Human Services

LEGISLATIVE BILL 558. Placed on General File.

LEGISLATIVE BILL 802. Placed on General File as amended.
Standing Committee amendment to LB 802:
AM0842

1. Strike the original sections and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Assistive Technology Regulation Act.

Sec. 2. For purposes of the Assistive Technology Regulation Act, the definitions found in sections 3 to 13 of this act apply.

Sec. 3. Assistive device means any device, including a demonstrator, that a consumer purchases or accepts transfer of in this state which is used for a major life activity, including, but not limited to, manual wheelchairs, motorized wheelchairs, motorized scooters, and other aides that enhance the mobility of an individual; hearing aids, telephone communication devices for the deaf (TTY), assistive listening devices, and other aides that enhance an individual's ability to hear; voice synthesized computer modules, optical scanners, talking software, braille printers, and other devices that enhance a sight-impaired individual's ability to communicate; environmental control units; and any other assistive device that enables a person with a disability to communicate, see, hear, or maneuver.

Sec. 4. Assistive device dealer means a person who is in the business of selling assistive devices.

Sec. 5. Assistive device lessor means a person who leases an assistive device to a consumer under a written lease or who holds the lessor's rights under a written lease.

Sec. 6. Collateral costs means expenses incurred by an assistive device lessor or a consumer in connection with the repair of a nonconformity, including the costs of sales tax and of obtaining an alternative assistive device.

Sec. 7. Consumer means any of the following:

(1) An individual or entity purchasing an assistive device if the assistive device was purchased from an assistive device dealer or manufacturer for purposes other than resale;

(2) An individual or entity to whom the assistive device is transferred for purposes other than resale if the transfer occurs before the expiration of an express warranty applicable to the assistive device;

(3) An individual or entity who may enforce the warranty; or

(4) An individual or entity who leases an assistive device from an assistive device lessor under a written lease.

Sec. 8. Demonstrator means an assistive device used primarily for the purpose of demonstration to the public.

Sec. 9. Manufacturer means a person who manufactures or assembles assistive devices and agents of that person, including an importer, a distributor, a factory branch, a distributor branch, and any warrantors of the manufacturer's assistive device, but not including an assistive device dealer.

Sec. 10. Major life activity means a function such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

Sec. 11. Nonconformity means a condition or defect that substantially impairs the use, value, or safety of an assistive device and that is covered by an express warranty applicable to the assistive device or to a component of the assistive device but does not include (1) a condition or defect that is the result of abuse, neglect, or unauthorized modification or alteration of the assistive device by a consumer or (2) a condition that is the result of normal use which could be resolved through fitting adjustments, cleaning, or proper care.

Sec. 12. Reasonable allowance for use means an amount up to a maximum of the amount obtained by multiplying the total amount for which the written lease obligates the consumer by a fraction, the denominator of which is one thousand eight hundred twenty-five and the numerator of which is the number of days that the consumer used the assistive device before first reporting the nonconformity to the manufacturer, assistive device lessor, or assistive device dealer.

Sec. 13. Reasonable attempt to repair means within the terms of an express warranty applicable to a new assistive device:

(1) Any nonconformity within the warranty that has been repaired by the manufacturer, the assistive device lessor, or any of the manufacturer's authorized assistive device dealers on at least two previous occasions and a nonconformity continues; or

(2) The assistive device is out of service for repair for an aggregate of at least thirty cumulative days because of warranty nonconformity.

Sec. 14. (1) A manufacturer who sells an assistive device to a consumer, either directly or through an assistive device dealer, shall furnish the consumer with an express warranty for the assistive device. The duration of the express warranty shall be not less than one year after first delivery of the assistive device to the consumer. If a manufacturer fails to furnish an express warranty as required by this section, the assistive device shall be covered by an express warranty for a period of one year as if the manufacturer had furnished an express warranty to the consumer as required by this section.

(2) An express warranty does not take effect until the consumer takes possession of the new assistive device.

(3) If a new assistive device does not conform to an applicable express warranty and the consumer reports the nonconformity to the manufacturer, the assistive device lessor, or any of the manufacturer's authorized assistive device dealers and makes the assistive device available for repair before one year after first delivery of the device to a consumer, the nonconformity shall be repaired or a refund or replacement shall be made pursuant to section 15 of this act.

Sec. 15. (1) The manufacturer shall:

(a) Accept an offer to return or an offer to transfer possession of any nonconforming assistive device by a consumer. Within thirty days after such offer, the manufacturer shall provide the consumer with a comparable new assistive device or refund to the consumer and to any holder of a perfected security interest in the consumer's assistive device, as the interest may appear, the amount paid by the consumer at the point of sale, plus any finance charge and collateral costs, less a reasonable allowance for use; or

(b) Accept an offer to return or an offer to transfer possession of any nonconforming assistive device by an assistive device lessor. Within thirty days after such offer, the manufacturer shall provide the assistive device lessor with a comparable new assistive device or refund to the assistive device lessor and to any holder of a perfected security interest in the assistive device, as the interest may appear, the amount paid by the assistive device lessor at the time of purchase, plus any finance charge and collateral costs incurred by both the assistive device lessor and the consumer, and the amount paid by the consumer to date under the written lease, less a reasonable allowance for use.

(2)(a) To receive a comparable new assistive device or a refund, a consumer shall:

(i) Offer to return the assistive device having the nonconformity to its manufacturer. When the manufacturer provides a comparable new assistive device or a refund pursuant to subdivision (1)(a) of this section, the consumer shall return to the manufacturer the assistive device having the nonconformity; or

(ii) Offer to transfer possession of the assistive device having the nonconformity to the manufacturer of the assistive device. When the manufacturer provides the comparable new assistive device or a refund pursuant to subdivision (1)(a) of this section, the consumer shall return the assistive device having the nonconformity to the manufacturer along with any endorsements necessary to transfer real possession to the manufacturer.

(b) If the consumer has leased the assistive device from an assistive device lessor, the consumer shall return the assistive device having a nonconformity to the assistive device lessor. The assistive device lessor shall provide to the consumer from the manufacturer a comparable new assistive device or a refund pursuant to subdivision (3)(b) of this section.

(3)(a) To receive a comparable new assistive device or a refund, an assistive device lessor shall:

(i) Offer to return the assistive device having the nonconformity to its manufacturer. When the manufacturer provides a comparable new assistive device or a refund pursuant to subdivision (1)(b) of this section, the assistive device lessor shall return the nonconforming assistive device to the manufacturer; or

(ii) Offer to transfer possession of the assistive device having the nonconformity to its manufacturer. When the manufacturer provides a comparable new assistive device or a refund pursuant to subdivision (1)(b) of this section, the assistive device lessor shall return the nonconforming assistive device to the manufacturer along with any endorsements necessary to transfer real possession to the manufacturer.

(b) The assistive device lessor shall refund to the consumer the amount that the consumer paid under the written lease and collateral costs paid by the consumer, less a reasonable allowance for use.

Sec. 16. (1) No assistive device returned by a consumer or assistive device lessor in this state or in any other state may be sold or leased again in this state unless full written disclosure of the reasons for return is made to any prospective buyer or lessee.

(2) No person may enforce the lease against the consumer after the consumer receives a refund.

Sec. 17. (1) The Assistive Technology Regulation Act shall not limit rights or remedies available to a consumer under any other law.

(2) Any waiver of rights by a consumer under the act shall be void.

(3) In addition to pursuing any other remedy, a consumer may bring an action to recover for any damages caused by a violation of the act. The court shall award a consumer who prevails in such an action the amount of any pecuniary loss, together with cost, disbursements, reasonable attorney's fees, and any equitable relief that the court determines is appropriate.

Sec. 18. (1) If an assistive device covered by a manufacturer's express warranty is tendered by a consumer to the dealer from whom it was purchased or exchanged for the repair of any nonconformity to which the warranty is applicable and at least one of the conditions described in subdivision (a) or (b) of this subsection exists, the manufacturer shall provide directly to the consumer for the duration of the repair period a rental assistive device reimbursement of up to twenty dollars per day. The applicable conditions are:

(a) The repair period exceeds ten working days, including the day on which the device is tendered to the dealer for repair; or

(b) The nonconformity is the same for which the assistive device has been tendered to the dealer for repair on at least two previous occasions.

(2) The provisions of this section regarding a manufacturer's duty shall apply for the period of the manufacturer's express warranty or for one year from delivery of the assistive device to the consumer, whichever period of time is longer.

Sec. 19. The Assistive Technology Regulation Act shall apply to assistive devices delivered after the effective date of this act and shall in no way be applied retroactively.".

LEGISLATIVE BILL 803. Placed on General File as amended.
Standing Committee amendment to LB 803:
AM0873

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 11 of this act shall be known and may be cited as the Community-Based Neurobehavioral

Rehabilitation Act.

Sec. 2. For purposes of the Community-Based Neurobehavioral Rehabilitation Act:

(1) Activity and vocational services means services which are intended to provide routine structure and activity in a vocational setting to enhance the adaptive behavioral capability of individuals with disabilities whose primary disability results from brain or head injuries and who as a consequence of the disabilities are unable to pursue competitive employment. Activity and vocational services shall include such services provided and coordinated through appropriately structured adult day care, work activity, vocational training, and sheltered employment settings with an intended goal of enhancing the individual's long-term potential for vocational activity;

(2) Associated neurobehavioral services means any service necessary or essential to enhance the adaptive capability of a person with a history of brain or head injuries. Examples of such services include behavior management, visual rehabilitation, occupational therapy, epilepsy treatment and control, and use of assistive technology devices;

(3) Behavior management services means behavioral manipulation or modification of the behavior of individuals with disabilities whose primary disability results from brain or head injuries which (a) enhances behavioral capabilities to acquire or demonstrate psychosocial adaptive behavior, (b) teaches such individuals to learn or acquire new skills or information, (c) provides systematic observation and supervision to sustain the safety, health, or well-being of such individuals, and (d) enhances other sensory, cognitive, or behavioral capabilities which enable such individuals to compensate for their functional limitations. Behavior management services may be provided individually or to groups and shall be provided by trained neurobehavioral rehabilitation case counselors. Assistive technology devices may be used;

(4) Community-based neurobehavioral rehabilitation means the provision of behavior management and associated neurobehavioral services to provide independent living services, activity and vocational services, and psychosocial rehabilitation services in community-based settings to individuals with disabilities whose primary disability results from brain or head injuries;

(5) Department means the State Department of Education;

(6) Division means the Division of Rehabilitation Services of the department;

(7) Independent living services means the behavioral manipulation or modification of the environment and includes the use of assistive technology devices and assistive technology services to enhance the independent living capability of individuals with disabilities whose primary disability results from brain or head injuries;

(8) Individuals with disabilities whose primary disability results from brain or head injuries means individuals:

(a) Who have acquired brain or head injuries resulting directly or indirectly from closed or penetrating brain or head trauma, infection, febrile condition, anoxia, vascular lesion, toxin, metabolic condition, or spinal cord injury and whose brain or head injuries are not primarily related to congenital or degenerative conditions, chemical dependency, or aging processes; and

(b) Who have permanent or temporary impairment of mental, cognitive, behavioral, or physical functioning which directly or indirectly results in impairment in attention, cognition, language function, memory, conduct, behavior, motor function, or any other neuropsychological or cognitive behavioral function that did not occur as a result of perinatal factors or developmental anomaly;

(9) Neurobehavioral rehabilitation case counselors means credentialed individuals who have no less than a master's degree in vocational rehabilitation counseling, counseling psychology, or guidance and counseling, who are responsible for developing and implementing planned, systematic behavior management services for individuals with disabilities whose primary disability results from brain or head injuries, and who have received additional specialized training for such responsibilities pursuant to subdivision (1) of section 6 of this act; and

(10) Psychosocial rehabilitation services means the community-based psychosocial rehabilitation services intended (a) to reduce the likelihood that individuals with disabilities whose primary disability results from brain or head injuries will develop aberrant or otherwise undesirable behavioral adaptations, (b) to reduce inactivity, and (c) to provide age-appropriate psychosocial interactions and activities.

Sec. 3. The department shall establish within the division the Community-Based Comprehensive Neurobehavioral Rehabilitation Pilot Project Program. The division, with the assistance of the Community-Based Neurobehavioral Rehabilitation Steering Committee, shall establish additional guidelines and criteria for three pilot projects in the program. Each project shall be provided funds of up to one hundred thousand dollars per year.

Sec. 4. The Community-Based Neurobehavioral Rehabilitation Steering Committee is created to provide, in an advisory capacity, technical assistance and support to the State Department of Education in the development and implementation of the Community-Based Neurobehavioral Rehabilitation Act. The committee is comprised of eight members as follows: (1) The director of the Division of Rehabilitation or his or her representative; (2) the director of the assistive technology project of the Division of Rehabilitation; (3) two individuals who serve as director or administrator of a consumer-controlled private corporation qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, that has been in existence for at least five years, which is an advocate for individuals with disabilities whose primary disability results from brain or head injuries; and (4) four persons who are individuals with disabilities whose primary disability results from brain or head injuries or immediate family members or guardians of such individuals.

The members of the committee shall be appointed by the State Board of Education within ninety days after the effective date of this act. Any vacancy occurring on the committee shall be filled from the same category and in the same manner as the original appointment was made.

Members of the committee shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177. The committee shall select a chairperson and such other officers as it deems necessary to perform its functions and shall establish rules and regulations to govern its procedures.

Sec. 5. Each pilot project program shall:

(1) Provide community-based neurobehavioral rehabilitation services and provide payment for such services for individuals with disabilities whose primary disability results from brain or head injuries and who are medically stable and, as a result of such primary disability, are unable to sustain competitive employment or are psychosocially dependent with regard to their personal safety;

(2) Identify and assess such individuals' needs for community-based neurobehavioral rehabilitation. Such identification and assessment shall be carried out with federal, state, and appropriate professional standards deemed necessary for the adequate provision of such services;

(3) Identify and coordinate state policies, resources, including funding resources, and services relating to the provision of community-based neurobehavioral rehabilitation;

(4) Ensure that community-based neurobehavioral rehabilitation is planned or provided by neurobehavioral rehabilitation case counselors. Such counselors shall obtain cognitive, behavioral, psychosocial, and medical diagnostic information as required and shall coordinate, plan, and provide individualized community-based neurobehavioral rehabilitation. Special attention to the needs of families and caregivers of such individuals shall be a principal concern of neurobehavioral rehabilitation case counselors;

(5) Compile and evaluate appropriate data relating to the program;

(6) Establish procedures providing for the active involvement of individuals with disabilities whose primary disability results from brain or head injuries, families or representatives of such individuals, appropriate advocacy

organizations, or other appropriate individuals in the development and implementation of the program and for the active involvement, to the maximum extent appropriate, of such individuals who use community-based neurobehavioral rehabilitation in decisions relating to the use, planning, or provision of such behavior management services; and

(7) Any other function the division considers appropriate.

Sec. 6. The division shall:

(1) Develop and implement a program for the training of neurobehavioral rehabilitation case counselors which shall address principles and practices of rehabilitation and behavior management for individuals with disabilities whose primary disability results from brain or head injuries; and

(2) Develop and implement a public awareness and information program addressing (a) the prevention of brain and head injuries and (b) the availability of services and funding for the treatment of individuals with disabilities whose primary disability results from brain or head injuries.

Sec. 7. To carry out subsection (2) of section 6 of this act, the division may contract with a consumer-controlled private corporation qualifying under section 501(c)(3) of the Internal Revenue Code of 1986, as amended, that has been in existence for at least five years and which is an advocate for individuals with disabilities whose primary disability results from brain or head injury.

Sec. 8. One pilot project program shall be located in each of the three congressional districts and shall begin providing services July 1, 1998.

Sec. 9. The pilot projects shall continue for three calendar years and by January 1, 2001, the department shall conduct an overall evaluation of the success or failure of the pilot project programs and components thereof. A report evaluating the pilot projects shall be made to the State Board of Education and the Legislature by January 15, 2001.

Sec. 10. The department with advice from the steering committee shall adopt and promulgate rules and regulations to carry out the Community-Based Neurobehavioral Rehabilitation Act.

Sec. 11. The Community-Based Neurobehavioral Rehabilitation Act terminates on July 1, 2001.".

LEGISLATIVE BILL 852. Placed on General File as amended.
Standing Committee amendment to LB 852:
AM0798

1. Insert the following new sections:

"Section 1. Section 83-1201, Reissue Revised Statutes of Nebraska, is amended to read:

83-1201. Sections 83-1201 to 83-1226 and sections 3 and 4 of this act shall be known and may be cited as the Developmental

Disabilities Services Act.

Sec. 3. Employees of state-operated services and facilities providing developmental disabilities services shall be subject to the criminal history record information check requirements of subdivision (9) of section 83-1217 and of section 4 of this act.

Sec. 4. The employee shall file a complete set of his or her legible fingerprints with the Nebraska State Patrol who shall then undertake a search for criminal history record information, including transmittal of the applicant's fingerprints to the Identification Division of the Federal Bureau of Investigation for a national criminal history record information check. The criminal history record information check shall include information concerning the employee from federal repositories of such information and repositories of such information in other states if authorized by federal law. The Nebraska State Patrol shall issue a report to the employee and to the employer listed by the employee. The report shall include the criminal history record information concerning the employee.

The costs for processing the criminal history record information check shall be borne by the employee. The costs shall be limited to the actual direct costs arising from the processing of the criminal history record information check.

Criminal history record information subject to federal confidentiality requirements shall remain confidential and may be released only upon the written authorization by the employee.

The Department of Health and Human Services Regulation and Licensure, in cooperation with the State Patrol, shall adopt and promulgate rules and regulations to carry out this section.".

2. On page 3, line 4, after "employees" insert "hired on or after the effective date of this act"; in line 11 strike "section" and insert "sections 83-1201 and"; and in line 12 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

(Signed) Don Wesely, Chairperson

AMENDMENT - Print in Journal

Mr. Kristensen filed the following amendment to LB 248:
AM0736

1. Insert the following new sections:

"Sec. 21. Section 9-401, Revised Statutes Supplement, 1996, is amended to read:

9-401. Sections 9-401 to 9-437 and section 24 of this act shall be known and may be cited as the Nebraska Lottery and Raffle Act.

Sec. 22. Section 9-411, Revised Statutes Supplement, 1996, is amended to read:

9-411. (1) Lottery shall mean a gambling scheme in which (a) participants pay or agree to pay something of value for an opportunity to win, (b) winning opportunities are represented by tickets differentiated by sequential enumeration, and (c) winners are determined by a random drawing of the tickets or by the method set forth in section 24 of this act.

(2) Lottery shall not include (a) any raffle as defined in section 9-415, (b) any gambling scheme which uses any mechanical, computer, electronic, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value, (c) any activity which is authorized or regulated under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, section 9-701, or Chapter 2, article 12, or (d) any activity which is prohibited under Chapter 28, article 11.

Sec. 23. Section 9-415, Revised Statutes Supplement, 1996, is amended to read:

9-415. (1) Raffle shall mean a gambling scheme in which (a) participants pay or agree to pay something of value for an opportunity to win, (b) winning opportunities are represented by tickets differentiated by sequential enumeration, (c) winners are determined by a random drawing of the tickets or by the method set forth in section 24 of this act, and (d) at least eighty percent of all of the prizes to be awarded are merchandise prizes which are not directly or indirectly redeemable for cash by the licensed organization conducting the raffle or any agent of the organization.

(2) Raffle shall not include (a) any gambling scheme which uses any mechanical, computer, electronic, or video gaming device which has the capability of awarding something of value, free games redeemable for something of value, or tickets or stubs redeemable for something of value, (b) any activity which is authorized or regulated under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, section 9-701, or Chapter 2, article 12, or (c) activity which is prohibited under Chapter 28, article 11.

Sec. 24. (1) Pursuant to a special permit obtained in accordance with section 9-426, a licensed organization may conduct a lottery or raffle in which the winners are to be determined by a race utilizing inanimate, buoyant objects floated along a river, canal, or other waterway. The objects shall each bear a number or other unique identifying mark which corresponds to sequentially numbered tickets which are sold to participants in the lottery or raffle. A licensed organization utilizing this method of winner determination shall comply with all other requirements of the Nebraska Lottery and Raffle Act and any rules and regulations adopted and promulgated pursuant to the act.

(2) The department may adopt and promulgate rules and regulations for the conduct of a lottery or raffle utilizing the method of winner determination provided by this section.".

2. On page 59, line 18, before "9-418" insert "9-401, 9-411, 9-415,".

3. Renumber the remaining sections accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LR	**Committee**
88	Judiciary

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

RESOLUTION

LEGISLATIVE RESOLUTION 92. Introduced by Robak, 22.

WHEREAS, the 1997 Class C-1 State High School Girls' Basketball Championship was won by Columbus Scotus Central Catholic High School; and

WHEREAS, the Shamrocks won their second consecutive Class C-1 basketball title; and

WHEREAS, the Shamrocks defeated the previously unbeaten Gothenburg Swedes for the title by a score of 38-30; and

WHEREAS, the Shamrocks finished the season with a 22-4 record; and

WHEREAS, the Columbus Scotus Central Catholic High School is the first school in Nebraska to produce back-to-back girls' champions in volleyball and basketball in consecutive years.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to Coach John Petersen, the assistant coaches, and the members of the team.
2. That a copy of this resolution be sent to Coach John Petersen at Columbus Scotus Central Catholic High School.

Laid over.

ANNOUNCEMENTS

Mr. Maurstad designates LB 23 as his priority bill.

The Banking, Commerce and Insurance Committee designates LB 327 as its priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 857. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as cointroducer to LB 23. No objections. So ordered.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 422:

(1)

FA68

P. 2, line 18, strike the semicolon, insert a period and add, "This provision is limited to cases where torture, sadism or imposition of extreme suffering exists;"

(2)

FA69

P. 2, line 24, after "having", insert "lawful"; strike the semicolon and add, "in the lawful performance of his or her official duties and the offender knew or should have known from the objective circumstances existing at the time and place that the murder was committed, that the victim was a public servant performing his or her official duties;"

(3)

FA70

P. 2, line 25, strike "crime" and insert "murder".

VISITORS

Visitors to the Chamber were Alexandra, Veronica, Lowell, Roderick, and Laura Switzer from Omaha; 44 fourth grade students and teacher from Bennington; 70 fifth grade students and teacher from Linden Elementary, Fremont; Mel Andrews from Albion; 4 students and sponsors from Center School, Buffalo County; Nick Thom from Minden; Senator Cudaback's mother, Mrs. Cudaback, from Riverdale; Senator Robak's grandson, Jase Robak, and Anthony DiCostanzo and Ted Cemper from Columbus; and Senator Dw. Pedersen's daughter, Megan Pedersen, and Michael Nelson from Omaha.

The Doctor of the Day was Greig Glover from Lincoln.

ADJOURNMENT

At 12:04 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 8:30 a.m., Wednesday, March 12, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FORTIETH DAY - MARCH 12, 1997

LEGISLATIVE JOURNAL

FORTIETH DAY – MARCH 12, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FORTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 12, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Elder Eldon Fletcher, Church of Jesus Christ of Latter-Day Saints, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Hudkins who was excused; and Messrs. Abboud, Brashear, Bromm, Cudaback, Hartnett, Landis, Dw. Pedersen, Schrock, Warner, Wesely, Wickersham, Will, Withem, Mmes. Bohlke, Brown, and Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-ninth day was approved.

ANNOUNCEMENTS

Mr. Hartnett designates LB 875 as his priority bill.

The Urban Affairs Committee designates LB 299 and LB 876 as its priority bills.

RESOLUTIONS

LEGISLATIVE RESOLUTION 93. Introduced by Engel, 17.

WHEREAS, the South Sioux City girls' basketball team is the champion of the 1997 Class B Girls' State Basketball Tournament, repeating its championship successes of 1995 and 1996; and

WHEREAS, the South Sioux City girls' basketball team is the fourth team to win three straight titles in the history of the state tournament; and

WHEREAS, the 61-51 win over a talented Seward team in the final game capped the Lady Cardinals' Class B state basketball championship; and

WHEREAS, Head Coach Kelly Flynn guided the South Sioux City Lady Cardinals to a 70-2 record for the last three years; and

WHEREAS, throughout the year the South Sioux City Lady Cardinals have complemented their talents with the characteristics of sportswomanship, determination, and diligence; and

WHEREAS, such a team achievement is made possible not only by individual members' performance and coaching guidance, but also through the support of teachers, administrators, and parents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the South Sioux City Lady Cardinals basketball team and its coaches, parents, and supporters.
2. That a copy of this resolution be sent to the South Sioux City Lady Cardinals' basketball team head coach, Kelly Flynn.

Laid over.

LEGISLATIVE RESOLUTION 94. Introduced by Vrtiska, 1.

WHEREAS, the Tecumseh boys' basketball team has a 25-0 record; and

WHEREAS, the Tecumseh Indians have won the Class C-2 district championship; and

WHEREAS, the Tecumseh boys' basketball team exemplifies the spirit of competition, the pursuit of team excellence, and the opportunity for parent and community involvement.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Tecumseh boys' basketball team and their coach, Chris Hutt, for their outstanding accomplishment.
2. That a copy of this resolution be sent to the Tecumseh High School.

Laid over.

ATTORNEY GENERAL'S OPINION

Opinion No. 97018

DATE:	March 10, 1997
SUBJECT:	Legislative Authority to Restrict Certain Business Locations
REQUESTED BY:	Senator Eric J. Will Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General

Lynn A. Melson, Assistant Attorney General

You have asked whether legislation that would limit the number of used car lots within a city or county "would impinge upon the zoning rights of cities and counties, and would therefore be unconstitutional." We note that you have not presented any specific legislation to us with your request for our review and analysis. You have simply asked our general opinion whether this type of legislation could be constitutionally suspect. Consequently, our response to your request must necessarily also be general in nature.

The Legislature has plenary legislative authority, which is limited only by the Nebraska and U.S. Constitutions. The state constitution is not a grant of power like the federal constitution, but is instead a limitation of power. ***State ex rel. Creighton Univ. v. Smith***, 217 Neb. 682, 353 N.W.2d 267 (1984); ***Lenstrom v. Thone***, 209 Neb. 783, 311 N.W.2d 884 (1981). As a general principle, the Legislature may legislate on any subject not inhibited by the state or federal constitutions and restrictions on this legislative power will not be inferred unless the restriction is clearly implied. ***Creighton***, 217 Neb. at 688, 353 N.W.2d at 271; ***Lenstrom***, 209 Neb. at 789-90, 311 N.W.2d at 888.

As a general proposition, the State, acting through the Legislature, has the ultimate authority in determining the manner and method of exercising the power to zone. Municipal corporations (cities) are creatures of the Legislature and as such are subject to the plenary power of the Legislature, subject only to restrictions contained in the constitution. "A city is a political subdivision of the state, created as a convenient agency for the exercise of such governmental powers of the state as may be entrusted to it by constitutional provision or legislative act. (citations omitted) A municipality has no inherent power to enact a zoning ordinance. The power to do so results from statutory or constitutional authorization. The governmental authority known as the police power is inherently an attribute of state sovereignty and belongs to subordinate governmental divisions when and as conferred by the state either through its Constitution or by valid legislation. (citations omitted)" ***Peterson v. Vasak***, 162 Neb. 498, 501-502, 76 N.W.2d 420, 423 (1956).

It follows that the Legislature is authorized to revoke municipal powers as well as grant them. Therefore, while the Legislature has granted certain zoning powers to municipalities through a multitude of statutes relating to the size of such municipality, the Legislature may, as a general rule, modify or revoke such powers previously granted.

We must point out, however, that with regard to municipalities which operate under home rule charters, the answer to your question may depend upon whether the zoning legislation which you contemplate is found to be a matter of local or statewide concern. Article XI, Section 2 of the Constitution provides that a "city having a population of more than five thousand (5,000) inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this state. . . ." Article XI, Section 5 is a similar provision concerning the charter of any city having a population of more than 100,000 inhabitants. "This has been construed to mean that a provision of a home rule charter takes precedence over a conflicting state statute in instances of local municipal concern, but when the Legislature enacts a law affecting municipal affairs which is of state-wide concern, the state law takes precedence over any municipal action taken under the home rule charter." ***Omaha Parking Authority v. City of Omaha***, 163 Neb. 97, 104, 77 N.W.2d 862, 868 (1956).

In any given situation, one would first need to determine whether there existed a conflict between the provision of a home rule charter and a state statute. One would then need to determine the "concern" of the legislative act and whether the matter in conflict is one of local or statewide concern. The Nebraska Supreme Court has noted that there is "no sure test which will enable us to distinguish between matters of strictly municipal concern and those of state concern. The court must consider each case as it arises and draw the line of demarcation." ***Carlberg v. Metcalfe***, 120 Neb. 481, 487, 234 N.W. 87, 90 (1930).

By way of example, the Nebraska Supreme Court has determined that a statute providing for firemen's pensions was a matter of statewide concern applicable to all cities within a designated class, whether they be home rule cities or not. ***Axberg v. City of Lincoln***, 141 Neb. 55, 2 N.W.2d 613 (1942). In ***Van Patten v. City of Omaha***, 167 Neb. 741, 94 N.W.2d 664 (1959), it was held that the procedure in condemnation was a matter of statewide concern. "Uniformity of this procedure, since it may affect every person in the matter of the ownership of his property and the compensation he is to receive, is a matter of state-wide concern and not of strictly municipal or local concern." ***Van Patten***, 167 Neb. at 748 (quoting ***Nagle v. City of Grand Island***, 144 Neb. 67, 69, 12 N.W.2d 540, 541 (1943). The court has also considered a city ordinance which authorized the City of Lincoln to vacate any street within the limits of the city while retaining title thereto and found that such an ordinance did not supersede relevant state statutes which related to the transfer or protection of real property rights and which were of statewide concern. ***Dell v. City of Lincoln***, 170 Neb. 176, 102 N.W.2d 62 (1960).

On the other hand, the Nebraska Supreme Court has determined that an Omaha city ordinance regulating dog kennels was valid and constitutional, based in part upon the court's finding that there was no problem involving a conflict between a state statute and a city ordinance as the zoning there involved was a matter of local concern rather than statewide concern. ***Wolf v. City of Omaha***, 177 Neb. 545, 129 N.W.2d 501 (1964). In a different context, and not with regard to a conflict between a home rule charter and a state statute, the court has referred to zoning as a local concern. ***Giger v. City of Omaha***, 232 Neb. 676, 442 N.W.2d 182 (1989). It appears to us that the court would examine each potential conflict on a case-by-case basis, examining the particular home rule charter, city ordinances, and state statutes in question.

In summary, it is our opinion that the Legislature, as a general rule, has the ultimate authority with regard to zoning. However, if a conflict arises between a state statute and the provisions of a home rule charter, the answer to your question may well depend on whether the particular zoning legislation which you contemplate is found to be a matter of local or statewide concern. We further note that we have limited our response to the question you have raised regarding a potential conflict between state and city zoning laws and have not explored any other constitutional questions with regard to zoning in general.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

9-779-6.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 422. Mr. Chambers renewed his pending amendment, FA68, found on page 1012.

Messrs. Robinson, Hartnett, Janssen, Kristensen, Schellpeper, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 32:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hilgert
Hillman
Janssen
Jensen
Jones
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Witek

Present and not voting, 3:

Lynch	Schimek	Wehrbein

Excused and not voting, 13:

Abboud	Hartnett	Kristensen	Schellpeper	Will
Bohlke	Hudkins	Robak	Warner	Withem
Cudaback	Kiel	Robinson		

The Chambers amendment lost with 1 aye, 32 nays, 3 present and not voting, and 13 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 574. Placed on General File.
LEGISLATIVE BILL 595. Placed on General File.

LEGISLATIVE BILL 417. Placed on General File as amended.
Standing Committee amendment to LB 417:
AM0784

1. On page 2, line 2, after "village" insert "displaying the proper identification or written authorization"; and after "property" insert "during daylight hours"; and in line 18, strike "in person or".

(Signed) C. N. "Bud" Robinson, Chairperson

Education

LEGISLATIVE BILL 322. Indefinitely postponed.
LEGISLATIVE BILL 461. Indefinitely postponed.
LEGISLATIVE BILL 604. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 624. Placed on General File as amended.
Standing Committee amendment to LB 624:
AM0759

1. Insert the following new section:

"Sec. 44. Section 84-1504, Revised Statutes Supplement, 1996, is amended to read:

84-1504. (1) The Public Employees Retirement Board, on behalf of the state, may contract with any state employee, whether employed on a permanent or temporary basis, full-time, or part-time, including ~~a person~~ an individual under contract providing services to the state who is not employed by the University of Nebraska or any of the state colleges or community colleges, to defer a portion of such employee's compensation pursuant to section 457 of the Internal Revenue Code.

(2) The compensation to be deferred shall not exceed the total compensation to be received by the employee or independent contractor from the employer or exceed the limits established by the Internal Revenue Service for such a plan.

(3) The state investment officer may invest the compensation to be deferred under an agreement in the following categories of investment or insurance:

(a) Annuities;

(b) Mutual funds;

(c) Bank savings accounts or savings and loan associations;

(d) Trust companies qualified to act as fiduciaries in this state; or

(e) An organization established for the purpose of administering public employee deferred compensation retirement plans and authorized to do business in the State of Nebraska.

(4) The deferred compensation program shall serve in addition to but not be a part of any existing retirement or pension system provided for state employees or any other benefit program.

(5) Any compensation deferred under such a deferred compensation plan shall continue to be included as regular compensation for the purpose of computing the retirement, pension, or social security contributions made or benefits earned by any employee.

(6) Any sum so deferred shall not be included in the computation of any federal or state taxes withheld on behalf of any such employee or independent contractor.

(7) The state, the board, the state investment officer, or the agency shall not be responsible for any investment results entered into by the employee or independent contractor in the deferred compensation agreement.

(8) Nothing in this section shall in any way limit, restrict, alter, amend, invalidate, or nullify any deferred compensation plan previously instituted by any instrumentality or agency of the State of Nebraska, and any such plan is hereby authorized and approved.".

2. On page 4, line 23, after "(7)" insert "Five-year break in service means a period of five consecutive one-year breaks in service;

(8)"; in line 26 strike "(8)", show as stricken, and insert "(9)"; and in line 28 strike "(9)", show as stricken, and insert "(10)".

3. On page 5, line 3, strike "(10)", show as stricken, and insert "(11)"; in line 16 strike "(11)" and show as stricken; in line 20 reinstate the stricken "(12)"; in line 23 strike "(12)" and insert "(13)"; in line 26 strike "(13)", show as stricken, and insert "(14)"; and in line 28 strike "(14)", show as stricken, and insert "(15)".

4. On page 6, line 3, strike "(15)", show as stricken, and insert "(16)"; in line 5 strike "(16)", show as stricken, and insert "(17)"; in line 9 strike "(17)", show as stricken, and insert "(18)"; in line 11 strike "(18)", show as stricken, and insert "(19)"; in line 14 strike "(19)", show as stricken, and insert "(20)"; in line 16 strike "(20)", show as stricken, and insert "(21)"; in line 18 strike "(21)", show as stricken, and insert "(22)"; and in line 27 strike "(22)", show as stricken, and insert "(23)".

5. On page 7, line 3, strike "(23)", show as stricken, and insert "(24)"; and strike beginning with "means" in line 15 through "relationship" in line 21 and insert "occurs on the date on which a county which is a member of the retirement system determines that its employer-employee relationship with an employee is dissolved. The county shall notify the board in writing within two weeks after the date such a termination is deemed to have occurred".

6. On page 11, line 15, strike "The" through "hundred", show as stricken, and insert "Members of the retirement system shall be vested"; strike beginning with "The" in line 17 through line 18, show as stricken, and insert "If an employee retires pursuant to section 23-2315, such employee shall be fully vested in the retirement system."; and strike beginning with "with" in line 26 through "23-2319" in line 27.

7. On page 12, lines 15 and 16 and 23; and page 77, lines 1 and 8, strike "five" through "breaks" and insert "a five-year break".

8. On page 13, strike beginning with "with" in line 2 through "account" in line 3; in line 6 strike "to the extent" and insert "in a ratio equal to the amount" and after "repays" insert "divided by"; in line 13 strike ", but" and insert "or" and after the last comma insert "whichever occurs first,"; and strike beginning with "to" in line 23 through the period in line 24 and insert "in a ratio equal to the amount of the benefit that the member has repaid divided by the termination benefit received.".

9. On page 14, line 7, after "reemployment" insert "and shall not receive credit for any service prior to the member's retirement for purposes of the act".

10. On page 19, strike beginning with "the" in line 6 through "benefit" in line 7, and insert "the time that the member has contributed the required percentage of salary until the maximum benefit as limited by section 24-710 has been earned".

11. On page 22, strike beginning with "means" in line 19 through "relationship" in line 24 and insert "occurs on the date on which the State Court Administrator's office determines that the judge's employer-employee relationship with the State of Nebraska is dissolved. The State Court Administrator's office shall notify the board in writing within two weeks after the date such a termination is deemed to have occurred".

12. On page 26, line 4, strike "(1)"; strike beginning with "and" in line 7 through "payments" in line 9 and insert ", shall be treated as a new judge for all purposes of the Judges Retirement Act, and shall receive service credit only for service commencing from the date of reemployment"; in line 12 strike "additional"; and strike lines 13 through 16.

13. On page 36, line 28, strike "means" through "which" and insert "occurs on the date on which the member's employer determines that the member's employer-employee relationship with the employer is dissolved. The employer shall notify the board in writing within two weeks after the date such a termination is deemed to have occurred.".

14. On page 37, strike beginning with line 1 through the period in line 6.

15. On page 39, strike lines 25 through 28 and insert "shall be treated for all purposes of the act as a new school employee. A new member account shall be created for such school employee, and the member shall make contributions to such new account and shall receive service credit only for future".

16. On page 40, line 1, strike "that date" and insert "the date of reemployment".

17. On page 46, line 5, strike "In", show as stricken, and insert "Prior to the effective date of this act, in"; strike beginning with line 20 through "may" in line 22 and insert "the effective date of this act, such new Class V school district shall"; and in line 22 strike the last "a" and insert "the".

18. On page 51, line 18, strike "is" and insert "as".

19. On page 56, strike beginning with "means" in line 7 through "relationship" in line 12 and insert "occurs on the date on which the Nebraska State Patrol determines that the officer's employer-employee relationship with the patrol is dissolved. The Nebraska State Patrol shall notify the board in writing within two weeks after the date such a termination is deemed to have occurred".

20. On page 64, strike beginning with "forego" in line 7 through line 8 and insert "shall be treated for all purposes of the Nebraska State Patrol Retirement Act as a new member of the system.".

21. On page 67, line 4, after "(6)" insert "Five-year break in service means five consecutive one-year breaks in service;

(7)"; in line 7 strike "(7)", show as stricken, and insert "(8)"; in line 9 strike "(8)", show as stricken, and insert

"(9)"; in line 13 strike "(9)", show as stricken, and insert "(10)"; and in line 26 strike "(10)" and show as stricken.

22. On page 68, line 2, reinstate the stricken "(11)"; in line 5 strike "(11)" and insert "(12)"; in line 8 strike "(12)", show as stricken, and insert "(13)"; in line 10 strike "(13)", show as stricken, and insert "(14)"; in line 13 strike "(14)", show as stricken, and insert "(15)"; in line 14 strike "(15)", show as stricken, and insert "(16)"; in line 18 strike "(16)", show as stricken, and insert "(17)"; in line 20 strike "(17)", show as stricken, and insert "(18)"; in line 23 strike "(18)", show as stricken, and insert "(19)"; in line 25 strike "(19)", show as stricken, and insert "(20)"; and in line 27 strike "(20)", show as stricken, and insert "(21)".

23. On page 69, line 9, strike "(21)", show as stricken, and insert "(22)"; in line 13 strike "(22)", show as stricken, and insert "(23)"; and in line 17 strike "(23)", show as stricken, and insert "(24)".

24. On page 70, line 1, strike "(24)" and insert "(25)"; and strike beginning with "means" in line 1 through "session" in line 9 and insert "occurs on the date on which the agency which employs the member determines that the member's employer-employee relationship with the State of Nebraska is dissolved. The agency which employs the member shall notify the board in writing within two weeks after the date such a termination is deemed to have occurred".

25. On page 74, strike beginning with "the" in line 13 through "birthday" in line 14, show as stricken, and insert "termination"; and strike beginning with "attains" in line 22 through "fifty-five" in line 23, show as stricken, and insert "has terminated his or her employment with the state".

26. On page 75, strike beginning with "The" in line 2 through line 6, show as stricken, and insert "Members of the retirement system shall be vested after a total of five years of (a) participation in the system plus (b) eligibility and vesting credit. If an employee retires pursuant to section 84-1317, such an employee shall be fully vested in the retirement system."; and strike beginning with "with" in line 23 through "84-1321" in line 24.

27. On page 77, line 16, strike "with" through "account"; in line 19 strike "to the extent" and insert "in a ratio equal to the amount" and after "repays" insert "divided by"; and in line 28 strike ", but" and insert "or" and after "retirement" insert ", whichever occurs first".

28. On page 78, strike beginning with "to" in line 10 through "benefit" in line 11 and insert "in a ratio equal to the amount of the benefit that the member has repaid divided by the termination benefit received"; and in line 20 after "reemployment" insert "and shall not receive credit for any service prior to the member's retirement for purposes of the act".

29. On page 81, line 4, before "and" insert "84-1504,".

30. Renumber the remaining sections accordingly.

(Signed) William R. Wickersham, Chairperson

Natural Resources

LEGISLATIVE BILL 579. Placed on General File.

(Signed) Chris Beutler, Chairperson

General Affairs

LEGISLATIVE BILL 101. Indefinitely postponed.
LEGISLATIVE BILL 242. Indefinitely postponed.
LEGISLATIVE BILL 247. Indefinitely postponed.
LEGISLATIVE BILL 359. Indefinitely postponed.
LEGISLATIVE BILL 582. Indefinitely postponed.

LEGISLATIVE RESOLUTION 46CA. Indefinitely postponed.

The Committee on General Affairs desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Advisory Commission on Compulsive Gambling
Janet French
Leonard Hawkins
Dick Stalker

VOTE: Aye: Senators Cudaback, Hartnett, Hudkins, Janssen, Robak, Schellpeper, Vrtiska, and Will. Nay: None. Absent: None.

(Signed) Stan Schellpeper, Chairperson

ANNOUNCEMENTS

The Agriculture Committee designates LB 211 as its priority bill.

Mrs. Robak designates LB 90 as her priority bill.

AMENDMENT - Print in Journal

Mr. Schellpeper filed the following amendment to LB 518:
AM0926

(Amendments to Standing Committee amendments, AM0403)

1. Strike sections 16, 24, and 25.

2. Renumber section 18 as section 14.

3. On page 1, line 3, strike "13" and insert "14"; and in line 19 strike "as".

4. On page 5, line 13, strike "replacement" and insert

"repayment"; in line 18 after "appropriations" insert "and the earnings on such appropriations"; in line 21 strike "department" and insert "director"; and in line 24 after "Water" insert "Administration".

5. On page 8, line 12, strike "publicly".

6. On page 11, line 27, strike "Drinking Water Facilities" and insert "fund from which the loan was made.".

7. On page 12, strike line 1; and in lines 8 and 9 reinstate "Regulation and Licensure" and strike "environmental Quality".

8. On page 15, line 22; and page 16, lines 2 and 10 and 11, strike the new matter and reinstate the stricken matter.

9. On page 17, strike beginning with "The" in line 5 through "(6)" in line 20; and in line 20 strike "Environmental Quality Council" and insert "director".

10. On page 21, strike lines 15 through 27.

11. On page 22, strike lines 1 through 4; and strike lines 22 through 27.

12. On page 23, strike lines 1 through 13; in line 14 strike "Environmental" through "Council" and insert "director"; and in line 15 strike "assure the" and insert "determine demonstration requirements for".

13. On page 24, lines 14 and 15, strike "Nebraska" through "Water" and insert "Drinking Water State Revolving Fund"; in line 18 strike the second "act" and insert "Nebraska Safe Drinking Water Act"; and in line 27 strike "16 and".

14. On page 25, line 1, strike "22" and insert "21".

15. On page 49, strike lines 15 and 16 and insert "and 71-5313, Reissue Revised Statutes of Nebraska, are repealed.".

16. Renumber the remaining sections and correct internal references accordingly.

ATTORNEY GENERAL'S OPINION

Opinion No. 97020

DATE:	March 7, 1997
SUBJECT:	LB 755; Constitutionality of Proposed Appropriation of Funds for the Women In Military Service For America Memorial
REQUESTED BY:	Senator Chris Peterson Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Lauren L. Hill, Assistant Attorney General

You have requested an opinion from this office regarding the constitutionality of LB 755. Following the adoption of AM0533, the legislation, in pertinent part, would appropriate "$30,000 from the General Fund for FY1997-98 to the [Nebraska] Department of Veterans' Affairs, for the Nebraska state donation for the Women In Military Service For America Memorial."

Pursuant to the enactment of Pub. L. No. 99-610, 100 Stat. 3477, (November 6, 1986), the U.S. Congress authorized the Women in Military Service For America Memorial Foundation, Inc. to establish a memorial on federal land in the District of Columbia to honor women who have served in the Armed Forces of the United States. The federal law requires that the private foundation establish the memorial with non-federal funds. ***Id.*** Although it is unclear to us from the current language of LB 755, it appears that the legislation would authorize a $30,000 grant to the private foundation, which grant is to be paid by the Nebraska Department of Veterans' Affairs upon appropriation of funds to that agency from the Legislature.

You have posed three specific questions for our review.

1. Is LB 755 in violation of the Nebraska Constitution, Article III, §18; Article XIII, §3; or Article XV, §18?

In reviewing each of these three provisions, we note that, because the Nebraska Constitution "is not a grant but, rather, a restriction on legislative power, . . . the Legislature is free to act on any subject not inhibited by the Constitution." ***State ex rel. Stenberg v. Douglas Racing Corp.***, 246 Neb. 901, 905, 524 N.W.2d 61, 64 (1994); ***State ex rel. Creighton Univ. v. Smith***, 217 Neb. 682, 353 N.W.2d 267 (1984). In so acting, however, the court has established that "[t]he people of the state, by adopting a Constitution, have put it beyond the power of the [L]egislature to pass laws in violation thereof." ***State ex rel. Randall v. Hall***, 125 Neb. 236, 243, 249 N.W. 756, 759 (1933); ***see also State ex rel. Stenberg v. Murphy***, 247 Neb. 358, 527 N.W.2d 185 (1995) ("constitutional language controls legislative language, not the other way around."); ***State ex rel. Caldwell v. Peterson***, 153 Neb. 402, 45 N.W.2d 122 (1950) (the Legislature cannot lawfully act beyond limitations of Constitution).

Prohibition Against Local or Special Legislation.

Article III, Section 18 of the Nebraska Constitution provides that "[t]he Legislature shall not pass local or special laws in any of the following cases, that is to say: ... Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever. ... In all other cases where a general law can be made applicable, no special law shall be enacted."

In construing Article III, § 18, the Nebraska Supreme Court has determined that "[b]y definition, a legislative act is general, and not special, if it operates alike on all persons of a class or on persons who are brought within the relations and circumstances provided for...." ***Haman v. Marsh***, 237 Neb. 699, 709, 467 N.W.2d 836, 844-45 (1991) (citations omitted); ***State ex rel. Rogers v. Swanson***, 192 Neb. 125, 219 N.W. 2d 726 (1974). Thus, a legislative act can violate Article III, § 18 as special legislation in one of two ways: (1) by creating a totally arbitrary and unreasonable method of classification, or (2) by creating a permanently closed class. ***Swanson v. State,*** 249 Neb. 466, 544 N.W.2d 333 (1996); ***City of Scottsbluff v. Tiemann***, 185 Neb. 256, 175 N.W.2d 74 (1970); ***Haman v. Marsh***.

The Article III, §18 limitation is applicable to legislative appropriation bills as well as to substantive legislative enactments. ***See Henry v. Rockey***, 246 Neb. 398, 518 N.W.2d 658 (1994). In fact, the court has expressly determined that although the Legislature is specifically empowered to make appropriations for the expenses of the government, it "is not vested with unlimited power to make appropriations. 'The purpose ... of an appropriation bill is to make provision for lawfully taking money out of the state treasury....' " ***Id.*** at 405, 518 N.W.2d at 663 (***quoting Rein v. Johnson***, 149 Neb. 67, 78, 30 N.W.2d 548, 556 (1947), ***cert. denied*** 335 U.S. 814, 69 S.Ct. 31, 93 L.Ed. 369 (1948). Therefore, the court has concluded: "[t]he Legislature is not empowered to make appropriations for purely charitable purposes. ... The purse strings of this state are not open for the purpose of simply giving money away." ***Id. (citing Haman v. Marsh; Weaver v. Koehn***, 120 Neb. 114, 231 N.W. 703 (1930)).

Based upon these principles, the court has found that "[t]he test for statutes challenged under the special-laws prohibitions is that they must bear a reasonable and substantial relation to the object sought to be accomplished by the legislation." ***Henry***, 246 Neb. at 404, 518 N.W.2d at 662.

If LB 755 had proposed to appropriate funds directly to individual Nebraska women veterans, then the Article III, § 18 prohibition would likely preclude such an appropriation. The distinction, however, is that the proposed appropriation of taxpayer funds will be used for construction of a national memorial to past and future women veterans. The purpose stated within LB 755 for expenditure of the funds is to memorialize and honor, "while providing visibility and an educational experience about an important segment of the nation's history, women's roles in national defense." LB 755, as amended by AM0533, §1. Additionally, the proposed expenditure would "be a tribute to Nebraska's [women veterans]." ***Id.***

We find that, because the proposal incorporated within LB 755 is similar to other enactments of the Legislature which set aside tributary memorials to reflect other individuals and aspects of Nebraska history, it is not violative of Article III, § 18. ***See, e.g.,*** Neb. Rev. Stat. §72-724 - §72-729.01 (1996)(authorizing creation of the Nebraska Hall of Fame Commission to "bring public attention and to recognize officially those people who... have achieved prominence and who were outstanding Nebraskans."); Neb. Rev. Stat. §82-120 - §82-123 (1994)(authorizing the

Nebraska State Historical Society to expend public funds for the purchase of highway historical markers which recognize historical events, personalities, and traditions);Neb. Rev. Stat. §80-201 - §80-205 (1994)(authorizing political subdivisions to erect statues, monuments, or other memorials commemorating the services of veterans who served in specified conflicts and wars).

Prohibition Against Lending Credit of the State.

You have also asked that we address whether LB 755 violates the provision of the state Constitution which mandates that "[t]he credit of the state shall never be given or loaned in aid of any individual, association, or corporation...." Neb. Const. art. XIII, §3. In its ***Haman*** decision, the Nebraska Supreme Court interpreted this provision. At issue in ***Haman*** was legislation which appropriated state tax money to compensate depositors who had suffered losses due to the failure of industrial loan and investment companies in Nebraska.

The court set out a three-prong test and found that, in order to establish a law as invalid under Article XIII, § 3, each of the following elements must exist: (1) The credit of the state (2) is given or loaned; (3) in aid of any individual, association, or corporation. 237 Neb. at 719, 467 N.W.2d at 850; ***Callan v. Balka***, 248 Neb. 469, 536 N.W.2d 47 (1995). In addition, the court expressly held that "[t]he prohibition against the pledge of the state's credit does not hinge on whether the legislation achieves a 'public purpose,' when the pledge benefits a private individual, association, or corporation." ***Id.*** at 722, 467 N.W.2d at 852. Rather, the key focus of Article XIII, §3 is whether the state stands as a creditor through the expenditure of its funds or as a debtor by the extension of credit. ***Id.***

Under the legislation it reviewed, the ***Haman*** court found that "the state would be forever liable for the losses of industrial company depositors. . . ." ***Id.*** at 720, 467 N.W.2d at 850. Moreover, the "stated purpose of the act [was] redemption of the guarantees of a private corporation to depositors by obligating present and future taxes from the state's general fund." ***Id.*** Thus, the court found that the state's credit was "given or loaned." Since state funds would be provided to private depositors, the court found the third-prong of the Article XIII, §3 to be implicated, as well, by the legislation.

To determine whether the expenditure of state funds proposed by LB 755 would violate Article XIII, Sec. 3, we return to the three-prong test set forth in ***Haman v. Marsh***. The threshold question which must be analyzed is whether the appropriation proposed in LB 755 involves the "credit of the state." In ***Haman***, the court stated that "[t]here is a distinction between the loaning of state funds and the loaning of the state's credit. When a state loans funds, it is in the position of creditor, whereas the state is in the position of debtor upon a loan of credit." ***Id.*** at 719-720, 467 N.W.2d at 850.

The $30,000 grant proposed by LB 755 is a one-time expenditure of state funds. Clearly, the appropriation authorized by LB 755 does not place the State of Nebraska in the position of a debtor or surety of another's debt. Therefore, we conclude that the legislative proposal does not violate Article XIII, Section 3 of the state Constitution. Our conclusion is that the use of state funds as a donation to a private foundation for the purpose of constructing a memorial to women veterans would not violate the constitutional prohibition against lending the credit of the state; however, the LB 755 proposal might be challenged as an expenditure of state funds for private purposes. (See our discussion, below, in response to your second question).

Limitation on Governmental Powers.

The additional provision of the Constitution which you have asked us to assess provides:

> The state or any local government may exercise any of its powers or perform any of its functions, including financing the same, jointly or in cooperation with any other governmental entity or entities, either within or without the state, except as the Legislature shall provide otherwise by law.

Neb. Const. art. XV, §18. This provision has no application to LB 755. Under the current version of that bill, a state agency, at the direction of the Legislature, would be making a $30,000 grant to a private memorial foundation as a contribution to the construction of the Women In Military Service For America Memorial. Although construction of the memorial is expressly authorized by federal law, a private, incorporated foundation -- and not the federal government -- would be the recipient of the grant funds. Therefore, Section XV, §18 is not implicated by the proposal set forth in LB 755.

2. Would these moneys [which, for purposes of analysis, we assume to be the proposed $30,000 appropriation] be considered public moneys being used to encourage private enterprise?

Article XIII, § 3 of the Nebraska Constitution is the provision which is intended to prevent the State from extending its credit to private enterprises. ***United Community Services v. The Omaha National Bank***, 162 Neb. 786, 77 N.W.2d 576 (1956). "Closely related to the prohibition against the giving or lending of the state's credit . . . is the principle of law that public funds cannot be expended for private purposes." ***Haman***, 237 Neb. at 721-722, 467 N.W.2d at 851.

This longstanding constitutional principle involves the expenditure of state funds in contrast to the extension of credit. While the Constitution contains no express provision against expending funds for essentially private purposes, the Nebraska Supreme Court has stated that this principle "is grounded on the 'fundamental concepts of our constitutional system.' " ***State ex rel. Douglas v. Thone***, 204 Neb. 836, 842, 286 N.W.2d 249 (1979) (***quoting State ex rel. Beck v. City of York***, 164 Neb. 223, 82 N.W.2d 269 (1957)); ***Oxnard Beet Sugar Co. v. State***, 73 Neb. 57, ***r'hrg denied,*** 73 Neb. 66 (1905).

There is no hard and fast rule for determining whether a proposed expenditure of public funds is for a public purpose. In ***Platte Valley Public Power & Irrigation District v. County of Lincoln***, 144 Neb. 584, 14 N.W.2d 202 (1944), the Nebraska Supreme Court discussed the parameters of a "public purpose." Generally, the court noted that a "public purpose" is one which has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment, and the general welfare of citizens. Later, in ***United Community Services v. The Omaha National Bank***, 162 Neb. 786, 800, 77 N.W.2d 576 (1956), the court explained that

> [i]t is the province of the [L]egislature to determine matters of policy. In appropriating the public funds, if there is reason for doubt or argument as to whether the purpose for which the appropriation is made is a public or private purpose, and reasonable men might differ in regard to it, it is generally held that the matter is for the [L]egislature [to determine].... [T]he vital point in all such appropriations is whether the purpose is public; and that, if it is, it does not matter whether the agency through which it is dispensed is public or not; that the appropriation is not made for the agency, but for the object which it serves; the test is in the end, not in the means [utilized to achieve the Unicameral's purpose].

Id. at 800-801, 77 N.W.2d at 587 (citations omitted).

In ***State ex rel. Douglas v. Thone***, 204 Neb. 836, 286 N.W.2d 249 (1979), the court also held that there is no requirement that a legislative act calling for the expenditure of public funds need contain an express declaration of public purpose. Thus, our court has evidenced a willingness to engage in a somewhat flexible interpretation of the public purpose doctrine in relation to the expenditure of state monies. For example, with regard to housing, the court has found constitutional the act creating the Housing Authority of the City of Omaha (***Lennox v. Housing Authority of City of Omaha***, 137 Neb. 582, 290 N.W. 451 (1940)), and has found as constitutional the act creating the Nebraska Mortgage Finance Fund (***State ex rel. Douglas v. Nebraska Mortgage Finance Fund***, 204 Neb. 445, 283 N.W.2d 12 (1979)).

The court, however, has also held that laws which authorize the expenditure of state funds to encourage private enterprises do not serve a public interest. A statute offering compensation or a bounty to private companies to encourage the manufacture of sugar and chicory was found unconstitutional in ***Oxnard Beet Sugar Co. v. State***, 73 Neb. 57 (1905). Further, in ***Chase v. County of Douglas***, 195 Neb. 838, 241 N.W.2d 334 (1976), the court found that the provisions of the statute authorizing expenditures for the purpose of acquiring real estate or options on real estate for industrial development were in derogation of Article XIII, § 3.

Clearly, the expenditure of funds authorized in LB 755 would be made to a private foundation. It is asserted, however, that the purpose of the expenditure would be to specially recognize the State of Nebraska's financial contribution to the memorial honoring the Nation's women veterans. Such an expenditure is similar to legislation enacted in 1933 which authorized the collection of voluntary donations and subscriptions and the levy of state taxes for the purpose of placing, on behalf of the State of Nebraska, memorial statues of William Jennings Bryan and J. Sterling Morton in Statuary Hall in the U.S. Capitol in Washington, D.C. ***See*** 1933 Neb. Laws, c.97, §1, §3, p. 405-406. We cannot clearly conclude that such expenditures have no valid "public purpose." Thus, if the Legislature determines, as a matter of policy, that such an expenditure is appropriate, and demonstrates the basis for its decision during debate on the measure, then it would likely survive scrutiny by the Nebraska Supreme Court under Article XIII, § 3.

3. If LB 755 is in violation of the Nebraska Constitution, is there any means in which the Nebraska Legislature could appropriate funding to ensure that Nebraska women veterans would receive the recognition that they deserve?

Due to our responses to the preceding questions, it is unnecessary to address this question.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lauren L. Hill
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 422. Mr. Chambers renewed his pending amendment, FA69, found on page 1012.

Messrs. Janssen and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers offered the following amendment to his pending amendment:

FA73

In FA69, strike "from the objective circumstances existing at the time and place that the murder was committed,"

Messrs. Robinson, Lynch, Hilgert, and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 31:

Brashear
Bromm
Bruning
Chambers
Cudaback
Elmer
Engel
Hartnett
Hillman
Janssen
Jones
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 2:

Jensen
Witek

Present and not voting, 7:

Abboud
Beutler
Brown
Coordsen
Dierks
Tyson
Vrtiska

Excused and not voting, 9:

Bohlke
Crosby
Hilgert
Hudkins
Kiel
Kristensen
Robak
Robinson
Warner

The Chambers amendment was adopted with 31 ayes, 2 nays, 7 present and not voting, and 9 excused and not voting.

The Chambers amendment, FA69, as amended, was adopted with 27 ayes, 7 nays, 6 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Will filed the following amendment to LB 853:

AM0907

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. Section 48-159, Reissue Revised Statutes of Nebraska, is amended to read:

48-159. (1) As soon as the same may be legally paid under the Constitution of Nebraska, each judge of the Nebraska Workers' Compensation Court shall receive an annual salary of ninety-two and one-half percent of the salary set for the Chief Justice and judges of the Supreme Court, ~~thirty-seven thousand fifty dollars,~~ payable in the same manner as the salaries of other state officers are paid. ~~On January 1, 1981, the salary shall be increased to an amount equal to six percent over the base salary. For the purposes of this section, base salary shall mean the amount derived by increasing thirty-six thousand nine hundred fifty dollars by six percent. On January 6, 1983, and thereafter the salary paid shall be an amount equal to~~ Such salary is an increase from the salary of eighty-five percent of the salary set for the Chief Justice and judges of the Supreme Court which such judges have received on and after January 6, 1983. The clerk and all other assistants and employees of the compensation court shall receive such salaries as the compensation court shall determine, but not to exceed the amount of the appropriation made by the Legislature for such purpose. Such salaries shall be payable in the same manner as the salaries of other state employees are paid. Such assistants and employees shall not receive any other salary or pay for their services from any other source.

(2) In addition to the salaries, as provided by subsection (1) of this section, the judges of the Nebraska Workers' Compensation Court, the clerk, and other assistants and employees of the compensation court shall be entitled, while traveling on the business of the compensation court, to be reimbursed by the state for their necessary traveling expenses, consisting of transportation, subsistence, lodging, and such other items of expense as are necessary, to be paid as provided in sections 81-1174 to 81-1177. ~~for state employees.~~".

2. On page 1, lines 1 and 2, strike "section 48-122" and insert "sections 48-122 and 48-159"; and in line 3 after the semicolon insert "to change judges' salaries;" and strike "section" and insert "sections".

3. On page 3, line 27, strike "section 48-122" and insert "sections 48-122 and 48-159"; and in line 28 strike "is" and insert "are".

4. Renumber the remaining section accordingly.

Mrs. Hillman and Mr. Beutler filed the following amendment to LB 393:
AM0852

1. On page 3, line 11, after "These" insert "standard temporary and final protection order"; and in line 12 after "only"

3 insert "such".

MOTIONS - Print in Journal

Mr. Beutler filed the following motion to LB 420:
to layover LB 420 to April 15, 1997.

Mr. Beutler filed the following motion to LB 420:
to indefinitely postpone LB 420

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 420:
FA74
to add the following new section to LB 420.
"The operative date of this bill shall be January 1, 2007

Mr. Beutler filed the following amendment to LB 420:
FA75
On line 23, page three add the following language after the words "not more than":
"three times"

Mr. Beutler filed the following amendment to LB 420:
FA76
At the end of section 4 add the following paragraph
"A violation of this section shall be a class III misdemeanor"

ANNOUNCEMENTS

The Agriculture Committee designates LB 192 as its priority bill.

Mr. Beutler designates LB 507 as his priority bill.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Brashear asked unanimous consent to have his name added as cointroducer to LB 280. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 86. Read. Considered.

LR 86 was adopted with 18 ayes, 0 nays, 22 present and not voting, and 9 excused and not voting.

VISITORS

Visitors to the Chamber were Sister Fletcher, Sister Bingham, and Sister

Hansen from Omaha and Shawna Valentine from Lincoln; 23 twelfth grade students and teacher from NE Christian School, Central City; 33 students and teacher from South High School, Omaha; 23 second grade students and teacher from Rousseau Elementary School, Lincoln; and 43 ninth through twelfth grade students and teacher from Cedar Bluffs High School.

ADJOURNMENT

At 10:57 a.m., on a motion by Mrs. Brown, the Legislature adjourned until 9:00 a.m., Thursday, March 13, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIRST DAY - MARCH 13, 1997

LEGISLATIVE JOURNAL

FORTY-FIRST DAY – MARCH 13, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 13, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Darrell Sheeley, Highlands Missionary Baptist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Dw. Pedersen and Mrs. Robak who were excused; and Messrs. Abboud, Coordsen, Hartnett, Hilgert, Kristensen, Landis, Lynch, Maurstad, Robinson, Schmitt, Vrtiska, Warner, Wehrbein, Wesely, Wickersham, Will, Mmes. Bohlke, Hudkins, Kiel, McKenzie, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL.

The Journal for the fortieth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 249. Placed on Select File as amended.
E & R amendment to LB 249:
AM7094

1. In lieu of the Janssen amendment, AM0795:

a. Insert the following new section:

"Sec. 24. Section 53-1,104, Reissue Revised Statutes of Nebraska, is amended to read:

53-1,104. (1) Any licensee which sells or permits the sale of any alcoholic liquor not authorized under the terms of such license on the licensed premises or in connection with such licensee's business or otherwise shall be subject to suspension, cancellation, or revocation of such license by the commission.

(2)(a) When any order suspending a retail license to sell alcoholic liquor becomes final, the licensee may elect to pay a cash penalty to the commission in lieu of suspending sales of alcoholic liquor for the designated period.

(b) For any suspension based on a violation of section 53-180 or 53-180.02 or any rule or regulation of the commission concerning sale to minors or minors in possession on the licensed premises, the penalty shall be one hundred dollars for the first suspension, two hundred dollars for the second suspension, and three hundred dollars for third or subsequent suspension.

(c) For any violation of the Nebraska Liquor Control Act not covered by subdivision (b) of this subsection: (i) For the first ~~such~~ suspension for any licensee, the penalty shall be fifty dollars per day; and (ii) for ~~.~~ ~~For~~ a second or any subsequent suspension, the penalty shall be one hundred dollars per day.

(d) For ~~, except that for~~ any licensee which has no violation for a period of four years consecutively, the suspension shall be treated as a first suspension.

(e) Such election shall be filed with the commission in writing one week before such suspension is ordered to commence and shall be accompanied by payment in full of the sum required by this section. If such election has not been received by the commission by the close of business one week before the day such suspension is ordered to commence, it shall be conclusively presumed that the licensee has elected to close for the period of the suspension and any election received later shall be absolutely void and the payment made shall be returned to the licensee. The election shall be made on a form prescribed by the commission. All funds received under this section shall be remitted to the State Treasurer for credit to the temporary school fund.";

b. Strike the Schellpeper amendment, FA44; and

c. Strike the Standing Committee amendments, AM0592.

2. In the Maurstad amendment, AM0806:

a. Renumber section 27 as section 28;

b. On page 5, line 25, strike "shall mean", show as stricken, and insert "means";

c. On page 19, line 19, reinstate the stricken comma; and

d. On page 20, line 20, after the third comma insert "53-1,104,".

3. On page 1, strike lines 2 through 5; in line 6 strike "1996" and insert "sections 53-101.01, 53-116, 53-116.02, 53-117, 53-119.01, 53-123.05, 53-130, 53-132 to 53-134, 53-134.03, 53-135, 53-135.01, 53-149, 53-1,104, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska, and sections 53-103, 53-121, 53-122, 53-123.14, 53-124, 53-124.11, 53-124.12, 53-129, and 53-131, Revised Statutes Supplement, 1996; to restate intent; to define terms; to change fees"; and in line 7 after the first semicolon insert "to change penalties;".

4. On page 7, line 1, strike "shall", show as stricken, and insert "does".

5. On page 14, line 1, strike "and to issue licenses to" and insert ", issue licenses to,".

6. On page 34, line 22, strike "complaints" and insert "complaint".

7. On page 43, line 14, strike "cancelling" and insert "canceling".

8. On page 45, line 20, strike "(1)".

9. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 622. Placed on Select File as amended.
E & R amendment to LB 622:
AM7095

1. In the Standing Committee amendments, AM0426, on page 1, line 14, strike the underscored comma.

2. On page 2, line 15, after the second semicolon insert "to provide operative dates;"; in line 16 strike "and"; and in line 19 after "1996" insert "; and to declare an emergency".

3. On page 3, line 18, strike "county courts or" and show as stricken and after the second "courts" insert "and, on and after October 1, 1997, the county courts and district courts,".

4. On page 9, line 12; and page 10, line 15, strike the underscored comma.

5. On page 16, line 18, after "Nebraska" insert an underscored comma.

6. On page 24, lines 5 and 6, 7, 8 and 9, and 11; and page 25, lines 4 and 5, 6, 7 and 8, and 10, strike "effective date of this act" and insert "operative date of this section".

7. On page 24, line 13; and page 25, line 12, strike the comma.

8. On page 32, line 14, reinstate the stricken comma; and in line 19 strike the comma and show as stricken.

9. On page 35, line 11, after "by" insert "rules and".

10. On page 36, line 20, after "rules" insert ", regulations,"; and in line 24 reinstate "provisions of" and after the stricken "2" insert "the".

11. On page 52, line 28, strike "Department" and insert "department".

12. On page 53, line 1, strike beginning with "of" through "Licensure".

(Signed) Jon C. Bruning, Chairperson

ANNOUNCEMENTS

Mr. Dierks designates LB 552 as his priority bill.

Mr. Schrock designates LB 877 as his priority bill.

MESSAGE FROM THE GOVERNOR

March 12, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed Director of Finance and Support for the Department of Health and Human Services.

APPOINTEE: Jeffrey J. Elliott, 6524 Rockwood Lane, Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 12, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Fischer, Gary L. - Omaha; Family Housing Advisory Services, Inc. (FHAS)
Funk, Christine - Lincoln; Planned Parenthood of Lincoln
Goc, John J. - Lincoln; S.W.S., LC; The Bingo Caller
Hale, Susan M. - Lincoln; Family Planning Council of Nebraska
Johnson, Roy - Omaha; Family Housing Advisory Services, Inc. (FHAS)
Kissel/E&S Associates, L.L.C.
  Kissel, Gordon - Lincoln; West Telemarketing
Mueller, William J./Ruth & Mueller Law Firm
  Mueller, William J - Lincoln; MultiState Associates Incorporated on Behalf of Wackenhut; Corrections Corporation
Pappas, James E. - Lincoln; Nebraska Pawn
Ruth, Larry L./Ruth & Mueller Law Firm
  Ruth, Larry L. - Lincoln; MultiState Associates Incorporated on Behalf of Wackenhut; Corrections Corporation
Shultz, Jack L. - Lincoln; Nebraska Passenger Carriers Association

REPORTS

The following reports were received by the Legislature:

Natural Resources District, Tri-Basin
Report regarding drainage districts as directed by LB 1085
Natural Resources District, Little Blue
Report regarding drainage districts as directed by LB 1085
Natural Resources District, Upper Loup
Report regarding drainage districts as directed by LB 1085

AMENDMENTS - Print in Journal

Ms. Schimek filed the following amendment to LB 321:
AM0893

(Amendments to Standing Committee amendments, AM0489)

1. On page 2, line 13, after the second "contribution" insert "as defined in section 49-1415"; and strike beginning with "of" in line 14 through "election" in line 15, show as stricken, and insert "for campaign statements as provided in subdivision (2) of section 49-1459".

Mr. Schellpeper filed the following amendment to LB 518:
AM0933

(Amendments to Standing Committee amendments, AM0403)

1. Strike sections 16 and 24.

2. Renumber section 18 as section 14.

3. On page 1, line 3, strike "13" and insert "14"; and in line 19 strike "as".

4. On page 5, line 13, strike "replacement" and insert "repayment"; in line 18 after "appropriations" insert "and the earnings on such appropriations"; in line 21 strike "department" and insert "director"; and in line 24 after "Water" insert "Administration".

5. On page 8, line 12, strike "publicly".

6. On page 11, line 27, strike "Drinking Water Facilities" and insert "fund from which the loan was made.".

7. On page 12, strike line 1; and in lines 8 and 9 reinstate "Regulation and Licensure" and strike "environmental Quality".

8. On page 15, line 22; and page 16, lines 2 and 10 and 11, strike the new matter and reinstate the stricken matter.

9. On page 17, strike beginning with "The" in line 5 through "(6)" in line 20; and in line 20 strike "Environmental Quality Council" and insert "director".

10. On page 21, strike lines 15 through 27.

11. On page 22, strike lines 1 through 4; and strike lines 22 through 27.

12. On page 23, strike lines 1 through 13; in line 14

strike "Environmental" through "Council" and insert "director"; and in line 15 strike "assure the" and insert "determine demonstration requirements for".

13. On page 24, lines 14 and 15, strike "Nebraska" through "Water" and insert "Drinking Water State Revolving Fund"; in line 18 strike the first "act" and insert "Drinking Water State Revolving Fund Act" and strike the second "act" and insert "Nebraska Safe Drinking Water Act"; and in line 27 strike "16 and".

14. On page 25, line 1, strike "22" and insert "21".

15. On page 49, strike lines 12 and 13 and insert the following new subsection:

"(22) The Environmental Quality Council shall adopt and promulgate rules and regulations no more stringent than the provisions of Section 1454 et seq. of the federal Safe Drinking Water Act for public water supply system source water assessment programs.

The Environmental Quality Council may adopt and promulgate rules and regulations to implement a source water petition program no more stringent than Section 1454 et seq. of the federal Safe Drinking Water Act."; and strike beginning with the second "and" in line 15 through the last comma in line 16.

16. Renumber the remaining sections and correct internal references accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 86.

GENERAL FILE

LEGISLATIVE BILL 422. Mr. Chambers renewed his pending amendment, FA70, found on page 1012.

Mr. Chambers moved for a call of the house. The motion prevailed with 6 ayes, 1 nay, and 42 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA72

P. 2, line 18, strike the semicolon and insert a period, and add, "The words heinous, atrocious, cruel are limited to cases where torture, sadism or the imposition of extreme suffering exists."

MR. KRISTENSEN PRESIDING

MRS. CROSBY PRESIDING

Messrs. Withem, Kristensen, and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to his pending amendment:
FA83

Strike "exists" and insert, "precedes, accompanies or is caused by the act or acts of the offender.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Chambers amendment was adopted with 28 ayes, 1 nay, 6 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

The Chambers pending amendment, FA72, as amended, was renewed.

Messrs. Landis, Hartnett, Schellpeper, Tyson, Maurstad, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 3:

Chambers
Kiel
Schimek

Voting in the negative, 24:

Bromm
Brown
Bruning
Crosby
Cudaback
Dierks
Elmer
Engel
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
McKenzie
Pederson, D.
Peterson, C.
Preister
Schmitt
Schrock
Suttle
Wehrbein
Wickersham
Witek

Present and not voting, 5:

Beutler
Bohlke
Hillman
Lynch
Wesely

Excused and not voting, 17:

Abboud	Hilgert	Robak	Stuhr	Warner
Brashear	Landis	Robinson	Tyson	Will
Coordsen	Maurstad	Schellpeper	Vrtiska	Withem
Hartnett	Pedersen, Dw.			

The Chambers amendment, as amended, lost with 3 ayes, 24 nays, 5 present and not voting, and 17 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Banking, Commerce and Insurance

LEGISLATIVE BILL 436. Placed on General File as amended.
Standing Committee amendment to LB 436:
AM0912

1. Strike the original section and insert the following new section:

"Section 1. (1) Before paying a claim for casualty loss of real property, which claim is seventy-five percent or more of the insured value of the property, the insurance carrier shall notify the county clerk of the county in which the property is located. The county clerk shall promptly notify each political subdivision in the county which has jurisdiction over condemnation of the insured property. Upon such notification, the political subdivision shall, within ten working days, notify the carrier that a condemnation lien has been filed or that the political subdivision does not intend to file a condemnation lien. If the political subdivision notifies the carrier that a lien has been filed, the carrier shall withhold payment of twenty-five percent of the claim or seven thousand five hundred dollars, whichever is greater, until the lien has been removed. The political subdivision shall notify the carrier when it removes a lien. If the condemnation process proceeds and the political subdivision expends funds to demolish structures on the property, it shall notify the carrier of such facts and of the amount of expenditures. Upon notification, the carrier shall distribute to the political subdivision the amount of its lien and shall distribute the balance of the withheld amount to the insured. If the carrier has received no notification from the political subdivision within one year from the filing of the lien, the carrier shall distribute the withheld amount to the insured party unless it has been otherwise directed by a court of law.

(2) In the event of a natural disaster which causes casualty loss to a substantial and unusual amount of property within the jurisdiction of a political subdivision, the political subdivision may waive the procedures provided in subsection (1) of

this section.".

LEGISLATIVE BILL 659. Placed on General File as amended.
Standing Committee amendment to LB 659:
AM0897

1. On page 2, line 17, strike "Small" and show as stricken; in line 18 strike "Centers", show as stricken, and insert "Center"; strike beginning with "the" in line 18 through the second "Center" in line 19, show as stricken, and insert "Nebraska FoodStrategy"; in line 24 strike "Department of Economic Development" and insert "department"; and in line 28 strike "an advisory" and insert "a".

2. On page 3, line 3, strike "eighteen" and insert "twenty-two"; in line 5 after the period insert "Not more than eight members of the board shall be from state or local government."; in line 11 strike "governance" and insert "programmatic policy, guidance, and oversight"; in line 16 strike "or compensation"; in line 21 strike "public or"; in line 23 after "Alliance" insert "Board"; and in line 25 strike "willful" and "gross".

LEGISLATIVE BILL 326. Indefinitely postponed.
LEGISLATIVE BILL 432. Indefinitely postponed.

(Signed) David M. Landis, Chairperson

Agriculture

LEGISLATIVE BILL 191. Placed on General File as amended.
Standing Committee amendment to LB 191:
AM0927

1. Strike the original section 1 and insert the following new section:

"Section 1. Unless required by any state law or municipal ordinance for contagious or infectious disease reporting or other public health and safety purpose, no veterinarian licensed under the Nebraska Veterinary Practice Act shall be required to disclose any information concerning the veterinarian's care of an animal except under a written authorization by the veterinarian's client or pursuant to a court order or a subpoena. A veterinarian who releases information under a written authorization or other waiver by the client or pursuant to a court order or a subpoena is not liable to the client or any other person. The privilege provided by this section is waived to the extent that the veterinarian's client or the owner of the animal places the veterinarian's care and treatment of the animal or the nature and extent of injuries to the animal at issue in any civil or criminal proceeding.".

(Signed) Merton L. Dierks, Chairperson

ANNOUNCEMENT

Mr. Preister designates LB 374 as his priority bill.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 420:
AM0937

1. Strike the original sections and insert the following new sections:

"Section 1. Section 32-1608, Reissue Revised Statutes of Nebraska, is amended to read:

32-1608. (1) During ~~the~~ each primary election period and each general election period, no candidate committee shall accept (a) contributions from any one individual which, when aggregated for the given period, are in excess of one thousand dollars, (b) contributions from any one independent committee, business, including a corporation, union, industry, trade, or professional association, or political party which, when aggregated for the given period, are in excess of five thousand dollars, or (c) contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties which, when aggregated for the given period, are in excess of the total amount of contributions from individuals received by the candidate for the given period as of the date of such a contribution.

(2) Any candidate committee violating this section shall be assessed a civil penalty of not less than two hundred fifty dollars and not more than the amount of money received by the candidate committee in violation of this section. The commission shall assess and collect the civil penalty and remit the penalty to the State Treasurer for credit to the permanent school fund.

(3) For purposes of this section:

(a) General election period means the period from the day following the primary election through the end of the calendar year of the general election; and

(b) Primary election period means January 1 of the calendar year following the prior general election through the day of the primary election. ~~, are in excess of seven hundred fifty thousand dollars for a candidate for Governor, seventy-five thousand dollars for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, and twenty-five thousand dollars for a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education.~~

Sec. 2. Original section 32-1608, Reissue Revised

Statutes of Nebraska, is repealed.".

Mr. Beutler filed the following amendment to LB 420:
AM0938

1. Strike the original sections and insert the following new sections:

"Section 1. Section 32-1608, Reissue Revised Statutes of Nebraska, is amended to read:

32-1608. (1) During ~~the~~ each primary election period and each general election period, no candidate committee shall accept (a) contributions from any one individual which, when aggregated for the given period, are in excess of one thousand dollars, (b) contributions from any one independent committee, business, including a corporation, union, industry, trade, or professional association, or political party which, when aggregated for the given period, are in excess of five thousand dollars, or (c) contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties which, when aggregated for the given period, are in excess of the total amount of contributions from individuals received by the candidate for the given period as of the date of such a contribution.

(2) Any candidate committee violating this section shall be assessed a civil penalty of not less than two hundred fifty dollars and not more than the amount of money received by the candidate committee in violation of this section. The commission shall assess and collect the civil penalty and remit the penalty to the State Treasurer for credit to the permanent school fund.

(3) For purposes of this section:

(a) General election period means the period from the day following the primary election through the end of the calendar year of the general election; and

(b) Primary election period means January 1 of the calendar year following the prior general election through the day of the primary election. ~~, are in excess of seven hundred fifty thousand dollars for a candidate for Governor, seventy-five thousand dollars for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, and twenty-five thousand dollars for a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education.~~

Sec. 2. Section 49-1401, Revised Statutes Supplement, 1996, is amended to read:

49-1401. Sections 49-1401 to 49-14,140 and section 4 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.

Sec. 3. Section 49-1428, Reissue Revised Statutes of Nebraska, is amended to read:

49-1428. Independent expenditure shall mean an expenditure as defined in section 49-1419 by a person if the expenditure is not made at the direction of, ~~or~~ under the control of, or with the cooperation of another person and if the expenditure is not a contribution to a committee.

Sec. 4. (1) If an independent committee or political party committee intends to make independent expenditures for or against a candidate seeking nomination or election to an office subject to the Campaign Finance Limitation Act, the independent committee or political party committee shall file a statement of intent to expend with the commission. The statement of intent to expend shall be filed within five business days after the latest filing deadline for the office which the candidate is seeking. The statement of intent to expend shall include:

(a) The name of the candidate;

(b) The office which the candidate is seeking;

(c) The name and mailing address of the independent committee or political party committee;

(d) The telephone number of the independent committee or political party committee;

(e) The name of the treasurer of the independent committee or political party committee; and

(f) The maximum amount of independent expenditures the independent committee or political party committee intends to spend in support of or in opposition to the candidate.

(2) If the independent committee or political party committee makes independent expenditures exceeding twenty percent more than the amount stated in subdivision (1)(f) of this section or less than twenty percent less than such amount, the independent committee or political party committee shall be guilty of a Class I misdemeanor.

(3) The commission shall give notice of the filing of a statement of intent to expend to each candidate subject to the Campaign Finance Limitation Act who is named in a statement of intent to expend for the relevant office by certified mail the day after the receipt of the filing. The commission shall also give notice of a statement of intent to expend to all candidates seeking the same office as a candidate named in a statement of intent to expend by certified mail the day after the receipt of the filing.

(4) If a statement of intent to expend is filed pursuant to this section, a candidate for the relevant office who has filed a declaration of intent to abide by the spending limitations of section 32-1604 shall be allowed to withdraw the declaration within ten days after the deadline to file the statement of intent to expend.

Sec. 5. Original sections 32-1608 and 49-1428, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1996, are repealed.".

Mr. Beutler filed the following amendment to LB 420:
AM0939

1. Strike the original sections and insert the following new sections:

"Section 1. Section 32-1603, Reissue Revised Statutes of Nebraska, is amended to read:

32-1603. For purposes of the Campaign Finance Limitation Act, the definitions found in sections 49-1404 to 49-1444 shall be used, except that:

(1) Election period ~~shall~~ ~~mean~~ means the calendar year prior to the election and the calendar year of the election;

(2) Expenditure ~~shall~~ ~~mean~~ means the purchase for campaign activities of (a) services from a communications medium, including production costs, (b) printing, photography, graphic arts, or advertising services, (c) office supplies, (d) postage and other commercial delivery services, (e) meals, lodging, and travel expenses, and (f) staff salaries; and

(3) Primary election period ~~shall~~ ~~mean~~ ~~January~~ ~~1~~ means the first day of the election period through the thirty-fifth day following the primary election.

Sec. 2. Section 32-1608, Reissue Revised Statutes of Nebraska, is amended to read:

32-1608. (1) During ~~the~~ each primary election period and each general election period, no candidate committee shall accept (a) contributions from any one individual which, when aggregated for the given period, are in excess of one thousand dollars, (b) contributions from any one independent committee, business, including a corporation, union, industry, trade, or professional association, or political party which, when aggregated for the given period, are in excess of five thousand dollars, or (c) contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties which, when aggregated for the given period, are in excess of the total amount of contributions from individuals received by the candidate for the given period as of the date of such a contribution.

(2) Any candidate committee violating this section shall be assessed a civil penalty of not less than two hundred fifty dollars and not more than the amount of money received by the candidate committee in violation of this section. The commission shall assess and collect the civil penalty and remit the penalty to the State Treasurer for credit to the permanent school fund.

(3) For purposes of this section:

(a) General election period means the period from the day following the primary election through the end of the calendar year of the general election; and

(b) Primary election period means January 1 of the calendar year following the prior general election through the day of the primary election. ~~; are in excess of seven hundred fifty thousand dollars for a candidate for Governor, seventy-five thousand dollars for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, and twenty-five thousand dollars for a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education.~~

Sec. 2. Original sections 32-1603 and 32-1608, Reissue Revised Statutes of Nebraska, are repealed.".

Mr. Beutler filed the following amendment to LB 420:
AM0940

1. Strike the original sections and insert the following new sections:

"Section 1. Section 32-1604, Reissue Revised Statutes of Nebraska, is amended to read:

32-1604. (1) Any candidate for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education may qualify for public funds to be used for the election period if he or she limits his or her campaign spending for the election period and meets the other requirements prescribed in this section.

(2) To qualify for public funds for the election period, a candidate for Governor shall limit his or her spending for the election period to one million ~~five~~ six hundred fifty thousand dollars, a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts shall limit his or her spending for the election period to one hundred ~~fifty~~ sixty thousand dollars, and a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education shall limit his or her spending for the election period to ~~fifty~~ fifty-five thousand dollars, and such ~~candidates shall limit their~~ candidate shall limit his or her spending for the primary election period to an amount which does not exceed fifty percent of the limits provided in this subsection for the election period.

(3) Each candidate desiring to receive public funds pursuant to this section shall (a) beginning January 1 of the election period, raise an amount equal to at least twenty-five percent of the spending limitation for the office from persons who are residents of Nebraska, (b) file with the Nebraska Accountability and Disclosure Commission, on the day he or she files for the office, a written declaration of intent to abide by

the spending limitations prior to raising such funds, and (c) file with the commission, on the day he or she files for the office, a written statement by which he or she agrees to personally act as a guarantor for the lawful use of such funds and agrees to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law. Money raised prior to filing the declaration required by subdivision (b) of this subsection shall not count toward the qualifying amount established in subdivision (a) of this subsection. At least sixty-five percent of the qualifying amount established in subdivision (a) of this subsection shall be received from individuals. For purposes of this section, a business, corporation, partnership, limited liability company, or association shall be deemed a resident if it has an office in this state and transacts business in this state.

(4) Any candidate who does not file the written declaration pursuant to subdivision (3)(b) of this section shall file with the commission, on the day he or she files for the office, an affidavit which shall constitute his or her written declaration of intent not to abide by the spending limitations of this section and shall include a reasonable estimate of his or her maximum expenditures as defined in sections 32-1603 and 49-1419 for the primary election period. The estimate of expenditures for the primary election period may be amended up to thirty days prior to the primary election by filing a subsequent affidavit. A candidate nominated in the primary election shall file an estimate of expenditures for the remainder of the total election period on or before the fortieth day following the primary election. The estimate of expenditures for the remainder of the election period may be amended up to sixty days prior to the general election by filing a subsequent affidavit.

Sec. 2. Section 32-1608, Reissue Revised Statutes of Nebraska, is amended to read:

32-1608. (1) During ~~the~~ each primary election period and each general election period, no candidate committee shall accept (a) contributions from any one individual which, when aggregated for the given period, are in excess of one thousand dollars, (b) contributions from any one independent committee, business, including a corporation, union, industry, trade, or professional association, or political party which, when aggregated for the given period, are in excess of five thousand dollars, or (c) contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties which, when aggregated for the given period, are in excess of the total amount of contributions from individuals received by the candidate for the given period as of the date of such a contribution.

(2) Any candidate committee violating this section shall be assessed a civil penalty of not less than two hundred fifty dollars and not more than the amount of money received by the

candidate committee in violation of this section. The commission shall assess and collect the civil penalty and remit the penalty to the State Treasurer for credit to the permanent school fund.

(3) For purposes of this section:

(a) General election period means the period from the day following the primary election through the end of the calendar year of the general election; and

(b) Primary election period means January 1 of the calendar year following the prior general election through the day of the primary election. ~~; are in excess of seven hundred fifty thousand dollars for a candidate for Governor, seventy-five thousand dollars for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, and twenty-five thousand dollars for a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education.~~

Sec. 3. Original sections 32-1604 and 32-1608, Reissue Revised Statutes of Nebraska, are repealed.".

Mr. Beutler filed the following amendment to LB 420:
AM0941

1. Strike the original sections and insert the following new sections:

"Section 1. Section 32-1603, Reissue Revised Statutes of Nebraska, is amended to read:

32-1603. For purposes of the Campaign Finance Limitation Act, the definitions found in sections 49-1404 to 49-1444 shall be used, except that:

(1) Election period ~~shall mean~~ means the calendar year prior to the election and the calendar year of the election;

(2) Expenditure ~~shall mean~~ means the purchase for campaign activities of (a) services from a communications medium, including production costs, (b) printing, photography, graphic arts, or advertising services, (c) office supplies, (d) postage and other commercial delivery services, (e) meals, lodging, and travel expenses, and (f) staff salaries; and

(3) Primary election period ~~shall mean January 1~~ means the first day of the election period through the thirty-fifth day following the primary election.

Sec. 2. Section 32-1604, Reissue Revised Statutes of Nebraska, is amended to read:

32-1604. (1) Any candidate for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education may qualify for public funds to be used for the election period if he or she limits his or her campaign spending for the election period and meets the other requirements prescribed in this section.

(2) To qualify for public funds for the election period, a candidate for Governor shall limit his or her spending for the election period to one million ~~five~~ six hundred fifty thousand dollars, a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts shall limit his or her spending for the election period to one hundred ~~fifty~~ sixty thousand dollars, and a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education shall limit his or her spending for the election period to ~~fifty~~ fifty-five thousand dollars, and such ~~candidates shall limit their~~ candidate shall limit his or her spending for the primary election period to an amount which does not exceed fifty percent of the limits provided in this subsection for the election period.

(3) Each candidate desiring to receive public funds pursuant to this section shall (a) beginning January 1 of the election period, raise an amount equal to at least twenty-five percent of the spending limitation for the office from persons who are residents of Nebraska, (b) file with the Nebraska Accountability and Disclosure Commission, on the day he or she files for the office, a written declaration of intent to abide by the spending limitations prior to raising such funds, and (c) file with the commission, on the day he or she files for the office, a written statement by which he or she agrees to personally act as a guarantor for the lawful use of such funds and agrees to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law. Money raised prior to filing the declaration required by subdivision (b) of this subsection shall not count toward the qualifying amount established in subdivision (a) of this subsection. At least sixty-five percent of the qualifying amount established in subdivision (a) of this subsection shall be received from individuals. For purposes of this section, a business, corporation, partnership, limited liability company, or association shall be deemed a resident if it has an office in this state and transacts business in this state.

(4) Any candidate who does not file the written declaration pursuant to subdivision (3)(b) of this section shall file with the commission, on the day he or she files for the office, an affidavit which shall constitute his or her written declaration of intent not to abide by the spending limitations of this section and shall include a reasonable estimate of his or her maximum expenditures as defined in sections 32-1603 and 49-1419 for the primary election period. The estimate of expenditures for the primary election period may be amended up to thirty days prior to the primary election by filing a subsequent affidavit. A candidate nominated in the primary election shall file an estimate of expenditures for the remainder of the total election period on or before the fortieth day following the primary election. The

estimate of expenditures for the remainder of the election period may be amended up to sixty days prior to the general election by filing a subsequent affidavit.

Sec. 3. Section 32-1608, Reissue Revised Statutes of Nebraska, is amended to read:

32-1608. (1) During ~~the~~ each primary election period and each general election period, no candidate committee shall accept (a) contributions from any one individual which, when aggregated for the given period, are in excess of one thousand dollars, (b) contributions from any one independent committee, business, including a corporation, union, industry, trade, or professional association, or political party which, when aggregated for the given period, are in excess of five thousand dollars, or (c) contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties which, when aggregated for the given period, are in excess of the total amount of contributions from individuals received by the candidate for the given period as of the date of such a contribution.

(2) Any candidate committee violating this section shall be assessed a civil penalty of not less than two hundred fifty dollars and not more than the amount of money received by the candidate committee in violation of this section. The commission shall assess and collect the civil penalty and remit the penalty to the State Treasurer for credit to the permanent school fund.

(3) For purposes of this section:

(a) General election period means the period from the day following the primary election through the end of the calendar year of the general election; and

(b) Primary election period means January 1 of the calendar year following the prior general election through the day of the primary election. ~~; are in excess of seven hundred fifty thousand dollars for a candidate for Governor, seventy-five thousand dollars for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, and twenty-five thousand dollars for a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education.~~

Sec. 4. Section 49-1401, Revised Statutes Supplement, 1996, is amended to read:

49-1401. Sections 49-1401 to 49-14,140 and section 6 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.

Sec. 5. Section 49-1428, Reissue Revised Statutes of

Nebraska, is amended to read:

49-1428. Independent expenditure shall mean an expenditure as defined in section 49-1419 by a person if the expenditure is not made at the direction of, ~~or~~ under the control of, or with the cooperation of another person and if the expenditure is not a contribution to a committee.

Sec. 6. (1) If an independent committee or political party committee intends to make independent expenditures for or against a candidate seeking nomination or election to an office subject to the Campaign Finance Limitation Act, the independent committee or political party committee shall file a statement of intent to expend with the commission. The statement of intent to expend shall be filed within five business days after the latest filing deadline for the office which the candidate is seeking. The statement of intent to expend shall include:

(a) The name of the candidate;

(b) The office which the candidate is seeking;

(c) The name and mailing address of the independent committee or political party committee;

(d) The telephone number of the independent committee or political party committee;

(e) The name of the treasurer of the independent committee or political party committee; and

(f) The maximum amount of independent expenditures the independent committee or political party committee intends to spend in support of or in opposition to the candidate.

(2) If the independent committee or political party committee makes independent expenditures exceeding twenty percent more than the amount stated in subdivision (1)(f) of this section or less than twenty percent less than such amount, the independent committee or political party committee shall be guilty of a Class I misdemeanor.

(3) The commission shall give notice of the filing of a statement of intent to expend to each candidate subject to the Campaign Finance Limitation Act who is named in a statement of intent to expend for the relevant office by certified mail the day after the receipt of the filing. The commission shall also give notice of a statement of intent to expend to all candidates seeking the same office as a candidate named in a statement of intent to expend by certified mail the day after the receipt of the filing.

(4) If a statement of intent to expend is filed pursuant to this section, a candidate for the relevant office who has filed a declaration of intent to abide by the spending limitations of section 32-1604 shall be allowed to withdraw the declaration within ten days after the deadline to file the statement of intent to expend.

Sec. 7. Original sections 32-1603, 32-1604, 32-1608, and 49-1428, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1996, are repealed.".

Mr. Beutler filed the following amendment to LB 420:
AM0942

1. Strike the original sections and insert the following new sections:

"Section 1. Section 32-1604, Reissue Revised Statutes of Nebraska, is amended to read:

32-1604. (1) Any candidate for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education may qualify for public funds to be used for the election period if he or she limits his or her campaign spending for the election period and meets the other requirements prescribed in this section.

(2) To qualify for public funds for the election period, a candidate for Governor shall limit his or her spending for the election period to one million ~~five~~ six hundred fifty thousand dollars, a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts shall limit his or her spending for the election period to one hundred ~~fifty~~ sixty thousand dollars, and a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education shall limit his or her spending for the election period to ~~fifty~~ fifty-five thousand dollars, and such ~~candidates shall limit their~~ candidate shall limit his or her spending for the primary election period to an amount which does not exceed fifty percent of the limits provided in this subsection for the election period.

(3) Each candidate desiring to receive public funds pursuant to this section shall (a) beginning January 1 of the election period, raise an amount equal to at least twenty-five percent of the spending limitation for the office from persons who are residents of Nebraska, (b) file with the Nebraska Accountability and Disclosure Commission, on the day he or she files for the office, a written declaration of intent to abide by the spending limitations prior to raising such funds, and (c) file with the commission, on the day he or she files for the office, a written statement by which he or she agrees to personally act as a guarantor for the lawful use of such funds and agrees to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law. Money raised prior to filing the declaration required by subdivision (b) of this subsection shall not count toward the qualifying amount established in subdivision (a) of this subsection. At least sixty-five percent of the qualifying amount established in subdivision (a) of this subsection shall be received from individuals. For purposes of this section, a business, corporation, partnership, limited liability company, or association shall be deemed a resident if it has an office in this state and transacts business in this state.

(4) Any candidate who does not file the written declaration pursuant to subdivision (3)(b) of this section shall file with the commission, on the day he or she files for the office, an affidavit which shall constitute his or her written declaration of intent not to abide by the spending limitations of this section and shall include a reasonable estimate of his or her maximum expenditures as defined in sections 32-1603 and 49-1419 for the primary election period. The estimate of expenditures for the primary election period may be amended up to thirty days prior to the primary election by filing a subsequent affidavit. A candidate nominated in the primary election shall file an estimate of expenditures for the remainder of the total election period on or before the fortieth day following the primary election. The estimate of expenditures for the remainder of the election period may be amended up to sixty days prior to the general election by filing a subsequent affidavit.

Sec. 2. Section 32-1608, Reissue Revised Statutes of Nebraska, is amended to read:

32-1608. (1) During ~~the~~ each primary election period and each general election period, no candidate committee shall accept (a) contributions from any one individual which, when aggregated for the given period, are in excess of one thousand dollars, (b) contributions from any one independent committee, business, including a corporation, union, industry, trade, or professional association, or political party which, when aggregated for the given period, are in excess of five thousand dollars, or (c) contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties which, when aggregated for the given period, are in excess of the total amount of contributions from individuals received by the candidate for the given period as of the date of such a contribution.

(2) Any candidate committee violating this section shall be assessed a civil penalty of not less than two hundred fifty dollars and not more than the amount of money received by the candidate committee in violation of this section. The commission shall assess and collect the civil penalty and remit the penalty to the State Treasurer for credit to the permanent school fund.

(3) For purposes of this section:

(a) General election period means the period from the day following the primary election through the end of the calendar year of the general election; and

(b) Primary election period means January 1 of the calendar year following the prior general election through the day of the primary election. ~~; are in excess of seven hundred fifty thousand dollars for a candidate for Governor, seventy-five thousand dollars for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, and twenty-five thousand dollars for a candidate~~

~~for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education.~~

Sec. 3. Section 49-1401, Revised Statutes Supplement, 1996, is amended to read:

49-1401. Sections 49-1401 to 49-14,140 and section 5 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.

Sec. 4. Section 49-1428, Reissue Revised Statutes of Nebraska, is amended to read:

49-1428. Independent expenditure shall mean an expenditure as defined in section 49-1419 by a person if the expenditure is not made at the direction of, ~~or~~ under the control of, or with the cooperation of another person and if the expenditure is not a contribution to a committee.

Sec. 5. (1) If an independent committee or political party committee intends to make independent expenditures for or against a candidate seeking nomination or election to an office subject to the Campaign Finance Limitation Act, the independent committee or political party committee shall file a statement of intent to expend with the commission. The statement of intent to expend shall be filed within five business days after the latest filing deadline for the office which the candidate is seeking. The statement of intent to expend shall include:

(a) The name of the candidate;

(b) The office which the candidate is seeking;

(c) The name and mailing address of the independent committee or political party committee;

(d) The telephone number of the independent committee or political party committee;

(e) The name of the treasurer of the independent committee or political party committee; and

(f) The maximum amount of independent expenditures the independent committee or political party committee intends to spend in support of or in opposition to the candidate.

(2) If the independent committee or political party committee makes independent expenditures exceeding twenty percent more than the amount stated in subdivision (1)(f) of this section or less than twenty percent less than such amount, the independent committee or political party committee shall be guilty of a Class I misdemeanor.

(3) The commission shall give notice of the filing of a statement of intent to expend to each candidate subject to the Campaign Finance Limitation Act who is named in a statement of intent to expend for the relevant office by certified mail the day

after the receipt of the filing. The commission shall also give notice of a statement of intent to expend to all candidates seeking the same office as a candidate named in a statement of intent to expend by certified mail the day after the receipt of the filing.

(4) If a statement of intent to expend is filed pursuant to this section, a candidate for the relevant office who has filed a declaration of intent to abide by the spending limitations of section 32-1604 shall be allowed to withdraw the declaration within ten days after the deadline to file the statement of intent to expend.

Sec. 6. Original sections 32-1604, 32-1608, and 49-1428, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1996, are repealed.".

Mr. Beutler filed the following amendment to LB 420:
AM0943

1. Strike the original sections and insert the following new sections:

"Section 1. Section 32-1603, Reissue Revised Statutes of Nebraska, is amended to read:

32-1603. For purposes of the Campaign Finance Limitation Act, the definitions found in sections 49-1404 to 49-1444 shall be used, except that:

(1) Election period ~~shall mean~~ means the calendar year prior to the election and the calendar year of the election;

(2) Expenditure ~~shall mean~~ means the purchase for campaign activities of (a) services from a communications medium, including production costs, (b) printing, photography, graphic arts, or advertising services, (c) office supplies, (d) postage and other commercial delivery services, (e) meals, lodging, and travel expenses, and (f) staff salaries; and

(3) Primary election period ~~shall mean January 1~~ means the first day of the election period through the thirty-fifth day following the primary election.

Sec. 2. Section 32-1604, Reissue Revised Statutes of Nebraska, is amended to read:

32-1604. (1) Any candidate for Governor, Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, Auditor of Public Accounts, the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education may qualify for public funds to be used for the election period if he or she limits his or her campaign spending for the election period and meets the other requirements prescribed in this section.

(2) To qualify for public funds for the election period, a candidate for Governor shall limit his or her spending for the election period to one million ~~five~~ six hundred fifty thousand dollars, a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts

shall limit his or her spending for the election period to one hundred ~~fifty~~ sixty thousand dollars, and a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education shall limit his or her spending for the election period to ~~fifty~~ fifty-five thousand dollars, and such ~~candidates shall limit their~~ candidate shall limit his or her spending for the primary election period to an amount which does not exceed fifty percent of the limits provided in this subsection for the election period.

(3) Each candidate desiring to receive public funds pursuant to this section shall (a) beginning January 1 of the election period, raise an amount equal to at least twenty-five percent of the spending limitation for the office from persons who are residents of Nebraska, (b) file with the Nebraska Accountability and Disclosure Commission, on the day he or she files for the office, a written declaration of intent to abide by the spending limitations prior to raising such funds, and (c) file with the commission, on the day he or she files for the office, a written statement by which he or she agrees to personally act as a guarantor for the lawful use of such funds and agrees to be held personally liable to the State of Nebraska for any such funds not repaid to the state as required by law. Money raised prior to filing the declaration required by subdivision (b) of this subsection shall not count toward the qualifying amount established in subdivision (a) of this subsection. At least sixty-five percent of the qualifying amount established in subdivision (a) of this subsection shall be received from individuals. For purposes of this section, a business, corporation, partnership, limited liability company, or association shall be deemed a resident if it has an office in this state and transacts business in this state.

(4) Any candidate who does not file the written declaration pursuant to subdivision (3)(b) of this section shall file with the commission, on the day he or she files for the office, an affidavit which shall constitute his or her written declaration of intent not to abide by the spending limitations of this section and shall include a reasonable estimate of his or her maximum expenditures as defined in sections 32-1603 and 49-1419 for the primary election period. The estimate of expenditures for the primary election period may be amended up to thirty days prior to the primary election by filing a subsequent affidavit. A candidate nominated in the primary election shall file an estimate of expenditures for the remainder of the total election period on or before the fortieth day following the primary election. The estimate of expenditures for the remainder of the election period may be amended up to sixty days prior to the general election by filing a subsequent affidavit.

Sec. 3. Section 32-1608, Reissue Revised Statutes of Nebraska, is amended to read:

32-1608. (1) During ~~the~~ each primary election period and each general election period, no candidate committee shall accept (a) contributions from any one individual which, when aggregated for the given period, are in excess of one thousand dollars, (b) contributions from any one independent committee, business, including a corporation, union, industry, trade, or professional association, or political party which, when aggregated for the given period, are in excess of five thousand dollars, or (c) contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties which, when aggregated for the given period, are in excess of the total amount of contributions from individuals received by the candidate for the given period as of the date of such a contribution.

(2) Any candidate committee violating this section shall be assessed a civil penalty of not less than two hundred fifty dollars and not more than the amount of money received by the candidate committee in violation of this section. The commission shall assess and collect the civil penalty and remit the penalty to the State Treasurer for credit to the permanent school fund.

(3) For purposes of this section:

(a) General election period means the period from the day following the primary election through the end of the calendar year of the general election; and

(b) Primary election period means January 1 of the calendar year following the prior general election through the day of the primary election. ~~; are in excess of seven hundred fifty thousand dollars for a candidate for Governor, seventy-five thousand dollars for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, and twenty-five thousand dollars for a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education.~~

Sec. 4. Original sections 32-1603, 32-1604, and 32-1608, Reissue Revised Statutes of Nebraska, are repealed.".

Mr. Beutler filed the following amendment to LB 420:
AM0944

1. On page 3, line 11, strike "one thousand" and insert "five hundred".

Mr. Beutler filed the following amendment to LB 420:
AM0945

1. On page 3, line 11, after the second comma insert "except that a candidate committee for a candidate for the Legislature shall not accept contributions from any one individual which, when aggregated for the given period, are in excess of five hundred dollars,".

Mr. Beutler filed the following amendment to LB 420:
AM0946

1. On page 3, line 15, strike "five thousand" and insert "two thousand five hundred".

Mr. Beutler filed the following amendment to LB 420:
AM0947

1. On page 3, line 15, after "or" insert "which, when aggregated for the given period for a candidate for the Legislature, are in excess of two thousand five hundred dollars, or".

Mr. Beutler filed the following amendment to LB 420:
AM0948

1. Strike the original sections and insert the following new sections:

"Section 1. Section 32-1603, Reissue Revised Statutes of Nebraska, is amended to read:

32-1603. For purposes of the Campaign Finance Limitation Act, the definitions found in sections 49-1404 to 49-1444 shall be used, except that:

(1) Election period ~~shall mean~~ means the calendar year prior to the election and the calendar year of the election;

(2) Expenditure ~~shall mean~~ means the purchase for campaign activities of (a) services from a communications medium, including production costs, (b) printing, photography, graphic arts, or advertising services, (c) office supplies, (d) postage and other commercial delivery services, (e) meals, lodging, and travel expenses, and (f) staff salaries; and

(3) Primary election period ~~shall mean January 1~~ means the first day of the election period through the thirty-fifth day following the primary election.

Sec. 2. Section 32-1608, Reissue Revised Statutes of Nebraska, is amended to read:

32-1608. (1) During ~~the~~ each primary election period and each general election period, no candidate committee shall accept (a) contributions from any one individual which, when aggregated for the given period, are in excess of one thousand dollars, (b) contributions from any one independent committee, business, including a corporation, union, industry, trade, or professional association, or political party which, when aggregated for the given period, are in excess of five thousand dollars, or (c) contributions from independent committees, businesses, including corporations, unions, industry, trade, or professional associations, and political parties which, when aggregated for the given period, are in excess of the total amount of contributions from individuals received by the candidate for the given period as of the date of such a contribution.

(2) Any candidate committee violating this section shall

be assessed a civil penalty of not less than two hundred fifty dollars and not more than the amount of money received by the candidate committee in violation of this section. The commission shall assess and collect the civil penalty and remit the penalty to the State Treasurer for credit to the permanent school fund.

(3) For purposes of this section:

(a) General election period means the period from the day following the primary election through the end of the calendar year of the general election; and

(b) Primary election period means January 1 of the calendar year following the prior general election through the day of the primary election. ~~; are in excess of seven hundred fifty thousand dollars for a candidate for Governor, seventy-five thousand dollars for a candidate for Lieutenant Governor, State Treasurer, Secretary of State, Attorney General, or Auditor of Public Accounts, and twenty-five thousand dollars for a candidate for the Legislature, the Public Service Commission, the Board of Regents of the University of Nebraska, or the State Board of Education.~~

Sec. 3. Section 49-1401, Revised Statutes Supplement, 1996, is amended to read:

49-1401. Sections 49-1401 to 49-14,140 and section 5 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.

Sec. 4. Section 49-1428, Reissue Revised Statutes of Nebraska, is amended to read:

49-1428. Independent expenditure shall mean an expenditure as defined in section 49-1419 by a person if the expenditure is not made at the direction of, ~~or~~ under the control of, or with the cooperation of another person and if the expenditure is not a contribution to a committee.

Sec. 5. (1) If an independent committee or political party committee intends to make independent expenditures for or against a candidate seeking nomination or election to an office subject to the Campaign Finance Limitation Act, the independent committee or political party committee shall file a statement of intent to expend with the commission. The statement of intent to expend shall be filed within five business days after the latest filing deadline for the office which the candidate is seeking. The statement of intent to expend shall include:

(a) The name of the candidate;

(b) The office which the candidate is seeking;

(c) The name and mailing address of the independent committee or political party committee;

(d) The telephone number of the independent committee or political party committee;

(e) The name of the treasurer of the independent committee or political party committee; and

(f) The maximum amount of independent expenditures the independent committee or political party committee intends to spend in support of or in opposition to the candidate.

(2) If the independent committee or political party committee makes independent expenditures exceeding twenty percent more than the amount stated in subdivision (1)(f) of this section or less than twenty percent less than such amount, the independent committee or political party committee shall be guilty of a Class I misdemeanor.

(3) The commission shall give notice of the filing of a statement of intent to expend to each candidate subject to the Campaign Finance Limitation Act who is named in a statement of intent to expend for the relevant office by certified mail the day after the receipt of the filing. The commission shall also give notice of a statement of intent to expend to all candidates seeking the same office as a candidate named in a statement of intent to expend by certified mail the day after the receipt of the filing.

(4) If a statement of intent to expend is filed pursuant to this section, a candidate for the relevant office who has filed a declaration of intent to abide by the spending limitations of section 32-1604 shall be allowed to withdraw the declaration within ten days after the deadline to file the statement of intent to expend.

Sec. 6. Original sections 32-1603, 32-1608, and 49-1428, Reissue Revised Statutes of Nebraska, and section 49-1401, Revised Statutes Supplement, 1996, are repealed.".

Mr. Schellpeper filed the following amendment to LB 465:
AM0958

(Amendments to Standing Committee amendments, AM0617)

1. On page 8, line 18, after "offense" insert "which would prohibit an applicant from being issued a concealed handgun license under the Concealed Handgun License Act".

Mr. Schellpeper filed the following amendment to LB 465:
AM0956

(Amendments to Standing Committee amendments, AM0617)

1. On page 3, line 15, after the underscored semicolon insert "and"; and strike beginning with the underscored semicolon in line 22 through "Nebraska" in line 24.

2. On page 10, strike beginning with "the" in line 19 through "or" in line 20; in line 22 after "unlawfully" insert "or negligently to endanger others"; and strike from the underscored comma in line 24 through the underscored comma in line 26.

Mr. Schellpeper filed the following amendment to LB 465:
AM0957

(Amendments to Standing Committee amendments, AM0617)

1. On page 6, lines 1 and 2 and 11 and 12, strike ", voluntarily or involuntarily," and insert "involuntarily".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointment:

Elliott, Jeffrey J. - Director, Department of Health and Human Services, Finance and Support - Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

GENERAL FILE

LEGISLATIVE BILL 422. Mr. Chambers offered the following amendment:
FA84

P. 2, line 21 after knowingly, insert "and intentionally"

Mmes. Bohlke, Brown, Messrs. Wickersham, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

SPEAKER WITHEM PRESIDING

The Chambers amendment lost with 3 ayes, 21 nays, 10 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA85

Page 2, line 25, after "was", insert "knowingly and intentionally"

Mr. Chambers asked unanimous consent to replace his pending amendment, FA85, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, FA85.

Mr. Chambers offered the following substitute amendment:
FA87

Pg. 2 line 25
after the word "committed" insert the word "knowingly"

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Beutler offered the following amendment:
FA86
On page 2, line 21 strike "great"

Mr. Beutler withdrew his amendment.

Advanced to E & R for review with 27 ayes, 2 nays, 15 present and not voting, and 5 excused and not voting.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 270A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 270, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 366. Indefinitely postponed.
LEGISLATIVE BILL 368. Indefinitely postponed.

(Signed) Douglas A. Kristensen, Chairperson

Judiciary

LEGISLATIVE BILL 94. Placed on General File.
LEGISLATIVE BILL 884. Placed on General File.

LEGISLATIVE BILL 355. Placed on General File as amended.
Standing Committee amendment to LB 355:
AM0955

1. On page 2, line 5, strike "the metropolitan", show as stricken, and insert "any"; and in line 6 strike the new matter.

2. On page 4, line 22, strike "the primary" and insert "any".

LEGISLATIVE BILL 758. Placed on General File as amended.
Standing Committee amendment to LB 758:
AM0850

1. Insert the following new section:

"Sec. 3. Section 49-14,123, Revised Statutes Supplement, 1996, is amended to read:

49-14,123. In addition to any other duties prescribed by law, the commission shall:

(1) Prescribe and publish, after notice and opportunity for public comment, rules and regulations to carry out the Campaign Finance Limitation Act and the Nebraska Political Accountability and Disclosure Act pursuant to the Administrative Procedure Act;

(2) Prescribe forms for statements and reports required to be filed pursuant to the Campaign Finance Limitation Act and the Nebraska Political Accountability and Disclosure Act and furnish such forms to persons required to file such statements and reports;

(3) Prepare and publish one or more manuals explaining the duties of all persons and other entities required to file statements and reports by the acts and setting forth recommended uniform methods of accounting and reporting for such filings;

(4) Accept and file any reasonable amount of information voluntarily supplied that exceeds the requirements of the acts;

(5) Make statements and reports filed with the commission available for public inspection and copying during regular office hours and make copying facilities available at a cost of not more than fifty cents per page;

(6) Compile and maintain an index of all reports and statements filed with the commission to facilitate public access to such reports and statements;

(7) Prepare and publish summaries of statements and reports filed with the commission and special reports and technical studies to further the purposes of the acts;

(8) Review all statements and reports filed with the commission in order to ascertain whether any person has failed to file a required statement or has filed a deficient statement;

(9) Preserve statements and reports filed with the commission for a period of not less than five years from the date of receipt;

(10) Issue and publish advisory opinions on the requirements of the acts upon the request of a person or governmental body directly covered or affected by the acts. Any such opinion rendered by the commission, until amended or revoked, shall be binding on the commission in any subsequent charges concerning the person or public body who requested the opinion and

who acted in reliance on it in good faith unless material facts were omitted or misstated by the person in the request for the opinion;

(11) Act as the primary civil and criminal enforcement agency for violations of the Nebraska Political Accountability and Disclosure Act and the rules or regulations promulgated thereunder and act concurrently with the ~~county attorney~~ Attorney General in prosecuting criminal violations of the Campaign Finance Limitation Act;

(12) Receive all late filing fees and civil penalties imposed pursuant to the Nebraska Political Accountability and Disclosure Act, seek the return of any amount as provided in section 32-1606, and seek the repayment of any amount as provided in section 32-1607 and remit all such funds to the State Treasurer for credit to the Campaign Finance Limitation Cash Fund; and

(13) Prepare and distribute to the appropriate local officials statements of financial interest, campaign committee organization forms, filing instructions and forms, and such other forms as the commission may deem appropriate.".

2. On page 9, line 12, strike the first "and" and insert ", 49-14,123,".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 110. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 422:
FA77
P. 3, line 1, after the first "the", insert "lawful".

Mr. Chambers filed the following amendment to LB 422:
FA78
P. 3, line 1, after "duties", insert, "as a law enforcement officer".

Mr. Chambers filed the following amendment to LB 422:
FA79
P. 3, line 2, strike all language after "known" through "officer" in line 3 and insert, "from the objective circumstances existing at the time and place that the murder was committed, that the victim was a law enforcement officer performing his or her official duties as a law enforcement officer."

Mr. Chambers filed the following amendment to LB 422:
FA80
P. 3, after line 3, insert, "(j) The facts upon which the applicability of an aggravating circumstance depends must be proved beyond a reasonable doubt."

Mr. Chambers filed the following amendment to LB 422:
FA81

P. 3, line 4, strike the colon and add, "include but are not limited to:"

Mr. Chambers filed the following amendment to LB 422:
FA82

P. 3, line 10, strike "extreme".

Mmes. Hudkins, Stuhr, Hillman, Messrs. D. Pederson, Engel, Wickersham, Bromm, and Jones filed the following amendment to LB 404:
AM0968

(Amendments to AM0567)

1. Strike amendments 1 and 2 and insert the following new amendment:

"1. Strike the original sections and all amendments thereto and insert the following new sections:

'Section 1. Section 24-301.02, Reissue Revised Statutes of Nebraska, is amended to read:

24-301.02. The State of Nebraska shall be divided into the following twelve district court judicial districts:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, Fillmore, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

~~In~~ Before July 1, 1997, in the fourth district there shall be fourteen judges of the district court, and on and after July 1, 1997, in the fourth district there shall be fifteen judges of the district court. Before July 1, 1996, in the third district there shall be six judges of the district court, and on and after July 1, 1996, in the third district there shall be seven judges of the district court. In the twelfth district there shall be five judges of the district court. In the second and fifth districts there shall be four judges of the district court. In the first, sixth, ninth, and eleventh districts there shall be three judges of the district court. In the seventh, eighth, and tenth districts there shall be two judges of the district court.

Sec. 2. Section 24-503, Reissue Revised Statutes of Nebraska, is amended to read:

24-503. For the purpose of serving the county courts in each county, twelve county judge districts are hereby created:

District No. 1 shall contain the counties of Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;

District No. 2 shall contain the counties of Sarpy, Cass, and Otoe;

District No. 3 shall contain the county of Lancaster;

District No. 4 shall contain the county of Douglas;

District No. 5 shall contain the counties of Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, and Saunders;

District No. 6 shall contain the counties of Dixon, Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

District No. 7 shall contain the counties of Knox, Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

District No. 8 shall contain the counties of Cherry, Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield, Wheeler, Valley, Greeley, Sherman, and Howard;

District No. 9 shall contain the counties of Buffalo and Hall;

District No. 10 shall contain the counties of Fillmore, Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and Nuckolls;

District No. 11 shall contain the counties of Hooker, Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson, Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and Furnas; and

District No. 12 shall contain the counties of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, Grant, and Deuel.

~~District~~ Before July 1, 1999, district 4 shall have eleven county judges, and on and after July 1, 1999, district 4 shall have twelve county judges. Districts 3, 5, and 12 shall have six county judges. District 11 shall have five county judges. Districts 6 and 9 shall have four county judges. Before July 1, 1998, district 2 shall have three county judges, and on and after

July 1, 1998, district 2 shall have four county judges. Districts 1, ~~2,~~ 7, 8, and 10 shall have three county judges.

Judge of the county court shall include any person appointed to the office of county judge or municipal judge prior to July 1, 1985, pursuant to Article V, section 21, of the Constitution of Nebraska.

Any person serving as a municipal judge in district 3 or 4 immediately prior to July 1, 1985, shall be a judge of the county court and shall be empowered to hear only those cases as provided in section 24-517 which the presiding judge of the county court for such district, with the concurrence of the Supreme Court, shall direct.

Sec. 3. Original sections 24-301.02 and 24-503, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.'.".

Mr. Bromm filed the following amendment to LB 466:
AM0919

1. On page 25, lines 1 and 2, strike the new matter and reinstate the stricken matter.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 612. No objections. So ordered.

Mr. Lynch asked unanimous consent to have his name added as cointroducer to LB 182. No objections. So ordered.

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LR 45CA. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

MOTION - Adjournment

Mr. Preister moved to adjourn until 1:30 p.m., Tuesday, March 18, 1997. The motion failed with 17 ayes, 20 nays, 7 present and not voting, and 5 excused and not voting.

MOTION - Reconsider Action on LB 404

Mr. D. Pederson renewed his pending motion, found on page 910, to reconsider the vote on AM0567 to LB 404 taken on March 5th, 1997.

Messrs. Abboud, Elmer, Coordsen, Hilgert, Mmes. Brown, and Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, "Shall the debate now close?"

Mr. Bromm moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The motion to cease debate prevailed with 26 ayes, 6 nays, and 17 not voting.

Mr. D. Pederson requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 26:

Abboud
Bromm
Chambers
Crosby
Cudaback
Dierks
Engel
Hillman
Hudkins
Janssen
Jones
Kristensen
Lynch
Matzke
McKenzie
Pederson, D.
Peterson, C.
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wickersham
Will

Voting in the negative, 10:

Beutler
Brashear
Bruning
Hartnett
Jensen
Landis
Preister
Warner
Wesely
Withem

Present and not voting, 3:

Maurstad
Schimek
Suttle

Absent and not voting, 1:

Kiel

Excused and not voting, 9:

Bohlke
Brown
Coordsen
Elmer
Hilgert
Pedersen, Dw.
Robak
Robinson
Witek

The D. Pederson motion to reconsider prevailed with 26 ayes, 10 nays, 3 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

REPORT

The following report was received by the Legislature:

Education, Department of
  Nebraska School Finance Review Committee Annual Report

VISITORS

Visitors to the Chamber were Marcia, Kyle, and Alicia Sheeley from Omaha; Don Miller from Omaha; Venette Cornils and Jo Baltensperger from Bushnell and Jo Bourlier and Dema Nachtigal from Kimball; 10 members of the Board of Directors of the Nebraska Veterinary Medical Association from across Nebraska; 13 fourth grade students and teacher from St. Joseph School, Beatrice; and 18 fourth grade students and teacher from St. Josephs School, York.

The Doctor of the Day was D. J. Loschen from York.

ADJOURNMENT

At 12:48 p.m., on a motion by Mr. Preister, the Legislature adjourned until 1:30 p.m., Tuesday, March 18, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SECOND DAY - MARCH 18, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

FORTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 18, 1997

Pursuant to adjournment, the Legislature met at 1:30 p.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor David Lydick, Midlands Baptist Bible Church, Bellevue, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Vrtiska who was excused; and Mmes. Bohlke, Brown, Crosby, Hillman, Kiel, Robak, Stuhr, Messrs. Bromm, Coordsen, Engel, Kristensen, Landis, Lynch, Matzke, Dw. Pedersen, D. Pederson, Robinson, Schrock, Warner, Wehrbein, Wickersham, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 270. Placed on Select File as amended.
(E & R amendment, AM7097, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 422. Placed on Select File as amended.
E & R amendment to LB 422:
AM7096

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 29-2523, Reissue Revised Statutes of Nebraska, is amended to read:

29-2523. The aggravating and mitigating circumstances referred to in sections 29-2521 and 29-2522 shall be as follows:

(1) Aggravating Circumstances:

(a) The offender was previously convicted of another murder or a crime involving the use or threat of violence to the person, or has a substantial prior history of serious assaultive or terrorizing criminal activity;

(b) The murder was committed in an apparent effort to conceal the commission of a crime, or to conceal the identity of the perpetrator of ~~a~~ such crime;

(c) The murder was committed for hire, or for pecuniary gain, or the defendant hired another to commit the murder for the defendant;

(d) The murder was especially heinous, atrocious, cruel, or manifested exceptional depravity by ordinary standards of morality and intelligence;

(e) At the time the murder was committed, the offender also committed another murder;

(f) The offender knowingly created a great risk of death to at least several persons;

(g) The victim was a ~~law enforcement officer or a~~ public servant having lawful custody of the offender or another~~;~~ ~~or~~ in the lawful performance of his or her official duties and the offender knew or should have known that the victim was a public servant performing his or her official duties;

(h) The ~~crime~~ murder was committed knowingly to disrupt or hinder the lawful exercise of any governmental function or the enforcement of the laws; or

(i) The victim was a law enforcement officer engaged in the performance of his or her official duties and the offender knew or reasonably should have known that the victim was a law enforcement officer.

(2) Mitigating Circumstances:

(a) The offender has no significant history of prior criminal activity;

(b) The offender acted under unusual pressures or influences or under the domination of another person;

(c) The crime was committed while the offender was under the influence of extreme mental or emotional disturbance;

(d) The age of the defendant at the time of the crime;

(e) The offender was an accomplice in the crime committed by another person and his participation was relatively minor;

(f) The victim was a participant in the defendant's conduct or consented to the act; or

(g) At the time of the crime, the capacity of the defendant to appreciate the wrongfulness of his or her conduct or to conform his or her conduct to the requirements of law was impaired as a result of mental illness, mental defect, or intoxication.

Sec. 2. Original section 29-2523, Reissue Revised Statutes of Nebraska, is repealed.".

(Signed) Jon C. Bruning, Chairperson

MESSAGES FROM THE GOVERNOR

March 13, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 11, 47, 58, 68, 80, 121, 140, 161, 210, 230, 258, 285, 315, 412, 479, 666, 37, 183, 184, 325, 568, 722, 631, 397, 130, 199, and 453 were received in my office on March 10, 1997.

These bills were signed by me on March 13, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

March 15, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 426 was received in my office on March 10, 1997.

This bill was signed by me on March 13 and delivered to the Secretary of State on March 15, 1997.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ANNOUNCEMENTS

Mr. Landis designates LB 151 as his priority bill.

Mrs. C. Peterson designates LB 756 as her priority bill.

Mr. Vrtiska designates LB 588 as his priority bill.

Mrs. Witek designates LB 798 as her priority bill.

Mr. Bromm designates LB 232 as his priority bill.

Mr. Kristensen designates LB 660 as his priority bill.

Mr. Elmer designates LB 686 as his priority bill.

AMENDMENTS - Print in Journal

Mrs. Witek filed the following amendment to LB 798:
(Amendment, AM1002, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Jones filed the following amendment to LB 465:
AM0749

(Amendments to Standing Committee amendments, AM0617)

1. On page 5, line 11, strike "resident" and insert "citizen".

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 559. Placed on General File.
LEGISLATIVE BILL 561. Placed on General File.

LEGISLATIVE BILL 233. Placed on General File as amended.
Standing Committee amendment to LB 233:
AM0887

1. Strike original section 1 and insert the following new section:

"Section 1. Section 28-518, Reissue Revised Statutes of Nebraska, is amended to read:

28-518. (1) Theft constitutes a Class III felony when the value of the thing involved is over one thousand five hundred dollars.

(2) Theft constitutes a Class IV felony when the value of the thing involved is five hundred dollars or more, but not over one thousand five hundred dollars.

(3) Theft constitutes a Class I misdemeanor when the value of the thing involved is more than two hundred dollars, but less than five hundred dollars.

(4) Theft constitutes a Class II misdemeanor when the value of the thing involved is two hundred dollars or less.

(5) For any ~~second~~ ~~or~~ ~~subsequent~~ conviction under subsection (3) of this section when such person has previously been convicted under subsection (1), (2), or (3) of this section, ~~any~~

such person so offending shall be guilty of a Class IV felony.

(6) For any ~~second~~ conviction under subsection (4) of this section when such person has previously been convicted under subsection (1), (2), (3), or (4) of this section, ~~any~~ such person so offending shall be guilty of a Class I misdemeanor, and for any ~~third or subsequent~~ conviction under subsection (4) of this section when such person has previously been convicted two or more times under subsection (1), (2), (3), or (4) of this section, ~~the~~ such person so offending shall be guilty of a Class IV felony.

(7) Amounts taken pursuant to one scheme or course of conduct from one person may be aggregated in the indictment or information in determining the classification of the offense, except that amounts may not be aggregated into more than one offense.

(8) In any ~~prosecution~~ criminal action for theft under sections 28-509 to 28-518, ~~value shall be an essential element of the offense that must be proved beyond a reasonable doubt~~ the state must prove beyond a reasonable doubt the value of the thing involved.".

LEGISLATIVE BILL 511. Placed on General File as amended.
Standing Committee amendment to LB 511:
AM0889

1. Strike original section 1 and insert the following new section:

"Section 1. Section 28-204, Reissue Revised Statutes of Nebraska, is amended to read:

28-204. (1) A person is guilty of being an accessory to felony if with intent to interfere with, hinder, delay, or prevent the discovery, apprehension, prosecution, conviction, or punishment of another for an offense, he or she:

(a) Harbors or conceals the other; ~~or~~

(b) Provides or aids in providing a weapon, transportation, disguise, or other means of effecting escape or avoiding discovery or apprehension; ~~or~~

(c) Conceals or destroys evidence of the crime or tampers with a witness, informant, document, or other source of information, regardless of its admissibility in evidence; ~~or~~

(d) Warns the other of impending discovery or apprehension other than in connection with an effort to bring another into compliance with the law; ~~or~~

(e) Volunteers false information to a peace officer; or

(f) By force, intimidation, or deception, obstructs anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of such person.

(2)(a) Accessory to felony is a Class II felony if the actor violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of the conduct of the other, and the conduct of the other constitutes a Class I felony;

(b) Accessory to felony is a Class III felony if the actor violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of the conduct of the other, and the conduct of the other constitutes a Class II felony;

(c) Accessory to felony is a Class IV felony if the actor violates subdivision (1)(a), (1)(b), or (1)(c) of this section, the actor knows of the conduct of the other, and the conduct of the other constitutes a Class III or Class IV felony; and

(d) Accessory to felony is a Class IV felony if the actor violates subdivision (1)(d), (1)(e), or (1)(f) of this section, the actor knows of the conduct of the other, and the conduct of the other constitutes a felony of any class. ~~Accessory to crime is a Class IV felony if the actor knows of the conduct of the other and such conduct constitutes a felony of any class.~~".

(Signed) Kermit A. Brashear, Chairperson

COMMUNICATION

Received a copy of Legislative Resolve No. 3 from Alaska State Legislature urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska, to oil and gas exploration, development, and production.

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
  DAS Employee Relations Report

Natural Resources District
  Upper Elkhorn Natural Resources District Report regarding Drainage Districts
  Lower Niobrara Natural Resources District Report regarding Drainage Districts as directed by LB 1085
  Nemaha Natural Resources District Report regarding Drainage Districts as directed by LB 1085

Nebraska Health and Human Services System
  Office of the System Advocate Report

Roads, Department of
  Highway Cash fund and Roads Operation Cash fund for February 1997

Revenue, Department of
  Annual Report

GENERAL FILE

LEGISLATIVE BILL 280. Title read. Considered.

Standing Committee amendment, AM0404, found on page 839, was considered.

Mr. Jensen offered the following amendment to the Standing Committee amendment:
AM0981

(Amendments to Standing Committee amendments, AM0404)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. Section 42-101, Reissue Revised Statutes of Nebraska, is amended to read:

42-101. In law, marriage is considered a civil contract between one man and one woman, to which the consent of the parties capable of contracting is essential.

Sec. 2. Section 42-117, Reissue Revised Statutes of Nebraska, is amended to read:

42-117. All marriages contracted ~~without this state~~ in any other country, state, or territory, which would be valid by the laws of the country, state, or territory in which the same were contracted, shall be valid in all courts and places in this state unless the contract would fail to constitute a marriage under section 42-101 or would otherwise violate the strong public policy of this state.

Sec. 3. Original sections 42-101 and 42-117, Reissue Revised Statutes of Nebraska, are repealed.'.".

Messrs. Hartnett and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 314. Placed on General File.
LEGISLATIVE BILL 709. Placed on General File.

LEGISLATIVE RESOLUTION 38CA. Placed on General File as amended.
Standing Committee amendment to LR 38CA:
AM0992

1. On page 1, line 13, strike "seven", show as stricken, and insert "three and one-half"; and in line 15 strike "ten", show

as stricken, and insert "five".

2. On page 2, line 23, strike "five", show as stricken, and insert "two and one-half".

3. On page 3, line 16, strike "ten", show as stricken, and insert "five".

LEGISLATIVE BILL 357. Indefinitely postponed.
LEGISLATIVE BILL 615. Indefinitely postponed.
LEGISLATIVE BILL 738. Indefinitely postponed.
LEGISLATIVE BILL 781. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Judiciary

LEGISLATIVE BILL 235. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 800. Placed on General File.
LEGISLATIVE BILL 849. Placed on General File.

(Signed) David M. Landis, Chairperson

Natural Resources

LEGISLATIVE BILL 135. Placed on General File.

LEGISLATIVE BILL 297. Placed on General File as amended.
Standing Committee amendment to LB 297:
AM0792

1. Strike the original sections and insert the following new sections:

"Section 1. Section 66-1225, Reissue Revised Statutes of Nebraska, is amended to read:

66-1225. (1) Beginning January 1, 1998, one-half of all gasoline sold for use as motor fuel in Nebraska ~~Reformulated gasoline which is sold after January 1, 1992, in ozone nonattainment areas of Nebraska as designated by the federal Environmental Protection Agency~~ shall contain an oxygen content equal to or greater than ~~three and one-tenth~~ two and seven-tenths percent by weight except as provided in subsections (3) and (4) of this section. Sales of oxygenated gasoline in Nebraska shall be reported by retailers to the Motor Fuel Tax Enforcement and Collection Division of the Department of Revenue monthly on a form prescribed by the division. The division shall prepare a report on oxygenated gasoline sales and submit the report to the Clerk of the

Legislature no later than September 1, 1998. If the report concludes that less than one-half of all gasoline sold for use as motor fuel during the preceding two calendar quarters did not meet the oxygen requirement in this subsection, then all gasoline sold for use as motor fuel in Nebraska shall meet the oxygen requirement in this subsection beginning January 1, 1999, except as provided in subsections (3) and (4) of this section. ~~oxygen.~~

(2) The division shall prepare a report on oxygenated gasoline sales in the preceding calendar year and submit the report to the Clerk of the Legislature no later than March 1 of each year. If the report concludes that less than one-half of all gasoline sold for use as motor fuel during the preceding year did not meet the oxygen requirement in subsection (1) of this section, then all gasoline sold for use as motor fuel in Nebraska shall meet the oxygen requirement in such subsection beginning January 1 of the following year except as provided in subsections (3) and (4) of this section.

(3) Gasoline that does not have the oxygen content required by this section may be offered for sale, sold, or dispensed at a retail gasoline station for use in historical vehicles, vehicles eligible to be licensed as historical vehicles, off-road vehicles, motorcycles, boats, or snowmobiles, or small engines if:

(a) The nonoxygenated gasoline is dispensed into a can with a capacity of six or fewer gallons if it is for use in a small engine;

(b) The nonoxygenated gasoline is unleaded premium grade;

(c) No more than one storage tank on the premises of the retail gasoline station is used for storage of the nonoxygenated gasoline offered for sale, sold, or dispensed by the station; and

(d) The pump stands are posted with a permanent notice stating: NONOXYGENATED GASOLINE. FOR USE IN HISTORICAL VEHICLES, VEHICLES ELIGIBLE TO BE LICENSED AS HISTORICAL VEHICLES, OFF-ROAD VEHICLES, MOTORCYCLES, BOATS, OR SNOWMOBILES, OR SMALL ENGINES ONLY.

(4) Gasoline that does not have the oxygen content required by this section may be offered for sale, sold, or dispensed at an airport for use in aircraft.

Sec. 2. If any report submitted pursuant to section 1 of this act concludes that less than one-half of all gasoline sold for use as a motor fuel during the applicable period did not meet the oxygen requirement in such section, then the Nebraska Ethanol Board shall develop a plan of public education on the benefits of requiring oxygenated gasoline. The plan shall be developed in cooperation with the State Energy Office and shall be submitted to the Natural Resources Committee of the Legislature no later than June 1 following such report. The board shall begin implementation of the plan no later than July 1 following submission of such report.

Sec. 3. This act becomes operative on January 1, 1998.

Sec. 4. Original section 66-1225, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 616. Placed on General File as amended.
Standing Committee amendment to LB 616:
AM0952

1. On page 2, line 12, strike the new matter.

2. On page 2, line 16; and page 4, line 2, strike "resources management" and insert "understanding of the use of hydrologically connected ground water and surface water resources that are subject to a preliminary determination by the Director of Water Resources pursuant to section 46-656.50".

3. On page 2, line 20; page 3, line 5; and page 5, lines 5, 8, and 11, strike "resources management" and insert "water management study".

4. On page 4, strike from "actions" in line 14 through "Act" in line 16 and insert "studies conducted in response to a preliminary determination by the Director of Water Resources pursuant to section 46-656.50".

(Signed) Chris Beutler, Chairperson

Health and Human Services

LEGISLATIVE BILL 608. Placed on General File as amended.
Standing Committee amendment to LB 608:
AM0841

1. Strike original section 27 and insert the following new sections:

"Sec. 16. Section 71-2411, Reissue Revised Statutes of Nebraska, is amended to read:

71-2411. For purposes of the Emergency Box Drug Act:

(1) Authorized personnel shall mean any medical doctor, doctor of osteopathy, registered nurse, licensed practical nurse, pharmacist, or physician's assistant;

(2) Department shall mean the Department of Health and Human Services Regulation and Licensure;

(3) Drug shall mean any prescription drug or legend drug defined under section 71-1,142, any nonprescription drug as defined under section 71-1,142, any controlled substance as defined under section 28-405, or any device as defined under section 71-1,142;

(4) Emergency box drugs shall mean drugs required to meet the immediate therapeutic needs of patients when the drugs are not available from any other authorized source in time to sufficiently prevent risk of harm to such patients by the delay resulting from obtaining such drugs from such other authorized source;

(5) Institution shall mean a skilled nursing facility, an intermediate care facility, an intermediate care facility for the

mentally retarded, a mental health center, and a nursing facility, as such terms are defined under section 71-2017.01;

(6) Institutional pharmacy shall mean the physical portion of an institution engaged in the compounding, dispensing, and labeling of drugs which is operating pursuant to a permit issued by the Department of Health and Human Services Regulation and Licensure under section 71-1,147.03;

(7) Multiple dose vial shall mean any bottle in which more than one dose of a liquid drug is stored or contained; and

(8) Supplying pharmacist shall mean the pharmacist in charge of an institutional pharmacy or a pharmacist who provides emergency box drugs to an institution pursuant to the Emergency Box Drug Act. Supplying pharmacist shall not include any agent or employee of the supplying pharmacist who is not a pharmacist.

Sec. 28. Original sections 71-2024 and 71-2411, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 14, lines 6 and 7, strike ", not to exceed one year at a time," and show as stricken; and in line 7, after "prescribe" insert "in rules and regulations for licensure of health care facilities, boarding homes, and hospices. Such terms and conditions may be different for licensed health care facilities, boarding homes, and hospices operating on the operative date of this section and facilities which will become operable after such date".

3. On page 21, line 3, after "hours" insert ", through ownership, contract, or preferred provider arrangements,"; and in line 28 after "include" insert "(a)" and after "homes" insert ", apartments,".

4. On page 22, line 1, after "intervals" insert "and (b) those homes, apartments, or facilities in which a competent resident provides or contracts for his or her own personal or professional services if no more than twenty-five percent of the residents receive such services. A competent resident is someone who has the capability and capacity to make an informed decision".

5. On page 29, line 11, after "(3)" insert "Chemical restraint means a psychopharmacologic drug that is used for discipline or convenience and is not required to treat medical symptoms;

(4)"; in line 17 strike "(4)" and insert "(5)"; in line 21 strike "(5)" and insert "(6)"; in line 26 strike "(6)" and insert "(7)"; in line 27 strike the second "and"; and in line 28 strike "(7)" and insert

"(8) Physical restraint means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that he or she cannot remove easily and that restricts freedom of movement or normal access to his or her own body; and

(9)".

6. On page 31, strike beginning with "Within" in line 6

through "the" in line 9 and insert "An assisted-living facility shall assure that each"; in line 10 strike "the" and insert "each"; in line 11 strike "the resident"; after line 14 insert the following new subsection:

"(5) Chemical and physical restraints are prohibited in an assisted-living facility."; in line 22 strike "on" and insert "no later than"; in line 25, after the second comma insert "quality of care procedures,"; and in line 26, after the second comma insert "resident service agreements," and after the second "residents" insert ", including services to special populations".

7. On page 44, line 10, strike "and 27" and insert "16, 27, and 28".

8. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 619. Placed on General File as amended.
Standing Committee amendment to LB 619:
AM0918

1. Strike section 1 and insert the following section:

"Section 1. (1) The state contract which provides for the Nebraska AIDS Hotline shall provide for the production and distribution of labels for human immunodeficiency virus home collection kits licensed by the Food and Drug Administration sold at retail in Nebraska. The labels shall contain the telephone number of the Nebraska AIDS Hotline and be designed for affixing to the home collection kits.

(2) Labels shall be provided to kit manufacturers at no cost to the manufacturer. Labels shall be affixed to the kits by manufacturers prior to distribution for sale in the State of Nebraska.".

LEGISLATIVE BILL 658. Placed on General File as amended.
Standing Committee amendment to LB 658:
AM0960

1. On page 4, line 19, reinstate "lesser of the"; in line 20 strike the underscored period, reinstate "or", and after the reinstated "or" insert "fifty-three thousand dollars per annum. Commencing July 1, 1997, the accounting division of the Department of Administrative Services shall recommend an inflationary adjustment equivalent which shall be based upon the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, and shall not exceed five percent per annum. Such adjustment shall be applied to the annual fee for nuclear power plants."; in line 22 strike the second "and", show as stricken, and insert ". This fee"; in line 24 after "surveillance" insert "at Cooper Nuclear Station and Fort Calhoun Station"; and in line 25 after the period insert "The department may charge additional fees when mutually agreed upon for services, training, or equipment that are a part of or in addition to matters in this section.".

(Signed) Don Wesely, Chairperson

Business and Labor

LEGISLATIVE BILL 470. Placed on General File.

(Signed) Chris Abboud, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 95. Introduced by Hilgert, 7.

WHEREAS, as the career exploration process begins, we have a responsibility of supplying comprehensive and relevant information to our Nebraska high school students to help them in determining important educational and vocational goals; and

WHEREAS, the United States Department of Defense develops and administers the Armed Services Vocational Aptitude Battery (ASVAB) to assess capabilities of young people about to enter the military; and

WHEREAS, the Department of Defense also offers the ASVAB to high schools throughout the State of Nebraska, at no cost to the schools or students and without military obligation, providing one of the best and most widely used vocational aptitude indexes in the country; and

WHEREAS, the current ASVAB 18/19 Career Exploration Program contains comprehensive career exploration materials which are easily integrated into schools' career guidance programs; and

WHEREAS, the accompanying Exploring Careers Workbook teaches students a comprehensive way to explore careers, whereby they can match their ASVAB scores, along with interest results and personal preferences, to a wide-range of over 200 civilian and military occupations. A component of this workbook is an interest inventory which is provided free to every student taking the ASVAB; and

WHEREAS, approximately 11,000 students from about 85% of the high schools in Nebraska participate in the ASVAB 18/19 Career Exploration Program each year.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes the week of March 24-30, 1997, as Armed Services Vocational Aptitude Battery (ASVAB) 18/19 Career Exploration Program Week.

Laid over.

LEGISLATIVE RESOLUTION 96. Introduced by Wickersham, 49.

WHEREAS, the Chadron boys' basketball team won the 1997 Class B Boys' State Basketball Tournament on March 15, 1997; and

WHEREAS, Chadron's victory over Gering in the tournament final completed a great season with a 20-4 record; and

WHEREAS, the Chadron boys' basketball team has demonstrated, in addition to its tremendous talent, a dedication and a willingness to endure the hard work that is required to be a champion; and

WHEREAS, Chadron High School and the entire Chadron community showed tremendous support for the Cardinals; and

WHEREAS, Coach Jim English and the members of the Chadron High School boys' basketball team deserve recognition for their success this season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognize and congratulate the Chadron boys' basketball team, their parents and families, the Chadron community and high school, and Coach Jim English and his staff for their outstanding efforts.
2. That a copy of this resolution be sent to Chadron High School.

Laid over.

LEGISLATIVE RESOLUTION 97. Introduced by Cudaback, 36.

WHEREAS, Litchfield High School girls' basketball team won the Class D-2 girls' state high school basketball championship with a 35-33 victory over Hildreth; and

WHEREAS, the Litchfield High School girls' basketball team has won all twenty-two of their games played this season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth in our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Litchfield High School girls' basketball team be congratulated for their extraordinary efforts and accomplishments this season and in the 1997 Girls' State High School Basketball Tournament.
2. That a copy of this resolution be sent to Coach Joan Reznicek and Litchfield High School.

Laid over.

ANNOUNCEMENT

Mr. Matzke designates LB 255 as his priority bill.

STANDING COMMITTEE REPORTS
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Steven G. Oltmans - Nebraska Environmental Quality Council
Robert Catton - Nebraska Environmental Quality Council

VOTE: Aye: Senators Beutler, Bromm, Bruning, Elmer, McKenzie, Preister, and Schrock. Nay: None. Absent: None. Not voting: Senator Bohlke.

(Signed) Chris Beutler, Chairperson

Nebraska Retirement Systems

The Committee on Nebraska Retirement Systems desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Charles A. Peters - Public Employees Retirement Board
Honorable Merritt C. Warren - Public Employees Retirement Board

VOTE: Aye: Senators Wickersham, Lynch, Stuhr, and Crosby. Nay: None. Absent: Senators Wehrbein and C. Peterson.

(Signed) William R. Wickersham, Chairperson

Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Health and Human Services Partnership Council
  Pamela D. Bataillon
  Aaron D. Black Sr.
  Dr. Stacie Bleicher
  Elnora Carr
  Connie J. Day
  George Dillard
  Charles Evans
  Cydney Janssen
  Dr. Rudi L. Mitchell
  Kathy Bigsby Moore
  Ella E. Ochoa
  Judge Gerald Rouse
  Bradley L. Sher
  Michael Zgud

VOTE: Aye: Senators Wesely, Matzke, Dierks, Jensen, C. Peterson, and Suttle. Nay: Senator Witek. Absent: None.

(Signed) Don Wesely, Chairperson

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 465:

AM1036

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new section:

"Sec. 23. A licensee under the Concealed Handgun License Act who carries a concealed handgun on or about his or her person, in his or her purse, briefcase, or portfolio, or in an otherwise readily accessible location, but hidden from view, is guilty of:

(1) A Class II felony if he or she uses such handgun to commit a felony;

(2) A Class IV felony if he or she uses such handgun to commit a misdemeanor involving bodily injury, the threat of bodily injury, or the attempt to inflict bodily injury upon another;

(3) A Class I misdemeanor if he or she uses such handgun to commit a misdemeanor involving a controlled substance; and

(4) A Class II misdemeanor if he or she uses such handgun to commit a misdemeanor not described in subdivision (2) or (3) of this section.".

2. On page 1, line 3, strike "22" and insert "23".

3. Renumber the remaining sections accordingly.

Mr. Brashear filed the following amendment to LB 465:

AM1035

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new section:

"Sec. 23. A licensee under the Concealed Handgun License Act shall be liable for all damages that may accrue to any person by reason of the discharge by a person, other than the licensee, of a handgun owned by or registered to the licensee, unless (1) the discharge of the handgun was in lawful defense of people or property or (2) the person other than the licensee obtained possession of the handgun by means of theft, robbery, trespass, or involuntary physical deprivation from on or about the licensee's person. Such damages may be recovered in a court of competent jurisdiction.".

2. On page 1, line 3, strike "22" and insert "23".

3. Renumber the remaining sections accordingly.

Mr. Brashear filed the following amendment to LB 465:

AM1034

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new section:

"Sec. 23. A licensee under the Concealed Handgun License Act shall be liable for all damages that may accrue to any person by reason of the discharge by a person under sixteen years of age of a handgun owned by or registered to the licensee, unless (1) the discharge of the handgun was in lawful defense of people or property or (2) the person under sixteen years of age obtained possession of the handgun by means of theft, robbery, trespass, or involuntary physical deprivation from on or about the licensee's person. Such damages may be recovered in a court of competent jurisdiction.".

2. On page 1, line 3, strike "22" and insert "23".

3. Renumber the remaining sections accordingly.

Mrs. Hudkins filed the following amendment to LB 485:
AM0928

1. Insert the following new section:

"Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, line 24, after "appropriate" insert "state-owned or operated"; in line 25, strike "of" and insert "after"; and in line 28 after "made" insert "or within twenty-one days after a report is filed with the court by the Department of Health and Human Services that the accused is competent to stand trial".

GENERAL FILE

LEGISLATIVE BILL 280. The Jensen pending amendment, AM0981, found in this day's Journal, to the Standing Committee amendment, was renewed.

Messrs. Coordsen and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jensen moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Jensen requested a record vote on his amendment.

Voting in the affirmative, 31:

Beutler
Bohlke
Brashear
Bruning
Coordsen
Dierks
Elmer
Hartnett
Hilgert
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wickersham
Witek
Withem

Voting in the negative, 1:

Wesely

Present and not voting, 4:

Chambers
Cudaback
Robak
Schimek

Excused and not voting, 13:

Abboud	Crosby	Kiel	Vrtiska	Wehrbein
Bromm	Engel	Lynch	Warner	Will
Brown	Hillman	Pederson, D.		

The Jensen amendment was adopted with 31 ayes, 1 nay, 4 present and not voting, and 13 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 663. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Revenue

LEGISLATIVE BILL 875. Placed on General File as amended.
Standing Committee amendment to LB 875:
AM0963

1. Strike original sections 9 and 11 and insert the following new sections:

"Sec. 7. Section 18-2113, Reissue Revised Statutes of Nebraska, is amended to read:

18-2113. Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations, or conditions of blight. In addition, the authority shall conduct a cost-benefit analysis which analyzes the factors required to be analyzed under section 77-5104. For any redevelopment project proposed or pending approval by the governing body on or after July 1, 1998, the authority shall use a cost-benefit model developed for use by local projects pursuant to the guidelines for cost-benefit analysis found in section 77-5104. A model for such use shall be developed by the Review Incentives Program Committee created in section 77-5102.

Sec. 9. Section 18-2116, Reissue Revised Statutes of Nebraska, is amended to read:

18-2116. Following such hearing, the governing body may approve a redevelopment plan if it finds that ~~said~~ (1) the plan is feasible and in conformity with the general plan for the development of the city as a whole, (2) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing, (3) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing, (4) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment project, and (5) the plan is in conformity with the legislative declarations and determinations set forth in ~~sections 18-2101 to 18-2144~~ the Community Development Law.

Sec. 10. (1) On or before December 1 each year, each city which has approved one or more redevelopment plans which are financed in whole or in part through the use of tax-increment financing as provided in section 18-2147 shall provide a report to the Property Tax Administrator on each such redevelopment plan which includes the following information:

(a) A copy of the redevelopment plan and any amendments thereto if they have not been previously filed, including the date upon which the redevelopment plan was approved and the location and boundaries of the property in the redevelopment project;

(b) The total valuation of the property in the redevelopment project subject to allocation before the project began and in subsequent years;

(c) The total consolidated ad valorem tax levy on the property in the redevelopment project subject to allocation;

(d) The total amount of ad valorem taxes on property in the redevelopment project paid into the fund of the public bodies and the amount of such taxes paid into the fund provided for in subdivision (2)(b) of section 18-2147; and

(e) Such other information as is required by the Property Tax Administrator through rule and regulation to determine that the provisions of the Community Development Law and sections 18-2145 to 18-2154 have been complied with by the city and the community redevelopment authority.

(2) The Property Tax Administrator shall compile the data provided by the cities pursuant to this section into a report which shall be transmitted to the Clerk of the Legislature not later than February 1 each year.".

2. On page 2, line 3, strike "9" and insert "10".

3. On page 5, lines 14 and 15, strike the new matter and reinstate the stricken matter.

4. On page 9, lines 23 through 26, strike the new matter.

5. On page 15, lines 19 through 28, strike the new matter and reinstate the stricken matter; and in line 23, after the reinstated "city" insert ", which levy is subject to allocation under section 77-3443 on and after July 1, 1998".

6. On page 16, line 1, reinstate the stricken matter beginning with "Such" through "of" and after the reinstated matter insert "any"; and in line 2 reinstate the stricken "expenses of" and after the reinstated matter insert "redevelopment plans and projects, including the payment of principal and interest on any bonds issued to pay the costs of any such plans and projects;".

7. On page 17, strike beginning with "township" in line 25 through "subdivision" in line 26 and insert "school district, community college, educational service unit, and natural resources district".

8. On page 18, strike beginning with "township" in line 13 through "subdivision" in line 14 and insert "school district, community college, educational service unit, and natural resources district".

9. On page 21, lines 16 through 21, strike the new matter and reinstate the stricken matter and before the reinstated matter insert "(1)".

10. On page 22, after line 18 insert the following new subsection:

"(2) The governing body shall not implement any plan containing a provision dividing ad valorem taxes as provided in subsection (1) of this section until such time as the real property in the redevelopment project is within the corporate boundaries of the city.".

11. On page 24, line 26, after the first comma insert "18-2113, 18-2116," and strike "18-2149,".

12. On page 25, line 1, strike "sections are" and insert "section is"; in line 2 strike "sections 18-2123 and" and insert "section".

13. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 333. Indefinitely postponed.

LEGISLATIVE BILL 418. Indefinitely postponed.

(Signed) George Coordsen, Vice Chairperson

ANNOUNCEMENT

Mrs. Bohlke designates LB 806 as her priority bill.

STANDING COMMITTEE REPORTS
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Educational Telecommunications Commission
Arlene Nelson
Sharon Rankin
Stanley Carlson

VOTE: Aye: Senators Stuhr, Beutler, Suttle, Bohlke, Bromm, and McKenzie. Nay: None. Absent: Senators Warner and Wickersham.

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Lee-Ellen Matzke - Nebraska College Board of Trustees

VOTE: Aye: Senators Stuhr, Beutler, Suttle, Bohlke, Bromm, and McKenzie. Nay: None. Absent: Senators Warner and Wickersham.

The Committee on Education desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Richard Powell - Educational Lands and Funds

VOTE: Aye: Senators Stuhr, Beutler, Suttle, Bohlke, Bromm, and McKenzie. Nay: None. Absent: Senators Warner and Wickersham.

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 280. Mr. Chambers moved to reconsider the vote on AM0981.

SPEAKER WITHEM PRESIDING

Mmes. Bohlke, McKenzie, and Mr. Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

The Chambers motion to reconsider failed with 3 ayes, 25 nays, 5 present and not voting, and 16 excused and not voting.

Pending.

The Chair declared the call raised.

UNANIMOUS CONSENT - Members Excused

Messrs. Beutler, Maurstad, Preister, Hartnett, Bruning, and Elmer asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 626. Placed on General File as amended.
Standing Committee amendment to LB 626:
AM0655

1. Insert the following new section:

"Sec. 9. Complete data set means a predetermined set of demographic and medical definitions that includes the minimum data set with additional data points as set forth in the rules and regulations adopted under the Statewide Trauma System Act.".

2. On page 3, line 7, strike "personnel who can" and insert "operating room personnel who".

3. On page 7, line 28, after "a" insert "trauma center, specialty level burns or pediatrics trauma center, or rehabilitative center".

4. On page 8, line 16, after "including" insert "care of".

5. On page 12, line 19, after "minimum" insert "trauma"; and in line 27 strike "verified" and insert "licensed".

6. On page 13, lines 16 and 20, strike "and maximum".

7. On page 14, line 2, strike "December" and insert "April"; in line 4 strike "December" and insert "June"; in line 8 strike "1999" and insert "2002"; and strike lines 16 through 24.

8. On page 15, strike lines 18 through 23 and insert "Nondesignated medical facilities may report by paper or electronic format the minimum data set of information to the statewide trauma registry. Designated basic and general level trauma centers, basic level rehabilitation centers, general level rehabilitative centers, prehospital or out-of-hospital providers, and specialty level burns and pediatrics centers shall report the minimum data set. Advanced

and comprehensive level trauma centers and advanced level rehabilitation centers shall report the complete data set electronically to the statewide trauma registry.".

9. On page 16, line 2, strike "or health care facility" and insert ", facility, designated rehabilitation center, or specialty level burns or pediatrics trauma center".

10. On page 17, line 7, after "centers" insert ", advanced, basic, or general level rehabilitative centers, or".

11. On page 18, line 1, after the period insert "Composition and qualification of the designation team shall be set forth in rules and regulations adopted under the Statewide Trauma System Act.".

12. On page 19, line 24, after "center" insert "or prehospital or out-of-hospital providers"; and in lines 25 and 26, strike "and prehospital or out-of-hospital care providers shall" and insert "may".

13. Renumber the remaining sections and correct internal references accordingly.

LEGISLATIVE BILL 810. Placed on General File as amended.
Standing Committee amendment to LB 810:
AM0868

1. Strike the original sections and insert the following new sections:

"Section 1. Section 20-150, Reissue Revised Statutes of Nebraska, is amended to read:

20-150. The Legislature hereby finds and declares that it is the policy of the State of Nebraska to secure the rights of ~~hearing-impaired~~ deaf and hard of hearing persons who cannot readily understand or communicate in spoken language and who consequently cannot equally participate in or benefit from proceedings, programs, and activities of the courts, law enforcement personnel, and legislative bodies unless qualified interpreters are available to assist them.

Sec. 2. Section 20-151, Reissue Revised Statutes of Nebraska, is amended to read:

20-151. As used in sections 20-150 to 20-159 and sections 5, 8, 10, and 11 of this act, unless the context otherwise requires:

(1) Appointing authority ~~shall mean~~ means the Legislature, a legislative committee, law enforcement personnel, ~~or~~ any court of the state, or any educational program provided by school districts required to provide a qualified interpreter pursuant to sections 20-150 to 20-159 and sections 5, 8, 10, and 11 of this act;

(2) ~~Hearing-impaired person shall mean a person who because of a hearing impairment has difficulty understanding oral communication or who because of any other impairment depends on an interpreter for the hearing impaired to ensure total expressive and~~

~~receptive communication;~~ Auxiliary aid includes, but is not limited to, qualified sign language interpreters, oral interpreters, other interpreters, notetakers, transcription services, written materials, assistive listening devices, assisted listening systems, videotext displays, and other visual delivery systems;

(3) Deaf or hard of hearing person means a person whose hearing impairment, with or without amplification, is so severe that he or she may have difficulty in auditorily processing spoken language without the use of an interpreter or a person with a fluctuating or permanent hearing loss which may adversely affect the ability to understand spoken language without the use of an interpreter or an auxiliary aid;

~~(3)~~ (4) Intermediary interpreter ~~shall mean~~ means any person, including any ~~hearing-impaired~~ deaf or hard of hearing person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language in order to facilitate communication between a ~~hearing-impaired~~ deaf or hard of hearing person and a qualified interpreter;

~~(4)~~ (5) Oral interpreter ~~shall mean~~ means a person who interprets language through facial expression, body language, and ~~lip movements~~ mouthing; ~~and~~

(6) Qualified educational interpreter means an interpreter with a competency rating of three or above on the Educational Interpreter Performance Assessment (EIPA) or on the Mid-American Quality Assurance Screening Test (QAST), or a CI, CT, or CSC certificate from the Registry of the Interpreters for the Deaf (RID) or any evaluation procedures deemed acceptable for ensuring competent and qualified interpreters as determined by the commission;

(7) ~~(5)~~ Qualified interpreter means a person who demonstrates proficiencies in interpretation or transliteration, is licensed by the Commission for the Hearing Impaired, and is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. A qualified interpreter includes any interpreter who has been assessed and assigned a level of competency by the commission prior to the effective date of this act; and ~~shall mean an interpreter who is approved by the Commission for the Hearing Impaired and is sufficiently able to communicate with a hearing-impaired person and to interpret accurately all statements and proceedings.~~

(8) Tactile interpreter means a person who interprets for a deaf-blind person. The degree of deafness and blindness will determine the mode of communication to be used for each person.

Sec. 3. Section 20-152, Reissue Revised Statutes of Nebraska, is amended to read:

20-152. Whenever a ~~hearing-impaired~~ deaf or hard of hearing person is arrested and taken into custody for an alleged violation of state law or ~~a~~ local ordinance, the appointing authority shall procure a qualified interpreter for any interrogation, warning, notification of rights, or taking of a statement, unless otherwise waived. No ~~such~~ arrested deaf or hard of hearing person otherwise eligible for release, shall be held in custody solely to await the arrival of a qualified interpreter. A qualified interpreter shall be provided as soon as possible. No written or oral answer, statement, or admission made by a ~~hearing-impaired~~ deaf or hard of hearing person in reply to a question of any law enforcement officer or any other person having a prosecutorial function may be used against ~~such~~ the deaf or hard of hearing person in any criminal proceeding unless (1) the statement was made or elicited through a qualified interpreter and was made knowingly, voluntarily, and intelligently or (2) ~~if~~ the ~~hearing-impaired~~ deaf or hard of hearing person waives his or her right to an interpreter, the waiver and statement were made knowingly, voluntarily, and intelligently. The right of a ~~hearing-impaired~~ deaf or hard of hearing person to an interpreter may be waived only in writing. The failure to provide an interpreter pursuant to this section shall not be a defense to prosecution for the violation for which the ~~hearing-impaired~~ deaf or hard of hearing person was arrested.

Sec. 4. Section 20-153, Reissue Revised Statutes of Nebraska, is amended to read:

20-153. For any proceeding before the Legislature, any legislative committee, any law enforcement agency or department, or any court at which a ~~hearing-impaired~~ deaf or hard of hearing person is subpoenaed or requested in writing to attend, the appointing authority shall obtain a qualified interpreter to interpret the proceedings to ~~such~~ the deaf or hard of hearing person and to interpret his or her testimony or statements.

Sec. 5. On and after September 1, 1999, all kindergarten through grade twelve school districts and educational service units shall employ educational interpreters licensed pursuant to section 20-156 and provide auxiliary aids for deaf or hard of hearing persons as determined by the individual education plan or the individual family service plan.

Sec. 6. Section 20-154, Reissue Revised Statutes of Nebraska, is amended to read:

20-154. If an appointed qualified interpreter is not able to provide effective communication with a ~~hearing-impaired~~ deaf or hard of hearing person, the appointing authority shall obtain another qualified interpreter. An oral interpreter shall be provided upon request of a ~~hearing-impaired~~ deaf or hard of hearing person who chooses not to communicate in sign language. If an interpreter is unable to render a satisfactory interpretation, the appointing authority shall then obtain an intermediary interpreter to assist the appointed interpreter. The appointing authority shall ensure that any interpreter is properly situated so as to permit effective communication with the ~~hearing-impaired~~ deaf or hard of hearing person and full participation of the ~~hearing-impaired~~ deaf or hard of hearing person in the proceeding.

Sec. 7. Section 20-155, Reissue Revised Statutes of Nebraska, is amended to read:

20-155. When an appointing authority has reason to believe that a person is not ~~hearing impaired~~ deaf or hard of hearing or is not dependent on an interpreter to ensure receptive or expressive communication, the appointing authority may require the person to furnish reasonable proof of his or her need for an interpreter.

Sec. 8. Section 20-157, Reissue Revised Statutes of Nebraska, is amended to read:

~~20-157.~~ In any proceeding in which a ~~hearing-impaired~~ deaf or hard of hearing person is testifying under oath or affirmation, the interpreter shall take an oath or affirmation that he or she will make a true interpretation of the proceeding in an understandable manner to the best of his or her ability.

Sec. 9. Section 20-156, Reissue Revised Statutes of Nebraska, is amended to read:

20-156. (1) On and after September 1, 1999, all qualified educational interpreters, including such interpreters employed prior to September 1, 1999, shall be licensed by the commission. The commission shall be the agency assigned full responsibility for evaluating, licensing, and registering qualified educational interpreters. To carry out the duty of evaluating interpreters' skills, the commission shall hire qualified individuals or an organization. The commission may recognize the evaluation and certification programs of the National Association of the Deaf and the Registry of the Interpreters for the Deaf as a means to carry out the duty of evaluating interpreters' skills. The commission shall issue a license without further examination to any interpreter who has been assessed and assigned a level of competency by the commission consistent with the provisions of sections 20-151 to 20-159 prior to the effective date of this act.

(2) Prior to September 1, 1999, the commission, in conjunction with the State Department of Education, shall develop for distribution qualified educational interpreter guidelines. The commission in cooperation with the State Department of Education shall adopt and promulgate rules and regulations to implement the guidelines and requirements for qualified educational interpreters.

(3) The ~~Commission for the Hearing Impaired~~ commission shall prepare and maintain a list of the various types of qualified interpreters as provided by section 71-4728. Nothing in sections 20-150 to 20-159 shall be construed to prevent any appointing authority from contracting with a qualified interpreter on a full-time employment basis.

Sec. 10. The Commission for the Hearing Impaired may revoke an interpreter's license if the interpreter has violated established rules and regulations. To revoke an interpreter's license, the commission shall convene a board of inquiry composed of at least five impartial persons consisting of a deaf or hard of hearing person, three qualified interpreters, and the director of the commission or his or her designee.

Sec. 11. The Commission for the Hearing Impaired shall establish and charge reasonable fees for evaluating and licensing interpreters in Nebraska pursuant to sections 20-150 to 20-159 and sections 5, 8, 10, and 11 of this act.

Sec. 12. Section 20-158, Reissue Revised Statutes of Nebraska, is amended to read:

20-158. Whenever a deaf or hard of hearing ~~hearing-impaired~~ person communicates through an interpreter under circumstances in which the communication would otherwise be privileged, the privilege shall apply to the interpreter as well.

Sec. 13. Section 20-159, Reissue Revised Statutes of Nebraska, is amended to read:

20-159. A qualified interpreter appointed pursuant to sections 20-150 to 20-159 and sections 5, 8, 10, and 11 of this act is ~~shall~~ ~~be~~ entitled to a fee for professional services and other relevant expenses as approved by the governing body of the appointing authority. When appropriate, the appointing authority may use fee guidelines established by a recognized registry of interpreters for the ~~hearing~~ ~~impaired~~ deaf and hard of hearing. When the qualified interpreter is appointed by a court, the fee shall be paid out of the general fund of the county in which such proceedings take place. When the qualified interpreter is appointed by an appointing authority other than a court, the fee shall be paid out of funds available to the governing body of the appointing authority.

Sec. 14. Section 25-2402, Reissue Revised Statutes of Nebraska, is amended to read:

25-2402. For the purposes of sections 25-2401 to 25-2406 unless the context otherwise requires:

(1) Deaf or hard of hearing person means a person whose hearing impairment, with or without amplification, is so severe that he or she may have difficulty in auditorily processing spoken language without the use of an interpreter or a person with a fluctuating or permanent hearing loss which may adversely affect the ability to understand spoken language without the use of an interpreter or an auxiliary aid;

~~(1)~~ (2) Person unable to communicate the English language ~~shall~~ ~~mean~~ means a person who cannot readily understand or communicate the English language; and

~~(2)~~ (3) Proceeding ~~shall~~ ~~mean~~ means any legal proceeding or any hearing preliminary thereto involving persons unable to communicate the English language, or deaf or hard of hearing persons unable to communicate by a spoken language.

Sec. 15. Original sections 20-150 to 20-159, and

25-2402, Reissue Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE BILL 888. Indefinitely postponed.

(Signed) Don Wesely, Chairperson

ANNOUNCEMENT

Mr. Tyson designates LB 519 as his priority bill.

MOTION - Print in Journal

Mr. Coordsen filed the following motion to LB 519:
Place LB 519 on General File, pursuant to Rule 3, Section 19(b).

GENERAL FILE

LEGISLATIVE BILL 280. Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA89
Amend AM0981
In line 17, strike, beginning with "or", all language through "state." in line 18.

Messrs. Coordsen and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Pending.

ANNOUNCEMENTS

Mr. Wickersham designates LB 138 as his priority bill.

The Health and Human Services Committee designates LB 279 as its priority bill.

Mr. Beutler announced the Natural Resources Committee will hold an executive session Wednesday, March 19, 1997, at 4:00 p.m., in Room 1517.

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Elmer, Dw. Pedersen, Coordsen, Robinson, Bruning, Matzke, and Mrs. C. Peterson asked unanimous consent to have their names added as cointroducers to LB 660. No objections. So ordered.

Messrs. Elmer, Dw. Pedersen, Coordsen, Robinson, and Matzke asked unanimous consent to have their names added as cointroducers to LB 686. No objections. So ordered.

VISITORS

Visitors to the Chamber were 5 home school students from Bellevue and 1 home school student from Omaha; Gordon Njus, Al Miles, LaVerne Timmerman, and George Eymann; Senator Kristensen's mother, Mary Lou Kristensen, and Joan Kopf from Minden; and Jim Moore, Stan Darling, Tom Paulson, and Joel Jelkin from Fremont.

ADJOURNMENT

At 4:47 p.m., on a motion by Mr. Chambers, the Legislature adjourned until 1:00 p.m., Wednesday, March 19, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-THIRD DAY – MARCH 19, 1997

LEGISLATIVE JOURNAL

FORTY-THIRD DAY - MARCH 19, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 19, 1997

Pursuant to adjournment, the Legislature met at 1:00 p.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Reverend Jane Heenan, Holy Trinity Episcopal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Vrtiska who was excused; and Messrs. Abboud, Bruning, Cudaback, Dierks, Hilgert, Matzke, Robinson, Schellpeper, Schmitt, Schrock, Tyson, Warner, Wickersham, Will, Mmes. Bohlke, Hillman, McKenzie, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

ANNOUNCEMENTS

Mrs. Stuhr designates LB 419 as her priority bill.

The Transportation Committee designates LB 309 and LB 256 as its priority bills.

MESSAGE FROM THE GOVERNOR

March 19, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that Alcurtis Robinson has asked that his name be withdrawn for confirmation as a member of the Public Employees Retirement Board. Thank you for your assistance in this matter.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

ANNOUNCEMENT

The Chair announced today is Senator Bromm's birthday.

GENERAL FILE

LEGISLATIVE BILL 280. Mr. Chambers renewed his pending amendment, FA89, found on page 1100, to the Standing Committee amendment.

MR. COORDSEN PRESIDING

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Coordsen, Hartnett, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 8:

Bromm
Brown
Chambers
Hudkins
Kiel
Landis
Schimek
Withem

Voting in the negative, 17:

Brashear
Bruning
Elmer
Engel
Janssen
Jensen
Jones
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Schellpeper
Schmitt
Stuhr
Tyson
Wehrbein

Present and not voting, 7:

Beutler
Crosby
Hillman
Matzke
Preister
Suttle
Wesely

Excused and not voting, 17:

Abboud
Bohlke
Coordsen
Cudaback
Dierks
Hartnett
Hilgert
Kristensen
Lynch
McKenzie
Robinson
Schrock
Vrtiska
Warner
Wickersham
Will
Witek

The Chambers amendment lost with 8 ayes, 17 nays, 7 present and not voting, and 17 excused and not voting.

The Chair declared the call raised.

Mrs. Brown and Mr. Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1070.)

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Jensen requested a ruling of the Chair on whether the Landis amendment is germane to the Standing Committee amendment.

The Chair ruled the Landis amendment is not germane to the Standing Committee amendment.

Mr. Landis challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Jensen moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Jensen requested a roll call vote on the Landis motion to overrule the Chair.

Voting in the affirmative, 8:

Beutler
Chambers
Kiel
Landis
Lynch
Robak
Schimek
Will

Voting in the negative, 26:

Abboud
Brashear
Bromm
Bruning
Crosby
Dierks
Elmer
Engel
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wickersham
Witek

Present and not voting, 7:

Bohlke
Brown
Cudaback
Hillman
McKenzie
Suttle
Withem

Absent and not voting, 1:

Wesely

Excused and not voting, 7:

Coordsen
Hartnett
Hilgert
Kristensen
Robinson
Vrtiska
Warner

The Landis motion to overrule the Chair failed with 8 ayes, 26 nays, 7 present and not voting, 1 absent and not voting, and 7 excused and not voting.

The Chair was sustained.

Pending.

The Chair declared the call raised.

Messrs. Wesely and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 890. Placed on General File as amended.
Standing Committee amendment to LB 890:
AM1037

1. On page 2, after line 8 insert "Claim No. 96-345, against the Department of Administrative Services, Ilene O. Borgman, 1510 Manchester Drive, Lincoln, NE 68528,

out of the General Fund 4,702.00".

2. On page 3, line 9, strike "596,278.79" and insert "600,980.79"; in line 11 strike "596,395.79" and insert "601,097.79"; and in line 17 strike "federal".

LEGISLATIVE BILL 891. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 553. Placed on General File as amended.
Standing Committee amendment to LB 553:
AM0993

1. Strike original section 7 and insert the following new sections:

"Sec. 7. Section 81-184, Reissue Revised Statutes of Nebraska, is amended to read:

81-184. The cost of administration of the Deferred Building Renewal Act shall be paid from the ~~Building Renewal Allocation~~ General Fund as the Legislature shall appropriate. The Governor shall each odd-numbered year submit a specific itemized appropriation request to cover such administrative costs.

Sec. 8. Section 81-1108.17, Revised Statutes Supplement, 1996, is amended to read:

81-1108.17. (1) The Department of Administrative Services shall be the custodian of the State Capitol and capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsection (5) of section 81-1108.15.

(2) To aid in the performance of his or her duties, the Director of Administrative Services shall appoint an administrator. The administrator, under the direction of the director, shall have complete control and all powers necessary to properly maintain the capitol and capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsection (5) of section 81-1108.15.

(3) The administrator shall have the authority to develop, produce, and provide for free distribution or sale books, brochures, pictures, slides, postcards, and other informational or promotional material concerning the capitol. The administrator shall have control over the money received from the sale of such material and from private or public donations. Such proceeds and donations shall be placed in the Department of Administrative Services Cash Fund, which fund is hereby created, and shall be used for the purpose of funding projects designed to restore the capitol building to its original condition and the production of such

promotional materials. Such projects shall be prescribed by the administrator upon the advice of the Nebraska Capitol Commission pursuant to the approved comprehensive capital facilities plan for the capitol building.

(4) The administrator, under the direction of the director, is authorized to lease space or to provide facilities for restaurants, cafeterias, or other services and newsstands for the convenience of state officers and employees in the State Capitol or buildings leased when such space is not needed for public use. Proceeds from the operations and rental of such facilities shall be credited to the State Building Revolving Fund and shall be expended as necessary for the purpose of offsetting the costs of operating and maintaining such facilities. ~~Receipts from public parking charges shall be credited to the Department of Administrative Services Cash Fund and shall be used for the purpose of funding projects designed to restore the capitol building to its original condition.~~

(5) The administrator, under the direction of the director, is authorized to lease space or to provide facilities for the parking of state officers' and employees' vehicles as well as state-owned vehicles. He or she is authorized to lease, rent, or permit for use as apartments, dwellings, offices, and parking areas any or all of the property acquired for parking or for future building needs. All leases shall contain the provision that upon notice that such property is needed for public use, the use or occupancy of the property shall cease. All money received as rent from any property acquired shall be remitted to the State Treasurer and credited to the State Building Revolving Fund, except that receipts from parking charges for employee, public, and state vehicle parking shall be credited to the Capitol Buildings Parking Revolving Fund, which fund is hereby created, for the purposes of providing and maintaining parking for state employees and visitors.

(6) The system of charges for state buildings and facilities shall include an amount sufficient to (a) accurately reflect operating, maintenance, renovation, and repair costs and (b) fund building renewal projects under the Deferred Building Renewal Act. The proceeds received under subdivision (a) of this subsection shall be remitted to the State Treasurer for credit to the State Building Revolving Fund. The proceeds received under subdivision (b) of this subsection shall be remitted to the State Treasurer for credit to the Building Renewal Allocation Fund. The administrator shall develop a system of equitable billings and charges for parking facilities under his or her control and used by state employees and state vehicles. The system of charges shall include an amount sufficient to cover the operating, maintenance, and repair costs associated with the parking facilities. The administrator, under policies and procedures established by the Director of Administrative Services, may expend funds from time to time credited to the Capitol Buildings Parking Revolving Fund for

the purposes of obtaining, operating, and maintaining parking facilities for employees and visitors. All money derived from any source other than that to be credited to the State Building Revolving Fund, the Capitol Buildings Parking Revolving Fund, the Department of Administrative Services Cash Fund, the Building Renewal Allocation Fund, or other appropriate revolving fund shall be remitted to the State Treasurer and credited to the General Fund.

(7) The administrator shall acquire a flag of the United States of America of suitable and convenient size. The colors of the flag shall be fast colors, and the cloth shall be of substantial material. The administrator shall acquire, construct, and locate in a suitable place on the State Capitol proper, or its environs, a suitable flagstaff or pole upon which the flag of the United States of America shall be conspicuously displayed during each day of the year. The flag shall be so arranged on the staff or pole that it may be raised or lowered with ease.

(8) The administrator shall see that all parts and apartments of the capitol and buildings leased are properly ventilated and kept clean and in order. The administrator shall see that all visitors, at proper hours, are properly escorted over the capitol grounds and through the capitol, free of expense.

(9) The administrator shall at all times have charge of and supervision over the police, janitors, and other employees in and about the capitol and capitol grounds, state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsection (5) of section 81-1108.15. The administrator shall institute, in the name of the state and with the advice of the Attorney General, civil and criminal proceedings against any person for injury or threatened injury to any public property in the capitol or on the capitol grounds, the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska under his or her control, or for committing or threatening to commit a nuisance in or on the buildings or lands.

(10) The administrator shall keep in his or her office a complete record containing all plans and surveys of the capitol and capitol grounds, state laboratory and grounds, Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska and of underground construction under such buildings and lands.".

2. On page 13, line 17, strike "81-179," and insert "81-184,"; and in line 18 after "sections" insert "81-1108.17," and after "81-1317" insert a comma.

3. Renumber the remaining sections accordingly.

(Signed) C. N. "Bud" Robinson, Chairperson

Natural Resources

LEGISLATIVE BILL 701. Placed on General File.
LEGISLATIVE BILL 702. Placed on General File.

(Signed) Chris Beutler, Chairperson

Business and Labor

LEGISLATIVE BILL 519. Indefinitely postponed.

(Signed) Chris Abboud, Chairperson

NOTICE OF COMMITTEE HEARINGS
Judiciary

LR 88 Thursday, March 27, 1997 8:00 a.m.

(Signed) Kermit A. Brashear, Chairperson

Natural Resources

Wednesday, March 26, 1997 9:00 a.m.
Lynn A. Roper - Nebraska Environmental Trust Board
Jo Beth Gutgsell - Nebraska Power Review Board

(Signed) Chris Beutler, Chairperson

AMENDMENT - Print in Journal

Mr. Robinson filed the following amendment to LB 249:
AM0976

1. Insert the following new section:

"Sec. 24. Section 53-177, Reissue Revised Statutes of Nebraska, is amended to read:

53-177. No license shall be issued for the sale at retail of any alcoholic liquor within one hundred ~~and~~ fifty feet of any church, school, hospital, or home for aged or indigent persons or for veterans, their wives, or their children, except ~~or~~ ~~children;~~ ~~PROVIDED,~~ that this prohibition shall not apply (1) to any location within such distance of one hundred ~~and~~ fifty feet for which a license to sell alcoholic ~~liquors~~ liquor at retail has been granted by the ~~Nebraska Liquor Control Commission~~ commission for two years continuously prior to ~~making of~~ application for license, ~~and~~ (2) to hotels offering restaurant service, regularly organized clubs, ~~or to~~ restaurants, food shops, or other places where sale of alcoholic ~~liquors~~ liquor is not the principal business carried on, if such place of business so exempted ~~shall have been~~ was established for such purposes prior to May 24, 1935, and (3) to a retail licensee for consumption off the licensed premises within a distance of one hundred fifty feet if the city council, village board, or county board adopts a resolution stating to the commission that the city council, village board, or county board does not object to such license being issued. Such resolution shall be advisory in nature and shall not require the commission to issue such license. No alcoholic liquor, other than beer, shall be sold for consumption on the premises within three hundred feet from the campus of any college or university in the state.".

2. In the Maurstad amendment, AM0806, on page 20, line 20, after "53-149" insert ", 53-177".

3. Renumber the remaining sections accordingly.

ANNOUNCEMENTS

The Government, Military and Veterans Affairs Committee designates LB 764 and LB 460 as its priority bills.

Mr. Dw. Pedersen designates LB 603 as his priority bill.

Mr. Wehrbein designates LB 59 as his priority bill.

Mr. Lynch designates LB 99 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 280. Mr. Brashear offered the following amendment to the Standing Committee amendment:
AM1076

(Amendments to AM0981)

1. On page 1, line 16, after "contract" insert "would violate the strong public policy of this state, which contracts shall include those that"; and strike beginning with "or" in line 17 through "state" in line 18 and insert "and those that would be void under subdivision (1) or (2) of section 42-103 or under subdivision (3) of such section if the parties are more closely related than first cousins".

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Brashear moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Brashear requested a roll call vote on his amendment.

Voting in the affirmative, 39:

Abboud Beutler Bohlke Brashear Bromm

Brown
Bruning
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Lynch
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 9:

Coordsen
Hilgert
Kristensen
Pedersen, Dw.
Robak
Robinson
Vrtiska
Warner
Wesely

The Brashear amendment was adopted with 39 ayes, 0 nays, 1 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to reconsider the vote on the Brashear amendment.

Mmes. Bohlke, C. Peterson, Stuhr, Suttle, Messrs. Bromm, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers asked unanimous consent to withdraw his motion to reconsider. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 225. Placed on General File as amended.
Standing Committee amendment to LB 225:
AM1068
1. On page 10, line 22, strike "1996" and insert "1997".

(Signed) Chris Abboud, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 515. Placed on General File as amended.
Standing Committee amendment to LB 515:
AM1030

1. Strike the original sections and insert the following new sections:

"Section 1. Section 71-520, Reissue Revised Statutes of Nebraska, is amended to read:

71-520. The Department of Health and Human Services ~~may, in its discretion,~~ shall establish a program to provide food supplements to ~~children~~ individuals suffering from the metabolic diseases set forth in section 71-519. To defray or help defray the costs of any program which may be established by the department under this section, the department may prescribe and assess a scale of fees for the food supplements. The maximum prescribed fee shall be no more than the actual cost of such supplements. No fees may be charged for formula, and up to two thousand dollars of pharmaceutically manufactured food supplements shall be available to an individual without fees each year. Any fees collected shall be deposited in the state treasury and shall be credited to the Department of Health and Human Services Cash Fund.

Sec. 2. Original section 71-520, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 566. Placed on General File as amended.
Standing Committee amendment to LB 566:
AM1012

1. On page 1, line 4, strike "business within the" and insert "insurance on risks located within this"; in line 15 strike "named insureds in the" and insert "policies in a"; in line 16 strike "business" and insert "insurance on risks located"; and strike beginning with "This" in line 20 through line 21 and insert

"(a) This section shall apply only to the lines of insurance described in subdivisions (5) and (8) through (12) of section 44-201.

(b) This section shall not apply to any insurer whose market share is less than three percent in the line of insurance to be discontinued or substantially reduced. Market share shall be determined by the Director of Insurance and shall be based upon an insurer's share of direct premium written in this state as compared to all insurers' direct premium written in this state for a particular line of insurance.

(c) This section shall not apply if an insurer has provided notice of nonrenewal for the purpose of replacing a policy form with another policy form which provides substantially similar coverage.".

(Signed) David M. Landis, Chairperson

Health and Human Services

LEGISLATIVE BILL 341. Placed on General File.
LEGISLATIVE BILL 757. Placed on General File.

(Signed) Don Wesely, Chairperson

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 862:
AM1049

(Amendments to E & R amendments, AM7083)

1. Insert the following new section:

"Sec. 29. Section 44-4233, Revised Statutes Supplement, 1996, is amended to read:

44-4233. (1) Any member subject to premium and related retaliatory tax liability imposed by section 44-150 or 77-908 may offset assessments paid to the pool by such member against its tax liability in the year of payment or subsequent years. For tax years commencing on or after January 1, 1992, the member may offset such paid assessments against (a) subsequent premium tax prepayments imposed by section 77-918, (b) subsequent premium tax payments imposed by section 77-908, and (c) related retaliatory tax liability imposed by section 44-150. Prior to January 1, ~~1998~~ 2000, no individual member shall be subject to any liability of the pool in excess of its premium and related retaliatory tax liability which may be offset under this section.

(2) Commencing with assessments imposed or paid in 1991 and for all subsequent years prior to January 1, ~~1998~~ 2000, whenever it reasonably appears to the satisfaction of the board that a member has during a calendar year paid assessments that exceed that member's premium and related retaliatory tax liability for that calendar year, the board shall, upon request from such member, order the refund to that member of the amount of the assessment that exceeded that member's premium and related retaliatory tax liability. A member's request for a refund shall be filed with the board not later than thirty days after the due date of the member's premium tax return filed with the department. If the refund is not made by the board within thirty days after receipt of the refund request, the member may within thirty days thereafter initiate a suit in district court for the amount claimed. The suit shall be heard by the district court de novo. In the event that an assessment against a member is limited by reason of that member's premium and related retaliatory tax liability, the amount by which the assessment is limited may be assessed against the other members in a manner consistent with the basis for assessments specified in subsection (3) of section 44-4225.".

2. On page 6, line 1, after "(1)" insert "(a)"; in line 2 after the first "or" insert "(b)"; and strike beginning with "section" in line 14 through "1974" in line 15 and insert "29

U.S.C. 1002".

3. On page 12, strike line 14; and after line 22 insert the following new subdivision:

"(iii) Discontinue all health insurance issued or delivered for issuance in the state's employer market and not renew coverage under any health benefit plan issued to an employer; and".

4. On page 27, line 10, after "(1)" insert "(a)"; in line 11 after the first "or" insert "(b)"; and strike beginning with "section" in line 23 through "1974" in line 24 and insert "29 U.S.C. 1002".

5. On page 32, line 12, strike "subsection" and insert "section".

6. On page 41, line 3, strike "(d)" and insert "(a)".

7. On page 55, line 10, after the second comma insert "44-4233,".

8. Renumber the remaining sections and correct internal references accordingly.

Mr. Maurstad filed the following amendment to LB 249:
AM1043

1. In the Maurstad amendment, AM0806:

a. Strike original section 27 and all amendments thereto and insert the following new sections:

"Sec. 23. Section 53-138.01, Reissue Revised Statutes of Nebraska, is amended to read:

53-138.01. The State Treasurer shall credit ~~twenty-five~~ fifty dollars of each state registration fee to the General Fund and the remaining ~~five~~ ten dollars to the Nebraska Liquor Control Commission Rule and Regulation Cash Fund to be used for providing licensees with materials pursuant to section 53-117.05. All retail license fees received by the city or village treasurer, as the case may be, shall inure to the school fund of the district lying wholly or partially within the corporate limits of such city or village. The State Treasurer shall credit all license fees received by the commission for licenses issued pertaining to alcoholic liquors, including beer, to the school fund as provided in Article VII, section 5, of the Constitution of Nebraska. All retail license fees received by the county treasurer, as provided in section 53-124, shall be credited to the school fund of the county.

Sec. 29. Sections 6, 7, 9 to 13, 15, 21 to 24, and 30 of this act become operative July 1, 1998. The other sections of this act become operative on their effective date.

Sec. 30. Original sections 53-119.01, 53-123.05, 53-130, 53-135, 53-135.01, 53-138.01, and 53-149, Reissue Revised Statutes of Nebraska, and sections 53-121, 53-123.14, 53-124, 53-124.11, and 53-124.12, Revised Statutes Supplement, 1996, are repealed.

Sec. 31. Original sections 53-101.01, 53-116, 53-116.02, 53-117, 53-132 to 53-134, 53-134.03, 53-1,104, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska, and sections

53-103, 53-122, 53-129, and 53-131, Revised Statutes Supplement, 1996, are repealed."; and

b. On page 18, line 18, after "license" insert "subject to renewal during such year"; and in line 20 after "licenses" insert "subject to renewal during such year".

2. On page 14, line 21, after "suspension" insert ", revocation,".

3. On page 27, line 6, after "of" insert "(i) until July 1, 1998, thirty dollars and (ii) on and after July 1, 1998,".

4. On page 30, line 11, after "(d)" insert "(i) until July 1, 1998, annual occupation taxes and (ii) on and after July 1, 1998,"; and in line 13 strike "Notwithstanding" and insert "Until July 1, 1998, notwithstanding any ordinance or charter power to the contrary, no city or village shall impose an annual occupation tax on the business of any person, firm, or corporation licensed under the act and doing business within the corporate limits of such city or village in any sum which exceeds two times the amount of the annual license fee required to be paid under the act to obtain such license. On and after July 1, 1998, notwithstanding".

5. On page 42, line 22, after "proceeding" insert "before it".

6. Renumber the remaining sections accordingly.

Mr. Schellpeper filed the following amendment to LB 248:
AM0973

1. Insert the following new section:

"Sec. 31. Section 30 of this act becomes operative on July 1, 1997. Sections 1 to 29, 32, and 33 of this act become operative on October 1, 1997. The other sections of this act become operative on their effective date.".

2. Renumber the remaining sections accordingly.

Mr. Landis filed the following amendment to LB 249:
AM1071

1. In the E & R amendments, AM7094, on page 2, line 1, after "(d)" insert "For a second or subsequent suspension for the same type of violation occurring within four years of the date of the first suspension, the commission, in its discretion, may order that the licensee be required to suspend sales of alcoholic liquor for the designated period of time and may not elect to pay a cash penalty.

(e)"; and in line 4 strike "(e)" and insert "(f)".

GENERAL FILE

LEGISLATIVE BILL 280. Mr. Landis offered the following amendment to the Standing Committee amendment:
AM1085

(Amendments to AM0981)

1. Insert the following new section:

"Sec. 2. Section 42-103, Reissue Revised Statutes of Nebraska, is amended to read:

42-103. Marriages are void (1) when either party has a husband or wife living at the time of the marriage, (2) when either party, at the time of marriage, is mentally incompetent to enter into the marriage relation, ~~and~~ (3) when the parties are related to each other as parent and child, grandparent and grandchild, brother and sister of half as well as whole blood, first cousins when of whole blood, uncle and niece, and aunt and nephew, and (4) for marriages entered into on or after the effective date of this act, when either party has been convicted of sexual assault of a child under section 28-320.01, or the similar law of another jurisdiction, and the victim was the natural or adopted child of the offender. This subdivision extends to children and relatives born out of wedlock as well as those born in wedlock.".

2. Renumber the remaining sections and correct the repealer accordingly.

Mr. Preister asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. WILL PRESIDING

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Landis requested a record vote on his amendment.

Voting in the affirmative, 15:

Beutler
Bohlke
Brown
Chambers
Crosby
Cudaback
Hartnett
Janssen
Kiel
Landis
Lynch
McKenzie
Robak
Schimek
Will

Voting in the negative, 15:

Brashear
Bruning
Dierks
Engel
Hillman
Jensen
Jones
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schmitt
Schrock
Tyson
Wehrbein
Witek

Present and not voting, 7:

Abboud
Elmer
Hudkins
Kristensen
Matzke
Maurstad
Schellpeper

Excused and not voting, 12:

Bromm	Preister	Suttle	Warner	Wickersham
Coordsen	Robinson	Vrtiska	Wesely	Withem
Hilgert	Stuhr			

The Landis amendment lost with 15 ayes, 15 nays, 7 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA91
Amend AM0981.
Strike section 2 and insert:
"Sec. 2. Section 42-117, Reissue Revised Statutes of Nebraska is amended to read:
42-117. No marriage entered into in any other country, state, or territory shall be valid in this state if such marriage is void under the provisions of section 42-103."

Mrs. Robak, Messrs. Cudaback, Landis, Lynch, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Chambers amendment lost with 2 ayes, 19 nays, 14 present and not voting, and 14 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Wehrbein, Dw. Pedersen, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

ANNOUNCEMENTS

Mr. Brashear designates LB 420 as his priority bill.

Mrs. Hillman designates LB 835 as her priority bill.

AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 249:
(Amendment, AM1078, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. D. Pederson filed the following amendment to LB 465:
AM0959

(Amendments to Standing Committee amendments, AM0617)

1. On page 17, strike beginning with "place" in line 2 through "have" in line 3 and insert "private business which has"; strike beginning with "The" in line 6 through "property" in line 7 and insert "An owner, a business or commercial lessee, or a manager of a private business"; strike beginning with "person's" in line 8 through "entities'" in line 9 and insert "private business's"; and strike from the first "the" in line 13 through "have" in line 14 and insert "such owner, business or commercial lessee, manager, or employer has"; and in line 15 strike "have" and insert "has".

Mr. Elmer filed the following amendment to LB 30:
(Amendment, AM1040, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Preister filed the following amendment to LB 249:
AM0975

1. On page 2, lines 3 through 14, strike the new matter and insert "It is declared to be the policy of the Legislature to (1) regulate the transportation or importation of alcoholic liquor into this state when such alcoholic liquor is intended for delivery or use within the state, (2) generate revenue by imposing an excise tax upon alcoholic liquor, and (3) promote the health, safety, and welfare of the people of the state and encourage temperance in the consumption of alcoholic liquor by (a) sound, careful control and regulation of the manufacture, distribution, and sale of alcoholic liquor, (b) empowering the commission to approve or deny retail, bottle club, and craft brewery licenses without undue discrimination, preference, or advantage, utilizing all reasonable means within its discretion to fulfill the purposes of the Nebraska Liquor Control Act.".

Mr. Schellpeper filed the following amendment to LB 465:
AM1072

(Amendments to Standing Committee amendments, AM0617)

1. On page 12, line 10, strike "and"; and in line 12 after "confrontation" insert "; and

(i) Proper storage practices for handguns and ammunition, including storage practices to reduce the possibility of accidental injury to a child".

ANNOUNCEMENT

Mr. Coordsen announced the Revenue Committee will hold an executive session Thursday, March 20, 1997, at 9:00 a.m., in Room 1520.

GENERAL FILE

LEGISLATIVE BILL 280. Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA92
In line 7, strike "is considered a civil contract" and insert, "a legal union".

SPEAKER WITHEM PRESIDING

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA93
(AM0981)
In line 8, strike the 2nd "the" and insert "both".

Mr. Chambers moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

The Chambers amendment was adopted with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA94
In line 9, strike "capable of contracting" and insert "legally capable of giving such consent"

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA95
In line 9, strike "is essential" and insert "must be given, absent force, duress or fraud."

Messrs. Will and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Chambers amendment lost with 2 ayes, 18 nays, 16 present and not

voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA96
Lines 12 & 15, strike "contracted" and insert, "entered into"

The Chambers amendment lost with 2 ayes, 14 nays, 24 present and not voting, and 9 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA97
In line 13, strike "by" and insert "under"

Mrs. Kiel asked unanimous consent to be excused. No objections. So ordered.

Pending.

UNANIMOUS CONSENT - Add Cointroducers

Mrs. McKenzie asked unanimous consent to have her name added as cointroducer to LB 23. No objections. So ordered.

Mrs. Suttle asked unanimous consent to have her name added as cointroducer to LB 612. No objections. So ordered.

Mr. Will asked unanimous consent to have his name added as cointroducer to LB 432. No objections. So ordered.

Mrs. Hudkins asked unanimous consent to have her name added as cointroducer to LB 164. No objections. So ordered.

MOTION - Print in Journal

Mr. Coordsen filed the following motion to LB 519:
Place LB 519 on General File, pursuant to Rule 3, Section 17.

GENERAL FILE

LEGISLATIVE BILL 280. Mr. Jensen moved to invoke cloture on LB 280, pursuant to Rule 7, Section 10.

Mr. Chambers requested a record vote on the Jensen motion to invoke cloture.

Voting in the affirmative, 35:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Witek

Voting in the negative, 2:

Chambers
Landis

Present and not voting, 6:

Bohlke
Suttle
Wesely
Wickersham
Withem
Schimek

Excused and not voting, 6:

Kiel
Preister
Vrtiska
Warner
Will
Lynch

The Jensen motion to invoke cloture prevailed with 35 ayes, 2 nays, 6 present and not voting, and 6 excused and not voting.

Mr. Chambers requested a roll call vote on his pending amendment, FA97, to the Standing Committee amendment.

Voting in the affirmative, 2:

Chambers
Crosby

Voting in the negative, 19:

Abboud
Brashear
Bruning
Coordsen
Dierks
Elmer
Engel
Hudkins
Jensen
Jones
Landis
Pederson, D.
Peterson, C.
Schimek
Schrock
Stuhr
Tyson
Wehrbein
Witek

Present and not voting, 23:

Beutler
Bohlke
Bromm
Brown
Cudaback
Hartnett
Hilgert
Hillman
Janssen
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Robak
Robinson
Schellpeper
Schmitt
Suttle
Wesely
Wickersham
Withem

Excused and not voting, 5:

Kiel
Preister
Vrtiska
Warner
Will

The Chambers amendment lost with 2 ayes, 19 nays, 23 present and not voting, and 5 excused and not voting.

Mr. Chambers requested a roll call vote on the Standing Committee amendment, as amended.

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Excused and not voting, 5:

Kiel
Preister
Vrtiska
Warner
Will

The Standing Committee amendment, as amended, was adopted with 43 ayes, 1 nay, and 5 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 39:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Witek

Voting in the negative, 3:

Chambers
Landis
Wesely

Present and not voting, 2:

Schimek
Withem

Excused and not voting, 5:

Kiel
Preister
Vrtiska
Warner
Will

Advanced to E & R for review with 39 ayes, 3 nays, 2 present and not voting, and 5 excused and not voting.

MOTION - Recess

Mr. Chambers moved to recess until 7:30 p.m., March 19, 1997.

Mr. Chambers requested a roll call vote on his motion to recess.

Voting in the affirmative, 0.

Voting in the negative, 39:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Witek

Present and not voting, 5:

Chambers
Hartnett
Wesely
Wickersham
Withem

Excused and not voting, 5:

Kiel
Preister
Vrtiska
Warner
Will

The Chambers motion to recess failed with 0 ayes, 39 nays, 5 present and not voting, and 5 excused and not voting.

VISITORS

Visitors to the Chamber were Jerry Sumpter, Jami Kirkvold, and Robert Heist from Lincoln, Jeff Gorder from Chadron, and Katie Sweeney from Scottsbluff.

MOTION - Adjournment

Mr. Jensen moved to adjourn until 1:00 p.m., Thursday, March 20, 1997.

Mr. Chambers requested a roll call vote on the Jensen motion to adjourn.

Voting in the affirmative, 37:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 2:

Chambers
Hudkins

Present and not voting, 5:

Engel
Lynch
Peterson, C.
Robak
Wesely

Excused and not voting, 5:

Kiel
Preister
Vrtiska
Warner
Will

The Jensen motion to adjourn prevailed with 37 ayes, 2 nays, 5 present and not voting, and 5 excused and not voting, and at 6:39 p.m., the Legislature adjourned until 1:00 p.m., Thursday, March 20, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FOURTH DAY – MARCH 20, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 20, 1997

Pursuant to adjournment, the Legislature met at 1:02 p.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Pastor James Melang, All Saints Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett, Vrtiska, and Warner who were excused; and Messrs. Abboud, Cudaback, Dierks, Jones, Lynch, Matzke, Maurstad, Preister, Robinson, Schrock, Wehrbein, Wickersham, Will, Withem, Mmes. Bohlke, Brown, Kiel, McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-third day was approved.

ANNOUNCEMENTS

The Judiciary Committee designates LB 601 and LB 829 as its priority bills.

Mr. Chambers designates LB 869 as his priority bill.

Mr. Will designates LB 512 as his priority bill.

The Education Committee designates LB 711 as its priority bill.

The Banking, Commerce and Insurance Committee designates LB 740 as its priority bill.

Mr. Schellpeper designates LB 306 as his priority bill.

SELECT FILE

LEGISLATIVE BILL 30. Mr. Elmer withdrew his motion, found on page 744, to indefinitely postpone.

Mr. Elmer renewed his pending amendment, AM1040, printed separately and referred to on page 1118.

The Elmer amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 362. The Brashear pending substitute amendment, AM0796, found on page 896, was renewed.

Mrs. Kiel asked unanimous consent to have her name added as cointroducer to LB 362. No objections. So ordered.

Mr. Brashear withdrew his name as cointroducer to LB 362.

The Brashear amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Chambers withdrew his amendments, FA54 and AM0810, found on pages 893 and 935.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 362A. Mr. Brashear renewed his pending amendment, AM0833, found on page 972.

The Brashear amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 641. E & R amendment, AM7073, found on page 836, was adopted.

Mr. Hilgert renewed his pending amendment, AM0800, found on page 936.

The Hilgert amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 641A. Advanced to E & R for engrossment.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 550. E & R amendment, AM7077, found on page 979, was adopted.

Mr. Chambers offered the following amendment:
FA99
Add new section and renumber.
"It is the very strong public policy of this state to provide for the registration and control of the manufacture, distribution, prescribing, and dispensing of controlled substances within this state. Very strong public policy means the same thing as strong public policy in LB 280, 95th Legislature, First Session, only more so."

Mr. Brashear and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

LEGISLATIVE BILL 246. E & R amendment, AM7079, found on page 979, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 393. E & R amendment, AM7078, found on page 979, was adopted.

Mrs. Hillman and Mr. Beutler renewed their pending amendment, AM0852, found on page 1033.

The Hillman-Beutler amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment:
FA100
Add new section and renumber.
"It is the very, very strong public policy of this state to forgo charging fees for the filing, issuance or service of a protection order under certain circumstances. Very, very strong public policy means more than strong public policy in LB 280, 95th Legislature, First Session, only more so."

Mrs. Hillman asked unanimous consent to bracket LB 393 until March 21, 1997.

Mr. Chambers objected.

Mrs. Hillman moved to bracket LB 393 until March 21, 1997.

Pending.

LEGISLATIVE BILL 317. E & R amendment, AM7080, found on page 980, was adopted.

Mr. Chambers offered the following amendment:

FA101

Amend Committee Amendments (AM0353)

Page 1, line 12, strike the semicolon and insert a comma and add, "but in no case does person include an individual of homosexual or bisexual orientation or any combination of such individuals;"

Ms. Schimek and Mr. Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

LEGISLATIVE BILL 526. Mr. Chambers moved to indefinitely postpone.

Laid over.

LEGISLATIVE BILL 51. Advanced to E & R for engrossment.

LEGISLATIVE BILL 54. E & R amendment, AM7081, found on page 980, was adopted.

Advanced to E & R for engrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 98. Introduced by Coordsen, 32.

WHEREAS, the Shickley High School boys' basketball team won the Class D-2 boys' state high school basketball championship with a 61-52 victory over Dodge; and

WHEREAS, the Shickley High School boys' basketball team finished the 1996-97 season undefeated, with a 25-0 record; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth in our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Shickley High School boys' basketball team be congratulated for its extraordinary efforts and accomplishments for the season and in the 1997 Nebraska Boys' State High School Basketball Tournament.
2. That a copy of this resolution be sent to Coach Dan Sorge and Shickley High School.

Laid over.

ANNOUNCEMENTS

Mr. Coordsen designates LB 180 as his priority bill.

Mr. Robinson designates LB 271 as his priority bill.

Mr. D. Pederson designates LB 788 as his priority bill.

Mr. Warner designates LB 269 as his priority bill.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 835. Placed on General File as amended.
Standing Committee amendment to LB 835:
AM1064

1. On page 4, line 28, strike "and one-half" and insert "not more than two hundred fifty thousand dollars" and after the second "funds" insert ", and the remainder from federal grant funds".

LEGISLATIVE BILL 865. Placed on General File as amended.
(Standing Committee amendment, AM1042, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ardyce L. Bohlke, Chairperson

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 280. Placed on Select File as amended.
E & R amendment to LB 280:
AM7098

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 42-101, Reissue Revised Statutes of Nebraska, is amended to read:

42-101. In law, marriage is considered a civil contract between one man and one woman, to which the consent of ~~the~~ both parties ~~capable of contracting~~ legally capable of giving such consent is essential.

Sec. 2. Section 42-117, Reissue Revised Statutes of Nebraska, is amended to read:

42-117. All marriages contracted ~~without this state~~ in any other country, state, or territory, which would be valid by the laws of the country, state, or territory in which the same were contracted, shall be valid in all courts and places in this state unless the contract would violate the strong public policy of this state, which contracts shall include those that would fail to constitute a marriage under section 42-101 and those that would be void under subdivision (1) or (2) of section 42-103 or under subdivision (3) of such section if the parties are more closely related than first cousins.

Sec. 3. Original sections 42-101 and 42-117, Reissue

Revised Statutes of Nebraska, are repealed.".

2. On page 1, line 1, strike ", 42-103,"; and in line 3 strike "prohibit same sex marriages" and insert "change provisions relating to marriage".

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendment to LB 610:
AM1109

(Amendments to Final Reading copy)

1. Strike original section 1 and insert the following new section:

"Section 1. Section 71-520, Reissue Revised Statutes of Nebraska, is amended to read:

71-520. The Department of Health and Human Services shall ~~may, in its discretion,~~ establish a program to provide food supplements and treatment services to ~~children~~ individuals suffering from the metabolic diseases set forth in section 71-519. To defray or help defray the costs of any program which may be established by the department under this section, the department may:

(1) Prescribe ~~prescribe~~ and assess a scale of fees for the food supplements. The maximum prescribed fee for food supplements shall be no more than the actual cost of providing such supplements. No fees may be charged for formula, and up to two thousand dollars of pharmaceutically manufactured food supplements shall be available to an individual without fees each year; and

(2) Assess a fee of three dollars for each infant screened pursuant to section 71-519. The laboratory performing the tests pursuant to section 71-519 shall collect the three-dollar fee for infant screening and shall submit the amounts collected to the department on a monthly basis. ~~The maximum prescribed fee shall be no more than the actual cost of such supplements.~~

Any fees collected shall be deposited in the state treasury and shall be credited to the Department of Health and Human Services Cash Fund.".

2. On page 1, line 3, strike "a screening fee" and insert "fees as prescribed".

Mr. Schellpeper filed the following amendment to LB 465:
AM1100

(Amendments to Standing Committee amendments, AM0617)

1. On page 16, line 26, after "institution", insert ", except that nothing in this subsection shall preclude an individual who is licensed to carry a concealed handgun, in compliance with the Concealed Handgun License Act, and who is an employee of or is hired by a financial institution or bank holding company to provide

security or guard services for such financial institution from carrying a concealed handgun in such financial institution while in the course of his or her employment".

SELECT FILE

LEGISLATIVE BILL 166. E & R amendment, AM7082, found on page 981, was adopted.

Mr. Chambers offered the following amendment:
FA102
Page 2, line 18, strike "operate" and insert "apply", and in line 19, strike "on" and insert "to"

Mr. Chambers withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 862. E & R amendment, AM7083, printed separately and referred to on page 987, was adopted.

Mr. Landis renewed his pending amendment, AM1049, found on page 1113.

The Landis amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Expedite LB 862

Mr. Landis asked unanimous consent to expedite LB 862. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 734. Advanced to E & R for engrossment.

LEGISLATIVE BILL 746. Considered.

Pending.

LEGISLATIVE BILL 531. E & R amendment, AM7087, found on page 987, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 589. E & R amendment, AM7092, found on page 988, was adopted.

Mr. Abboud offered the following amendment:
AM1101

1. Insert the following new section:

"Sec. 21. No siren or other similar device whose primary purpose is to warn the public of a natural or manmade emergency or disaster shall be used to notify volunteer firefighters of a fire or to summon volunteer firefighters to a fire. This section applies only to cities of the first class located within a county which contains a city of the metropolitan class.".

2. Renumber the remaining section accordingly.

The Abboud amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 554. E & R amendment, AM7085, found on page 988, was adopted.

Mr. Landis renewed his pending amendment, AM0884, found on page 991.

The Landis amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 753. E & R amendment, AM7086, found on page 988, was adopted.

Advanced to E & R for engrossment.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 755. Advanced to E & R for engrossment.

LEGISLATIVE BILL 165. Mr. Dw. Pedersen offered the following Brashear amendment:
AM1113

1. On page 2, lines 7 through 9, strike the new matter and insert ". Issues of fact raised by the statute of limitations shall be tried before a jury unless trial by jury is waived by all parties. Issues of law raised by the statute of limitations shall be determined by the court without a jury."; in lines 12 and 14, strike "finally" and show as stricken and after "determined" insert "by the jury or the court".

MR. LANDIS PRESIDING

The Brashear amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 363. E & R amendment, AM7089, found on page 994, was adopted.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud asked unanimous consent to pass over LB 363. No objections. So ordered.

LEGISLATIVE BILL 466. E & R amendment, AM7093, found on page 994, was adopted.

Mr. Bromm renewed his pending amendment, AM0919, found on page 1070.

The Bromm amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 284. Mr. Beutler offered the following amendment:
AM1119

1. Insert the following new section:

"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

The Beutler amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 372. E & R amendment, AM7088, found on page 994, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 434. E & R amendment, AM7090, found on page 994, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 517. E & R amendment, AM7091, found on page 994, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 887. Mr. Beutler withdrew his amendment, FA50, found on page 894.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 229. Mr. Beutler withdrew his amendment, FA53, found on page 878.

Mr. Wickersham withdrew his amendment, AM0747, printed separately and referred to on page 878.

Messrs. Wickersham, Beutler, and Mrs. Hudkins offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1120.)

The Wickersham-Beutler-Hudkins amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 248. E & R amendment, AM7076, found on page 887, was adopted.

Mr. Beutler withdrew his amendment, AM0733, found on page 850.

Mr. Kristensen renewed his pending amendment, AM0736, found on page 1009.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mr. Schellpeper renewed his pending amendment, AM0973, found on page 1115.

The Schellpeper amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Mr. Beutler offered the following amendment:
AM1010

1. Insert the following new section:

"Sec. 24. Section 9-620, Revised Statutes Supplement, 1996, is amended to read:

9-620. The department shall have the following powers, functions, and duties:

(1) To issue licenses and temporary licenses;

(2) To deny any license application or renewal application for cause. Cause for denial of an application or renewal of a license shall include instances in which the applicant individually, or in the case of a business entity, any officer, director, employee, or limited liability company member of the applicant or licensee other than an employee whose duties are purely ministerial in nature, any other person or entity directly or indirectly associated with such applicant or licensee which directly or indirectly receives compensation other than distributions from a bona fide retirement or pension plan established pursuant to Chapter 1, subchapter D of the Internal Revenue Code from such applicant or licensee for past or present services in a consulting capacity or otherwise, the licensee, or any person with a substantial interest in the applicant or licensee:

(a) Violated the provisions, requirements, conditions, limitations, or duties imposed by the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or any rules or regulations adopted and promulgated pursuant to such acts;

(b) Knowingly caused, aided, abetted, or conspired with another to cause any person to violate any of the provisions of such acts or any rules or regulations adopted and promulgated pursuant to such acts;

(c) Obtained a license or permit pursuant to such acts by fraud, misrepresentation, or concealment;

(d) Was convicted of, forfeited bond upon a charge of, or pleaded guilty or nolo contendere to any offense or crime, whether a felony or a misdemeanor, involving any gambling activity or fraud, theft, willful failure to make required payments or reports, or filing false reports with a governmental agency at any level;

(e) Was convicted of, forfeited bond upon a charge of, or pleaded guilty or nolo contendere to any felony other than those described in subdivision (d) of this subdivision within the ten years preceding the filing of the application;

(f) Denied the department or its authorized representatives, including authorized law enforcement agencies, access to any place where activity required to be licensed under the Nebraska County and City Lottery Act is being conducted or failed to produce for inspection or audit any book, record, document, or item required by law, rule, or regulation;

(g) Made a misrepresentation of or failed to disclose a material fact to the department;

(h) Failed to prove by clear and convincing evidence his, her, or its qualifications to be licensed in accordance with the Nebraska County and City Lottery Act;

(i) Failed to pay any taxes and additions to taxes, including penalties and interest, required by the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, or the Nebraska Pickle Card Lottery Act or any other taxes imposed pursuant to the Nebraska Revenue Act of 1967;

(j) Failed to pay an administrative fine levied pursuant to the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, or the Nebraska Pickle Card Lottery Act;

(k) Failed to demonstrate good character, honesty, and integrity; or

(l) Failed to demonstrate, either individually or in the case of a business entity through its managers, employees, or agents, the ability, experience, or financial responsibility necessary to establish or maintain the activity for which the application is made.

No license renewal shall be issued when the applicant for renewal would not be eligible for a license upon a first application;

(3) To revoke, cancel, or suspend for cause any license. Cause for revocation, cancellation, or suspension of a license shall include instances in which the licensee individually, or in the case of a business entity, any officer, director, employee, or limited liability company member of the licensee other than an employee whose duties are purely ministerial in nature, any other person or entity directly or indirectly associated with such licensee which directly or indirectly receives compensation other than distributions from a bona fide retirement or pension plan established pursuant to Chapter 1, subchapter D of the Internal Revenue Code from such licensee for past or present services in a consulting capacity or otherwise, or any person with a substantial interest in the licensee:

(a) Violated the provisions, requirements, conditions, limitations, or duties imposed by the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or any rules or regulations adopted and promulgated pursuant to such acts;

(b) Knowingly caused, aided, abetted, or conspired with another to cause any person to violate any of the provisions of the Nebraska County and City Lottery Act or any rules or regulations adopted and promulgated pursuant to the act;

(c) Obtained a license pursuant to the Nebraska County and City Lottery Act by fraud, misrepresentation, or concealment;

(d) Was convicted of, forfeited bond upon a charge of, or pleaded guilty or nolo contendere to any offense or crime, whether a felony or a misdemeanor, involving any gambling activity or fraud, theft, willful failure to make required payments or reports, or filing false reports with a governmental agency at any level;

(e) Was convicted of, forfeited bond upon a charge of, or pleaded guilty or nolo contendere to any felony other than those described in subdivision (d) of this subdivision within the ten years preceding the filing of the application;

(f) Denied the department or its authorized representatives, including authorized law enforcement agencies, access to any place where activity required to be licensed under the Nebraska County and City Lottery Act is being conducted or failed to produce for inspection or audit any book, record, document, or item required by law, rule, or regulation;

(g) Made a misrepresentation of or failed to disclose a material fact to the department;

(h) Failed to pay any taxes and additions to taxes, including penalties and interest, required by the Nebraska County and City Lottery Act;

(i) Failed to pay an administrative fine levied pursuant to the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, or the Nebraska Pickle Card Lottery Act;

(j) Failed to demonstrate good character, honesty, and integrity; or

(k) Failed to demonstrate, either individually or in the case of a business entity through its managers, employees, or agents, the ability, experience, or financial responsibility necessary to maintain the activity for which the license was issued;

(4) To issue and cause to be served upon any licensee or other person an order requiring the licensee or other person to cease and desist from violations of the Nebraska County and City Lottery Act. The order shall give reasonable notice of the rights of the licensee or other person to request a hearing and shall state the reason for the entry of the order. A hearing shall be held not later than seven days after the request for the hearing is received by the Tax Commissioner, and within twenty days after the date of the hearing, the Tax Commissioner shall issue an order vacating the cease and desist order or making it permanent as the facts require. All hearings shall be held in accordance with the rules and regulations adopted and promulgated by the department. If the licensee or other person to whom a cease and desist order is issued fails to appear at the hearing after being duly notified, the licensee or other person shall be deemed in default and the proceeding may be determined against the licensee or other person upon consideration of the cease and desist order, the allegations of which may be deemed to be true;

(5) To levy an administrative fine on an individual, partnership, limited liability company, corporation, or organization for cause. For purposes of this subdivision, cause shall include instances in which the individual, partnership, limited liability company, corporation, or organization violated the provisions, requirements, conditions, limitations, or duties

imposed by the act or any rule or regulation adopted and promulgated pursuant to the act. In determining whether to levy an administrative fine and the amount of the fine if any fine is levied, the department shall take into consideration the seriousness of the violation, the intent of the violator, whether the violator voluntarily reported the violation, whether the violator derived financial gain as a result of the violation and the extent thereof, and whether the violator has had previous violations of the act and regulations. A fine levied on a violator under this section shall not exceed twenty-five thousand dollars for each violation of the act or any rules and regulations adopted and promulgated pursuant to the act plus the financial benefit derived by the violator as a result of each violation. If an administrative fine is levied, the fine shall not be paid from lottery gross proceeds of the county, city, or village and shall be remitted by the violator to the department within thirty days from the date of the order issued by the department levying such fine;

(6) To enter or to authorize any law enforcement officer to enter at any time upon any premises where lottery activity required to be licensed under the act is being conducted to determine whether any of the provisions of the act or any rules or regulations adopted and promulgated under it have been or are being violated and at such time to examine such premises;

(7) To require periodic reports of lottery activity from licensed counties, cities, villages, manufacturer-distributors, and lottery operators and any other persons, organizations, limited liability companies, or corporations as the department deems necessary to carry out the act;

(8) To audit, examine, or cause to have examined, by any agent or representative designated by the department for such purpose, any books, papers, records, or memoranda relating to the conduct of a lottery, to require by administrative order or summons the production of such documents or the attendance of any person having knowledge in the premises, to take testimony under oath, and to require proof material for its information. If any such person willfully refuses to make documents available for examination by the department or its agent or representative or willfully fails to attend and testify, the department may apply to a judge of the district court of the county in which such person resides for an order directing such person to comply with the department's request. If any documents requested by the department are in the custody of a corporation, the court order may be directed to any principal officer of the corporation. If the documents requested by the department are in the custody of a limited liability company, the court order may be directed to any member when management is reserved to the members or otherwise to any manager. Any person who fails or refuses to obey such a court order shall be guilty of contempt of court;

(9) Unless specifically provided otherwise, to compute,

determine, assess, and collect the amounts required to be paid as taxes imposed by the act in the same manner as provided for sales and use taxes in the Nebraska Revenue Act of 1967;

(10) To confiscate and seize lottery equipment or supplies pursuant to section 9-649;

(11) To investigate the activities of any person applying for a license under the Nebraska County and City Lottery Act or relating to the conduct of any lottery activity under the act. Any license applicant or licensee shall produce such information, documentation, and assurances as may be required by the department to establish by a preponderance of the evidence the financial stability, integrity, and responsibility of the applicant or licensee, including, but not limited to, bank account references, business and personal income and disbursement schedules, tax returns and other reports filed with governmental agencies, business entity and personal accounting records, and check records and ledgers. Any such license applicant or licensee shall authorize the department to examine bank accounts and other such records as may be deemed necessary by the department;

(12) To adopt and promulgate such rules and regulations and prescribe all forms as are necessary to carry out the act; and

(13) To employ staff, including auditors and inspectors, as necessary to carry out the act.".

2. On page 12, line 14; page 27, line 24; and page 49, line 5, after "act" insert "plus the financial benefit derived by the violator as a result of each violation".

3. On page 59, line 18, after "9-434," insert "9-620,".

4. Renumber the remaining sections accordingly.

The Beutler amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Mr. Beutler offered the following amendment:
AM1123

1. On page 20, lines 10 through 12; page 41, lines 3 through 6; page 50, lines 12 through 14; page 57, line 28; and page 58, lines 1 and 2, strike the new matter.

Mr. Beutler withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 248A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 249. E & R amendment, AM7094, found on page 1036, was adopted.

SPEAKER WITHEM PRESIDING

Mr. Will renewed his pending amendment, AM0805, found on page 984.

Mr. Will withdrew his amendment.

Mr. Robinson renewed his pending amendment, AM0976, found on page 1109.

Mrs. C. Peterson and Mr. Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mr. Robinson requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Abboud
Bromm
Bruning
Crosby
Cudaback
Elmer
Hilgert
Hillman
Janssen
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robinson
Schimek
Tyson
Wickersham
Will
Withem

Voting in the negative, 16:

Beutler
Bohlke
Chambers
Coordsen
Dierks
Hudkins
Jensen
Jones
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Wehrbein
Witek

Present and not voting, 2:

Brown
Suttle

Excused and not voting, 8:

Brashear
Engel
Hartnett
Kiel
Lynch
Vrtiska
Warner
Wesely

The Robinson amendment lost with 23 ayes, 16 nays, 2 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 465A. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 465, Ninety-fifth Legislature, First Session, 1997.

NOTICE OF COMMITTEE HEARING
Natural Resources

Thursday, March 27, 1997 9:00 a.m.
Dick Mercer - Nebraska Environmental Trust Board

(Signed) Chris Beutler, Chairperson

STANDING COMMITTEE REPORTS
Health and Human Services

LEGISLATIVE BILL 736. Placed on General File as amended.
Standing Committee amendment to LB 736:
AM1052

1. Strike the original sections and insert the following new sections:

"Section 1. Any employee of a state agency who, during the course of his or her employment by the state agency, has substantial responsibility for the negotiation of a contract for the provision of services in excess of five hundred thousand dollars shall not be hired as an employee of, or contract for his or her personal services with, the entity with which he or she negotiated the contract for a period of three years after the date the contract was executed.

Sec. 2. Any entity which provides services to a state agency in the form of establishing a bidding process for a contract for the provision of state services or analyzing the need for or benefits of privatization of state services shall not be eligible to bid on, contract for, or provide the state services which were the subject of the bidding process or analysis.".

(Signed) Don Wesely, Chairperson

Nebraska Retirement Systems

LEGISLATIVE BILL 497. Placed on General File.

(Signed) William R. Wickersham, Chairperson

ANNOUNCEMENTS

The Revenue Committee designates LB 583 as its priority bill.

The Business and Labor Committee designates LB 470 as its priority bill.

The Executive Board designates LR 14CA as its priority resolution.

Speaker Withem designates LBs 91, 124, 204, 225, 283, 296, 320, 371, 395, 497, 525, 569, 578, 579, 591, 608, 626, 659, 677, 699, 729, 757, 803, and 804 as his priority bills.

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LB 248:
AM1129

1. On page 20, line 10; page 41, line 4; page 50, line 12; and page 58, line 1, strike "abets, or conspires" and insert "or abets".

SELECT FILE

LEGISLATIVE BILL 249. Mr. Maurstad renewed his pending amendment, AM1043, found on page 1114.

The Maurstad amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Landis renewed his pending amendment, AM1071, found on page 1115.

Mr. Will requested a ruling of the Chair on whether the Landis amendment, AM1071, requires thirty votes, because it is substantially the same as LB 17, which has been indefinitely postponed, pursuant to Rule 6, Section 5(b).

The Chair ruled the Landis amendment would require thirty votes.

Mrs. Robak asked unanimous consent to bracket LB 249 until April 30, 1998.

Mr. Landis objected.

Mrs. Robak moved to bracket LB 249 until April 30, 1998.

Pending.

ANNOUNCEMENT

Mr. Hilgert designates 401 as his priority bill.

NOTICE OF COMMITTEE HEARING
Business and Labor

Tuesday, April 1, 1997 1:00 p.m.
Boiler Safety Advisory Board
Ray Otter
Laurie L. Klosterboer
Allan W. Spary
Tor Anderson

(Signed) Chris Abboud, Chairperson

STANDING COMMITTEE REPORT
Nebraska Retirement Systems

LEGISLATIVE BILL 724. Placed on General File as amended.
Standing Committee amendment to LB 724:
AM1093

1. On page 2, line 1, after "employee" insert "who has completed at least five years of creditable service plus eligibility and vesting credit"; in line 3 strike "six" and insert "twelve"; in line 15 strike "within" through "after" and insert "prior to"; in line 16 after the second comma insert "or"; strike beginning with the comma in line 17 through "benefit" in line 18; and after line 22 insert the following new subsection:

"(4) The retirement board shall credit funds collected pursuant to this section to the Contingent Account pending the employee's retirement. If the employee does not retire within twelve months after the signing of the agreement made pursuant to this section, such funds shall be refunded, excluding interest earned, and the employee shall not be given credit for the service credit attempted to be purchased.".

(Signed) William R. Wickersham, Chairperson

ANNOUNCEMENTS

Mr. Coordsen announced the Revenue Committee will hold an executive session Friday, March 21, 1997, at 9:00 a.m.

Mrs. McKenzie designates 865 as her priority bill.

AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 249:
(Amendment, AM1121, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Kristensen filed the following amendment to LB 249:
AM1122

1. In the Maurstad amendment, AM0806:
a. Strike sections 22 and 28 and all amendments thereto;

and

b. Renumber the remaining sections accordingly.

2. Strike original section 12 and insert the following new sections:

"Sec. 22. Section 53-134.04, Reissue Revised Statutes of Nebraska, is amended to read:

53-134.04. Any five residents of the city or village shall have the right to file a complaint with the local governing body of such city or village stating that any retail, ~~or~~ bottle club, or craft brewery licensee subject to the jurisdiction of such local governing body has been or is violating any provision of the Nebraska Liquor Control Act, any rule or regulation adopted and promulgated ~~or the rules or regulations issued~~ pursuant to the act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor. Such complaint shall be in writing in the form prescribed by the local governing body and shall be signed and sworn to by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the local governing body is satisfied that the complaint substantially charges a violation and that from the facts alleged there is reasonable cause for such belief, it shall ~~set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint~~ institute an administrative proceeding to suspend, cancel, or revoke the license. The complaint shall in all cases be disposed of by the local governing body within thirty days from the date the complaint was filed by resolution thereof, which resolution shall be deemed the final order ~~for purposes of appeal to the commission~~ subject to review as provided in section ~~53-1,115~~ 53-1,116.

Sec. 28. Original sections 53-101.01, 53-116, 53-116.02, 53-117, 53-119.01, 53-123.05, 53-130, 53-132 to 53-134, 53-134.04, 53-135, 53-149, 53-1,104, 53-1,115, and 53-1,116, Reissue Revised Statutes of Nebraska, and sections 53-103, 53-121, 53-122, 53-123.14, 53-124, 53-124.11, 53-124.12, 53-129, and 53-131, Revised Statutes Supplement, 1996, are repealed.".

3. On page 12, line 22, strike beginning with the comma through "in" and insert "pursuant to"; and in line 23 strike "exclusively" and after the underscored period insert "Nothing in the act shall be construed or interpreted to limit the powers of local governing bodies to (1) suspend, cancel, and revoke retail licenses, bottle club licenses, and craft brewery licenses and (2) to regulate and govern the conduct on the licensed premises, the licensed premises, and the activities occurring on the licensed premises of retail, bottle club, and craft brewery licensees. An administrative proceeding to suspend, cancel, or revoke a retail, bottle club, or craft brewery license instituted by the commission or the local governing body shall bar the other from instituting a

proceeding against such license for a violation or violations arising from the same set of facts.".

4. On page 34, strike lines 5 through 8 and insert:

"(1) To enact, by ordinance in the case of cities and villages or by resolution in the case of counties, police power regulations governing the conduct on the licensed premises, the licensed premises, and the activities occurring on the licensed premises of all retail licenses, bottle club licenses, or craft brewery licenses within their respective jurisdictions;

(2) To suspend, cancel, or revoke, after receiving a citizen's complaint pursuant to section 53-134.04 or on its own motion, any license if it determines that the licensee has violated any provision of the Nebraska Liquor Control Act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor. Any administrative proceeding instituted by a local governing body to suspend, cancel, or revoke a license shall be a contested case conducted in accordance with the provisions of the Administrative Procedure Act. Such order of suspension, cancellation, or revocation shall be subject to review as provided in section 53-1,116;

(3)"; in lines 10 and 11 strike "Nebraska Liquor Control Act" and insert "act"; in line 17 strike "(3)" and insert "(4)"; in line 23 strike "(4)" and insert "(5)"; and in line 25 strike "pay" and insert "deliver".

5. On page 35, lines 1 and 2, strike "upon" through "served" and insert "coming before it"; and strike beginning with the semicolon in line 7 through line 28 and insert ".

Any order suspending, canceling, or revoking a license shall be mailed or delivered to the commission within ten days after such action is taken by the local governing body. This section does not prohibit a retail licensee, bottle club licensee, or craft brewery licensee whose license has been suspended from electing to pay a cash penalty in lieu of suspending sales of alcoholic liquor pursuant to section 53-1,104.".

6. On page 44, line 2, strike "cancel" and insert "suspend, cancel,".

7. On page 45, lines 20 through 24, strike the new matter and insert "(1) Review of any final decision or order under the Nebraska Liquor Control Act shall be according to the Administrative Procedure Act. Sections 14-813 and 15-1201 to 15-1205 shall not apply to review under this section. For purposes of review, a final decision or order shall include any final action rendered after a hearing required by the Nebraska Liquor Control Act.

(2) The executive director of the commission or the clerk of the local governing body shall prepare and deliver a transcript of the proceedings and a transcript of the testimony and evidence before the commission or local governing body upon request of the

party seeking review. The party seeking review shall pay the costs of producing the transcript. The transcript of the proceedings shall contain a copy of the final decision sought to be reviewed and, if applicable, a copy of the application submitted.".

8. Renumber the remaining sections accordingly.

Mr. Hilgert filed the following amendment to LB 249:
AM1127

1. Insert the following new section:

"Sec. 24. Section 53-180.07, Reissue Revised Statutes of Nebraska, is amended to read:

53-180.07. (1) In any prosecution of or any proceeding against any licensee or any employee of a licensee charged with having made a sale of alcoholic liquor to a minor, proof of the following shall be an absolute defense to the charge:

~~(1)(a)~~ (a)(i) The purchaser falsely represented in writing and supported with other documentary proof that he or she was of legal age to purchase alcoholic liquor;

~~(b)~~ (ii) The appearance of such purchaser was such that an ordinary and prudent person would believe that such appearance conformed to any documentary description of appearance presented by the purchaser; and

~~(c)~~ (iii) The seller was acting in good faith, in reliance upon the written representation, other documentary evidence, and the appearance of the purchaser, and in the belief the purchaser was of legal age to make such purchase; or

~~(2)~~ (b) The seller was acting with the knowledge of and in cooperation with a duly authorized law enforcement officer.

(2) If a licensee or employee of a licensee is charged with having made a sale of alcoholic liquor to a minor, the minor involved in the purchase or attempted purchase shall be (a) charged for such violation of the Nebraska Liquor Control Act as is appropriate or (b) referred to the juvenile court or the county court sitting as a juvenile court for appropriate proceedings under the Nebraska Juvenile Code. If such minor is not charged or referred or is charged or referred and acquitted or such charge is dismissed, all charges and proceedings against the licensee or employee charged with having made such sale shall be dismissed with prejudice.

(3) Subsection (2) of this section shall not apply to (a) any sale made with the knowledge of and in cooperation with a duly authorized law enforcement officer or (b) any action in which the minor is released to a pretrial diversion program for treatment or education under the direction of any law enforcement agency, the juvenile court, or the county court sitting as a juvenile court when the action results in charges not being filed or charges being dismissed upon completion of the program.".

2. Amend the repealer and renumber the remaining sections accordingly.

MOTION - Adjournment

Mr. Will moved to adjourn until 1:00 p.m., Friday, March 21, 1997. The motion failed with 10 ayes, 15 nays, 16 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 249. The Robak pending motion to bracket until April 30, 1998, was renewed.

Mrs. Robak moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 27 not voting.

Mr. Will requested a roll call vote on the Robak motion to bracket.

Voting in the affirmative, 3:

Hilgert
Robak
Will

Voting in the negative, 33:

Abboud
Beutler
Bohlke
Bromm
Brown
Bruning
Crosby
Dierks
Engel
Hudkins
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Present and not voting, 6:

Coordsen
Cudaback
Elmer
Hillman
Janssen
Schellpeper

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Brashear
Hartnett
Kiel
Lynch
Vrtiska
Warner

The Robak motion to bracket failed with 3 ayes, 33 nays, 6 present and not voting, 1 absent and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Dw. Pedersen offered the following amendment to the Landis pending amendment:
FA104
to amend the Landis amendment, AM1071 by striking the word "four" on page 1, line three, and inserting the word "three".

The Dw. Pedersen amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Pending.

MOTION - Adjournment

Mrs. Robak moved to adjourn until 1:00 p.m., Friday, March 21, 1997. The motion failed with 10 ayes, 22 nays, 11 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 249. The Landis pending amendment, AM1071, found on page 1115 and considered in this day's Journal, as amended, was renewed.

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

Mr. Landis moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

The Landis amendment, as amended, was adopted with 33 ayes, 4 nays, 5 present and not voting, and 7 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were Scott Hatfield from Lincoln; Bernice Fintel from Byron, Susan Williams from Nora, and Judy Corman from Superior; 24 fourth grade students and teacher from Omaha Christian Academy; 55 fourth grade students and sponsors from St. Stephen School, Omaha; 35 seniors and teacher from Gibbon High School; 11 eighth grade students and teacher from Harrison; 8 students and teachers from Sidney; and former Senator Bill Nichol and Les Dugger from Scottsbluff.

ADJOURNMENT

At 5:07 p.m., on a motion by Mrs. Suttle, the Legislature adjourned until 1:00 p.m., Friday, March 21, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-FIFTH DAY – MARCH 21, 1997

LEGISLATIVE JOURNAL

FORTY-FIFTH DAY - MARCH 21, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, March 21, 1997

Pursuant to adjournment, the Legislature met at 1:00 p.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Anders Ukinski, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Lynch, Robinson, Vrtiska, and Warner who were excused; and Mmes. Bohlke, Brown, Hillman, Kiel, McKenzie, Messrs. Chambers, Hilgert, Kristensen, Maurstad, Wesely, and Wickersham who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fourth day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 20, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Harding, William A. - Lincoln; League of Nebraska Municipalities
Kelley, Lehan and Hall, P.C.
  Kelley, Michael - Omaha; Nebraska Workers' Compensation Judges Association

REPORTS

The following reports were received by the Legislature:

Natural Resources District
  Upper Niobrara-White Natural Resources District Report regarding Drainage Districts

Roads, Department of
  State Highway System Inventory Supplement

MOTION - Return LB 118 to Select File

Mr. Bromm moved to return LB 118 to Select File for the following specific amendment:
FA105
  Strike the enacting clause.

Mr. Bromm withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 118.

A BILL FOR AN ACT relating to the Education Innovation Fund; to amend section 9-812, Revised Statutes Supplement, 1996; to provide for minigrants; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Abboud
Beutler
Bohlke
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 9:

Brashear
Hilgert
Kiel
Lynch
McKenzie
Robinson
Vrtiska
Warner
Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 118A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 118, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Brown

Excused and not voting, 8:

Brashear
Hilgert
Kiel
Lynch
McKenzie
Robinson
Vrtiska
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 152. With Emergency.

A BILL FOR AN ACT relating to credit unions; to amend section 21-17,115, Revised Statutes Supplement, 1996; to revise the power of credit unions; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Brashear
Hilgert
Lynch
McKenzie
Robinson
Vrtiska
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 486.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1917, Reissue Revised Statutes of Nebraska; to change provisions relating to foreclosure proceedings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Crosby

Excused and not voting, 7:

Brashear
Hilgert
Lynch
McKenzie
Robinson
Vrtiska
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 853 to Select File

Mr. Will moved to return LB 853 to Select File for his specific amendment, AM0907, found on page 1032.

The Will motion to return prevailed with 33 ayes, 1 nay, 9 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 853. The Will specific amendment, AM0907, found on page 1032, was adopted with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 226. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,288, Reissue Revised Statutes of Nebraska; to change weight restrictions for rubber-tired cranes; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Abboud
Bohlke
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wickersham
Will
Witek
Withem

Voting in the negative, 4:

Beutler
Chambers
Kristensen
Wesely

Present and not voting, 1:

Wehrbein

Excused and not voting, 6:

Brashear
Lynch
Robinson
Vrtiska
Warner
Hilgert

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 107.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-308, Reissue Revised Statutes of Nebraska, and sections 37-105, 37-215, 37-215.03, and 37-505, Revised Statutes Supplement, 1996; to provide for permits to hunt and kill mountain sheep; to provide for fees and an auction; to provide a penalty; to change limited elk permit provisions; to change provisions relating to the purchase, sale, or barter of game animals, game birds, and game fish as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Brashear
Lynch
Robinson
Vrtiska
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 153.

A BILL FOR AN ACT relating to equine activities; to provide standards and procedures for civil liability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Beutler
Bohlke
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Abboud

Excused and not voting, 5:

Brashear
Lynch
Robinson
Vrtiska
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 103.

A BILL FOR AN ACT relating to elections; to amend sections 32-710, 32-714, and 32-1038, Revised Statutes Supplement, 1996; to change provisions relating to the selection of presidential electors; to eliminate a requirement on casting votes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 28:

Abboud
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wickersham
Witek

Voting in the negative, 15:

Beutler
Bohlke
Chambers
Dierks
Hartnett
Hilgert
Janssen
Landis
Preister
Robak
Schimek
Suttle
Wesely
Will
Withem

Present and not voting, 1:

McKenzie

Excused and not voting, 5:

Brashear
Lynch
Robinson
Vrtiska
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 128. With Emergency.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-124, 48-134.01, 48-157, 48-162.01, 48-177, and 48-1,110, Reissue Revised Statutes of Nebraska; to change provisions relating to dependents, independent medical examiners, court records, and procedure; to harmonize provisions; to provide for motions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 35:

Abboud
Beutler
Bohlke
Bruning
Chambers
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 4:

Brown
Crosby
Maurstad
Witek

Present and not voting, 5:

Bromm
Jensen
Kiel
Kristensen
Schimek

Excused and not voting, 5:

Brashear
Lynch
Robinson
Vrtiska
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 62 with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 62.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2703, 77-2756, and 77-2775, Reissue Revised Statutes of Nebraska; to change provisions relating to sales tax collection on vehicles purchased in another state, relating to withholding for income tax, and relating to amended income tax returns; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Brashear	Lynch	Robinson	Vrtiska	Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 250 with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Schimek's birthday.

MOTION - Return LB 250 to Select File

Mr. Chambers moved to return LB 250 to Select File for the following specific amendment:
FA106
Strike Section 9

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his motion to return.

BILLS ON FINAL READING

The following bill was put upon final passage:

LEGISLATIVE BILL 250.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 51-203 to 51-205, 51-209 to 51-211, and 51-414, Reissue Revised Statutes of Nebraska, and sections 13-501, 13-503, 13-2202, 23-2306, 23-2323.03, 23-2331, 51-201, 51-202, and 84-304, Revised Statutes Supplement, 1996; to change provisions relating to public libraries; to provide for mergers; to provide powers and duties; to provide retirement provisions for employees subject to mergers; to eliminate provisions relating to regional and county libraries; to harmonize provisions; to repeal the original sections; and to outright repeal sections 51-301 to 51-305, 51-307 to 51-312, 51-315, and 51-317 to 51-319, Reissue Revised Statutes of Nebraska, and sections

51-313, 51-314, and 51-316, Revised Statutes Supplement, 1996.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Abboud
Beutler
Bohlke
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 5:

Bruning
Chambers
Jensen
Kristensen
Witek

Excused and not voting, 5:

Brashear
Lynch
Robinson
Vrtiska
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 469 with 37 ayes, 1 nay, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 469.

A BILL FOR AN ACT relating to county agricultural societies; to amend sections 2-202, 2-204, 2-207, 2-209, 2-210, 2-220.02, 2-220.04, and 2-1204, Reissue Revised Statutes of Nebraska, and sections 2-203.01, 2-203.06, 2-206, 2-220.01, 2-238 to 2-245, 2-248, and 2-249, Revised Statutes Supplement, 1996; to adopt the County Agricultural Society Act; to change and eliminate formation, operation, security, dissolution, and reinstatement provisions; to eliminate obsolete provisions; to separate provisions; to transfer provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 2-203.04, 2-208, and 2-211 to 2-218, Reissue Revised Statutes of Nebraska, and sections 2-201, 2-203, 2-203.02, 2-203.03, 2-203.05, 2-205, 2-246, and 2-247, Revised Statutes Supplement, 1996.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Brown
Wesely

Excused and not voting, 5:

Brashear
Lynch
Robinson
Vrtiska
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 474 with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 474.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-103, 48-145, 48-146, 48-147, and 48-1,110, Reissue Revised Statutes of Nebraska, and section 48-115, Revised Statutes Supplement, 1996; to provide for compensation for employment involving leased commercial motor vehicles by agreement; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 3:

Brown
Chambers
Withem

Excused and not voting, 5:

Brashear
Lynch
Robinson
Vrtiska
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 713 with 32 ayes, 1 nay, 11 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 713.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1003, 79-1007, 79-1016, 79-1018, and 79-1022, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to reports and certification of aid; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Bromm
Bruning

Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Brown
Jones

Excused and not voting, 5:

Brashear
Lynch
Robinson
Vrtiska
Warner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 809 with 37 ayes, 1 nay, 6 present and not voting, and 5 excused and not voting.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

The following bill was put upon final passage:

LEGISLATIVE BILL 809.

A BILL FOR AN ACT relating to finance; to adopt the Nebraska Elementary and Secondary School Finance Authority Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Abboud
Beutler
Bohlke
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek

Schmitt	Stuhr	Wehrbein	Wickersham	Witek
Schrock	Suttle	Wesely	Will	

Voting in the negative, 0.

Present and not voting, 4:

Brown	Chambers	Jones	Withem

Excused and not voting, 6:

Brashear	Robinson	Tyson	Vrtiska	Warner
Lynch				

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 623 with 36 ayes, 1 nay, 6 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 623. With Emergency.

A BILL FOR AN ACT relating to retirement; to amend sections 23-2315.01, 24-703.01, 24-703.02, 24-709.02, 24-713, 48-1401, 79-902, 79-908, 79-916, 79-920, 79-921, 79-933.02 to 79-933.06, 79-936, 79-937, 79-939, 79-951, 79-953, 79-958, 79-978, 79-979, 79-986, 79-9,102, 79-9,104, 79-9,113, 81-2020, 81-2025, 81-2030, 84-1309, 84-1323.01, and 85-606, Reissue Revised Statutes of Nebraska, and sections 23-2310.01, 23-2310.02, 23-2331, 81-2026, 81-2027.01, 81-2027.02, 84-1311.01, 84-1311.02, 84-1331, 84-1501, 84-1503.01, 84-1503.03, 84-1504, and 84-1505, Revised Statutes Supplement, 1996; to change provisions relating to benefit limitations, board physicians, custodial funds, deferred compensation, payments for purchases of service credit, custodians of school funds, payments under qualified domestic relations orders, mandatory retirement, retirement ages of Nebraska State Patrol officers, dependents of Nebraska State Patrol officers, and Public Employees Retirement Board member terms; to redefine and eliminate terms; to provide powers and duties; to create expense funds; to eliminate provisions relating to benefit limitations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Beutler
Bohlke
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 0.

Present and not voting, 5:

Brown
Chambers
Jones
Witek
Withem

Excused and not voting, 5:

Brashear
Lynch
Robinson
Vrtiska
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 720 with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

The following bill was put upon final passage:

LEGISLATIVE BILL 720. With Emergency.

A BILL FOR AN ACT relating to transportation; to amend sections 60-133, 60-310, 60-311.09, 66-718, 66-1405, 66-1411, 66-1414, 77-27,119, and 77-27,208, Reissue Revised Statutes of Nebraska, and sections 37-1214, 37-1216, 37-1276 to 37-1278.01, 37-1286, 37-1289, 60-302, 60-305.09, 60-311.07, 60-312, 60-320, 60-483, and 60-6,290, Revised Statutes Supplement, 1996; to change provisions relating to certificates of title and registration of motorboats; to change and provide fees; to change provisions relating to odometers, proof of financial responsibility, registration of motor vehicles, In Transit decals, driver record information, vehicle length provisions, the International Registration Plan, the International Fuel Tax Agreement Act, and transfers of fuel tax funds; to create and eliminate funds; to authorize and establish procedures for a fuel tax setoff against state income tax refunds for the Department of Motor Vehicles; to eliminate provisions relating to rules and regulations; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Beutler
Bohlke
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Brown
Chambers
Jones
Schmitt

Excused and not voting, 6:

Brashear
Lynch
Preister
Robinson
Vrtiska
Warner

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Messrs. Landis and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS

Transportation

LEGISLATIVE BILL 255. Placed on General File.

(Signed) Douglas A. Kristensen, Chairperson

Urban Affairs

LEGISLATIVE BILL 318. Placed on General File as amended.

Standing Committee amendment to LB 318:
AM1104

1. Strike the original sections and insert the following new sections:

"Section 1. Section 19-4602, Revised Statutes Supplement, 1996, is amended to read:

19-4602. As used in the Municipal Natural Gas Regulation Act, unless the context otherwise requires:

(1) Area rate shall mean the rate charged for natural gas service to a class of customers located within the area regulated by a municipality as determined from the cost of service for the rate area;

(2) Associated company shall mean any company or person that directly or indirectly, through one or more intermediaries, controls or is controlled by a utility or is under common control with a utility;

(3) Base year shall consist of either the most recent calendar year or a consecutive twelve-month period ending not more than six months prior to the date of filing;

(4) Countable days shall mean those calendar days not subject to suspension as provided for in the Municipal Natural Gas Regulation Act;

(5) Customer shall mean any ~~noninterruptible~~ purchaser of natural gas service from a utility within or without a municipality; ~~with requirements of less than one hundred thousand cubic feet of natural gas per day;~~

(6) Date of filing shall mean the first day of the month following the date the rate filing is received by the office of the clerk of each municipality in the rate area;

(7) Date of final action shall be the date upon which the last municipality in a rate area adopts or fails to adopt a rate ordinance under a rate filing or the one hundred eightieth day, counted as provided in section 19-4607, whichever comes first;

(8) District court shall mean the district court of Lancaster County;

(9) Judicial review shall mean, but shall not be limited to, injunctive relief and other equitable relief;

(10) Interim rates shall mean the newly filed rates charged by a utility for natural gas service after the ninetieth countable day following the date of filing but prior to final action by the municipality on the rate filing;

(11) Municipality shall mean any city of the primary class, city of the first class, city of the second class, or village in Nebraska or, when the context requires, any combination of the same acting in concert in a properly created rate area;

(12) Natural gas shall mean either unmixed natural gas or any mixture of natural gas with one or more artificial gases and other hydrocarbons;

(13) Natural gas service shall mean all services, and the

terms and conditions of the services, relating to natural gas and shall include, but not be limited to, furnishing natural gas, meter charges, hook-up fees, late payment charges, classification of customers, and any other matters relating to the natural gas service provided or proposed to be provided except as otherwise specifically provided in the act;

(14) Rate shall mean every compensation, charge, fare, toll, tariff, rental, late payment charge, or classification which is demanded, observed, charged, or collected by a utility for natural gas service and any rules or conditions of such service affecting any such compensation, charge, fare, toll, tariff, rental, meter charge, late payment charge, or classification;

~~(14)~~ (15) Rate area shall mean the municipalities within a geographic area within the state which is properly established under section 19-4606 for the purpose of determining an area rate applicable to the customers within the municipalities within the rate area. A rate area shall be served by a single utility through a common pipeline system from the same natural gas supply source within the common system for which the utility has similar costs for serving customers;

~~(15)~~ (16) Rate filing shall mean the formal application by a utility for a change in rates; ~~together with the information required by section 19-4611;~~

~~(16)~~ (17) Subsidization shall mean the action of a utility by which it includes in its rate charged to customers costs and expenses of the utility or any associated company not authorized by or through the operation of the act for purposes of providing pecuniary aid or assistance to the utility's or associated company's appliance merchandising, appliance jobbing, or appliance service contract work activities;

~~(17)~~ (18) Test year shall mean either a consecutive twelve-month period commencing on the proposed effective date of the rate increase or a base year adjusted for known and measurable changes; and

~~(18)~~ (19) Utility shall mean any ~~investor-owned~~ utility owning, maintaining, or ~~and~~ operating a natural gas distribution system ~~within a municipality~~ in this state.

Sec. 2. Section 19-4603, Reissue Revised Statutes of Nebraska, is amended to read:

19-4603. ~~(1)~~ A utility shall be subject to ~~(a)~~ (1) all rights, powers, and authority now or hereafter possessed by a municipality to regulate the (a) terms and conditions of natural gas service, including a requirement that all customers shall be afforded a realistic opportunity, either on an individual customer basis or through collective purchasing, to exercise choice for natural gas service, and (b) rates charged by the utility for natural gas service to customers ~~within~~ on the natural gas distribution system served from the border station of a municipality, whether within or without the municipality, ~~(b)~~ (2)

all provisions of the Municipal Natural Gas Regulation Act, and ~~(c)~~ (3) when not inconsistent with subdivision ~~(a) or (b)~~ (1) or (2) of this ~~subsection~~ section, the provisions of any validly executed franchise agreement.

~~(2) The jurisdiction of the Public Service Commission shall not extend to any of the subjects regulated by the act.~~

Sec. 3. Section 19-4603.01, Reissue Revised Statutes of Nebraska, is amended to read:

19-4603.01. (1) The Public Service Commission ~~A city of the primary class~~ shall regulate the reasonableness of ~~a contract governing the rates, service, and facilities involved in furnishing or~~ the rates charged by a utility for transporting natural gas through ~~a~~ any pipeline located wholly in the State of Nebraska. ~~if (a) the pipeline has a single point of delivery connecting it exclusively to the distribution system serving the city, except as provided in subsection (5) of this section, (b) the utility serving the city is a party to the contract, and (c) regulation is permitted under the provisions of the federal Natural Gas Act, 15 U.S.C. 717(c).~~

~~(2) Prior to the start of construction of a natural gas pipeline described in subsection (1) of this section, the utility shall file the contract with the city for its approval.~~

~~(3) The costs and benefits of~~ (2) The rates for the transportation of natural gas through a natural gas pipeline described in subsection (1) of this section which are approved by the ~~city~~ commission shall be included in the calculations used in arriving at the natural gas supply-cost-adjustment rate schedules provided in section 19-4609, ~~or the costs and benefits~~ and the rates which are approved by the ~~city in the contract may~~ commission shall be included in the calculation of just and reasonable rates provided in section 19-4612.

~~(4)~~ (3) The ~~governing body of a city of the primary class~~ commission shall have the power pursuant to the Municipal Natural Gas Regulation Act to perform any and all acts and to prescribe, issue, make, adopt, promulgate, and revise from time to time ~~ordinances,~~ such rules~~,~~ and regulations as it may find necessary or appropriate to carry out this section. ~~; except that nothing in this section shall give such city the right to unilaterally change an approved contract.~~ Such power shall include, but not be limited to, the power to: (a) Require reports and statements and prescribe the form or forms of such reports or statements and the information they shall contain; (b) ~~establish and collect an application fee of not less than one thousand dollars nor more than two thousand five hundred dollars payable to the city for each contract over which the city has jurisdiction pursuant to this section; (c)~~ establish and collect a reasonable fee to defray the actual costs of administering this section; and ~~(d)~~ (c) establish procedures for application, notice, and hearings in order to effectuate the provisions of this section.

~~(5) With the approval of the city, the utility may provide service taps in the pipeline to make natural gas available at locations along the pipeline to serve customers or facilities not previously served with natural gas. The provision of service taps shall be consistent with the Municipal Natural Gas Regulation Act.~~

Sec. 4. Section 19-4604, Revised Statutes Supplement, 1996, is amended to read:

19-4604. (1) Every rate made, demanded, or received by any utility shall be just and reasonable. Rates shall not be unreasonably preferential or discriminatory and shall be reasonably consistent in application to a class of customers and to a rate area. ~~Rates negotiated under subsection (4) of this section shall not be considered discriminatory.~~

(2) No utility shall, as to rates or service, make or grant any unreasonable preference or advantage to any person or subject any person to any unreasonable prejudice or disadvantage.

(3) No utility shall impose any rate any portion of which subsidizes activities of the utility or any associated company which are not directly related to the purposes of such rate as set out in subsection (1) of section 19-4612.

(4) Any rate charged by a utility to a customer must be on a comparable basis to the rate the utility charges itself or any associated company when supplying the same service. Transportation services for natural gas must be on a basis that is equal in quality for all gas supplies, whether purchased from the utility or elsewhere. ~~A utility may negotiate price and other contract terms with customers whose natural gas requirements exceed fifty thousand cubic feet per day.~~

Sec. 5. Section 19-4605, Reissue Revised Statutes of Nebraska, is amended to read:

19-4605. A utility shall provide to each municipality it serves, for informational purposes, copies of current rate schedules for all rates charged customers and the requirements for natural gas service under such schedules within the jurisdiction of the municipality. The schedules shall also show the natural gas supply costs and natural gas supply cost adjustments included in the total end rate.

Sec. 6. Section 19-4622, Revised Statutes Supplement, 1996, is amended to read:

19-4622. (1) Customers of the utility in a rate area shall have the right to appear, participate, and present testimony at the hearing provided for in section 19-4616 and shall have such evidence considered by the municipalities in the rate determination. When the interests of any customers are substantially similar, the hearing officer may provide that such class of customers join in presentation of the evidence at the hearing so as to expedite the proceedings. Customers who desire to present testimony and participate at the hearing shall follow the requirements for municipal staff or agents as provided in subsection (1) of section 19-4616. All customers shall be provided with notice of these rights, which notice shall be provided by the utility in the notice required by subsection (2) of section 19-4615.

(2) Any customer may bring a suit for injunction, mandamus, judicial review, or other relief as appropriate, in a court of competent jurisdiction, for the failure or refusal of a utility to fulfill its obligations under the Municipal Natural Gas Regulation Act. If the customer obtains a judgment in the customer's favor, the court may award litigation expenses to include attorney's fees, expert witness fees, consultant fees, and such other related expenses as the court finds to be properly related to the judgment.

Sec. 7. No city of the primary class, city of the first class, city of the second class, or village shall exercise the authority granted by sections 19-701 to 19-710 for the purpose of acquiring or appropriating by the exercise of the power of eminent domain any gas plant, gas distribution system, or gas pipeline during the period on or after the effective date of this act and before January 1, 2000.

Sec. 8. Section 75-109, Reissue Revised Statutes of Nebraska, is amended to read:

75-109. Except as provided in sections ~~19-4603,~~ 86-803~~,~~ and 86-808, the commission shall regulate and exercise general control as provided by law over all common carriers, which term is hereby defined as all carriers, including contract carriers, engaged in the transportation of freight or passengers for hire or furnishing communication services for hire in Nebraska intrastate commerce.

Sec. 9. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 10. Original sections 19-4603, 19-4603.01, 19-4605, and 75-109, Reissue Revised Statutes of Nebraska, and sections 19-4602, 19-4604, and 19-4622, Revised Statutes Supplement, 1996, are repealed.".

(Signed) D. Paul Hartnett, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: 862.

Enrollment and Review Change to LB 862

The following changes, required to be reported for publication in the Journal, have been made:
ER9032
1. In the E & R amendments, AM7083:
a. On page 11, line 23, an underscored comma has been inserted after "participants";
b. On page 21, line 25, "31" has been struck and "32" inserted and in line 26 "34" through "42" has been struck and "35, 37, 38, and 40 to 43" inserted;
c. On page 22, line 5, "31" through "42" has been struck and "32 to 35, 37, 38, and 40 to 43" inserted; and
d. On page 36, line 15, "42" has been struck and "43" inserted.
2. On page 1, line 3, "44-4233," has been inserted after "44-4228,".

(Signed) Jon C. Bruning, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 173A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 173, Ninety-fifth Legislature, First Session, 1997.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 118.

(Signed) William R. Wickersham

MOTION - Print in Journal

Mrs. Brown filed the following motion to LB 249:
Reconsider the adoption of the Robinson amendment, AM0976, to LB 249.

RESOLUTION

LEGISLATIVE RESOLUTION 99. Introduced by Wesely, 26; Landis, 46.

WHEREAS, the Lincoln Northeast High School boys' basketball team won the 1997 Class A Boys' State Championship; and

WHEREAS, the Lincoln Northeast High School boys' basketball team has achieved a feat never before achieved by any Nebraska high school in Class A by completing a three-peat championship cycle by winning the 1995 and 1996, as well as the 1997 Class A Boys' State Basketball Championship; and

WHEREAS, Lincoln Northeast High School has won 11 state Class A basketball championships, the most by any high school in the State of Nebraska; and

WHEREAS, the Lincoln Northeast boys' basketball team has demonstrated consistent dedication to the high standards demanded of a successful athletic team; and

WHEREAS, the members of the team, Jerrad Allen, John Bell, Clifford Brye, Willie Craft, Shane Einspahr, Derek Engelbart, Joe Fagler, Mike Hahn, Amon Helmstadter, Tee Mason, David Mercer, Graham Svendsen, and Jeff Zimmerman, have illustrated great talent, teamwork, and a willingness to endure the hard work that is required to be a champion; and

WHEREAS, the coaches, parents, and members of the Lincoln Northeast High School boys' basketball team are deserving of special recognition for their success and commitment to excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates and commends the Lincoln Northeast High School boys' basketball team and Coach Rick Collura and his staff for winning the 1997 Class A Boys' State Championship.

2. That a copy of this resolution be sent to Lincoln Northeast High School.

Laid over.

AMENDMENT - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 409:
AM0547

1. Insert the following new sections:

"Sec. 2. Section 77-2702.07, Reissue Revised Statutes of Nebraska, is amended to read:

77-2702.07. (1) Gross receipts shall mean the total amount of the sale or lease or rental price, as the case may be, of the retail sales of retailers valued in money whether received in money or otherwise, without any deduction on account of any of the following:

(a) The cost of property sold. In accordance with rules and regulations adopted and promulgated by the Tax Commissioner, a deduction may be taken if the retailer has purchased property for some purpose other than resale, has reimbursed his or her vendor for tax which the vendor is required to pay to the state or has paid the use tax with respect to the property, and has resold the property prior to making any use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business. If such a deduction is taken by the retailer, no refund or credit will be allowed to his or her vendor with respect to the sale of the property;

(b) The cost of the materials used, labor or service costs, interest paid, losses, or any other expense;

(c) The cost of transportation of the property;

(d) The amount of any excise or property tax levied against the property except as otherwise provided in the Nebraska Revenue Act of 1967; or

(e) The amount charged for warranties, guarantees, or maintenance agreements.

(2) Gross receipts of every person engaged as a public utility specified in this subsection or as a community antenna television service operator or any person involved in connecting and installing services defined in subdivision (2)(a), (b), or (d) of this section shall mean:

(a) In the furnishing of telephone communication service, the gross income received from furnishing local exchange telephone service and intrastate message toll telephone service. Gross receipts shall not mean the gross income, including division of revenue, settlements, or carrier access charges received on or after January 1, 1984, from the sale of a telephone communication service to a communication service provider for purposes of furnishing telephone communication service;

(b) In the furnishing of telegraph service, the gross income received from the furnishing of intrastate telegraph services;

(c) In the furnishing of gas, electricity, sewer, and water service except water used for irrigation of agricultural lands and manufacturing purposes, the gross income received from the furnishing of such services upon billings or statements rendered to consumers for such utility services; and

(d) In the furnishing of community antenna television service, the gross income received from the furnishing of such community antenna television service as regulated under sections 18-2201 to 18-2205 or 23-383 to 23-388.

Gross receipts shall also mean gross income received from the provision, installation, construction, servicing, or removal of property used in conjunction with the furnishing, installing, or connecting of any public utility services specified in subdivision (2)(a) or (b) of this section or community antenna television service specified in subdivision (2)(d) of this section. Gross receipts shall not mean gross income received from telephone directory advertising.

(3) Gross receipts of every person engaged in selling, leasing, or otherwise providing intellectual or entertainment property shall mean, in ~~:~~

~~(a) In the furnishing of computer software, the gross income received, including the charges for coding, punching, or otherwise producing computer software and the charges for the tapes, disks, punched cards, or other properties furnished by the seller. Gross receipts shall not mean the amount charged for training customers in the use of computer software if such amount is separately stated and such separate statement is not used as a means of avoiding imposition of the tax upon the actual sales price of the computer software; and~~

~~(b)~~ ~~In~~ the furnishing of videotapes, movie film, satellite programming, satellite programming service, and satellite television signal descrambling or decoding devices, the gross income received from the license, franchise, or other method establishing the charge except the gross income received from videotape and film rentals, satellite programming, and satellite programming service when the sales tax or the admission tax is charged under the Nebraska Revenue Act of 1967 and except as provided in section 77-2704.39.

(4) Gross receipts shall not include any of the following:

(a) Cash discounts allowed and taken on sales;

(b)(i) Before January 1, 1997, the amount of any rebate granted by a motor vehicle manufacturer or dealer at the time of sale of the motor vehicle, which rebate functions as a discount from the sales price of the motor vehicle; and

(ii) On and after January 1, 1997, the amount of any rebate granted by a motor vehicle or motorboat manufacturer or dealer at the time of sale of the motor vehicle or motorboat, which rebate functions as a discount from the sales price of the motor vehicle or motorboat;

(c) Sales price of property returned by customers when the full sales price is refunded either in cash or credit;

(d) The amount charged for finance charges, carrying charges, service charges, or interest from credit extended on sales of property under contracts providing for deferred payments of the purchase price if such charges are not used as a means of avoiding imposition of the tax upon the actual sales price of the property;

(e) The value of property taken by a seller in trade as all or a part of the consideration for a sale of property of any kind or nature;

(f)(i) Before January 1, 1997, the value of a motor vehicle taken by any person in trade as all or a part of the consideration for a sale of another motor vehicle; and

(ii) On and after January 1, 1997, the value of a motor vehicle or motorboat taken by any person in trade as all or a part of the consideration for a sale of another motor vehicle or motorboat;

(g) Receipts from conditional sale contracts, installment sale contracts, rentals, and leases executed in writing prior to June 1, 1967, and with delivery of the property prior to June 1, 1967, if such conditional sale contracts, installment sale contracts, rentals, or leases are for a fixed price and are not subject to negotiation or alteration; or

(h) Except as provided in subsection (2) of this section, the amount charged for labor or services rendered in installing or applying the property sold if such amount is separately stated and such separate statement is not used as a means of avoiding imposition of the tax upon the actual sales price of the property.

Sec. 3. Section 77-2702.17, Reissue Revised Statutes of Nebraska, is amended to read:

77-2702.17. (1) Sales price shall mean the total amount for which property is sold valued in money whether paid in money or otherwise, without any deduction on account of:

(a) The cost of the property sold;

(b) The cost of material used, labor or service cost, interest paid, losses, or any other expenses;

(c) The cost of transportation of the property. The total amount for which property is sold shall include any services which are a part of the sale and any amount for which credit is given to the purchaser by the seller; or

(d) ~~The cost of computer software contained on the property; or~~

~~(e)~~ The cost of any license, franchise, or lease for the use of ~~computer software or~~ entertainment properties such as videotapes or movie films.

(2) Sales price shall not mean any of the following:

(a) Cash discounts allowed and taken on sales;

(b) The amount of any rebate granted by a motor vehicle or motorboat manufacturer or dealer at the time of sale of the motor vehicle or motorboat, which rebate functions as a discount from the sales price of the motor vehicle or motorboat;

(c) The amount refunded for property returned by customers when all or part of the amount charged therefor is refunded either in cash or credit;

(d) The amount charged for finance charges, carrying charges, service charges, or interest from credit extended on sales of property under contracts providing for deferred payments of the purchase price if such charges are not used as a means of avoiding imposition of the tax upon the actual sales price of the property;

(e) The value of property taken by a seller in trade as all or a part of the consideration for a sale of property of any kind or nature;

(f) The value of a motor vehicle or motorboat taken by any person in trade as all or part of the consideration for a sale of another motor vehicle or motorboat;

(g) The amount charged for labor or services rendered in annexing property to real estate; or

(h) The amount charged for labor or services rendered in installing or applying the property sold if such amount is separately stated and such separate statement is not used as a means of avoiding imposition of the tax upon the actual sales price of the property.

Sec. 4. Section 77-2702.20, Reissue Revised Statutes of Nebraska, is amended to read:

77-2702.20. Tangible personal property shall mean personal property which may be seen, weighed, measured, felt, or touched or which is in any other manner perceptible to the senses.

~~; including tangible personal property which is used to convey computer software.~~

Sec. 9. Sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use, or other consumption in this state of computer software.".

2. On page 2, lines 3 and 4, strike "3 to 5" and insert "6 to 9".

3. On page 16, line 7, after "77-2701" insert ", 77-2702.07, 77-2702.17, 77-2702.20,".

4. Renumber the remaining sections accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 118, 118A, 152, 486, 226, 107, 153, 103, 128, 62, 250, 469, 474, 713, 809, 623, and 720.

RESOLUTIONS

LEGISLATIVE RESOLUTION 84. Read. Considered.

LEGISLATIVE RESOLUTION 87. Read. Considered.

LEGISLATIVE RESOLUTION 85. Read. Considered.

LEGISLATIVE RESOLUTION 89. Read. Considered.

LEGISLATIVE RESOLUTION 90. Read. Considered.

LEGISLATIVE RESOLUTION 91. Read. Considered.

LEGISLATIVE RESOLUTION 92. Read. Considered.

LEGISLATIVE RESOLUTION 93. Read. Considered.

LEGISLATIVE RESOLUTION 95. Read. Considered.

LEGISLATIVE RESOLUTION 96. Read. Considered.

LEGISLATIVE RESOLUTION 97. Read. Considered.

LEGISLATIVE RESOLUTION 98. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 84, 87, 85, 89, 90, 91, 92, 93, 95, 96, 97, and 98 were adopted with 21 ayes, 0 nays, 20 present and not voting, and 8 excused and not voting.

MOTION - Approve Appointments

Mr. Elmer moved the adoption of the report of the Transportation Committee for the following appointment found on page 844: John Kingsbury - State Highway Commission.

Voting in the affirmative, 26:

Bohlke
Bromm
Bruning
Chambers
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Jones
Kiel
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Schrock
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 15:

Abboud
Beutler
Brown
Coordsen
Hilgert
Hudkins
Janssen
Jensen
Maurstad
Schellpeper
Schimek
Schmitt
Stuhr
Suttle
Will

Excused and not voting, 8:

Brashear
Kristensen
Landis
Lynch
Preister
Robinson
Vrtiska
Warner

The appointment was confirmed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Ms. Schimek and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 927: Don Leuenberger - Policy Secretary, Health and Human Services, Jessie Rasmussen - Director, Department of Health and Human Services, and Deb Thomas - Director, Department of Health and Human Services Regulation and Licensure.

Voting in the affirmative, 25:

Beutler
Bohlke
Bromm
Brown
Bruning
Crosby
Cudaback
Dierks
Engel
Hartnett
Hillman
Janssen
Jensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Robak
Schellpeper
Schrock
Tyson
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 2:

Chambers
Witek

Present and not voting, 12:

Abboud
Coordsen
Elmer
Hilgert
Hudkins
Jones
Kiel
Pederson, D.
Schmitt
Stuhr
Suttle
Will

Excused and not voting, 10:

Brashear
Kristensen
Landis
Lynch
Peterson, C.
Preister
Robinson
Schimek
Vrtiska
Warner

The appointments were confirmed with 25 ayes, 2 nays, 12 present and not voting, and 10 excused and not voting.

MR. COORDSEN PRESIDING

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1087: Pamela D. Bataillon, Aaron D. Black Sr., Dr. Stacie Bleicher, Elnora Carr, Connie J. Day, George Dillard, Charles Evans, Cydney Janssen, Dr. Rudi L. Mitchell, Kathy Bigsby Moore, Ella E. Ochoa, Judge Gerald Rouse, Bradley L. Sher, and Michael Zgud - Health and Human Services Partnership Council.

Mr. Abboud, Mmes. Crosby, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to bracket the confirmation report of Health and Human Services Committee until April 15, 1997.

The Chair ruled that Rule 6, Section 3(e), applies only to bills, and not to confirmation reports.

Mr. Wesely asked unanimous consent to pass over the Health and Human Services report found on page 1087. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Janssen moved the adoption of the report of the Government, Military and Veterans Affairs Committee for the following appointments found on page 992: Susan E. Prazan - State Personnel Board and Yvonne Norton Leung - Director, Governor's Policy Research and Energy Office.

Voting in the affirmative, 26:

Beutler
Bohlke
Bromm
Brown
Bruning
Coordsen
Dierks
Elmer
Engel
Hartnett
Hilgert
Hudkins
Janssen
Jensen
Jones

Matzke
Maurstad
Pedersen, Dw.
Schellpeper
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 10:

Chambers
Cudaback
Hillman
Kiel
McKenzie
Pederson, D.
Schmitt
Schrock
Will
Withem

Excused and not voting, 13:

Abboud
Brashear
Crosby
Kristensen
Landis
Lynch
Peterson, C.
Preister
Robak
Robinson
Schimek
Vrtiska
Warner

The appointments were confirmed with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following appointments found on page 1024: Janet French, Leonard Hawkins, and Dick Stalker - Nebraska Advisory Commission on Compulsive Gambling.

Voting in the affirmative, 25:

Beutler
Bohlke
Brown
Bruning
Chambers
Coordsen
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Jensen
Jones
Kiel
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Schellpeper
Stuhr
Tyson
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 10:

Bromm
Cudaback
Hudkins
Janssen
McKenzie
Schmitt
Schrock
Suttle
Will
Withem

Excused and not voting, 14:

Abboud
Brashear
Crosby
Kristensen
Landis
Lynch
Peterson, C.
Preister
Robak
Robinson
Schimek
Vrtiska
Warner
Witek

The appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 1086: Steven G. Oltmans and Robert Catton - Nebraska Environmental Quality Council.

Voting in the affirmative, 25:

Beutler
Bohlke
Brown
Bruning
Coordsen
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Jensen
Jones
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Schellpeper
Schimek
Stuhr
Tyson
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 10:

Bromm
Chambers
Cudaback
Hudkins
Janssen
Kiel
McKenzie
Schmitt
Schrock
Suttle

Excused and not voting, 14:

Abboud
Brashear
Crosby
Kristensen
Landis
Lynch
Peterson, C.
Preister
Robak
Robinson
Vrtiska
Warner
Will
Witek

The appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Mr. Wickersham moved the adoption of the report of the Nebraska Retirement Systems Committee for the following appointments found on page 1087: Charles A. Peters and Honorable Merritt C. Warren - Public Employees Retirement Board.

Voting in the affirmative, 27:

Bohlke
Brown
Bruning
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jones
Kiel
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schellpeper
Schimek
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 9:

Beutler
Bromm
Chambers
Hudkins
Jensen
McKenzie
Schmitt
Schrock
Wesely

Excused and not voting, 13:

Abboud
Brashear
Crosby
Kristensen
Landis
Lynch
Preister
Robak
Robinson
Vrtiska
Warner
Will
Witek

The appointments were confirmed with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointments found on page 1093: Arlene Nelson, Sharon Rankin, and Stanley Carlson - Nebraska Educational Telecommunications Commission; Richard Powell - Educational Lands and Funds.

Voting in the affirmative, 29:

Bohlke
Brown
Bruning
Chambers
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schellpeper
Schimek
Stuhr
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 7:

Beutler
Bromm
Jensen
Schmitt
Schrock
Suttle
Tyson

Excused and not voting, 13:

Abboud
Brashear
Crosby
Kristensen
Landis
Lynch
Preister
Robak
Robinson
Vrtiska
Warner
Will
Witek

The appointments were confirmed with 29 ayes, 0 nays, 7 present and not voting, and 13 excused and not voting.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointment found on page 1093: Lee-Ellen Matzke -

Nebraska College Board of Trustees.

Voting in the affirmative, 29:

Beutler
Bohlke
Brown
Bruning
Chambers
Coordsen
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schellpeper
Schimek
Stuhr
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 6:

Bromm
Cudaback
Maurstad
Schmitt
Schrock
Tyson

Excused and not voting, 14:

Abboud
Brashear
Crosby
Kristensen
Landis
Lynch
Preister
Robak
Robinson
Suttle
Vrtiska
Warner
Will
Witek

The appointment was confirmed with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 741:
AM1144

1. Strike the original sections and insert the following new sections:

"Section 1. Section 44-6409, Revised Statutes Supplement, 1996, is amended to read:

44-6409. (1) The maximum liability of the insurer under the uninsured motorist coverage or the underinsured motorist coverage shall be the amount of damages for bodily injury, sickness, disease, or death sustained by the insured less the amount paid to the insured by or for any person or organization which may be held legally liable for the bodily injury, sickness, disease, or death, but in no event shall the maximum liability of the insurer under either such coverage be more than the limits of the coverage provided.

(2) The limits of liability of uninsured motorist coverage and underinsured motorist coverage shall not be reduced by the amount of benefits paid under any first party medical payments coverage portion of the policy. The uninsured motorist coverage and underinsured motorist coverage shall be excess over, and shall

not pay again, any medical expenses already paid under the first party medical payments coverage portion of the policy.

Sec. 2. Original section 44-6409, Revised Statutes Supplement, 1996, is repealed.".

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 21, 1997, at 3:30 p.m., were the following bills: LBs 118, 118A, 152, 486, 226, 107, 153, 103, 128, 62, 250, 469, 474, 713, 809, 623, and 720.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 249A. Introduced by Schellpeper, 18.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 249, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 263:
FA103

Add new section and renumber

"The term, noxious weed, is not intended as a code word to express Legislative hatred or aversion toward gay or lesbian persons."

Mr. Chambers filed the following amendment to LB 550:
FA107

Add new sections.

1. Person means an individual, partnership, company, limited liability company, or corporation.
2. Sexual orientation means having an orientation for heterosexuality, homosexuality, or bisexuality, having a history of such an orientation, or being identified with such an orientation.
3. It shall be unlawful for any person governed by the provisions of section 28-406, section 28-407, and section 28-410, Revised Statutes, 1996, to fail or refuse to hire, to discharge, or otherwise discriminate against any individual with respect to compensation, terms, conditions or privileges of employment because of such individual's sexual orientation.

VISITORS

Visitors to the Chamber were 62 fourth grade students and teachers from

Valley; Senator Matzke's grandson, Jered, from Seward; Senator Suttle's husband, Jim; and Lynn and Conny Herdt from Scottsbluff.

The Doctor of the Day was Jay Matzke from Seward.

MOTION - Adjournment

Mr. Chambers moved to adjourn. The motion prevailed with 15 ayes, 4 nays, 16 present and not voting, and 14 excused and not voting, and at 3:50 p.m., the Legislature adjourned until 1:00 p.m., Monday, March 24, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-SIXTH DAY – MARCH 24, 1997

LEGISLATIVE JOURNAL

FORTY-SIXTH DAY - MARCH 24, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, March 24, 1997

Pursuant to adjournment, the Legislature met at 1:00 p.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Matzke who was excused; and Messrs. Abboud, Chambers, Cudaback, Engel, Kristensen, Landis, Robinson, Warner, Wehrbein, Wesely, Wickersham, Will, Withem, Mmes. Bohlke, Brown, Hillman, Stuhr, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-fifth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 30, 51, 54, 166, 246, 362, 362A, 531, 641, 641A, and 734.

Enrollment and Review Change to LB 30

The following changes, required to be reported for publication in the Journal, have been made:
ER9031
1. In the Elmer amendment, AM0531, on page 6, line 15, "sections 46-235.04 and" has been struck and "section" inserted.
2. On page 1, line 1, "sections 46-1239" has been struck and "section

46-637, Reissue Revised Statutes of Nebraska, and sections 46-235.04, 46-602, 46-656.28, 46-1239," inserted; in line 2 "to change and eliminate provisions relating to replacement water wells; to authorize temporary suspension of water well drilling;" has been inserted after the semicolon; in line 4 "and" has been struck and "to provide operative dates;" inserted; and in line 5 "; and to declare an emergency" has been inserted after "sections".

Enrollment and Review Change to LB 641

The following changes, required to be reported for publication in the Journal, have been made:

ER9030

1. On page 1, line 4, "an exemption" has been struck and "exemptions" inserted.

(Signed) Jon C. Bruning, Chairperson

GENERAL FILE

LEGISLATIVE BILL 465. Title read. Considered.

Standing Committee amendment, AM0617, printed separately and referred to on page 888, was considered.

Mr. Brashear renewed his pending amendment, AM0865, found on page 972, to the Standing Committee amendment.

SPEAKER WITHEM PRESIDING

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 84, 85, 87, 89, 90, 91, 92, 93, 95, 96, 97, and 98.

GENERAL FILE

LEGISLATIVE BILL 465. The Brashear pending amendment, AM0865, found on page 972 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 789. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Government, Military and Veterans Affairs

LEGISLATIVE BILL 400. Placed on General File.
LEGISLATIVE BILL 500. Placed on General File.

LEGISLATIVE BILL 59. Placed on General File as amended.
Standing Committee amendment to LB 59:
AM0691

1. On page 7, line 16, after "River" insert ", except for that land known as McKissick's Island determined by the United States Supreme Court to be within the State of Nebraska in the case of Missouri v. Nebraska, 196 U.S. 23 and 197 U.S. 577,"; in lines 17 and 18 strike "identified" through the comma, show as stricken, and insert "jointly prepared and certified by the state surveyors of Missouri and Nebraska and identified as the Missouri-Nebraska Boundary Compact Maps"; and in line 26 strike "marked Appendix 'A' ", show as stricken, and insert "identified as the Missouri-Nebraska Boundary Compact Maps".

2. On page 8, lines 9 through 11, strike "Appendix" through "reference", show as stricken, and insert "the Missouri-Nebraska Boundary Compact Maps".

LEGISLATIVE BILL 632. Placed on General File as amended.
Standing Committee amendment to LB 632:
AM0922

1. Strike the original sections and insert the following new sections:

"Section 1. Section 49-1459, Reissue Revised Statutes of Nebraska, is amended to read:

49-1459. (1) Except as provided in subsection (2) of this section, campaign ~~Campaign~~ statements as required by the Nebraska Political Accountability and Disclosure Act shall be filed according to the following schedule:

(a) ~~(1)~~ A first preelection campaign statement shall be filed not later than the thirtieth day before the election. The closing date for a campaign statement filed under this subdivision shall be the thirty-fifth day before the election;

(b) ~~(2)~~ A second preelection campaign statement shall be filed not later than the tenth day before the election. The closing date for a campaign statement filed under this subdivision shall be the fifteenth day before the election; and

(c) ~~(3)~~ A postelection campaign statement shall be filed not later than the fortieth day following the primary election and the sixtieth day following the general election. The closing date for a postprimary election campaign statement filed under this subdivision shall be the thirty-fifth day following the election. The closing date for a postgeneral election campaign statement filed under this subdivision shall be December 31 of the year in which the election is held. If all liabilities of a candidate and committee are paid before the closing date and additional contributions are not expected, the campaign statement may be filed at any time after the election, but not later than the dates provided under this subdivision.

(2) Any committee may file a statement in writing with the commission indicating that the committee does not expect to receive contributions or make expenditures of more than one thousand dollars in the calendar year of an election. Such written statement shall be signed by the committee treasurer or the assistant treasurer, and in the case of a candidate committee, it shall also be signed by the candidate. Such written statement shall be filed on or before the thirtieth day before the election. A committee which files a written statement pursuant to this subsection is not required to file campaign statements according to the schedule prescribed in subsection (1) of this section but shall file a sworn statement of exemption not later than the fortieth day following the primary election and the sixtieth day following the general election stating only that the committee did not, in fact, receive or expend an amount in excess of one thousand dollars. If the committee receives contributions or makes expenditures of more than one thousand dollars during the election year, the committee is then subject to all campaign filing requirements under subsection (1) of this section.

Sec. 2. Section 49-1463, Reissue Revised Statutes of Nebraska, is amended to read:

49-1463. Any person who fails to file a campaign statement with the commission under sections 49-1459 to 49-1463 shall pay to the commission a late filing fee of ten dollars for each day the campaign statement remains not filed in violation of this section, not to exceed three hundred dollars. Any committee which fails to file a statement of exemption with the commission under subsection (2) of section 49-1459 shall pay to the commission a late filing fee of ten dollars for each day the statement of exemption remains not filed in violation of this section, not to exceed one hundred dollars.

Sec. 3. Section 49-1463.01, Revised Statutes Supplement, 1996, is amended to read:

49-1463.01. A person required to pay a late filing fee imposed under section 49-1449, 49-1458, 49-1463, 49-1467, 49-1469, or 49-1479.01 may apply to the commission for relief. The commission by order may reduce the amount of a late filing fee imposed upon a showing by such person that (1) the circumstances indicate no intent to file late, (2) the person has not been required to pay late filing fees for two years prior to the time the filing was due, (3) the late filing shows that less than five thousand dollars was raised, received, or expended during the reporting period, and (4) a reduction of the late fees would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act. A person required to pay a late filing fee imposed for failure to file a statement of exemption under subsection (2) of section 49-1459 may apply to the commission for relief. The commission by order may reduce or waive the late filing fee and the person shall not be required to make a showing as provided by this section.

Sec. 4. Section 49-1488.01, Revised Statutes Supplement, 1996, is amended to read:

49-1488.01. (1) Every lobbyist who fails to file a quarterly statement or a statement of activity with the Clerk of the Legislature, pursuant to sections 49-1483 and 49-1488, shall pay to the commission a late filing fee of ten dollars for each day any of such statements are not filed in violation of such sections but not to exceed three hundred dollars per statement.

(2) A lobbyist required to pay a late filing fee pursuant to subsection (1) of this section may apply to the commission for relief. The commission by order may reduce the amount of the late filing fee imposed upon such lobbyist if he or she shows the commission that (a) the circumstances indicate no intent to file late, (b) the lobbyist has not been required to pay a late filing fee for two years prior to the time the filing of the statement was due, (c) the late filing of the statement shows that less than five thousand dollars was raised, received, or expended during the reporting period, and (d) a reduction of the late fee would not frustrate the purposes of the Nebraska Political Accountability and Disclosure Act.

(3) A lobbyist required to pay a late filing fee pursuant to subsection (1) of this section who qualifies for an exemption to the filing of quarterly statements pursuant to subsection (3) of section 49-1483 may apply to the commission for relief. The commission by order may reduce or waive the late filing fee and the person shall not be required to make a showing as provided by subsection (2) of this section.

Sec. 5. Original sections 49-1459 and 49-1463, Reissue Revised Statutes of Nebraska, and sections 49-1463.01 and 49-1488.01, Revised Statutes Supplement, 1996, are repealed.".

LEGISLATIVE BILL 382. Indefinitely postponed.
LEGISLATIVE BILL 743. Indefinitely postponed.
LEGISLATIVE BILL 812. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

Natural Resources

LEGISLATIVE BILL 395. Placed on General File as amended.
Standing Committee amendment to LB 395:
AM1138

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds and declares that protection of the environment is enhanced by the public's voluntary compliance with environmental requirements and the local counterpart or extension of such requirements and that the public will benefit from incentives to identify and remedy environmental compliance issues. The Legislature further declares that it is in the public interest to encourage such activities by assuring limited confidentiality protection of environmental audit findings and of providing fair treatment of those who report environmental audit findings to regulatory authorities.

Sec. 2. (1) For the purposes of sections 1 to 15 of this act:

(a) Environmental audit means any document dated and labeled as a confidential environmental audit and prepared pursuant to a specific written directive to review compliance with an environmental requirement or requirements, including any report, finding, communication, or opinion or any draft of a report, finding, communication, or opinion, related to and prepared as a result of a voluntary self-evaluation that is done in good faith;

(b) Environmental requirement means an environmental protection requirement contained in (i) the Environmental Protection Act, the Integrated Solid Waste Management Act, the Nebraska Chemigation Act, the Pesticide Act, the Petroleum Products and Hazardous Substances Storage and Handling Act, sections 81-1575 to 81-1577, or federal law, a rule or regulation adopted and promulgated pursuant to such acts, sections, or laws, a permit or order issued pursuant to such acts, sections, or laws, or an agreement entered into or court order issued pursuant to any of the foregoing or (ii) an ordinance or other legally binding requirement of a local governmental unit under authority granted by state or federal law relating to environmental protection;

(c) In camera review means a hearing or review in a courtroom, hearing room, or judge's chambers (i) to which the general public is not admitted, (ii) after which the evidence and the statements of the judge, hearing officer, and counsel are held in confidence by those participating in or present at the hearing or review, and (iii) any transcript of which is sealed and not considered a public record until and unless its contents are disclosed by a court having jurisdiction over the subject matter of the hearing;

(d) Person means any individual, partnership, limited liability company, association, public or private corporation, trustee, receiver, assignee, agent, municipality, other governmental subdivision, public agency, other legal entity, or any officer or governing or managing body of any public or private corporation, municipality, governmental subdivision, public agency, or other legal entity; and

(e) Voluntary self-evaluation means a self-initiated assessment, audit, or review, not otherwise expressly required by environmental requirement, that is performed by any person for himself, herself, or itself, either by an employee of such person assigned the responsibility of performing such assessment, audit, or review or by a consultant engaged by such person specifically for the purpose of performing such assessment, audit, or review to determine whether such person is in compliance with environmental requirements.

Sec. 3. (1) An environmental audit prepared under sections 1 to 15 of this act is confidential, is not subject to discovery, and is not admissible as evidence in any civil or administrative proceeding or enforcement proceedings under local ordinances, except (a) as provided in sections 4 to 6 and 9 of this act, (b) an agency having regulatory authority may obtain and review such audit for the limited purposes of determining if the audit exists and if any exceptions to the confidentiality or liability provisions of sections 1 to 15 of this act exist with respect to the audit, and (c) no confidentiality protections are given under this section with respect to actions involving actual significant adverse impact on the public health or the environment.

(2) If an environmental audit or any part thereof is confidential as provided in subsection (1) of this section, neither any person who conducted the audit nor any person to whom the audit results are disclosed, unless such disclosure constituted a waiver of the confidentiality protection under section 4 of this act, can be compelled to testify regarding any matter which was the subject of the audit and which is addressed in a confidential part of the environmental audit.

Sec. 4. Except as provided in sections 5 and 6 of this act, the person for whom the environmental audit was prepared, whether the audit was prepared by the person or employee of the person or by a consultant hired by the person, may waive the confidentiality protection only by an express waiver.

Sec. 5. (1) An environmental audit may be disclosed, may be subject to discovery, and may be admissible as evidence in any civil or administrative proceeding or enforcement proceedings under local ordinances if a court of record, after an in camera review, determines that:

(a)(i) The environmental audit shows evidence that the person for which the environmental audit was prepared is not or was not in compliance with an environmental requirement; and

(ii) The person did not initiate, after the audit, appropriate efforts to achieve compliance with the environmental requirement or complete in good faith any necessary permit application promptly after the noncompliance with the environmental requirement was discovered and, as a result, the person did not or will not achieve compliance with the environmental requirement or complete the necessary permit application within a reasonable amount of time; or

(b) The confidentiality protection is being asserted for a fraudulent purpose or the environmental audit was prepared in order to avoid disclosure of information in an investigative, administrative, or judicial proceeding that was underway, that was imminent, or for which the person had been provided written notification that an investigation into a specific violation had been initiated; or

(c) The information contained in the environmental audit shows (i) violations which would likely result in a significant adverse impact on the public health or the environment in areas outside of the facility property or (ii) water contamination.

(2) For the purposes of subdivision (1)(a) of this section, if the evidence shows noncompliance with more than one environmental requirement by a person, the person may demonstrate to the court that appropriate efforts to achieve compliance were or are being taken by instituting a comprehensive program that establishes a phased schedule of actions to be taken to bring the person into compliance with all of such environmental requirements.

Sec. 6. Upon a showing by any party, based upon information independent from the environmental audit but which may include the disclosure filed pursuant to section 10 of this act, that probable cause exists to believe that an exception under section 4 or 5 of this act to the confidentiality protection under section 3 of this act is applicable to an environmental audit or that the confidentiality protection does not apply to the environmental audit pursuant to section 9 of this act, a court of record may allow such party limited or unlimited access to the environmental audit for the purposes of an in camera review only. The court of record may grant such access to all or part of the environmental audit upon such conditions as may be necessary to protect the confidentiality of the environmental audit. A moving party who obtains access to an environmental audit pursuant to this section shall not divulge any information from the audit except as specifically allowed by any court.

Sec. 7. If any public employee or official knowingly divulges or disseminates all or any part of the information contained in an environmental audit in violation of section 6 of this act or knowingly divulges or disseminates all or any part of such information contained in an environmental audit that was provided to such public employee or official in violation of such section, such public employee or official shall be guilty of a

Class III misdemeanor.

Sec. 8. A person asserting confidentiality protection under section 3 of this act has the burden of proving a prima facie case as to the confidentiality protection. A party seeking disclosure of an environmental audit has the burden of proving that such confidentiality protection does not exist under such section.

Sec. 9. The confidentiality protection created by section 3 of this act does not apply to:

(1) Documents or information required to be developed, maintained, or reported pursuant to any environmental requirements;

(2) Documents or other information required to be available or furnished to a regulatory agency pursuant to any environmental requirement or any other law;

(3) Documents or information maintained or developed relating to grants or other financial assistance sponsored by the state or federal government;

(4) Information obtained by a regulatory agency through observation, inspection, sampling, or monitoring pursuant to an environmental requirement; or

(5) Information obtained through any source independent of the environmental audit.

Sec. 10. A person performing a voluntary self-evaluation may disclose in writing a possible violation of an environmental requirement to an agency having regulatory authority showing:

(1) A description of the possible violation;

(2) The date of discovery of the possible violation and, if known, the date the possible violation occurred; and

(3) Actions taken to correct the possible violation and, if applicable, a schedule to achieve compliance.

Sec. 11. If disclosure is made pursuant to section 10 of this act and the agency having regulatory authority has approved the action taken or the schedule to achieve compliance, as appropriate, which approval shall not be unreasonably withheld, the person is not liable for civil penalties unless (1) the disclosure was not made within sixty days after knowledge of the information disclosed was obtained by the person and was not disclosed to the agency having regulatory authority prior to the agency having knowledge of the violation contained in the disclosure, (2) the disclosure did not arise out of a voluntary self-evaluation, (3) the person making the disclosure did not initiate the appropriate efforts to achieve compliance, did not pursue compliance with due diligence, and did not correct the noncompliance as soon as reasonably practicable after discovery of the violation during the course of the environmental audit, (4) the person making the disclosure did not cooperate with the agency having regulatory authority with regard to the violation disclosed regarding investigation of the issues identified in the disclosure, (5) the violation was due to a lack of good faith efforts to understand or comply with environmental requirements, (6) the violation was knowing and willful, or (7) the violation would likely result or has resulted in significant adverse impact on the public health or the environment. If the noncompliance under subdivision (3) of this section is the failure to obtain a permit, appropriate efforts to correct the noncompliance may be demonstrated by the submission of a complete permit application within a reasonable time and a permit for such activities is subsequently issued by the agency.

This section does not apply to violations of the terms of any agreement entered into or court order or administrative order issued pursuant to an environmental requirement, including, but not limited to, consent decrees or plea agreements.

This section does not preclude the agency having regulatory authority from seeking the recovery of any economic benefit resulting from noncompliance with an environmental requirement.

For purposes of this section, (a) if a person is required, under an environmental requirement, under a specific permit condition, or under an order issued by the agency, to make a disclosure to an agency having regulatory authority with regard to the violation disclosed, the disclosure is not voluntary with respect to that agency; and (b) repeat violations or closely related additional violations within five years after a previous violation shall be prima facie evidence of a lack of good faith efforts to comply with environmental requirements.

For purposes of this section, violation means any violation of an environmental requirement identified in a judicial or administrative order, consent agreement, conviction, or plea agreement.

Sec. 12. Except as specifically provided in sections 1 to 11 of this act, such sections do not affect the regulatory authority that any department or agency has to require any action associated with the information disclosed.

Sec. 13. Sections 1 to 12 of this act do not limit, waive, or abrogate the scope or nature of any statutory or common law privilege, including the work-product doctrine and the attorney-client privilege.

Sec. 14. The district court of the county in which the facility is located or, if all parties agree, the district court of Lancaster County shall have jurisdiction of actions brought under section 5, 6, or 8 of this act.

Sec. 15. This act terminates on July 1, 2002.".

(Signed) Chris Beutler, Chairperson

Judiciary

LEGISLATIVE BILL 39. Placed on General File.
LEGISLATIVE BILL 150. Placed on General File.
LEGISLATIVE BILL 151. Placed on General File.

LEGISLATIVE BILL 244. Placed on General File.
LEGISLATIVE BILL 324. Placed on General File.
LEGISLATIVE BILL 512. Placed on General File.
LEGISLATIVE BILL 695. Placed on General File.
LEGISLATIVE BILL 841. Placed on General File.

LEGISLATIVE BILL 601. Placed on General File as amended.
Standing Committee amendment to LB 601:
AM0967

1. Insert the following new section:

"Sec. 2. (1) No person, by any means and without privilege to do so, shall knowingly solicit, coax, entice, or lure any child under the age of fourteen years to enter into any vehicle, whether or not the person knows the age of the child, if:

(a) The person does not have the express or implied permission of the parent, guardian, or other legal custodian of the child in undertaking the activity; and

(b)(i) The person is not a law enforcement officer, emergency medical services provider as defined in section 71-507, firefighter, or other person who regularly provides emergency services and is not an employee or agent of or a volunteer acting under the direction of any board of education or (ii) the person is a person listed in subdivision (1)(b)(i) of this section but, at the time the person undertakes the activity, he or she is not acting within the scope of his or her lawful duties in that capacity.

(2) It is an affirmative defense to a charge under this section that the person undertook the activity in response to a bona fide emergency situation or that the person undertook the activity in response to a reasonable belief that it was necessary to preserve the health, safety, or welfare of the child.

(3) Any person who violates this section commits criminal child enticement and is guilty of a Class I misdemeanor. If such person has previously been convicted of (a) criminal child enticement under this section, (b) sexual assault of a child under section 28-320.01, or (c) assault under section 28-308, 28-309, or 28-310, kidnapping under section 28-313, or false imprisonment under section 28-314 or 28-315 when the victim was under eighteen years of age when he or she violates this section, such person is guilty of a Class IV felony.".

2. On page 2, line 3, strike "section 3" and insert "sections 2 and 4"; and in line 8 strike "3" and insert "4".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 674. Placed on General File as amended.
Standing Committee amendment to LB 674:
AM1125

1. Strike original sections 6, 10, 11, and 12.

2. On page 29, strike the new matter in line 14 and

strike lines 20 through 23.

3. On page 30, strike beginning with the underscored comma in line 16 through "apply" in line 17.

4. On page 34, line 8, strike "43-1801, 43-1802,"; and in line 10 strike "43-2,113," and "43-1803,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 730. Placed on General File as amended.
Standing Committee amendment to LB 730:
AM1046

1. Strike the original sections and insert the following new sections:

"Section 1. Section 25-1552, Reissue Revised Statutes of Nebraska, is amended to read:

25-1552. ~~All debtors who do not have lands, town lots, or houses subject to exemptions as a homestead under sections 40-101 to 40-116~~ Each natural person residing in this state shall have exempt from forced sale on execution the sum of ~~twenty-five~~ two thousand five hundred dollars in personal property, except wages. The provisions of this section ~~shall not, in any manner,~~ do not apply to the exemption of wages, that subject being fully provided for by section 25-1558. In proceedings involving a writ of execution, the exemption from execution under this section shall be claimed in the manner provided by section 25-1516. The debtor desiring to claim an exemption from execution under this section shall, at the time the request for hearing is filed, file a list of the whole of the property owned by the debtor and an indication of the items of property which he or she claims to be exempt from execution pursuant to this section and section 25-1556, along with a value for each item listed. The debtor or his or her authorized agent may select from the list an amount of property not exceeding the value exempt from execution under this section according to the debtor's valuation or the court's valuation if the debtor's valuation is challenged by a creditor.

Sec. 2. Section 25-1556, Reissue Revised Statutes of Nebraska, is amended to read:

25-1556. No property hereinafter mentioned shall be liable to attachment, execution or sale on any final process issued from any court in this state, against any person being a resident of this state: (1) The immediate personal possessions of the debtor and his or her family; ~~and~~ (2) all necessary wearing apparel of the debtor and his or her family; ~~all kitchen utensils and household furniture, to be selected by the debtor, not exceeding in value fifteen hundred dollars; all equipment or tools used by the debtor or his family for their own support not exceeding fifteen hundred dollars in value; the provisions for the debtor and his family necessary for six months' support, either provided or growing, or both; and fuel necessary for six months. All of the articles hereinbefore intended to be exempt shall be chosen by the~~

~~debtor, his agent, clerk or legal representative, as the case may be~~ (3) the debtor's interest, not to exceed an aggregate fair market value of one thousand five hundred dollars, in household furnishings, household goods, household computers, household appliances, books, or musical instruments which are held primarily for personal, family, or household use of such debtor or the dependents of such debtor; (4) the debtor's interest, not to exceed an aggregate fair market value of two thousand four hundred dollars, in implements, tools, or professional books or supplies held for use in the principal trade or business of such debtor or his or her family, which may include one motor vehicle used by the debtor in connection with his or her principal trade or business or to commute to and from his or her principal place of trade or business; and (5) the debtor's interest in any professionally prescribed health aids for such debtor or the dependents of such debtor. The specific exemptions in this section shall be selected by the debtor, his or her agent, clerk, or legal representative in the manner provided in section 25-1552.

Sec. 3. Section 25-1557, Reissue Revised Statutes of Nebraska, is amended to read:

25-1557. Nothing in this chapter shall be so construed as to exempt any property in this state from execution or attachment for ~~clerks', laborers' or mechanics' wages, or for money due and owing by an attorney at law for money or other valuable consideration received by such attorney for any person or persons~~ unpaid wages; for money due and owing by an attorney at law for money or other valuable consideration received by such attorney for any person or persons; or for enforcement of an award of or judgment for child support, alimony, or maintenance or a judgment for property division awarded to a former spouse.

Sec. 4. Section 40-101, Reissue Revised Statutes of Nebraska, is amended to read:

40-101. A homestead not exceeding ~~ten~~ twelve thousand five hundred dollars in value shall consist of the dwelling house in which the claimant resides, its appurtenances, and the land on which the same is situated, not exceeding one hundred and sixty acres of land, to be selected by the owner, and not in any incorporated city or village, or, at the option of the claimant, a quantity of contiguous land not exceeding two lots within any incorporated city or village, and shall be exempt from judgment liens and from execution or forced sale, except as provided in sections 40-101 to 40-116.

Sec. 5. Original sections 25-1552, 25-1556, 25-1557, and 40-101, Reissue Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE BILL 756. Placed on General File as amended.
Standing Committee amendment to LB 756:
AM0787

1. Strike the original sections and insert the following

new sections:

"Section 1. Section 28-101, Revised Statutes Supplement, 1996, is amended to read:

28-101. Sections 28-101 to 28-1348 and section 2 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. Any person who violates any condition of bail, recognizance, or a conditioned release which prohibits or restricts contact between such person and another person or persons is guilty of a Class II misdemeanor, in addition to any other penalties or forfeitures provided by law.

Sec. 3. Section 29-404.02, Reissue Revised Statutes of Nebraska, is amended to read:

29-404.02. Except as provided in section 42-928, a peace officer may arrest a person without a warrant if the peace officer has reasonable cause to believe that such person has committed:

(1) A felony;

(2) A misdemeanor, and the officer has reasonable cause to believe that such person either (a) will not be apprehended unless immediately arrested, (b) may cause injury to himself or herself or others or damage to property unless immediately arrested, (c) may destroy or conceal evidence of the commission of such misdemeanor, or (d) has committed a misdemeanor in the presence of the officer; ~~or~~

(3) One or more of the following acts to one or more household members:

(a) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon; or

(b) Threatening another in a menacing manner; or

(4) A violation of section 2 of this act.

For purposes of this section, household members shall include spouses or former spouses, children, persons who are presently residing together or who have resided together in the past, persons who have a child in common whether or not they have been married or have lived together at any time, and other persons related by consanguinity or affinity.

Sec. 4. Original section 29-404.02, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 1996, are repealed.".

LEGISLATIVE BILL 769. Placed on General File as amended.
Standing Committee amendment to LB 769:
AM0906

1. Insert the following new section:

"Sec. 12. Section 83-4,123, Reissue Revised Statutes of Nebraska, is amended to read:

83-4,123. Nothing in sections 83-4,109 to 83-4,123 shall be construed as to restrict or impair an inmate's free access to the courts and necessary legal assistance in any cause of action arising under such sections or to judicial review for disciplinary cases which involve the imposition of disciplinary ~~isolation~~ segregation or the loss of good-time credit in accordance with the Administrative Procedure Act. Such judicial review may only be invoked after completion of any review of the hearing prescribed by section 83-4,122 by the department.".

2. On page 11, line 25, strike "and" and insert "or".

3. On page 13, line 2, and page 14, line 21, strike "isolation", show as stricken, and insert "segregation".

4. On page 14, line 22, after "credit" insert "as punishment".

5. On page 17, line 20, strike the first "and" and after "83-4,122," insert "and 83-4,123,".

6. Renumber the remaining section accordingly.

LEGISLATIVE BILL 829. Placed on General File as amended.
Standing Committee amendment to LB 829:
AM1114

1. Strike original section 5 and insert the following new sections:

"Sec. 2. Section 42-902, Reissue Revised Statutes of Nebraska, is amended to read:

42-902. The Legislature hereby finds and declares that there is a present and growing need to develop services which will lessen and reduce the trauma of domestic abuse. It is the intent of the Protection from Domestic Abuse Act ~~sections 42-901 to 42-927~~ to provide abused family and household members necessary services including shelter, counseling, social services, and limited medical care and legal assistance.

Sec. 3. Section 42-918, Reissue Revised Statutes of Nebraska, is amended to read:

42-918. Under ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act, strict confidence shall be observed in all contact with victims of spouse abuse and their families. Any record, report, or files maintained by the department pursuant to ~~sections 42-901 to 42-927~~ the act shall be confidential, except that the department may release statistical information, while not revealing names. Violation of this section shall be a Class V misdemeanor.

Sec. 4. Section 42-919, Reissue Revised Statutes of Nebraska, is amended to read:

42-919. All programs under ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act shall be separate and administered independent of any welfare assistance program.

Sec. 5. Section 42-920, Reissue Revised Statutes of Nebraska, is amended to read:

42-920. The department may construct, lease, purchase, purchase on contract, utilize vendor payment, and contract for services connected with the operation of ~~sections 42-901 to 42-927~~

the Protection from Domestic Abuse Act as needs and interest demand.

Sec. 6. Section 42-921, Reissue Revised Statutes of Nebraska, is amended to read:

42-921. The department may accept gifts, grants, devises, and bequests of real and personal property from public or private sources to carry out the purposes of ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act. The department may sell, lease, exchange, invest, or expend such gifts, grants, devises, and bequests or the proceeds, rents, profits, and income therefrom according to the terms and conditions thereof.

Sec. 7. Section 42-922, Reissue Revised Statutes of Nebraska, is amended to read:

42-922. The department shall adopt and promulgate such rules and regulations and perform all other acts as may be necessary or appropriate to carry out ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act. Such rules and regulations shall include but not be limited to rules and regulations relating to fees charged, training of personnel, and administration of the program.

Sec. 8. Section 42-923, Reissue Revised Statutes of Nebraska, is amended to read:

42-923. The department shall determine the ability of the spouses or individuals to pay for services but shall not charge more than the actual cost. The department shall prepare and adopt a uniform fee schedule to be used. The scheduled fees may be reduced or waived by authorization of the department according to the rules of the department and as may be considered necessary to further the objective of ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act. The use of facilities and services established by ~~sections 42-901 to 42-927~~ the act shall not be denied residents of Nebraska because of inability to pay scheduled fees. Any fees received under this section shall be deposited in the General Fund.

Sec. 10. Section 42-927, Reissue Revised Statutes of Nebraska, is amended to read:

42-927. All law enforcement agencies in the state shall provide officers employed by them with an education and training program designed to inform the officers of the problems of domestic abuse, procedures to deal with such problems, the ~~provisions of sections 42-901 to 42-927~~ Protection from Domestic Abuse Act, and the services and facilities available to abused family and household members.

Sec. 11. (1) By January 1, 1998, each law enforcement agency shall develop a system for recording incidents of domestic abuse within its jurisdiction. All incidents of domestic abuse, whether or not an arrest was made, shall be documented with a written incident report form that includes a domestic abuse identifier.

(2) By January 1, 1998, the Nebraska Commission on Law Enforcement and Criminal Justice shall develop or shall approve a monthly reporting process. Each law enforcement agency shall compile and submit a monthly report to the commission on the number of domestic abuse incidents recorded within its jurisdiction.

(3) The commission shall report annually to the Governor, the Legislature, and the public the total number of incidents of domestic abuse reported by each reporting agency.

Sec. 14. Original sections 42-901, 42-902, 42-918, 42-919, 42-920, 42-921, 42-922, 42-923, 42-924, 42-927, and 42-928, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 2, line 3; and page 3, lines 6, 22, and 26, strike "section 4" and insert "sections 11 and 13".

3. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 149. Indefinitely postponed.
LEGISLATIVE BILL 158. Indefinitely postponed.
LEGISLATIVE BILL 236. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 100. Introduced by Vrtiska, 1.

WHEREAS, the Johnson-Brock High School boys' basketball team won the Class D-1 boys' state high school basketball championship with a 76-57 victory over Pleasanton; and

WHEREAS, the Johnson-Brock High School boys' basketball team was making only its second appearance at the Nebraska Boys' State Basketball Tournament; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth in our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Johnson-Brock High School boys' basketball team be congratulated for its extraordinary efforts and accomplishments in the 1997 Nebraska Boys' State High School Basketball Tournament.
2. That a copy of this resolution be sent to Coach Dan Vahle and Johnson-Brock High School.

Laid over.

LEGISLATIVE RESOLUTION 101. Introduced by Vrtiska, 1.

WHEREAS, the Tecumseh High School boys' basketball team won the Class C-2 boys' state high school basketball championship with a 50-41 victory over Wahoo Neumann; and

WHEREAS, 1997 marks the first time Tecumseh has won the Nebraska

Boys' State Basketball Tournament championship in its class;

WHEREAS, the Tecumseh High School boys' basketball team finished the 1996-97 season undefeated, with a 28-0 record, for the boys' team's first-ever undefeated season; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth in our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Tecumseh High School boys' basketball team be congratulated for its extraordinary efforts and accomplishments for the season and in the 1997 Nebraska Boys' State High School Basketball Tournament.

2. That a copy of this resolution be sent to Coach Chris Hutt and Tecumseh High School.

Laid over.

LEGISLATIVE RESOLUTION 102. Introduced by Robinson, 16; Coordsen, 32.

WHEREAS, Bob Erickson just completed his thirty-fifth year as head coach of the Doane College men's basketball team; and

WHEREAS, the Tigers' record under Coach Erickson is 581-163; and

WHEREAS, at the beginning of the 1996-97 season, Bob Erickson was ranked No. 19 on the list of winningest active collegiate coaches on all levels; and

WHEREAS, Bob Erickson was inducted into the NAIA Basketball Hall of Fame on March 11, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes Bob Erickson's career achievements and congratulates him on his induction into the NAIA Basketball Hall of Fame.

2. That copies of this resolution be provided to Bob Erickson and to Doane College.

Laid over.

AMENDMENTS - Print in Journal

Mr. Withem filed the following amendment to LB 465:

AM1058

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new section:

"Sec. 23. Section 28-902, Reissue Revised Statutes of Nebraska, is amended to read:

28-902. (1) Every person engaged in the practice of medicine and surgery, or who is in charge of any emergency room or first-aid station in this state, shall report every case, in which he or she is consulted for treatment or treats a wound or injury of violence which appears to have been received in connection with the commission of a criminal offense, immediately to the chief of police of the municipality or to the sheriff of the county wherein the consultation or treatment occurs. In cases in which the wound or injury of violence was caused by a firearm, the person shall also immediately make a report to the Nebraska State Patrol. Such ~~report~~ reports shall include the name of such person, the residence, if ascertainable, and a brief description of the injury. Any provision of law or rule of evidence relative to confidential communications is suspended insofar as the provisions of this section are concerned.

(2) Any person who fails to make the ~~report~~ reports required by subsection (1) of this section commits a Class III misdemeanor.".

2. On page 8, line 26, strike "and".

3. On page 9, line 2, after "Patrol" insert "; and

(r) He or she has not accidentally, negligently, or carelessly discharged a firearm and the discharge resulted in the death of another person or resulted in an injury to his or her self or to another person that required medical treatment"; and after line 4 insert the following new subsection:

"(3) No license to carry a concealed handgun shall be issued until the listing system required by section 21 of this act has been created and is operational.".

4. On page 19, line 10, after the period insert "The Nebraska State Patrol shall also maintain a listing of cases reported to it pursuant to section 28-902.".

5. On page 22, line 20, strike "28-915.01" and insert "28-902, 28-915.01,".

6. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 465:
AM0703

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new section:

"Sec. 23. (1) Wherever alcohol is consumed, any person serving alcohol, before serving alcohol to another person, shall verbally ask such other person if he or she is a licensee and carrying a concealed handgun pursuant to the Concealed Handgun License Act. If such person is a licensee carrying a concealed handgun pursuant to the act, the licensee shall check the handgun with the person serving alcohol before the licensee is served alcohol. Any handgun that is checked pursuant to this section shall not be returned to the licensee until the licensee proves to the satisfaction of the person who served the licensee alcohol that the licensee does not have remaining in his or her blood any previously consumed alcohol. If such person is not a licensee pursuant to the Concealed Handgun License Act and is carrying a concealed handgun, or if such person or licensee is carrying any other kind of concealed weapon, a peace officer shall be notified by the person serving alcohol.

(2) Any person serving alcohol to another person in violation of subsection (1) of this section is guilty of a Class IV felony.".

2. On page 1, line 3, strike "22" and insert "23".

3. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 465:
AM0702

(Amendments to Standing Committee amendments, AM0617)

1. On page 16, line 27, after the semicolon insert "place where alcohol is consumed on the premises;".

Mrs. Bohlke filed the following amendment to LB 465:
AM1148

(Amendments to Standing Committee amendments, AM0617)

1. On page 11, line 23, after "courses" insert "and for the instructors who will be teaching such courses".

2. On page 12, line 10, strike "and"; and in line 12 after "confrontation" insert "; and

(i) Knowledge of basic ballistics and penetration factors of various handgun calibers".

Mrs. Bohlke filed the following amendment to LB 465:
AM1150

(Amendments to Standing Committee amendments, AM0617)

1. On page 18, line 6, strike "III" and insert "II"; and in lines 8 and 11 strike "Class I misdemeanor" and insert "Class IV felony".

Mrs. Bohlke filed the following amendment to LB 465:
AM1151

(Amendments to Standing Committee amendments, AM0617)

1. On page 17, line 2, after the semicolon insert "any type of athletic event; place of worship; health facility; entertainment event; anywhere alcohol is served; political rally or fundraiser; retail establishment;".

Mrs. Brown filed the following amendment to LB 465:
AM1059

(Amendments to Standing Committee amendments, AM0617)

1. On page 3, line 3, strike "seventy-five" and insert "ninety".

2. On page 13, line 27, strike "forty-five" and insert "fifty-five".

3. On page 20, line 2, strike "fifteen" and insert "thirty"; and in line 3 strike "five" and insert "fifteen".

Mr. Beutler filed the following amendment to LB 465:

AM0705

(Amendments to Standing Committee amendments, AM0617)

1. On page 16, line 27, after the semicolon insert "places of public accommodation;".

Mr. Beutler filed the following amendment to LB 465:
AM0706

(Amendments to Standing Committee amendments, AM0617)

1. On page 16, line 27, after the semicolon insert "place of employment;".

Mr. Beutler filed the following amendment to LB 465:
AM0730

(Amendments to Standing Committee amendments, AM0617)

1. On page 21, line 27, after the period insert "All handguns concealed in the passenger compartment of a motor vehicle shall be protected at all times from access by minors by either locking the passenger compartment or by locking the handgun in the storage compartment, unless the licensee is present.".

Mr. Hilgert filed the following amendment to LB 465:
AM1061

(Amendments to Standing Committee amendments, AM0617)

1. On page 1, line 13, after "(1)" insert "Emergency services personnel means a volunteer or paid firefighter or rescue squad member, a person certified to provide emergency medical services pursuant to sections 71-5101 to 71-5164, a person certified to provide emergency medical care pursuant to the Emergency Medical Technician-Paramedic Act, or a first responder certified to provide prehospital care pursuant to the First Responders Emergency Rescue Act;

(2)"; in line 17 strike "(2)" and insert "(3)"; in line 20 strike "(3)" and insert "(4)"; and in line 21 after the last comma insert "arson investigator,".

2. On page 15, lines 25 and 27, after "officer" insert "or by emergency services personnel".

3. On page 16, lines 1, 3, 5, and 7, after "officer" insert "or the emergency services personnel"; in line 8 after "handgun" insert "or to an order from emergency services personnel to secure the handgun"; in line 9 strike "(b)" and insert "(b)(i)"; after line 15 insert the following new subdivision:

"(ii) When emergency services personnel have determined that the licensee is not a threat to the safety of any person present, including emergency services personnel, and providing that the licensee is physically and mentally capable of possessing the handgun, the emergency services personnel shall return the handgun to the licensee before releasing the licensee from the scene and breaking contact. If the licensee is transported for treatment to another location, the handgun shall be turned over to any peace officer."; and in line 18 after "purpose" insert "or in the course of his or her official duties, and contact with emergency services personnel means anytime emergency services personnel provide treatment to a licensee or questions or address a licensee for an official purpose or in the course of their official duties".

Mr. Beutler filed the following amendment to LB 465:
AM0701

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new section:

"Sec. 23. Any municipality, by a majority vote of the governing board of the municipality, or any county, by a majority vote of the county board, may put the issue of whether to allow the carrying of concealed handguns in such municipality or county to a vote of the registered voters in such municipality or county.".

2. On page 1, line 3, strike "22" and insert "23".

3. On page 13, line 9, strike "A" and insert "Except as provided in section 23 of this act, a".

4. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 465:
AM0700

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new section:

"Sec. 23. Any municipality, by a majority vote of the governing board of the municipality, or any county, by a majority vote of the county board, may prohibit the carrying of concealed handguns in such municipality or county.".

2. On page 1, line 3, strike "22" and insert "23".

3. On page 13, line 9, strike "A" and insert "Except as provided in section 23 of this act, a".

4. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LB 162:
AM1011

1. On page 2, strike beginning with "directly" in line 2 through "certain" in line 4 and insert "evaluate its law enforcement officers' performances solely on the"; and strike beginning with "on" in line 6 through "officers" in line 8 and insert "issued".

GENERAL FILE

LEGISLATIVE BILL 465. The Brashear pending amendment, AM0865, found on page 972 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Chambers requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 29:

Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Jensen
Jones
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wickersham
Witek

Voting in the negative, 5:

Chambers
Kiel
Robinson
Schimek
Will

Present and not voting, 8:

Beutler
Bohlke
Hartnett
Lynch
Preister
Suttle
Wesely
Withem

Excused and not voting, 7:

Abboud
Janssen
Kristensen
Landis
Matzke
Warner
Wehrbein

The motion to cease debate prevailed with 29 ayes, 5 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Chambers requested a roll call vote, in reverse order, on the Brashear amendment.

Voting in the affirmative, 30:

Brashear
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Jensen
Jones
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wesely
Will
Witek

Voting in the negative, 2:

Kiel Wickersham

Present and not voting, 10:

Beutler Brown Hartnett Robinson Suttle
Bohlke Chambers Lynch Schimek Withem

Excused and not voting, 7:

Abboud Kristensen Matzke Warner Wehrbein
Janssen Landis

The Brashear amendment was adopted with 30 ayes, 2 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Chambers moved to reconsider the vote on the Brashear amendment (AM0865).

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. WILL PRESIDING

SPEAKER WITHEM PRESIDING

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: 165, 284, 434, 466, 554, 589, 753, 755, and 887.

Enrollment and Review Change to LB 589

The following changes, required to be reported for publication in the Journal, have been made:
ER9033
1. In the Abboud amendment, AM1101, on page 1, line 2, "21" has been struck and "3" inserted; and in line 8 "section" has been struck and "sections" inserted.
2. On page 1, line 1, "sanitary and improvement districts" has been struck and "political subdivisions" inserted; and in line 4 "for sanitary and improvement districts; to prohibit the use of certain sirens to summon volunteer firefighters" has been inserted after "improvements".

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 253. Indefinitely postponed.
LEGISLATIVE BILL 289. Indefinitely postponed.
LEGISLATIVE BILL 448. Indefinitely postponed.
LEGISLATIVE BILL 706. Indefinitely postponed.
LEGISLATIVE BILL 785. Indefinitely postponed.
LEGISLATIVE BILL 816. Indefinitely postponed.
LEGISLATIVE BILL 817. Indefinitely postponed.
LEGISLATIVE BILL 879. Indefinitely postponed.

LEGISLATIVE RESOLUTION 22CA. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

AMENDMENT - Print in Journal

Mr. Cudaback filed the following amendment to LB 70:
AM0995

(Amendments to Standing Committee amendments, AM0371)

1. On page 4, line 12, after the period insert "All county officials within each county choosing to accept credit cards, charge cards, and debit cards shall contract for services through the same financial institutions, vending service companies, credit card, charge card, or debit card companies, or third-party merchant banks for the provision of such services. County officials which accept credit cards, charge cards, and debit cards shall notify the county board of such decision and the discount or administrative fees charged for such service.".

GENERAL FILE

LEGISLATIVE BILL 465. The Chambers pending motion, found in this day's Journal, to reconsider the Brashear amendment, AM0865, was renewed.

Messrs. Dierks, Jensen, Bromm, Cudaback, Mmes. Hillman, and C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Chambers motion to reconsider failed with 8 ayes, 23 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schellpeper renewed his pending amendment, AM0958, found on page 1063, to the Standing Committee amendment.

Messrs. Abboud, Janssen, Beutler, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Elmer and Coordsen asked unanimous consent to be excused. No objections. So ordered.

MR. WESELY PRESIDING

Mr. Schellpeper withdrew his amendment.

SPEAKER WITHEM PRESIDING

Mr. Schellpeper renewed his pending amendment, AM0956, found on page 1063, to the Standing Committee amendment.

Messrs. Will and Bruning asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a division of the question on the Schellpeper amendment to the Standing Committee amendment.

The Chair sustained the division of the question.

The first Schellpeper amendment, to the Standing Committee amendment, is as follows:
FA109

(Amendments to Standing Committee amendments, AM0617)

1. On page 3, line 15, after the underscored semicolon insert "and"; and strike beginning with the underscored semicolon in line 22 through "Nebraska" in line 24.

2. On page 10, strike beginning with "the" in line 19 through "or" in line 20;

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 340A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 340, Ninety-fifth

Legislature, First Session, 1997.

AMENDMENTS - Print in Journal

Mr. Schellpeper filed the following amendment to LB 465:
FA108

on page 9, line 4 insert the following new section

(3) No license to carry a concealed handgun shall be issued until the listing system required by section 21 of this act has been created and is operational

Mrs. Suttle filed the following amendment to LB 465:
AM1112

(Amendments to Standing Committee amendments, AM0617)

1. On page 2, line 20, strike "and"; and in line 24 after "felony" insert "; and

(5) A description of the type, caliber, and specifications of the handgun or handguns the applicant was trained to use in any safety course certified by the Nebraska State Patrol".

2. On page 3, line 8, after "Patrol" insert "which specifies the type, caliber, and specifications of the handgun or handguns the applicant was trained to use".

3. On page 9, line 1, after the first "handgun" insert "or handguns of a specific type, caliber, and specifications"; and in line 2 after "Patrol" insert "for a handgun or handguns of such particular type, caliber, and specifications".

4. On page 11, line 25, after "handgun" insert "based on its particular type, caliber, and specifications".

5. On page 12, line 1, after "handgun" insert "or handguns of a specific type, caliber, and specifications"; in line 2 after "handgun" insert "or handguns of a specific type, caliber, and specifications"; in line 3 after "standards" insert "for a handgun or handguns of such particular type, caliber, and specifications"; and in line 23 after "designee" insert "and a description of the specific type, caliber, and specifications of the handgun or handguns the licensee was trained to use as described in the application for a license to carry a concealed handgun under section 5 of this act and in the certificate of completion of a handgun and training safety course certified by the Nebraska State Patrol under section 6 of this act".

6. On page 13, line 12, strike "a" and insert "at any one time one" and after "handgun" insert "of a specific type, caliber, and specifications as described on the license and only one handgun of that type, caliber, and specifications".

Mrs. Kiel filed the following amendment to LB 465:
AM1060

(Amendments to Standing Committee amendments, AM0617)

1. On page 1, line 16, after "trigger" insert ". A handgun shall be classified as a pistol or revolver of a caliber of .32 or greater or a pistol or revolver of a caliber of less than .32, or as a semiautomatic of a caliber of .380 or greater or a semiautomatic of a caliber of less than .380".

2. On page 3, line 8, after "Patrol" insert ". The certificate of completion shall include on its face the classification or classifications of handgun for which the applicant was trained and instructed".

3. On page 9, line 1; and page 12, line 1, strike "a handgun" and insert "the class or classes of handgun for which a license to carry a concealed handgun is sought".

4. On page 12, line 2, strike "a" and insert "such class or classes of"; and in line 21 after the second comma insert "the class or classes of handgun the issued license applies to,".

Mr. Hilgert filed the following amendment to LB 465:
AM1179

(Amendments to Sanding Committee amendments, AM0617)

1. On page 12, line 10, strike "and"; and in line 12 after "confrontation" insert "; and

(i) Knowledge of child abuse and neglect and the penalties for such offense, as witnessed by the signing of a form promulgated by the Nebraska State Patrol. The form shall contain verbatim the text of subsections (3) through (6) of section 28-707 and subdivision (3)(a) of section 28-710".

Mr. Beutler filed the following amendment to LB 465:
AM0711

(Amendments to Standing Committee amendments, AM0617)

1. On page 8, line 26, strike "and"; and in line 27 after "(q)" insert "He or she was the victim of an offense involving violence against his or her person and the incident was reported to the appropriate authorities and a record exists of such incident; and

(r)".

Mr. Wesely filed the following amendment to LB 465:
AM1176

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new sections:

"Sec. 24. Section 28-1201, Reissue Revised Statutes of Nebraska, is amended to read:

28-1201. For purposes of sections 28-1201 to 28-1212, unless the context otherwise requires:

(1) Firearm shall mean any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or frame or receiver of any such weapon;

(2) Fugitive from justice shall mean any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

(3) Juvenile shall mean any person under the age of ~~eighteen~~ twenty-one years;

(4) Knife shall mean any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds;

(5) Knuckles and brass or iron knuckles shall mean any instrument that consists of finger rings or guards made of a hard substance and that is designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with a fist enclosed in the knuckles;

(6) Machine gun shall mean any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(7) Short rifle shall mean a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and

(8) Short shotgun shall mean a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

Sec. 26. Section 28-1204, Reissue Revised Statutes of Nebraska, is amended to read:

28-1204. (1) Any person under the age of ~~eighteen~~ twenty-one years who possesses a pistol, revolver, or any other form of short-barreled hand firearm commits the offense of unlawful possession of a revolver.

(2) The provisions of this section shall not apply to the issuance of such firearms to members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.

(3) Unlawful possession of a revolver is a Class III misdemeanor.".

2. On page 22, line 20, strike "and 28-1202" and insert ", 28-1201, 28-1202, and 28-1204".

3. Renumber the remaining sections accordingly.

Mr. Will filed the following amendment to LB 249:
AM1013

1. Insert the following new sections:

"Section 1. Section 53-101, Revised Statutes Supplement, 1996, is amended to read:

53-101. Sections 53-101 to 53-1,121 and section 2 of this act shall be known and may be cited as the Nebraska Liquor Control Act.

Sec. 2. A licensee shall be subject to citation and administrative sanctions, including suspension, cancellation, or revocation of the license if:

(1) The licensee is convicted of a felony or a Class I misdemeanor pursuant to Chapter 28, article 3, 4, 7, 8, 10, 11, or 12;

(2) The licensee holding a license to sell alcoholic liquor at retail for consumption on the licensed premises permits nude or seminude dancing in violation of state law or of ordinances of the local governing body having jurisdiction of the license;

(3) The licensee knows a violation under subdivision (1) or (2) of this section has been committed on the licensed premises and the licensee fails to report the violation to a law enforcement agency within twenty-four hours after learning of the commission of the violation; or

(4) An employee or agent of a licensee is convicted of a violation under subdivision (1) or (2) of this section occurring on the licensed premises, unless the licensee had no knowledge of the commission of the violation and the licensee reports the violation to a law enforcement agency within twenty-four hours after learning of the commission of the violation.".

2. Amend the repealer, renumber the remaining sections, and correct internal references accordingly.

Mr. Abboud filed the following amendment to LB 278:
AM1175

(Amendments to Standing Committee amendments, AM0427)

1. Insert the following amendments:

"1. On page 3, line 13, strike '(5)' and insert '(6)'; in line 15 strike ', second, or third' and insert 'or second'; in line 21 strike 'or second'; in line 22 strike 'sections 28-314 and 28-315' and insert 'section 28-314'; strike beginning with 'Fund' in line 23 through '(8)' in line 24; and in line 26 strike '(9)' and insert '(8)'.

2. On page 4, line 8, strike '(10)' and insert '(9)'.

3. Renumber the remaining amendments accordingly.".

GENERAL FILE

LEGISLATIVE BILL 465. The first Schellpeper amendment, FA109, found in this day's Journal, to the Standing Committee amendment, was renewed.

Mr. Beutler and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper withdrew his amendment.

Mr. Wickersham, Mmes. Bohlke, and Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

The second Schellpeper amendment, to the Standing Committee amendment, is as follows:
FA110

(Amendments to Standing Committee amendments, AM0617)
in line 22 after "unlawfully" insert "or negligently to endanger others"; and strike from the underscored comma in line 24 through the underscored comma in line 26.

Mr. Schellpeper withdrew his amendment.

Pending.

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 465:
FA111

Amend part (1) of Amendment 0956,
Strike all language in lines 1-3; and insert: In the Committee Amendments (0617), on page 3, in line 24, strike "residents" and insert, "citizens"

ANNOUNCEMENT

Mr. Kristensen announced the Transportation Committee will hold an executive session Tuesday, March 25, 1997, at 10:00 a.m., in Room 1200.

RESOLUTION

LEGISLATIVE RESOLUTION 103. Introduced by Will, 8; Abboud, 12; Hilgert, 7; Bromm, 23.

WHEREAS, individuals who have chosen to practice the legal profession have an obligation to serve the community with character and integrity;

WHEREAS, the development of and adherence to standards of legal ethics are essential to ensuring the legal professionals fulfill such obligations; and

WHEREAS, practice in accordance with standards of legal ethics provides a basis for successful and progressive conduct for both legal professionals and their clients.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the week of April 1-4, 1997, be recognized as Ethics in Law Week.
2. That Ethics in Law Week shall be celebrated with the motto "Character, Integrity, and Courage".

Laid over.

GENERAL FILE

LEGISLATIVE BILL 465. Mr. Schellpeper renewed his pending amendment, AM0957, found on page 1064, to the Standing Committee amendment.

Mrs. McKenzie, Messrs. Hartnett, and Preister asked unanimous consent to be excused. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were Senator D. Pederson's wife, Virginia, and grandchildren, Laura, Tim, and Matt Pederson, from North Platte; 36 sixth through eighth grade students and teachers from Sunrise Middle School, Kearney; 23 fourth grade students from Friend; Alisa Miller from Lincoln; Gerald and Ila Davenport from Cozad; and Senator Hillman's daughter, son-in-law, and grandson, Shari, Allen, and Bryon Johnston, from Gering.

The Doctor of the Day was Hank Newburn from Lincoln.

MOTION - Adjournment

Mrs. Suttle moved to adjourn. The motion prevailed with 12 ayes, 3 nays, 13 present and not voting, and 21 excused and not voting, and at 5:59 p.m., the Legislature adjourned until 1:00 p.m., Tuesday, March 25, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-SEVENTH DAY – MARCH 25, 1997

LEGISLATIVE JOURNAL

FORTY-SEVENTH DAY – MARCH 25, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, March 25, 1997

Pursuant to adjournment, the Legislature met at 1:02 p.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Dale Ribble, Oak Lake Evangelical Free Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hilgert and Wehrbein who were excused; and Messrs. Abboud, Bromm, Cudaback, Dierks, Landis, Dw. Pedersen, Schrock, Warner, Wesely, Will, Mmes. Bohlke, McKenzie, Stuhr, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-sixth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 97021

DATE:	March 25, 1997
SUBJECT:	LB 146; Legal effect in cases involving discipline of health care professionals
REQUESTED BY:	Senator Don Wesely, Chairperson Health and Human Services Committee Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General James D. Smith, Assistant Attorney General

OPINION REQUEST:

LB 146 would change the Nebraska statutes stating the grounds for disciplining licenses of health care professionals. LB 146 would amend the disciplinary statutes by adding the following language:

> This section shall not be construed to affect or prevent a licensee's use of whatever medical care, conventional or nonconventional, which effectively treats human disease, pain, injury, deformity, or physical condition which is within the scope of practice of the licensee.

In your opinion request, you express the concern that the bill will weaken the ability of examining boards and our office to regulate unproven therapies. Your opinion request specifically seeks our opinion "concerning the legal effect of adding this new language in cases involving discipline of health care professionals".

CONCLUSIONS:

1. As drafted, LB 146 would inject legal ambiguity into the statutory grounds for disciplining professional health care licenses.

2. As drafted, LB 146's legal ambiguity can allow licensed health care professionals to promote and use unproven therapies with less risk of disciplinary consequences.

Legislative history:

Neb. Rev. Stat. §§ 71-147 and 71-148 state the many grounds for disciplining the licenses of health care professionals. LB 146 proposes to amend both Sections 71-147 and 71-148 by adding the language stated above.

The disciplinary grounds provided by Sections 71-147 and 71-148 apply to multiple licensed health professions and occupations, not simply those professionals having a license to practice medicine and surgery. These disciplinary statutes are also applicable to licensed professionals such as advanced registered nurse practitioners, nurses, certified nurse practitioner-anesthetists, certified nurse midwives, athletic trainers, chiropractors, dentists, dental hygienists, massage therapists, medical nutrition therapists, mental health practitioners, nursing home administrators, optometrists, osteopathic physicians, pharmacists, physical therapists, podiatrists, psychologists, and respiratory therapists.

As recognized by the Nebraska Supreme Court, the purpose for licensing and disciplining health care professionals is for the protection of the public. Using the Supreme Court's terminology from last century, "The purpose . . . was to protect the sick and afflicted against the knavery of quacks . . . ." ***Maxwell v. Swigart***, 48 Neb. 789, 791, 67 N.W. 789, 790 (1896). Using the

Supreme Court's more recent terminology, "The disciplinary proceedings of physicians . . . serve the same purpose: protection of the public interest." ***Davis v. Wright***, 243 Neb. 931, 939, 503 N.W.2d 814, 819 (1993).

In reviewing the history of Section 71-147 and 71-148, it is noted that significant amendments were made to these statutes in 1993 by the Legislature in response to the Nebraska Supreme Court's decision in ***Curry v. State ex rel. Stenberg***, 242 Neb. 695, 496 N.W.2d 512 (1993). The ***Curry*** case involved a physician who had been disciplined for "unprofessional conduct" for prescribing controlled substances contrary to practice standards of the medical profession. The Nebraska Supreme Court reversed the discipline on the basis that Neb. Rev. Stat. §§ 71-147 and 71-148 did not define "unprofessional conduct" to include a professional's violation of the practice standards of his own profession.

Two months after the ***Curry*** decision, the Legislature adopted Amendment 2051 to Laws 1993, LB 536, which was ultimately passed by the Legislature by a vote of 44 to 1 with the emergency clause and approved by the Governor on June 10, 1993. Amendment 2051 amended Section 71-148's definition of "unprofessional conduct" and added the following language:

> unprofessional conduct shall mean any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or occupation or the ethics of the profession or occupation, regardless of whether a person, patient, or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest, including, but not limited to:
>
> [Subsections 1 through 16, stating various disciplinary violations, remained unchanged. Subsections 17-21 were added to create new violations relating to sexual misconduct, failure to maintain treatment records, and drug prescribing violations.]

Analysis of LB 146:

There are several key terms of LB 146 which are not defined by the bill. They are the terms "effectively treats", "conventional or nonconventional", and "medical care".

The terms "conventional or unconventional", in the context of the bill's remaining language, indicate that the ultimate question to be considered in disciplining licensed health care professionals for providing medical care is the effectiveness of "whatever medical care". One can obviously note that the proof of anything is in the pudding. However, trying to prove at a disciplinary hearing what was in the pudding, after the fact, may be extremely difficult.

The bill is unclear who will have the burden of proving effectiveness or how such matters are to be proven. In ***Davis v. Wright***, 243 Neb. 931, 503

N.W.2d 814 (1993), the Nebraska Supreme Court ruled that the State has the burden of proving disciplinary violations by clear and convincing evidence, which is a heavier burden of proof than is imposed on a civil litigant in malpractice litigation. Thus, the question of who would have the burden of proving "effectiveness", or lack of the same, in a disciplinary proceeding is a significant question, especially if the burden of proof in this regard is to be on the State.

The question of how to prove "effectiveness" is troublesome when legal concepts of admissible evidence are contrasted with the bill's use of the adjective "unconventional" in reference to "medical care". Neb. Rev. Stat. § 84-914(1) provides that any party to an administrative hearing may require an administrative agency to be bound by the rules of evidence. Since professional disciplinary proceedings are administrative hearings, either the State or the licensed professional may invoke the rules of evidence for a contested disciplinary hearing. If proof of effectiveness of medical care is to be by expert testimony, the Nebraska Supreme Court applies the standard for the admissibility of scientific evidence first enunciated in ***Frye v. United States***, 293 F. 1013 (D.C. Cir. 1923)". See, ***State v. Reynolds***, 235 Neb. 662, 457 N.W.2d 405 (1990); ***State v. Carter***, 246 Neb. 953, 524 N.W.2d 763 (1994). The Nebraska Supreme Court has explained the ***"Frye"*** test as follows:

> Under the test or standard enunciated in ***Frye***, reliability for admissibility of an expert's testimony, including an opinion, which is based on a scientific principle or is based on a technique or process which utilizes or applies a scientific principle, depends on general acceptance of the principle, technique, or process in the relevant scientific community. ***State v. Reynolds***, 235 Neb. at 681, 457 N.W.2d at 418. Emphasis added.

In accordance with the Nebraska Supreme Court's decision in ***Reynolds***, the rules of evidence appear to forbid the introduction of expert testimony that something which is "nonconventional" was "effective". This is because the expert's testimony would be unreliable if the scientific principles upon which the care was based are not generally accepted in the relevant scientific community. LB 146 is unclear whether it would have the effect of permitting "unreliable experts", i.e. those defined by evidence rules as experts whose techniques are not generally accepted, to testify as to the effectiveness of nonconventional medical care.

Whether anecdotal testimonials of effectiveness, as opposed to expert testimony, will suffice to establish effectiveness is an open question. Obviously, a patient can testify to the treatment provided and the effects noticed by the patient. If such evidence will be sufficient to insulate a professional from discipline, one can envision claims that a certain flu remedy was effective because, after administration of it, the patient's symptoms generally disappeared after 5 to 7 days.

The ambiguity of the term "effectively treats", as it refers to the bill's language on "human disease, pain, injury, deformity, or physical condition", raises legal questions beyond that of the burden of proof and who has the burden. Also unclear is what happens if the "medical care" in a particular fact situation is "effective" to treat a patient's particular complaint, such as pain, but creates other complications or conditions. For example, one could prescribe pain medication or a variety of treatments which may be "effective" to relieve pain or a particular patient complaint, but which can also cause other complications or fail to address other underlying problems.

The term "medical care" would not necessarily be restricted to care provided by those licensed in the profession of medicine and surgery. As previously noted, there are numerous other professions which are subject to the disciplinary provisions of Sections 71-147 and 71-148, many of which also are responsible for providing what could be construed as "medical care" for humans. See also, ***Champion Intern. v. Nicholes***, 773 P.2d 376 (Okla. App. 1989 - psychologist's services constitute "medical care"); ***Zeh v. National Hospital Ass'n***, 377 P.2d 852 (Ore. 1963 - chiropractor's services constitute "medical care").

The bill as a whole is drafted so that the words "this section shall not be construed to affect or prevent" raises questions as to the effect of the remaining disciplinary grounds of Sections 71-147 and 71-148 in the event they conflict with a professional's use of "whatever medical care, conventional or nonconventional, which effectively treats". It is unclear whether such a conflict means the disciplinary statutes should be "construed" so as to prohibit discipline for what otherwise would have been a violation of other disciplinary provisions. Section 71-148 would still retain statutory language defining "unprofessional conduct" to include the "failure to conform to the standards of acceptable and prevailing practice of a profession". If LB 146 intends to "construe" the latter language out of Section 71-148, then it is unclear if other disciplinary grounds and provisions of Sections 71-147 and 71-148 are also to be construed as non-applicable in situations when "whatever medical care" was "effective".

In general, ambiguity promotes the likelihood of contested cases, more court appeals, and the risk of decisions that denote why law is not an exact science. See, ***State v. Carter***, 246 Neb. 953, 976, 524 N.W.2d 763 (1994), quoting from ***State v. Bible***, 175 Ariz. at 578, 858 P.2d at 1181, "[B]ecause neither judge nor jury may be able to separate 'junk science' from good science, ***Frye*** helps guarantee 'that reliability will be assessed by those in the best position to do so: members of the relevant scientific field who can dispassionately study and test the new theory' ". The ambiguities of LB 146, as drafted, could allow members of licensed health care professions to dispassionately study and test new theories on the public, with safe havens from discipline being provided to those professionals who make claims of effectiveness which could not be disproved, by clear and convincing evidence, by the State.

DON STENBERG
Attorney General
(Signed) James D. Smith
Assistant Attorney General

31-318-11

UNANIMOUS CONSENT - Member Excused

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 465. Mr. Schellpeper renewed his pending amendment, AM0957, found on page 1064 and considered on page 1217, to the Standing Committee amendment.

Mr. Coordsen, Mmes. Crosby, and Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Maurstad, Mmes. Hillman, and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper withdrew his amendment.

Pending.

AMENDMENTS - Print in Journal

Mr. Coordsen filed the following amendment to LB 409:
AM0969

1. Insert the following new section:

"Sec. 2. Section 77-2702.13, Reissue Revised Statutes of Nebraska, is amended to read:

77-2702.13. (1) Retail sale or sale at retail shall mean:

(a) A sale of property for any purpose other than for resale in the regular course of business;

(b) A sale of property to an advertising agency which purchases the property as an agent for a disclosed or undisclosed principal. The advertising agency is and remains liable for the sales and use tax on the purchase the same as if the principal had made the purchase directly;

(c) The delivery in this state of property by an owner or former owner thereof or by a factor or agent of such owner, former owner, or factor, if the delivery is to a customer or person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in this state. The person making the delivery in such cases shall include the delivery person's selling price of the property in his or her gross receipts;

(d) The sale of admissions which shall mean the right or privilege to have access to or to use a place or location. When an admission to an activity is combined with the solicitation of a contribution, the portion or the amount charged representing the fair market price of the admission shall be considered a retail sale subject to the tax imposed by section 77-2703. The organization conducting the activity shall determine the amount properly attributable to the purchase of the privilege, benefit, or other consideration in advance, and such amount shall be clearly indicated on any ticket, receipt, or other evidence issued in connection with the payment. Admissions shall not include (i) fees charged by elementary or secondary schools, public or private, (ii) fees charged by school districts, student organizations, or parent-teacher associations pursuant to an agreement with the proper school authorities in an elementary or secondary school, public or private, during the regular school day or at an approved function of any such school, or (iii) fees charged by ballot question committees, candidate committees, independent committees, and political party committees as defined in the Nebraska Political Accountability and Disclosure Act;

(e) A sale of live plants incorporated into real estate except when such incorporation is incidental to the transfer of an improvement upon real estate or the real estate; and

(f) A sale of any property annexed to real estate by a person electing to be taxed as a retailer pursuant to subdivision (1) of section 77-2702.05 except when such annexation is incidental to the transfer of an improvement upon real estate or the real estate.

(2) Retail sale or sale at retail shall not mean:

(a) The sale of:

(i) Property which will enter into and become an ingredient or component part of property manufactured, processed, or fabricated for ultimate sale at retail; or

(ii) Refractory materials, lime, synthetic slag, mill rolls, and guides for use in manufacturing of steel or cement;

(b) The sale of:

(i) Any form of animal life of a kind the products of which ordinarily constitute food for human consumption. Animal life shall include live poultry or livestock on the hoof when sales are made by the grower, producer, feeder, or any person engaged in the business of bartering, buying, or selling live poultry or livestock on the hoof;

(ii) Seeds and annual plants, the products of which ordinarily constitute food for human consumption and which seeds and annual plants are sold to commercial producers of such products, and seed legumes, seed grasses, and seed grains when sold to be used exclusively for agricultural purposes;

(iii) Agricultural chemicals, including additives designed to enhance the performance, application, or effectiveness of agricultural chemicals, for use in commercial agriculture and applied to land or crops and sold in any tax period that has not been closed by the applicable statute of limitations. Agricultural chemicals shall not mean chemicals applied to harvested grains stored in commercial elevators; or

(iv) Oxygen for use in aquaculture as defined in section 2-3804.01;

(c) The sale of:

(i) Nonreturnable containers when sold without contents to persons who place contents in the container and sell the contents together with the container;

(ii) Containers when sold with contents if the sales price of the contents is not required to be included in the measure of the taxes imposed by the Nebraska Revenue Act of 1967; and

(iii) Returnable containers when sold with contents in connection with a retail sale of the contents or when resold for refilling.

The term returnable containers shall mean containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are nonreturnable containers;

(d) The sale of property the transfer of which to the consumer constitutes an occasional sale or the transfer of which to the consumer is made by way of an occasional sale;

(e) The sale of property the sale, purchase, or use of which has been taxed to that taxpayer in another state, territory, or possession of the United States of America when such other state, territory, or possession grants a reciprocal exclusion or an exemption to similar transactions in this state;

(f) The purchase in this state or the purchase outside this state, with title passing in this state, of materials and replacement parts used as or used directly in the repair and maintenance or manufacture of railroad rolling stock, whether owned by a railroad or by any person, whether a common or contract carrier or otherwise, motor vehicles, watercraft, or aircraft engaged as common or contract carriers or the purchase in such manner of motor vehicles, watercraft, or aircraft to be used as common or contract carriers. All purchasers seeking to take advantage of the exemption shall apply to the Tax Commissioner for a common or contract carrier exemption. All common or contract carrier exemption certificates shall expire on October 31, 1986, and on October 31 every three years thereafter. All persons seeking to continue to take advantage of the common or contract carrier exemption shall apply for a new certificate at the expiration of the prior certificate. The Tax Commissioner shall notify such exemption certificate holders at least sixty days prior to the expiration date of such certificate that their certificate will expire and be null and void as of such date;

(g) The sale of railroad rolling stock whether purchased by a railroad or by any other person; or

(h) The sale of property annexed to real estate.".

2. On page 16, line 7, before "and" insert ", 77-2702.13,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Lynch filed the following amendment to LB 124:
AM1023

1. Insert the following new section:

"Sec. 4. Any labor organization which assesses the fair share of nonmember employees, as authorized in section 3 of this act, shall: (1) Establish a procedure for a nonmember to challenge the labor organization's fair share calculations and receive a prompt decision by an impartial third party; (2) establish an interest-bearing escrow account in which shall be placed any fair share in dispute pending a decision pursuant to subdivision (1) of this section; and (3) provide to each nonmember employee notice outlining (a) the amount the labor organization has determined constitutes the fair share and the percentage the fair share represents of the regular dues paid by a member; (b) how the labor organization determined the amount of the fair share, including the basic financial data and specification of the expenditures that are considered part of the fair share and expenditures that are not part of the fair share; and (c) the dispute procedure established pursuant to subdivision (1) of this section.".

2. Renumber the remaining section accordingly.

MESSAGE FROM THE GOVERNOR

March 25, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that Sally Burt has asked that her name be withdrawn for confirmation as a member of the Child Abuse Prevention Fund Board. Thank you for your assistance in this matter.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

GENERAL FILE

LEGISLATIVE BILL 465. Mr. Jones renewed his pending amendment, AM0749, found on page 1076, to the Standing Committee amendment.

Messrs. Tyson and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Jones withdrew his amendment.

Mr. Brashear renewed his pending amendment, AM1036, found on page 1087, to the Standing Committee amendment.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 686. Placed on General File.

LEGISLATIVE BILL 660. Placed on General File as amended.
(Standing Committee amendment, AM1051, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 257. Indefinitely postponed.
LEGISLATIVE BILL 506. Indefinitely postponed.
LEGISLATIVE BILL 685. Indefinitely postponed.
LEGISLATIVE BILL 687. Indefinitely postponed.
LEGISLATIVE BILL 688. Indefinitely postponed.
LEGISLATIVE BILL 689. Indefinitely postponed.

(Signed) Douglas A. Kristensen, Chairperson

NOTICE OF COMMITTEE HEARING
Transportation

Wednesday, April 2, 1997 1:15 p.m.
Motor Vehicle Advisory Council
Dianna Davis
David Hale
Dan Hurt
Larry Caulfield
David Goldstein

(Signed) Douglas A. Kristensen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 465. The Brashear pending amendment, AM1036, found on page 1087 and considered in this day's Journal, to the Standing Committee amendment, was renewed.

Mr. Brashear moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Brashear requested a roll call vote on his amendment.

Voting in the affirmative, 33:

Abboud
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Engel
Hillman
Janssen
Jensen
Jones
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Will
Withem

Voting in the negative, 6:

Beutler
Bohlke
Kiel
Kristensen
Wesely
Witek

Present and not voting, 6:

Chambers
Elmer
Hartnett
Hudkins
Robinson
Schimek

Excused and not voting, 4:

Hilgert
Landis
Warner
Wehrbein

The Brashear amendment was adopted with 33 ayes, 6 nays, 6 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Kiel asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved to reconsider the vote on the Brashear amendment, AM1036.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Chambers motion to reconsider failed with 8 ayes, 30 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Schellpeper asked unanimous consent to bracket LB 465 until April 15, 1997. No objections. So ordered.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE RESOLUTION 42CA. Placed on General File.

(Signed) Ardyce L. Bohlke, Chairperson

ANNOUNCEMENT

Mr. Beutler announced the Natural Resources Committee will hold an executive session Wednesday, March 26, 1997, following the hearing at 9:00 a.m., in Room 1517.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 278A. Introduced by Abboud, 12.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 278, Ninety-fifth Legislature, First Session, 1997.

LEGISLATIVE BILL 548A. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 548, Ninety-fifth Legislature, First Session, 1997.

LEGISLATIVE BILL 577A. Introduced by Dierks, 40.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 577, Ninety-fifth Legislature, First Session, 1997.

LEGISLATIVE BILL 310A. Introduced by Janssen, 15.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 310, Ninety-fifth Legislature, First Session, 1997; and to reduce appropriations.

AMENDMENTS - Print in Journal

Mr. Robinson filed the following amendment to LB 465:
AM1199

(Amendments to AM0700)

1. Strike beginning with "Any" in line 2 through "board" in line 4 and insert "Any political subdivision, by a majority vote of the governing unit"; and in line 5 strike "municipality or county" and insert "political subdivision".

Mr. Chambers filed the following amendment to LB 465:
AM1062

(Amendments to Standing Committee amendments, AM0617)

1. On page 17, strike lines 6 through 24 and insert:

"(6)(a) Any person in control of private property may exclude handguns from the private property or order the removal of handguns from the private property, even with respect to licensees.

(b) Any person in control of private property may require or order that any handgun in or on a motor vehicle, when the motor vehicle is on the private property, be unloaded and encased unless permission to do otherwise is given by the person in control of the private property, even with respect to licensees.

(c) Any employer may prohibit employees who are licensees from carrying concealed handguns while in the course of their employment.

(d) It is the affirmative duty of a licensee carrying a concealed handgun when entering private or public property to inform any person in control of the private property or any person in control of the public property that he is she is a licensee carrying a concealed handgun.".

Messrs. Warner and Kristensen filed the following amendment to LB 270:
AM1173

1. Insert the following new sections:

"Sec. 52. Section 77-1233.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-1233.02. The county assessor with the aid of his or her deputy and assistants shall carefully examine, check, and verify all personal property tax returns. The assessor may make such investigation, examination, and inspection of the property set out in a return and examine under oath the person making the return as to his or her books, records, and papers in order to enable the assessor to determine that all taxable tangible personal property of the taxpayer is listed for taxation at its ~~taxable~~ net book value.

Sec. 68. Section 77-1311, Reissue Revised Statutes of Nebraska, as amended by section 13, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997, is amended to read:

77-1311. The county assessor shall have general supervision over and direction of the assessment of all property in his or her county. In addition to the other duties provided by law, the county assessor shall:

(1) Annually revise the real property assessment for the correction of errors and, when properties have been assessed as entities and afterward part or parts transferred to other parties, set off and apportion to each its just and equitable portion of the valuation;

(2) Obey all rules and regulations made under Chapter 77 and the instructions and orders sent out by the Property Tax Administrator and the Tax Equalization and Review Commission;

(3) Examine the records in the office of the register of deeds and county clerk for the purpose of ascertaining whether mortgages on real property and security interests on personal property, producing mineral leases, title notes, contracts, and bills of sale, intended to operate as a lien in the county, have been fully and correctly listed and add to the assessment roll any which have been omitted, belonging to residents of his or her county, and not otherwise assessed, upon notice to the owner thereof or his or her agents;

(4) Examine the records in the office of the county judge and ascertain whether the property belonging to minors, persons with mental retardation or a mental disorder, and estates of deceased persons has been fully and correctly listed and add to or change any such assessments so that the same shall be fully assessed;

(5) Examine the records in the office of the clerk of the district court to ascertain whether any judgments or liens thereon filed, belonging to residents of his or her county and not otherwise assessed, have been omitted from the assessment rolls and, in case of any such omission, add the same to the assessment roll after notice to the owner;

(6) Make up the assessment ~~books~~ roll as provided in section 77-1303; and

(7) Provide access to the public to property record cards and allow facsimiles to be reproduced at cost to the requesting individual.

Sec. 76. Section 77-1344, Reissue Revised Statutes of Nebraska, is amended to read:

77-1344. (1) Any land which has an actual value as defined in ~~subsection (1) of~~ section 77-112 reflecting a potential use other than agricultural or horticultural use, is located outside the corporate boundaries of any sanitary and improvement district, city, or village, is used exclusively for agricultural or horticultural use, and is zoned for agricultural or horticultural use shall be valued at eighty percent of its actual value for agricultural or horticultural use pursuant to sections 77-1359 to ~~77-1365~~ 77-1363 and not at the actual value it would have if applied to other than agricultural or horticultural use if application for such special valuation is made pursuant to sections 77-1343 to 77-1348. The ~~; except that the~~ special valuation provisions shall not be applicable to that portion of lands zoned predominantly for agricultural or horticultural use if such lands have been subdivided. ~~for residential use.~~ No land which has an actual value as defined in ~~subsection (1) of~~ section 77-112 reflecting a potential use other than agricultural or horticultural use shall be valued ~~as~~ at eighty percent of its actual value for agricultural ~~land~~ or horticultural ~~land~~ use unless it receives the special valuation pursuant to sections 77-1343 to 77-1348.

(2) The eligibility of land for the special valuation provisions of this section shall be determined as of January 1, but if land so qualified becomes disqualified prior to the levy date of the same year, it shall be valued at its actual value as defined by subsection (1) of section 77-112 without regard to this section. If the land becomes disqualified after the date of levy, its valuation for that year shall continue as provided in this section.

Sec. 81. Section 77-1363, Reissue Revised Statutes of Nebraska, is amended to read:

77-1363. Agricultural land and horticultural land shall be divided into categories, including, but not limited to, irrigated cropland, dryland cropland, grassland, wasteland, nurseries, feedlots, and orchards, so that the categories reflect uses appropriate for the valuation of such land according to law. Categories shall be divided into subclasses based on soil classification standards developed by the United States Department of Agriculture Soil Conservation Service. Land enrolled in a federal or state program in which payments are received for removing such land from agricultural or horticultural production shall be classified according to its ~~actual~~ taxable value as determined in ~~section 77-1360.01~~ subsection (2) of section 77-201. County assessors shall utilize and implement soil surveys in the tax year after the soil survey maps become available. County assessors shall utilize and implement soil classifications as converted into land valuation groups provided by the Property Tax Administrator.

Sec. 104. Section 79-1036, Reissue Revised Statutes of Nebraska, is amended to read:

79-1036. (1) In making the apportionment under section 79-1035, the Commissioner of Education shall distribute from the school fund for school purposes, to any and all school districts in which there are situated school lands which have not been sold and transferred by deed or saline lands owned by the state, an amount in lieu of tax money that would be raised if such lands were taxable, to be ascertained in accordance with subsection (2) of this section, except that:

(a) For Class I districts or portions thereof which are affiliated and in which there are situated school or saline lands, 38.6207 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the affiliated school system tax levy computed pursuant to section 79-1077, shall be distributed to the affiliated high school district and the remainder shall be distributed to the Class I district;

(b) For Class I districts or portions thereof which are part of a Class VI district which offers instruction in grades nine through twelve and in which there are situated school or saline lands, 38.6207 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the Class VI school system levy computed pursuant to section 79-1078, shall be distributed to the Class VI district and the remainder shall be distributed to the Class I district; and

(c) For Class I districts or portions thereof which are part of a Class VI district which offers instruction in grades seven through twelve and in which there are situated school or saline lands, 55.1724 percent of the in lieu of land tax money calculated pursuant to subsection (2) of this section, based on the Class VI school system levy computed pursuant to section 79-1078, shall be distributed to the Class VI district and the remainder shall be distributed to the Class I district.

(2) The county superintendents shall certify to the Commissioner of Education the tax levy for school purposes of each school district in which school land or saline land is located and the last appraised value of such school land, which value shall be the same percentage of the appraised value as the percentage of the assessed value is of market value in ~~section 77-1360.01~~ subsection (2) of section 77-201 for the purpose of applying the applicable tax levy for each district in determining the distribution to the districts of such amounts. The board of any school district in which there is located any leased or undeeded school land or saline land subject to this section may appeal to the Board of Educational Lands and Funds for a reappraisement of such school land if such school board deems the land not appraised in proportion to the value of adjoining land of the same or similar value. The Board of Educational Lands and Funds shall proceed to investigate the facts involved in such appeal and, if the contention of the school board is correct, make the proper reappraisement. The value calculation in this subsection shall be used by the Commissioner of Education for making distributions in the 1992-93 school year and every year thereafter.".

2. In the Standing Committee amendments, AM0485:

a. Strike section 74;

b. On page 4, line 21, after the second "property" insert "other than motor vehicles taxed pursuant to sections 77-1239 to 77-1242.02";

c. On page 6, line 12, strike "annually";

d. On page 8, line 21, after "assessor" insert "on or"; in lines 22 and 25 strike "January 1", show as stricken, and insert "December 31"; and in line 26 strike "July 1", show as stricken, and insert "June 30";

e. On page 34, line 3; and page 41, line 19, strike "taxable", show as stricken, and insert "net book";

f. On page 47, line 22, strike "regular" and show as stricken;

g. On page 48, line 20; and page 49, line 5, reinstate the stricken "or county clerk";

h. On page 50, line 10, after "assessor" insert "or county clerk"; and in line 11 strike "statement" and insert "certification";

i. On page 62, line 11, after the first "improvements" insert "made on or before January 1";

j. On page 66, lines 11 through 14, strike the new matter and reinstate the stricken matter;

k. On page 72, line 21, after "assessor" insert "or county clerk"; and in line 23 after "assessor" insert "or county clerk";

l. On page 73, line 21; and page 75, lines 21 and 23, after "assessor" insert "or county clerk"; and

m. On page 82, line 18, after the first comma insert "22,".

3. In the E & R amendments, AM7097:

a. Strike E & R amendment 2.s.;

b. On page 6, line 22, after "error" insert "or, for agricultural land, assessed value changes by reason of land qualified or disqualified for special use valuation pursuant to sections 77-1343 to 77-1348";

c. On page 7, line 7, after "sections" insert "77-421,"; and in line 25 strike "77-421,"; and

d. On page 9, strike beginning with the second "and" in line 9 through the last set of quotation marks in line 10.

4. Correct the operative date and repealer sections so that sections 52, 68, 81, and 104 added by this amendment become operative three calendar months after adjournment of this legislative session and section 76 added by this amendment become operative on its effective date with the emergency clause.

5. Renumber the remaining sections and correct internal references accordingly.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Hilgert asked unanimous consent to have his name added as cointroducer to LB 401. No objections. So ordered.

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 401. No objections. So ordered.

WITHDRAW - Cointroducer

Mr. Maurstad withdrew his name as cointroducer to LB 465.

VISITORS

Visitors to the Chamber were 7 seventh grade students and teacher from Western; Randy Ferris from Omaha; and 12 students and sponsors from Helene-Lange Gymnasium, Dortmund, Germany.

ADJOURNMENT

At 4:40 p.m., on a motion by Mr. Will, the Legislature adjourned until 1:00 p.m., Wednesday, March 26, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FORTY-EIGHTH DAY – MARCH 26, 1997

LEGISLATIVE JOURNAL

FORTY-EIGHTH DAY - MARCH 26, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, March 26, 1997

Pursuant to adjournment, the Legislature met at 1:00 p.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Stephanie Alschwede, Trinity Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Bromm, Dierks, Engel, Hartnett, Hilgert, Landis, D. Pederson, Schrock, Warner, Wehrbein, Will, Mmes. Robak, Suttle, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-seventh day was approved.

RESOLUTION

LEGISLATIVE RESOLUTION 104. Introduced by Lynch, 13.

PURPOSE: To conduct a review of the laws relating to auto theft, including joyriding, and the efficacy of the judicial process relating to prosecution for auto theft.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

ANNOUNCEMENT

Mr. Abboud announced the Business and Labor Committee will hold their public hearing that was scheduled Monday, March 31, 1997 on Tuesday, April 1, 1997, in Room 2102.

UNANIMOUS CONSENT - Members Excused

Mrs. Bohlke and Mr. Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 422. E & R amendment, AM7096, found on page 1073, was adopted.

Mr. Chambers renewed his pending amendment, FA77, found on page 1067.

PRESIDENT ROBAK PRESIDING

Messrs. Schellpeper, Landis, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Chambers amendment was adopted with 29 ayes, 1 nay, 8 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers renewed his pending amendment, FA78, found on page 1067.

Mr. Withem and Mrs. Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment was adopted with 38 ayes, 1 nay, 3 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Withem and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 105. Introduced by Bromm, 23.

WHEREAS, the David City Aquinas High School boys' basketball team won the 1997 Class C-1 Boys' State Basketball Tournament; and

WHEREAS, this championship marks the first-ever boys' basketball title in the history of David City Aquinas High School; and

WHEREAS, the players relied heavily on team balance and team unity to achieve this accomplishment; and

WHEREAS, the talent, determination, hard work, and focus of the players and coaches are exemplified in this championship.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the David City Aquinas High School boys' basketball team, their families and community, Head Coach Kevin Scheef, and assistant coaches John Svec and Tony Smith.
2. That a copy of this resolution be sent to David City Aquinas High School.

Laid over.

SELECT FILE

LEGISLATIVE BILL 422. Mr. Chambers renewed his pending amendment, FA79, found on page 1067.

Pending.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 163. Indefinitely postponed.
LEGISLATIVE BILL 292. Indefinitely postponed.
LEGISLATIVE BILL 433. Indefinitely postponed.
LEGISLATIVE BILL 775. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

AMENDMENT - Print in Journal

Mr. Will filed the following amendment to LB 248:
AM1145

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. Section 2-1203.02, Revised Statutes

Supplement, 1996, is amended to read:

2-1203.02. Any person applying for or holding a license to participate in or be employed at a horserace meeting licensed by the State Racing Commission shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation for the purpose of determining whether the commission has a basis to deny the license application or to suspend, cancel, or revoke the person's license, except that the commission shall not require a person to be fingerprinted if such person has been previously fingerprinted in connection with a license application in this state or any other state within the last five years prior to the application for such license. The commission shall not require a person to be fingerprinted if such person has previously been fingerprinted by the commission, has been licensed by the commission at least three of the prior five years, has not been convicted of a felony, and has not been convicted of a misdemeanor within the last five years prior to the application for such license. Any person involved in the administration or management of a racetrack, including the governing body, shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Identification Division of the Federal Bureau of Investigation. The applicant, licensee, or person involved in the administration or management of a racetrack shall pay the actual cost of any fingerprinting or check of his or her criminal history record information. The requirements of this section shall not apply to employees of concessions who do not work in restricted-access areas, admissions employees whose duties involve only admissions ticket sales and verification or parking receipts sales and verification, and medical or emergency services personnel authorized to provide such services at the racetrack.

Sec. 2. Section 2-1226, Revised Statutes Supplement, 1996, is amended to read:

2-1226. Any racetrack licensee issued a license under sections 2-1201 to 2-1223 which operates at least one live race meet during each calendar year except as provided in section 2-1228 may apply to the commission for a simulcast facility license. An application for such license shall be in such form as may be prescribed by the commission and shall contain such information, material, or evidence as the commission may require. Any racetrack licensee issued a simulcast facility license may display the simulcast of a horserace on which parimutuel wagering shall be allowed.

Sec. 3. Section 2-1228, Revised Statutes Supplement, 1996, is amended to read:

2-1228. Any racetrack licensee issued a license under sections 2-1201 to 2-1223 (1) conducting primarily quarterhorse races in the year immediately preceding the year for which application is made, regardless of the total number of days of live racing conducted in such year, or (2) conducting primarily thoroughbred horseraces in the year immediately preceding the year for which application is made which conducted live racing on at least seventy percent of the days for which it was authorized to conduct live racing in 1988 unless the commission determines that such racetrack licensee was unable to conduct live racing on the required number of days due to factors beyond its control, including, but not limited to, fire, earthquake, tornado, or other natural disaster, may apply to the commission for an interstate simulcast facility license. An application for such license shall be in a form prescribed by the commission and shall contain such information, material, or evidence as the commission may require. Any racetrack licensee issued an interstate simulcast facility license may conduct the interstate simulcast of any horserace permitted under its license, and parimutuel wagering shall be allowed on such horserace. The commission shall not authorize interstate simulcasting for any racetrack licensee pursuant to sections 2-1201 to 2-1223 unless all of the thoroughbred racetracks together applied for and received authority to conduct at least one hundred eighty live racing days in the calendar year in which the application is made. If any racetrack licensee conducts live racing for less than seventy percent of the days assigned such racetrack in 1988, (a) such racetrack shall be precluded from conducting interstate simulcasts and (b) the number of live racing days conducted by such racetrack shall be subtracted from an amount equal to seventy percent of all the days assigned such racetrack in 1988 and the amount remaining shall be deducted from the one-hundred-eighty-day total required by this section. If any racetrack licensee ceases to conduct live racing, seventy percent of the days assigned such racetrack in 1988 shall be deducted from the one-hundred-eighty-day total required by this section.".

2. On page 1, line 3, after "sections" insert "2-1203.02, 2-1226, 2-1228,"; and in line 10 after the first comma insert "simulcast licenses,".

3. On page 70, line 4, strike "35" and insert "38"; in line 5 strike "1" through "39" and insert "4 to 23, 28 to 37, 40, and 42"; and in line 14 after "sections" insert "2-1203.02, 2-1226, 2-1228,".

4. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 422. Mr. Chambers offered the following amendment to his pending amendment:
FA112

Amend Chambers amendment: FA79

Strike, "existing at the time and place that the murder was committed."

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

The Chambers amendment was adopted with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Pending.

AMENDMENTS - Print in Journal

Mrs. Brown filed the following amendment to LB 465:
AM1222

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new sections:

"Sec. 24. Section 28-101, Revised Statutes Supplement, 1996, is amended to read:

28-101. Sections 28-101 to 28-1348 and section 25 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 25. (1) A person shall not store or keep any loaded firearm on any premises under his or her control if he or she knows or reasonably should know that a minor is likely to gain access to the firearm without permission of the parent or guardian of the minor unless the person (a) keeps the firearm in a securely locked box or container or in a location which a reasonable person would believe to be secure or (b) carries the firearm on his or her person or within such close proximity to his or her person that he or she can readily retrieve and use it as if he or she carried it on his or her person.

(2) A person is guilty of unlawful storage of a firearm when he or she violates subsection (1) of this section and a minor obtains the firearm and causes the injury or death of himself or herself or any other person.

(3) Unlawful storage of a firearm is a Class IV felony.

(4) It is an affirmative defense to prosecution under this section that the minor's access to the firearm:

(a) Was supervised by a person older than eighteen years of age and was for hunting, sporting, or other lawful purposes;

(b) Was for hunting purposes and such minor has completed a program of firearm hunter education training and obtained a certificate of successful completion under section 37-104;

(c) Consisted of lawful defense by the minor of people or property; or

(d) Was gained by unlawfully entering the premises.

(5) A dealer of firearms shall post in a conspicuous position on the premises where the dealer conducts business a sign that contains the following warning in block letters not less than one inch in height: IT IS UNLAWFUL TO STORE OR ABANDON AN UNSECURED FIREARM IN A PLACE WHERE MINORS ARE LIKELY TO BE AND CAN OBTAIN ACCESS TO THE FIREARM.

(6) For purposes of this section:

(a) Firearm means any weapon from which a shot is discharged by force of an explosive or a weapon that acts by force of gunpowder; and

(b) Minor means any person under sixteen years of age.".

2. On page 22, line 21, after the comma insert "and section 28-101, Revised Statutes Supplement, 1996,".

3. Renumber the remaining sections accordingly.

Mr. Tyson filed the following amendment to LB 746:
AM1154

1. Strike original section 1 and insert the following new section:

"Section 1. (1) In addition to uses otherwise authorized in the Offstreet Parking District Act, any money available from taxes or assessments levied pursuant to section 19-3315 or revenue derived from the operation of an offstreet parking facility may be used for any one or more of the following purposes as determined by a vote of the majority of the city council:

(a) Improvement of any public place or facility in the district, including landscaping, physical improvements for decoration or security purposes, and plantings;

(b) Construction or installation of pedestrian shopping malls or plazas, sidewalks or moving sidewalks, parks, meetings and display facilities, bus stop shelters, lighting, benches or other seating furniture, sculptures, trash receptacles, shelters, foundations, skywalks, and pedestrian and vehicular overpasses and underpasses, and any useful or necessary public improvements;

(c) Leasing, acquiring, constructing, reconstructing, extending, maintaining, or repairing parking lots or parking garages, both above and below the ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement, in the district;

(d) Creation and implementation of a plan for improving the general architectural design of public areas in the district;

(e) Development of any public activities and promotion of public events, including the management, promotion, and advocacy of retail trade activities or other promotional activities, in the district;

(f) Maintenance, repair, and reconstruction of any publicly-owned improvements or facilities;

(g) Any other project or undertaking for the betterment of the public facilities in the district, whether the project is capital or noncapital in nature;

(h) Enforcement of parking regulations and the provision of security within the district;

(i) The creation by ordinance and operation of a revolving loan fund for the purpose of providing financing upon appropriate terms and conditions for capital improvements to privately-owned facilities within the district, subject to the following conditions:

(i) No loan from such fund shall exceed an amount equivalent to forty-nine percent of the total cost of the improvements to be financed by the loan;

(ii) The city shall require and receive appropriate security to guarantee the repayment of the loan; and

(iii) The proposed improvements to be financed shall serve to foster the purposes of the act, promote economic activity within the district, or contribute to the public health, safety, and welfare; and

(j) Employing or contracting for personnel, including administrators, for any improvement program under the act, and providing for any service as may be necessary or proper to carry out the purposes of the act.

(2) If any part of the revenue from fees and charges on the use of an off-street parking facility or from on-street parking meters within the district has been dedicated for the payment of principal or interest on bonds issued pursuant to section 19-3317 or has been pledged as security for such bonds, such revenue shall not be used for the purposes set forth in subsection (1) of this section until such time as such bonds have been fully paid or sufficient revenue has been placed in the sinking fund to guarantee such repayment.

(3) If the city council proposes to exercise the authority granted by subsection (1) of this section for any one or more of the purposes set forth in such subsection within the boundaries of a district in existence prior to the effective date of this act, the city clerk shall give notice of the council's intention to exercise such authority by publishing notice of such intent in a newspaper of general circulation in the city. The notice shall describe the proposed new uses for district revenue and shall specify the time for hearing objections to such uses, which time shall be at least fifteen days after the date of publication of the notice. The clerk shall accept written protests or objections to the approval of the proposed new uses of district revenue. If the owners of real property representing more than fifty percent of the actual valuation of all real property in the district file a written protest or objection within twenty days after the date of publication of the notice, district revenue shall not be applied to such uses.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 603A. Introduced by Dw. Pedersen, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 603, Ninety-fifth Legislature, First Session, 1997.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: 853.

Correctly Engrossed

The following bills were correctly engrossed: 229, 248, and 248A.

Enrollment and Review Change to LB 229

The following changes, required to be reported for publication in the Journal, have been made:
ER9035
1. In the Wickersham-Beutler-Hudkins amendment, AM1120:
a. Sections 6 and 7 have been renumbered as sections 8 and 7, respectively;
b. On page 1, line 9, an underscored comma has been inserted after "thereof";
c. On page 7, line 6; and page 12, line 15, "or her" has been inserted after "his";
d. On page 12, line 16, the second comma has been struck and shown as stricken;
e. On page 16, lines 16 and 25, the comma has been struck and shown as stricken;
f. On page 17, line 4; page 18, lines 3 and 11 and 12; page 19, lines 2 and 3; and page 21, line 22, "sections 42-801 to 42-823" has been struck, shown as stricken, and "the Conciliation Court Law" inserted;
g. On page 17, lines 8 and 10, "sections 42-801 to 42-823" has been struck, shown as stricken, and "such law" inserted; and in line 19 "sections 42-801 to 42-823," has been struck, shown as stricken, and "the Conciliation Court Law" inserted;
h. On page 22, line 3, "sections 42-801 to 42-823" has been struck, shown as stricken, and "such law" inserted;
i. On page 26, line 14, "42-2,113" has been struck and "43-2,113" inserted;
j. On page 31, line 21, "43-1408" has been struck and "43-1418"

inserted; and

k. On page 34, line 8, "October" has been struck and "January" inserted; in line 9 "24-1201," has been struck; in line 11 "42-821," has been struck; and in line 13 "42-821," has been inserted before "42-822".

2. In lieu of the Beutler amendment, AM0750, in the Wickersham-Beutler-Hudkins amendment, AM1120:

a. The following new section has been inserted:

"Sec. 5. Section 24-1206, Reissue Revised Statutes of Nebraska, is amended to read:

24-1206. The Judicial Resources Commission's determination of whether a judicial vacancy exists or a new judgeship, a reduction in judgeships, a change in number of judicial districts or boundaries, or the reallocation of a judgeship from a district, county, or separate juvenile court in one judicial district to a district, county, or separate juvenile court in another judicial district is appropriate pursuant to section 24-1204 or 24-1205 shall be based upon (1) its analysis of judicial workload statistics compiled pursuant to section 24-1007, (2) whether litigants in the judicial district have adequate access to the courts, (3) the population of the judicial district, (4) other judicial duties and travel time involved within the judicial district, and (5) other factors determined by the Supreme Court to be necessary to assure efficiency and maximum service. The State Court Administrator shall provide adequate administrative support and information as requested by the commission.

After making a determination, the commission shall report the results to the Legislature and recommend any legislative changes which are needed. If no changes in existing law are needed and none are recommended by the commission, no legislative action shall be necessary to fill any judicial vacancy determined to exist. The Legislature shall not create a new judgeship unless the commission recommends the creation of a new judgeship in its report. If legislative action is required but none is taken ~~in the next legislative session following the report~~ in the first legislative session commencing after receipt of the report by the Legislature, the commission shall hold another hearing on the matter and shall determine whether a judicial vacancy exists or again recommend legislative changes to the Legislature in its report.";

b. On page 34, line 6, "40, 42, and 44" has been struck and "3 to 5, 41, 43, and 45" inserted; and in line 16 "section 24-1204" has been struck and "sections 24-1201, 24-1204, and 24-1206" inserted; and

c. The remaining sections have been renumbered.

3. Because of the adoption of the Wickersham-Beutler-Hudkins amendment, AM1120, the Wickersham amendment, AM0760, has been struck.

4. On page 1, the matter beginning with "section" in line 1 through line 4 has been struck and "sections 24-1201, 24-1204, 24-1206, 42-349, 42-350, 42-353, 42-360, 42-362, 42-370, 42-373, 42-377, 42-803 to 42-810, 42-813, 42-924, and 71-615, Reissue Revised Statutes of Nebraska, sections 24-517, 25-2739, 42-347, 42-348, 42-351, 42-352, 42-357, 42-358.08, 42-371, 42-812, 42-821, 42-822, 43-2,113, 43-512.03, 43-512.04, and 43-1803, Revised Statutes Supplement, 1996, and Laws

1996, LB 1296, section 29; to change provisions relating to determination of judicial vacancies; to change filing and jurisdiction provisions in domestic relations matters; to harmonize provisions; to provide a duty for the Revisor of Statutes; to eliminate an obsolete provision and correct internal references; to provide operative dates; to repeal the original sections; and to outright repeal section 42-379, Reissue Revised Statutes of Nebraska." inserted.

5. On page 2, line 27, the comma has been struck.

Enrollment and Review Change to LB 248

The following changes, required to be reported for publication in the Journal, have been made:

ER9034

1. In the Beutler amendment, AM1010, section 24 has been renumbered as section 28.

2. In the Schellpeper amendment, AM0973, on page 1, line 2, "30" has been struck and "35" inserted; and in line 3 "29, 32, and 33" has been struck and "20, 25 to 34, 37, and 39" inserted.

3. In the Kristensen amendment, AM0736:

a. The following new section has been inserted:

"Sec. 38. Original sections 9-401, 9-411, and 9-415, Revised Statutes Supplement, 1996, are repealed."; and

b. Amendment 2 has been struck.

4. In the E & R amendment, AM7076, on page 1, line 14, "(3)(10)" has been struck and "(c)(10)" inserted.

5. On page 1, line 5, "9-401, 9-411, 9-415," has been inserted after the last comma; in line 6 "9-620," has been inserted after the second comma; in line 11 "lottery methods," has been inserted after the second comma; and in line 14 "to provide operative dates;" has been inserted after the first semicolon.

(Signed) Jon C. Bruning, Chairperson

SELECT FILE

LEGISLATIVE BILL 422. Mr. Chambers offered the following amendment to his pending amendment:

FA113

Strike from Chambers amendment: FA79

"from the objective circumstances"

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

The Chambers amendment was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

MOTION - Place LB 519 on General File

Mr. Coordsen renewed his pending motion, found on page 1120, to place LB 519 on General File, pursuant to Rule 3, Section 17.

Mmes. Suttle and McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?"

Mr. Abboud moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The motion to cease debate prevailed with 25 ayes, 9 nays, 10 present and not voting, and 5 excused and not voting.

Mr. Will requested a roll call vote, in reverse order, on the Coordsen motion to place LB 519 on General File.

Voting in the affirmative, 26:

Brashear
Bromm
Brown
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Maurstad
Pederson, D.
Peterson, C.
Robinson
Schellpeper
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Witek

Voting in the negative, 16:

Abboud
Beutler
Bohlke
Bruning
Chambers
Hilgert
Kiel
Landis
Lynch
Preister
Schimek
Schmitt
Wesely
Wickersham
Will
Withem

Present and not voting, 3:

Crosby
Matzke
Robak

Excused and not voting, 4:

McKenzie	Pedersen, Dw.	Suttle	Warner

The Coordsen motion to place LB 519 on General File failed with 26 ayes, 16 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Robinson and Mrs. Kiel asked unanimous consent to be excused. No objections. So ordered.

MESSAGE FROM THE GOVERNOR

March 26, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 118, 118A, 128, 152, 486, 226, 107, 153, 62, 250, 469, 474, 713, 809, 623, and 720 were received in my office on March 21, 1997.

These bills were signed by me on March 26, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 422:
FA114

Add a new section.

"Because the weapon used to kill law enforcement officers in the vast majority of cases is a handgun, the Legislature declares its opposition to the routine carrying of concealed weapons by the general public. Such opposition embodies the concern of the Legislature for the safety of law enforcement officers throughout this state."

Mr. Bromm filed the following amendment to LB 466:
AM1227

(Amendments to Final Reading copy)

1. Strike section 19.
2. On page 1, line 15, after the first semicolon insert

"and"; and strike beginning with the second semicolon in line 15 through "emergency" in line 16.

Mrs. Bohlke filed the following amendment to LB 303:
AM1232

(Amendments to Standing Committee amendments, AM0355)

1. Strike amendment 1 and insert the following new amendment:

"1. On page 3, strike beginning with 'Does' in line 1 through 'handicap' in line 3, show the old matter as stricken, and insert 'Has a student admissions policy which does not violate any other Nebraska or federal law against discrimination on the basis of race, color, creed, national origin, ancestry, age, gender, or handicap'".

ANNOUNCEMENT

Mr. Beutler announced the Natural Resources Committee will hold an executive session Thursday, March 27, 1997, at 9:00 a.m., in Room 1517.

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Will and Dw. Pedersen asked unanimous consent to have their names added as cointroducers to LB 401. No objections. So ordered.

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 776. No objections. So ordered.

WITHDRAW - Motion to LB 519

Mr. Coordsen withdrew his motion, found on page 1100, to place LB 519 on General File, pursuant to Rule 3, Section 19(b).

VISITORS

Visitors to the Chamber were Senator McKenzie's parents, Rolland and Lorene Johnson from Sutton; Fran Kruse from Grand Island and Georgia Snyder from Las Vegas; and Mary Collins from Lincoln, Senator Bromm's mother, Della Bromm from Tekamah, and sisters, Joan Anderson from Tekamah and Phyllis Holmquist from West Des Moines, Iowa.

ADJOURNMENT

At 5:10 p.m., on a motion by Mr. Hilgert, the Legislature adjourned until 12:00 noon, Thursday, March 27, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FORTY-NINTH DAY – MARCH 27, 1997

LEGISLATIVE JOURNAL

FORTY-NINTH DAY – MARCH 27, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FORTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, March 27, 1997

Pursuant to adjournment, the Legislature met at 12:00 noon, Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Greg Ubben, Grace Baptist Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Hillman, Robak, and Mr. D. Pederson who were excused; and Mmes. Bohlke, Brown, Kiel, McKenzie, C. Peterson, Stuhr, Witek, Messrs. Bromm, Coordsen, Dierks, Engel, Janssen, Matzke, Maurstad, Robinson, Schrock, Tyson, Warner, Wickersham, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-eighth day was approved.

MESSAGE FROM THE GOVERNOR

March 27, 1997

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 103 to you without my signature and with my objections. Similar legislation was presented to me in 1995 and vetoed at that time.

In 1996, our current presidential electoral process, which recognizes the diversity of each of Nebraska's congressional districts, successfully performed as intended. It is difficult to understand the desire to change a system that is operating successfully.

One of the arguments for LB 103 is that our current selection process should be changed to make Nebraska conform with forty-eight other states. The argument is that Nebraska should not be different from other states...an amazing statement considering that "one size fits all" government does not work. No doubt, a similar argument was used by those attempting to dissuade Nebraskans from adopting George Norris' proposal for a one-house unicameral Legislature some sixty years ago.

Senator Norris stated on numerous occasions that he thought the Electoral College system should be repealed. If I could, I would repeal the Electoral College. My position is not based and should not be cast as partisan. I firmly believe the electoral system is out-dated.

Nebraska's current system brings the selection of our nation's President and Vice-President one step closer to the people than the process in all other states except Maine. I have supported the change in the past and will continue to do so. To further remove that selection from the people is a step in the wrong direction.

I urge members of the Legislature to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 26, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Barnett, Linda - Lincoln; YMCA'S of Nebraska
Dirzis, Mary Ann - New York, NY (Withdrawn 03/24/1997); Avon Products Inc. (Withdrawn 03/24/1997)
Hallstrom, Robert/Brandt Horan Hallstrom Sedlacek
  Hallstrom, Robert J. - Lincoln; Ruth & Mueller Law Firm
Kissel/E&S Associates, L.L.C.
  Kissel, Gordon - Lincoln; Amoco
Mueller, William J./Ruth & Mueller Law Firm
  Mueller, William J. - Lincoln; League of Nebraska Municipalities
Ruth, Larry L./Ruth & Mueller Law Firm
  Ruth, Larry L. - Lincoln; League of Nebraska Municipalities

REPORTS

The following reports were received by the Legislature:

Natural Resources Districts
- Lower Loup Natural Resources District Report regarding Drainage Districts as directed by LB 1085
- Lower Platte North Natural Resources District Report regarding Drainage Districts as directed by LB 1085
- North Platte Natural Resources District Report regarding Drainage Districts as directed by LB 1085
- South Platte Natural Resources District Report regarding Drainage Districts as directed by LB 1085
- Twin Platte Natural Resources District Report regarding Drainage Districts as directed by LB 1085

Roads, Department of
- Board of Public Roads Classifications and Standards Minutes of February 1997

GENERAL FILE

LEGISLATIVE BILL 476. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 4 present and not voting, and 20 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 452. Title read. Considered.

Standing Committee amendment, AM0502, found on page 780, was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

MR. WESELY PRESIDING

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 555. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 740. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 218. Placed on General File.
LEGISLATIVE BILL 766. Placed on General File.

LEGISLATIVE BILL 227. Placed on General File as amended.
Standing Committee amendment to LB 227:
AM1188

1. Strike the original sections and insert the following new sections:

"Section 1. Section 25-2301, Reissue Revised Statutes of Nebraska, is amended to read:

25-2301. For purposes of sections 25-2301 to 25-2310 and sections 2 and 3 of this act:

(1) Case includes any suit, action, or proceeding; and

(2) In forma pauperis means the permission given by the court for a party to proceed without prepayment of fees and costs or security. ~~Any court of the State of Nebraska, except the Nebraska Workers' Compensation Court, or of any county shall authorize the commencement, prosecution, or defense of any suit, action, or proceeding, civil or criminal, or appeal therein, without prepayment of fees and costs or security, by a person who makes an affidavit that he or she is unable to pay such costs or give security. Such affidavit shall state the nature of the action, defense, or appeal and affiant's belief that he or she is entitled to redress. An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.~~

Sec. 2. Any county or state court, except the Nebraska Workers' Compensation Court, may authorize the commencement, prosecution, or defense, or appeal therein, of a civil or criminal case in forma pauperis. An application to proceed in forma pauperis shall include an affidavit stating that the affiant is unable to pay the fees and costs or give security required to proceed with the case, the nature of the action, defense, or appeal, and the affiant's belief that he or she is entitled to redress.

Sec. 3. (1) An application to proceed in forma pauperis shall be granted unless there is an objection that the party filing the application: (a) Has sufficient funds to pay costs, fees, or security or (b) is asserting legal positions which are frivolous or malicious. The objection to the application shall be made within ten days after the filing of the application. Such objection may be made by the court on its own motion or on the motion of any interested person. The motion objecting to the application shall specifically set forth the grounds of the objection. An evidentiary hearing shall be conducted on the objection. If an objection is sustained, the party filing the application shall have ten days after the ruling to proceed with an action or appeal upon payment of fees, costs, or security notwithstanding the subsequent expiration of any statute of limitations or deadline for appeal. In any event, the court shall not deny an application if to do so would deny a defendant his or her constitutional right to appeal in a felony case.

(2) In the event that an application to proceed in forma pauperis is denied, the aggrieved party may make application for a transcript of the hearing on in forma pauperis eligibility. Upon such application, the court shall order the transcript to be prepared and the cost shall be paid by the county in the same manner as other claims are paid. The appellate court shall then review the decision denying in forma pauperis eligibility de novo on the record.

Sec. 4. Section 25-2302, Reissue Revised Statutes of Nebraska, is amended to read:

25-2302. In any civil or criminal case that a party is permitted to proceed in forma pauperis the court shall~~, upon filing of a like affidavit,~~ direct the responsible officer of the court to issue and serve all the necessary writs, process, and proceedings, and perform all such duties without charge.

Sec. 5. Section 25-2303, Reissue Revised Statutes of Nebraska, is amended to read:

25-2303. In any civil or criminal case that a party is permitted to proceed in forma pauperis the court shall~~, upon filing of a like affidavit,~~ direct that the expense of process by publication, if such process is required by the court, be paid by the county in the same manner as other claims are paid.

Sec. 6. Section 25-2304, Reissue Revised Statutes of Nebraska, is amended to read:

25-2304. In any civil or criminal case that a party is permitted to proceed in forma pauperis the court may~~, upon the filing of a like affidavit,~~ order witnesses to be subpoenaed, if the court finds that they have evidence material and necessary to the case~~,~~ and that they are within the judicial district in which the court is held~~,~~ or within one hundred miles of the place of trial. In such case the process and the fees of the witnesses shall be paid by the county in the same manner as other claims are paid.

Sec. 7. Section 25-2305, Reissue Revised Statutes of Nebraska, is amended to read:

25-2305. In civil or criminal cases that a party is permitted to proceed in forma pauperis the court shall~~, upon filing of a like affidavit,~~ direct that the expenses of printing the record on appeal, if such printing is required by the appellate court, be paid by the county in the same manner as other claims are paid.

Sec. 8. Section 25-2306, Reissue Revised Statutes of Nebraska, is amended to read:

25-2306. In any civil or criminal case that a party is permitted to proceed in forma pauperis the court shall~~,~~ ~~upon filing of a like affidavit,~~ order transcripts to be furnished without cost if the suit or appeal is not frivolous~~,~~ but presents a substantial question~~,~~ and if the transcript is needed to prepare, present, or decide the issue presented by the ~~suit~~ case or appeal. Such costs shall be paid by the county in the same manner as other claims are paid.

Sec. 9. Section 25-2307, Reissue Revised Statutes of Nebraska, is amended to read:

25-2307. In any civil or criminal case that a party is permitted to proceed in forma pauperis on appeal~~,~~ ~~upon the filing of a like affidavit,~~ the court shall direct that the expense of printing of the appellate briefs, if such printing is required by the court, be paid by the county in the same manner as other claims are paid.

Sec. 10. Section 25-2309, Reissue Revised Statutes of Nebraska, is amended to read:

25-2309. In the event any person prosecutes or defends ~~an action or proceeding~~ a case in forma pauperis successfully, any and all cost deferred by the court under ~~the provisions of~~ sections 25-2301 to 25-2310 and sections 2 and 3 of this act shall be first satisfied out of any money paid in satisfaction of judgment.

Sec. 11. Section 25-2310, Reissue Revised Statutes of Nebraska, is amended to read:

25-2310. Anyone who fraudulently ~~invokes~~ fails to disclose material assets or income for the purpose of invoking the privileges of sections 25-2301 to 25-2310 and sections 2 and 3 of this act is ~~shall be~~ guilty of perjury and shall, upon conviction thereof, be punished as provided in section 28-915.

Sec. 12. The Revisor of Statutes shall assign sections 2 and 3 of this act between sections 25-2301 and 23-2510.

Sec. 13. Original sections 25-2301 to 25-2307, 25-2309, and 25-2310, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 14. The following section is outright repealed: Section 25-2308, Reissue Revised Statutes of Nebraska.".

LEGISLATIVE BILL 392. Placed on General File as amended.
Standing Committee amendment to LB 392:
AM1241

1. Insert the following new section:

"Sec. 7. The Nebraska Commission on Law Enforcement and Criminal Justice shall adopt, promulgate, and implement rules and regulations to harmonize state and federal law on the temporary detention of juveniles.".

2. On page 5, line 23, strike "and".

3. On page 6, line 7, strike "or", show as stricken, and insert "and

(g) A juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, may be held in a secure area of a jail or other facility intended or used for the detention of adults for up to six hours before and six hours after any court appearance; or".

4. Renumber the remaining section accordingly.

LEGISLATIVE BILL 536. Placed on General File as amended.
Standing Committee amendment to LB 536:
AM1162

1. On page 4, line 15, strike ", guardian, or custodian".

LEGISLATIVE BILL 648. Placed on General File as amended.
Standing Committee amendment to LB 648:
AM1142

1. Strike sections 12, 13, and 14 and insert the following new section:

"Sec. 16. Section 79-283, Reissue Revised Statutes of Nebraska, is amended to read:

79-283. (1) Written notice of the findings and recommendations of the hearing examiner and the determination of the superintendent under section 79-282 shall be made by certified or registered mail or by personal delivery to the student or the student's parent or guardian. Upon receipt of such written notice by the student, parent, or guardian, the determination of the superintendent shall take immediate effect.

(2) Except as provided in subsections (3) and (4) of this section, the expulsion of a student shall be for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year subject to the provisions of subsection (5) of this section. Such action may be modified or terminated by the school district at any time during the expulsion period.

(3) The expulsion of a student for (a) the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except as provided in subdivision (3) of section 79-267 or (b) the knowing and intentional possession, use, or transmission of a dangerous weapon, other than a firearm, shall be for a period not to exceed

the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Such action may be modified or terminated by the school district at any time during the expulsion period.

(4) The expulsion of a student for the knowing and intentional possession, use, or transmission of a firearm or other deadly weapon in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event, which for purposes of this section means a firearm as defined in subdivision (1) of section 28-1201 or in 18 U.S.C. 921 as of January 1, 1995, shall be for a period as provided by the school district policy adopted pursuant to section 79-263. This subsection shall not apply to (a) the issuance of firearms to or possession of firearms by members of the Reserve Officers Training Corps when training or (b) firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms.

(5) Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing examiner that the student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise the student may be readmitted by action of the superintendent.".

2. On page 6, line 19, after "such" insert "deadly".

3. On page 8, line 11, strike the underscored period and insert ", except"; reinstate the stricken matter beginning with "that" in line 12 through "incurred" in line 15; in line 15 after the reinstated "incurred" insert an underscored period; and in line 28 after "shall" insert "summarily".

4. On page 9, line 1, strike "person" and insert "student"; in line 3 strike the period and insert "beginning with the earliest date the director can give legal notice to the expelled student. The order of suspension shall be sent by registered or certified mail to the person's last-known mailing address as shown by the records of the department. Upon expiration of the license suspension, the person may have his or her license reinstated upon payment of a fee of ninety-five dollars. The fee paid under this section shall be remitted to the State Treasurer.

The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund.".

5. On page 11, line 24, after the period insert "The term of the motor vehicle operator's license suspension under section 10 of this act shall commence upon the earliest date the Director of Motor Vehicles can give legal notice to the expelled student and shall end on the last day of expulsion from school.".

6. Amend the repealer, renumber the remaining sections, and correct internal references accordingly.

LEGISLATIVE BILL 596. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 94A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 94, Ninety-fifth Legislature, First Session, 1997; and to reduce appropriations.

GENERAL FILE

LEGISLATIVE BILL 523. Title read. Considered.

Standing Committee amendment, AM0520, found on page 790, was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

LEGISLATIVE BILL 424. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

LEGISLATIVE BILL 193. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not

voting, and 17 excused and not voting.

LEGISLATIVE BILL 643. Title read. Considered.

Standing Committee amendment, AM0593, found on page 806, was adopted with 26 ayes, 0 nays, 6 present and not voting, and 17 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 873. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 874. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 4 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 173. Title read. Considered.

Standing Committee amendment, AM0323, found on page 835, was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 66. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 851. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

LEGISLATIVE BILL 274. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Jones asked unanimous consent to be excused until he returns. No

objections. So ordered.

LEGISLATIVE BILL 856. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 303. Title read. Considered.

Standing Committee amendment, AM0355, found on page 637, was considered.

Mrs. Bohlke withdrew her amendment, AM0558, found on page 832.

Mrs. Bohlke renewed her pending amendment, AM1232, found on page 1249, to the Standing Committee amendment.

The Bohlke amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 197. Title read. Considered.

Standing Committee amendment, AM0312, found on page 654, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Mr. Dierks offered the following amendment:
AM0503

1. On page 6, line 22, strike "Health and Human Services", show as stricken, and insert "Regulation and Licensure".

The Dierks amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Dierks offered the following amendment:
AM0486

1. On page 4, line 13, after "Nebraska" insert ", except that such information shall be shared with the immunization program within the Department of Health and Human Services which maintains staff and programs specifically designed for the surveillance, prevention, education, and outbreak control of diseases preventable through immunization".

The Dierks amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

Messrs. Bruning and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 49. Title read. Considered.

Mr. Maurstad offered the following amendment:
AM1248

1. Strike original section 2 and insert the following new sections:

"Section 1. Section 49-1401, Revised Statutes Supplement, 1996, is amended to read:

49-1401. Sections 49-1401 to 49-14,140 and section 6 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.

Sec. 3. Section 49-1446.03, Reissue Revised Statutes of Nebraska, is amended to read:

49-1446.03. Sections 49-1446.01 and 49-1446.02 and section 6 of this act shall be enforced in the same manner as the provisions of ~~sections 49-1401 to 49-14,138 and,~~ the Nebraska Political Accountability and Disclosure Act, and unless otherwise specified, if the commission finds that a violation of the provisions of sections 49-1446.01 and 49-1446.02 and section 6 of this act has occurred, the commission may issue any order that may be issued pursuant to section 49-14,126, as it may from time to time be amended by the Legislature.

Sec. 4. Section 49-1447, Reissue Revised Statutes of Nebraska, is amended to read:

49-1447. The committee treasurer shall keep detailed accounts, records, bills, and receipts necessary to substantiate the information contained in a statement or report filed pursuant to sections 49-1445 to 49-1479 and section 6 of this act or rules and regulations adopted and promulgated under ~~sections 49-1401 to 49-14,138~~ the Nebraska Political Accountability and Disclosure Act. The treasurer shall record the name and address of each person from whom a contribution is received except for contributions of fifty dollars or less received pursuant to subsection (2) of section 49-1472. The records of a committee shall be preserved for five years and shall be made available for inspection as authorized by the commission. Any person violating the provisions of this section shall be guilty of a Class III misdemeanor.

Sec. 5. Section 49-1454, Reissue Revised Statutes of Nebraska, is amended to read:

49-1454. Any committee which supports or opposes a candidate or the qualification, passage, or defeat of a ballot question shall file a legibly printed or typed campaign statement pursuant to sections 49-1459 and 49-1461 and section 6 of this act, if applicable. The period covered by a campaign statement is the period beginning with the day after the closing date of the most recent campaign statement filed and ending with the closing date of the campaign statement due. If the committee filing the campaign statement has not previously filed a campaign statement, the period covered shall begin on the date the person or persons forming the committee raised, received, or spent any money.

Sec. 6. In addition to the campaign statements required to be filed pursuant to section 49-1459, a candidate committee organized for a candidate for Governor, Lieutenant Governor, Secretary of State, Attorney General, State Treasurer, Auditor of Public Accounts, the Public Service Commission, the State Board of Education, the Board of Regents of the University of Nebraska, or the Legislature shall file quarterly campaign statements during each year not covered by the campaign statements required under section 49-1459. The closing date for the statements is the last day of the calendar quarter. The statements are due within ten days after the closing date, except that the statements for the calendar quarter ending on December 31 are due on or before January 31. The period covered by a campaign statement filed pursuant to this section shall begin from the day after the closing date of the previous campaign statement filed.

Sec. 7. Section 49-1462, Reissue Revised Statutes of Nebraska, is amended to read:

49-1462. Unless otherwise required to file an election campaign statement as required by section 49-1459 or section 6 of this act, a committee shall file a campaign statement with a closing date of December 31 of such year not later than January 31 of the following year. The period covered by the campaign statement filed pursuant to this section shall begin from the day after the closing date of the previous campaign statement filed.

Sec. 8. Section 49-1463, Reissue Revised Statutes of Nebraska, is amended to read:

49-1463. Any person who fails to file a campaign statement with the commission under sections 49-1459 to 49-1463 and section 6 of this act shall pay to the commission a late filing fee of ten dollars for each day the campaign statement remains not filed in violation of this section, not to exceed three hundred dollars.

Sec. 9. Section 49-14,139, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,139. The county clerk or election commissioner in each county shall distribute forms prepared by the Nebraska Accountability and Disclosure Commission to any person, as defined in section 49-1438, required to file any statement or report pursuant to sections 49-1401 to 49-1479 and 49-1493 to 49-14,138 and section 6 of this act. Such forms shall include, but not be limited to, filing forms and instructions, statements of financial interest, and campaign committee organization forms.

Sec. 10. Original sections 49-1446.03, 49-1447, 49-1454, 49-1462, 49-1463, and 49-14,139, Reissue Revised Statutes of Nebraska, and sections 49-1401 and 49-1446.01, Revised Statutes Supplement, 1996, are repealed.

Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining section accordingly.

Mr. Maurstad withdrew his amendment.

Advanced to E & R for review with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 207. Title read. Considered.

Mr. Chambers moved to indefinitely postpone LB 207.

Laid over.

LEGISLATIVE BILL 886. Title read. Considered.

Standing Committee amendment, AM0629, found on page 848, was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 584. Placed on General File.
LEGISLATIVE BILL 683. Placed on General File.

LEGISLATIVE BILL 329. Placed on General File as amended.
Standing Committee amendment to LB 329:
AM1235

1. On page 3, lines 1 and 2; and page 4, lines 15 and 16, strike beginning with "with" through "dollars".

2. On page 4, line 24, after the comma insert "in rural areas of the district".

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Jo Beth Gutgsell - Nebraska Power Review Board
Lynn A. Roper - Nebraska Environmental Trust Board

VOTE: Aye: Senators Beutler, Bruning, Elmer, McKenzie, Preister, and Schrock. Nay: None. Absent: Senators Bromm and Bohlke.

(Signed) Chris Beutler, Chairperson

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 422:
FA115
Amend E & R Amendment (AM7096)
P. 1, lines 9,10, strike "the use or threat of violence to the person", and insert, "violence".

Mr. Chambers filed the following amendment to LB 422:
FA116
Amend E & R Amendment (AM7096)
P. 1, line 12, strike "apparent".

Mr. Chambers filed the following amendment to LB 422:
FA117
Amend E & R Amendment (AM7096)
P. 2, line 19, strike "extreme" and insert, "significant".

GENERAL FILE

LEGISLATIVE BILL 861. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 636. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 279. Title read. Considered.

Standing Committee amendment, AM0746, found on page 889, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 396. Title read. Considered.

MR. BEUTLER PRESIDING

Mr. Dierks renewed his pending amendment, AM0876, found on page 992.

The Dierks amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Messrs. Cudaback and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 396A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

AMENDMENTS - Print in Journal

Messrs. Kristensen, Warner, Coordsen, and Hartnett filed the following amendment to LB 343:
AM1191

(Amendments to Final Reading copy)

1. On page 3, lines 5 through 10, strike the new matter and insert "The county clerk or election commissioner may set a uniform date for a special election to be held before September 30, 1998, to submit the issue of exceeding the limits provided in section 77-3442 to the voters of political subdivisions in the county seeking additional levy authority. Any political subdivision may individually or in conjunction with one or more other political subdivisions conduct a special election on a date

different from that set by the county clerk or election commissioner.".

Mr. Chambers filed the following amendment to LB 303:
FA118

Amend Bohlke amendment (AM1232)

In line 8, strike the period and insert, ", nor on the basis of sexual orientation. Sexual orientation means having an orientation for heterosexuality, homosexuality, or bisexuality, having a history of such an orientation, or being identified with such an orientation. Sexual orientation shall not be construed to protect conduct otherwise proscribed by law."

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 579A. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 579, Ninety-fifth Legislature, First Session, 1997.

LEGISLATIVE BILL 307A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 307, Ninety-fifth Legislature, First Session, 1997; and to reduce appropriations.

GENERAL FILE

LEGISLATIVE BILL 546. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 577. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 837. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 307. Title read. Considered.

Standing Committee amendment, AM0670, found on page 905, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 352. Title read. Considered.

Standing Committee amendment, AM0742, found on page 909, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 788. Title read. Considered.

SPEAKER WITHEM PRESIDING

Standing Committee amendment, AM0770, found on page 912, was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 551. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 814. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 119. Title read. Considered.

Standing Committee amendment, AM0630, found on page 923, was considered.

Mr. Janssen offered the following amendment to the Standing Committee amendment:
AM1238

(Amendments to Standing Committee amendments, AM0630)

1. On page 4, line 12, strike the first "The" and insert "In situations of alleged out-of-home abuse or neglect, the"; in line 15 after "necessary" insert ". Such notice and information shall be sent by first-class mail"; and in lines 21 and 22 strike the new matter and reinstate the stricken matter.

2. On page 5, lines 18 through 21, strike the new matter and reinstate the stricken matter.

3. On page 6, line 2, strike "and" and show as stricken; and in line 9 after "illness" insert "; and

(8) The person or persons having custody of the abused or neglected child in situations of alleged out-of-home abuse or neglect".

The Janssen amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Witek asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 437. Title read. Considered.

Standing Committee amendment, AM0846, found on page 935, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 495. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 770. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 422:
AM1253

(Amendments to E & R amendments, AM7096)

1. On page 2, line 18, after "(c)" insert "The offender was a victim of childhood sexual abuse;

(d) The offender was previously a victim of domestic violence;

(e)"; in line 20 strike "(d)", show as stricken, and insert "(f)"; in line 21 strike "(e)", show as stricken, and insert "(g)"; in line 23 strike "(f)", show as stricken, and insert "(h)"; and in line 25 strike "(g)", show as stricken, and insert "(i)".

Mr. Chambers filed the following amendment to LB 422:
AM1254

(Amendments to E & R amendments, AM7096)

1. Insert the following new section:

"Section. 1. Section 28-105.01, Reissue Revised Statutes of Nebraska, is amended to read:

28-105.01. (1) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person who was under the age of eighteen years at the time of the commission of the crime.

(2) Notwithstanding any other provision of law, the death penalty shall not be imposed upon any person who is mentally retarded.

(3) As used in subsection (2) of this section, mentally retarded means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior. An intelligence quotient of seventy or below on a reliably administered intelligence quotient test shall be presumptive evidence of mental retardation.

(4) Upon motion of the defense requesting a ruling that the penalty of death be precluded under subsection (2) of this section, the court shall hold a hearing prior to any sentencing hearing. If the court finds, by a preponderance of the evidence, that the defendant is mentally retarded, the death sentence shall not be imposed. A ruling by the court that the evidence of diminished intelligence introduced by the defendant does not preclude the death penalty under subsection (2) of this section shall not restrict the defendant's opportunity to introduce such evidence at the sentencing hearing or to argue that such evidence should be given mitigating significance.".

2. On page 3, line 3, strike "section" and insert "sections 28-105.01 and"; and in line 4 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mrs. McKenzie filed the following amendment to LB 580:
AM1239

(Amendments to Standing Committee amendments, AM0481)

1. On page 7, line 2, after "services" insert ", but not to include natural gas services,".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Bromm asked unanimous consent to have his name added as cointroducer to LB 837. No objections. So ordered.

VISITORS

Visitors to the Chamber were Senator Dwite Pedersen's brother, Dwain, from Omaha; Diane, Lydia, and Gideon Ubben from Omaha; 35 fifth and sixth grade students and teacher from Palmer; 56 fourth grade students and teachers from Pierce; Messrs. Witthaya Keawparadai, Visarl Techateerawat, and Ms. Worrasuree Chaonsirikun from Thailand, Anthony Chai, and Doug Duey; Senator Maurstad's mother, Marilyn, from Beatrice and his sister, Debbie Dreher, from Wisconsin; and seventh and eighth grade students and teacher from Phelps County R-4 School.

ADJOURNMENT

At 3:29 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 9:00 a.m., Tuesday, April 1, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTIETH DAY - APRIL 1, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 1, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Cudaback, Elmer, Hilgert, Lynch, Warner, Wehrbein, Wickersham, Will, Mmes. Bohlke, Brown, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-ninth day was approved.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 364:
FA119

Page 2, line 3, before "A", insert: "It is the strong public policy of this state that no member of the board of directors of any bank transacting business under sections 8-101 to 8-1,121 need be the owner in his or her own name and right of at least one share of the paid-up capital stock of the bank of which he or she is a director or of its holding company, if any."

Mr. Chambers filed the following amendment to LB 364:
FA120

Page 2, line 13, after "responsibility." insert, "No person, otherwise qualified, shall be prohibited from serving as a member of the board of directors of any bank solely on the basis of sexual orientation. Sexual orientation means having an orition for heterosexuality, homosexuality, or bisexuality, having a history of such an orientation, or being identified with such an orientation. Sexual orientation shall not be construed to protect conduct otherwise proscribed by law."

ATTORNEY GENERAL'S OPINION

Opinion No. 97022

DATE:	March 27, 1997
SUBJECT:	LB 799; Constitutionality of Appropriation to the Nebraska Arts Council to Fund the Public Portion of the Proposed Cultural Trust
REQUESTED BY:	Senator LaVon Crosby Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Lynn A. Melson, Assistant Attorney General

You have requested our opinion regarding the constitutionality of LB 799. This proposed legislation, including AM0653, would create "a body politic and corporate, not a state agency, but an independent instrumentality exercising essential public functions" to be known as the Cultural Trust. A Cultural Trust Fund would also be created which would be administered by five trustees selected and approved by the Nebraska Arts Council and the state affiliate of the National Endowment for the Humanities. The trust fund would consist of revenue from public and private sources with only the earnings used for the operations of the Nebraska Arts Council and the state affiliate of the National Endowment for the Humanities and their constituent organizations. LB 799 also states the intent to appropriate $12,500,000 in each of the next two fiscal years to the Nebraska Arts Council to fund the public portion of the Cultural Trust. That appropriation is to be returned to the general fund by the Cultural Trust in fiscal year 2023-24.

Your specific concerns are with Article XIII, section 3 of the Nebraska Constitution which prohibits lending the credit of the State and Article III, section 18 of the Nebraska Constitution which prohibits special legislation or the granting of special privileges and immunities. We will also discuss Article XII, section 1 which prohibits the creation of a single corporation by special law.

I. Article XIII, Section 3

We will first address whether LB 799 violates the provision of the state constitution which mandates that "[t]he credit of the State shall never be given or loaned in aid of any individual, association, or corporation. . . . " Neb. Const. Art. XIII, section 3.

The case of ***Haman v. Marsh***, 237 Neb. 699, 467 N.W.2d 836 (1991), is a recent Nebraska Supreme Court decision which interprets Article XIII, § 3 of the Nebraska Constitution. At issue in ***Haman*** was legislation which appropriated state tax money to compensate depositors who had suffered losses due to the failure of industrial loan and investment companies in Nebraska. The Nebraska Supreme Court set out a three-prong test, and stated that to establish a law was unconstitutional under Article XIII, § 3, a plaintiff had to prove each of the following elements: (1) The credit of the state (2) was given or loaned; (3) in aid of any individual, association, or corporation. ***Haman***, 237 Neb. at 719.

The threshold question which must be analyzed is whether the proposed amendments to LB 609 involve the "credit of the state." In ***Haman***, the court stated as follows: "There is a distinction between the loaning of state funds and the loaning of the state's credit. When a state loans funds it is in the position of creditor, whereas the state is in the position of debtor upon a loan of credit." ***Id.*** at 719-720. In ***Haman***, the court found that under the legislation in question, "the state would be forever liable for the losses of industrial company depositors. . . ." ***Id.*** at 720.

To the extent that LB 799 provides for a grant or loan of state funds to be repaid in fiscal year 2023-24, it does not appear to us that such provisions result in the state being either a surety or guarantor of another's debts. Rather, the State would be in the position of creditor. Therefore, we conclude that LB 799 does not violate Article XIII, § 3.

Although the "credit of the state" is not being given or loaned under the provisions of LB 799, the constitutional analysis does not end there. "Closely related to the prohibition against the giving or lending of the state's credit . . . is the principle of law that public funds cannot be expended for private purposes." ***Haman v. Marsh***, 237 Neb. 699 at 721-722. This constitutional principle involves the expenditure of state funds in contrast to the extension of credit. While the state constitution contains no express provision against expending funds for essentially private purposes, the Nebraska Supreme Court has stated that this principle "is grounded on the 'fundamental concepts of our constitutional system.' " ***State ex rel. Douglas v. Thone***, 204 Neb. 836, 842, 286 N.W.2d 249 (1979) (***quoting Beck v. City of York***, 164 Neb. 223).

There is no hard and fast rule for determining whether a proposed expenditure of public funds is for a public purpose. In ***Platte Valley Public Power & Irrigation District v. County of Lincoln***, 144 Neb. 584, 14 N.W.2d 202 (1944), the Nebraska Supreme Court discussed the parameters of a "public purpose." "A public purpose has for its objective the promotion of the public health, safety, morals, security, prosperity, contentment, and the general welfare of all the inhabitants." ***Id.*** at 589.

The Nebraska Supreme Court has held that it is for the Legislature to determine in the first instance what is and what is not a public purpose. ***State ex rel. Douglas v. Thone***, 204 Neb. 836, 286 N.W.2d 249 (1979). The Court also held therein that there is no requirement that a legislative act calling for the expenditure of public funds need contain an express declaration of public purpose. *Id.* at 844-845. A number of cases from our Supreme Court have evidenced a somewhat flexible interpretation of the public purpose doctrine in relation to the expenditure of state monies. For example, with regard to housing, the Court found constitutional the act creating the Housing Authority of the City of Omaha in ***Lennox v. Housing Authority of City of Omaha***, 137 Neb. 582, 290 N.W. 451 (1940), and found constitutional the act creating the Nebraska Mortgage Finance Fund in ***State ex rel. Douglas v. Nebraska Mortgage Finance Fund***, 204 Neb. 445, 283 N.W.2d 12 (1979). The Court considered legislative findings such as the need for safe and sanitary housing and the need for adequate housing which could be financed by low income people in determining the existence of a public purpose.

However, the Nebraska Supreme Court has also held that laws which authorize the expenditure of state funds to encourage private enterprises do not serve a public interest. A statute offering compensation or a bounty to private companies to encourage the manufacture of sugar and chicory was found unconstitutional in ***Oxnard Beet Sugar Co. v. State***, 73 Neb. 57 (1905). The Court based its decision on the lack of a public purpose and did not undertake a "lending the credit of the state" analysis.

In ***Chase v. County of Douglas***, 195 Neb. 838, 241 N.W.2d 334 (1976), the Court found that the provisions of the statute authorizing expenditures for the purpose of acquiring real estate or options on real estate for industrial development were unconstitutional and in violation of Article XIII, § 3 of the Nebraska Constitution. Their holding was in part dependent upon another constitutional provision at Article XIII, § 2.

Given the purpose of the proposed legislation to support the arts and humanities in Nebraska and the Nebraska Arts Council, we cannot clearly conclude that this expenditure has no public purpose.

II. Article III, Section 18

Your other question concerns Article III, Section 18 of the Nebraska Constitution which provides that:

> [t]he Legislature shall not pass local or special laws in any of the following cases, that is to say: . . . Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever. . . . In all other cases where a general law can be made applicable, no special law shall be enacted.

A legislative act can violate the special laws provision by (1) creating a totally arbitrary and unreasonable method of classification, or (2) by creating a permanently closed class. ***Haman v. Marsh***, 237 Neb. 699, 467 N.W.2d 836 (1991); ***Mapco v. State Bd. of Equalization***, 238 Neb. 565, 471 N.W.2d 734 (1991). With regard to the first test, the Nebraska Supreme Court has held that statutory classifications must be based on "some substantial difference of situation or circumstances that would naturally suggest the justice or expediency of diverse legislation with respect to the objects to be classified." ***Haman*** at 713, 467 N.W.2d at 847 (emphasis in original). The court in ***Haman*** also determined that "[B]y definition, a legislative act is general, and not special, if it operates alike on all persons of a class or on persons who are brought within the relations and circumstances provided for . . . ." *Id* at 709, 467 N.W.2d at 844-45).

While LB 799 creates only one entity, the Cultural Trust, which would invest, administer and distribute the funds, the analysis used by the Nebraska Supreme Court seems to focus upon those persons who come within a statute's operation and how equally the act operates on those affected by the statute. With regard to LB 799, the analysis would presumably focus upon the nonprofit arts organizations listed in section 2 of the bill which would ultimately receive the funds and the public which would be served by such organizations. LB 799 appears to apply equally to all persons within that class and, thus, would be permissible provided the classification rests upon a reasonable basis. The bill arguably classifies as being entitled to receive funds those arts organizations which best fit the public purposes described in section 2 and which contribute to the public programs and projects listed therein.

In its analysis of a constitutional challenge to the Nebraska Mortgage Finance Fund, the Nebraska Supreme Court focused on the public purpose for which those funds were intended. "Statutes which are reasonably designed to protect the health, morals and general welfare do not violate the Constitution where they operate uniformly on all within a class which is reasonable. This is so even if a statute grants special or exclusive privileges where the primary purpose of the grant is not the private benefit of the grantees but the promotion of the public interest." ***State ex rel. Douglas v. Nebraska Mortgage Finance Fund***, 204 Neb. 445, 466, 283 N.W.2d 12, 25 (1979). As we discussed in answer to your question regarding Article XIII, section 3, there is no hard and fast rule for determining whether a public purpose exists in a particular situation. Assuming for purposes of this opinion that a court would find that LB 799 accomplishes a public purpose, the legislation would probably be held not to violate the special laws prohibition as creating a totally arbitrary classification.

LB 799 clearly allows an increase in the number of class members who may be entitled to receive funds because it applies to all arts organizations which contribute to the public programs and projects described, including future arts organizations. Therefore, the legislation also does not appear to violate the closed class prohibition of Article III, section 18.

III. Article XII, Section 1

Although you have not specifically inquired about Article XII, section 1 of the Nebraska Constitution, we will briefly discuss this provision in relation to LB 799. Article XII, section 1 provides in relevant part:

> The Legislature shall provide by general law for the organization, regulation, supervision and general control of all corporations. . . . No corporations shall be created by special law . . . except those corporations organized for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state.

Our office has previously discussed this provision in relation to proposed legislation implementing the One-Call Notification Center. Op. Att'y Gen. No. 92129. That bill created a single non-profit corporation to operate the notification center. We noted that, while the provision may at first seem to prohibit creation of a specific corporation to perform the function described in the legislation, the analysis used by the Nebraska Supreme Court again seems to focus on who comes within the act's operation and how equally the act operates on those affected by the act. This is illustrated by the ***Douglas*** case discussed above in which the court held that the Nebraska Mortgage Finance Fund was created by a general law which was not in violation of Article XII, section 1. "The Legislature may very well determine that a legitimate public purpose can be accomplished by creating a single entity to handle the matter." ***Douglas*** at 455, 283 N.W.2d at 20. "The fact that certain of the funds once obtained through bonds may go to private lending institutions who in turn will make the funds available for low and moderate income citizens does not change the public purpose for which the funds are intended." ***Id.*** at 460, 283 N.W.2d at 22.

We point out that, of course, a court may view support for the arts differently than it viewed the shortage of adequate low cost housing and may view the disbursement of funds to local arts organizations differently than the disbursement of public funds to low and moderate income citizens. However, in our opinion LB 799 does not present a clear violation of Article XII, section 1.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lynn A. Melson
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

9-781-6.op

MOTION - Return LB 343 to Select File

Mr. Kristensen moved to return LB 343 to Select File for the Kristensen-Warner-Coordsen-Hartnett specific amendment, AM1191, found on page 1265.

The Kristensen motion to return prevailed with 34 ayes, 0 nays, 3 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 343. The Kristensen et al. specific amendment, AM1191, found on page 1265, was adopted with 36 ayes, 0 nays, 1 present and not voting, and 12 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 264.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-4103, 77-4901, 77-4909, and 77-4924, Reissue Revised Statutes of Nebraska, and section 58-503, Revised Statutes Supplement, 1996; to redefine terms related to tax incentive programs; to provide for applicability of changes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Jensen
Kiel

Excused and not voting, 10:

Abboud
Bohlke
Brown
Cudaback
Hilgert
Lynch
Warner
Wehrbein
Wickersham
Will

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 54.

A BILL FOR AN ACT relating to trusts and trustees; to amend sections 30-2464, 30-2646, 30-2813, 30-2819, and 30-3201, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Uniform Prudent Investor Act; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Abboud
Cudaback
Hilgert
Lynch
Warner
Wehrbein
Wickersham
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 165.

A BILL FOR AN ACT relating to civil procedure; to amend sections 25-221, 25-21,203, 48-190, 77-5019, and 84-917, Reissue Revised Statutes of Nebraska; to change trial procedure for limitation of action issues; to change provisions relating to service of summons on the state and political subdivisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Bromm
Brown

Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 2:

Kristensen
Schimek

Present and not voting, 2:

Maurstad
Suttle

Excused and not voting, 8:

Abboud
Cudaback
Hilgert
Lynch
Warner
Wehrbein
Wickersham
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 166. With Emergency.

A BILL FOR AN ACT relating to emergency medical services; to amend section 71-5108, Reissue Revised Statutes of Nebraska; to change provisions relating to emergency medical technician-A/D services; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Bruning
Kristensen
Schimek

Excused and not voting, 9:

Abboud
Cudaback
Hilgert
Lynch
Tyson
Warner
Wehrbein
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 246.

A BILL FOR AN ACT relating to courts; to amend section 24-1101, Reissue Revised Statutes of Nebraska; to provide for selection of the Chief Judge of the Court of Appeals by the judges of the court and to change the term of the office; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Cudaback
Hilgert
Lynch
Tyson
Warner
Wehrbein
Wickersham
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 284. With Emergency.

A BILL FOR AN ACT relating to trust deeds; to amend sections 76-1004 and 76-1015, Reissue Revised Statutes of Nebraska; to change provisions relating to record filings; to specify the statutes of limitations applicable to sales of property; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Cudaback
Hilgert
Lynch
Tyson
Warner
Wehrbein
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 434.

A BILL FOR AN ACT relating to marriage; to amend section 42-372.01, Revised Statutes Supplement, 1996; to change dissolution decree provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Pedersen, Dw.

Excused and not voting, 9:

Abboud	Hilgert	Tyson	Wehrbein	Will
Cudaback	Lynch	Warner	Wickersham	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 531. With Emergency.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-753, Reissue Revised Statutes of Nebraska, and sections 31-739 and 31-744, Revised Statutes Supplement, 1996; to provide for payment of costs of certain improvements; to change provisions relating to special assessments; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Beutler	Crosby	Jensen	Pedersen, Dw.	Schmitt
Bohlke	Dierks	Jones	Pederson, D.	Schrock
Brashear	Elmer	Kiel	Peterson, C.	Stuhr
Bromm	Engel	Kristensen	Preister	Suttle
Brown	Hartnett	Landis	Robak	Vrtiska
Bruning	Hillman	Matzke	Robinson	Wesely
Chambers	Hudkins	Maurstad	Schellpeper	Witek
Coordsen	Janssen	McKenzie	Schimek	Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud	Hilgert	Tyson	Wehrbein	Will
Cudaback	Lynch	Warner	Wickersham	

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 554. With Emergency.

A BILL FOR AN ACT relating to mortgage loans; to amend section 45-101.05, Reissue Revised Statutes of Nebraska; to change provisions relating to escrow accounts; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Cudaback
Hilgert
Lynch
Tyson
Warner
Wehrbein
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 589. With Emergency.

A BILL FOR AN ACT relating to political subdivisions; to amend sections 31-740 and 31-744, Revised Statutes Supplement, 1996; to authorize contracts for intersection and traffic control improvements for sanitary and improvement districts; to prohibit the use of certain sirens to summon volunteer firefighters; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen

Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Chambers

Excused and not voting, 8:

Abboud
Cudaback
Lynch
Tyson
Warner
Wehrbein
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 734.

A BILL FOR AN ACT relating to cities and villages; to amend section 16-309, Reissue Revised Statutes of Nebraska, and sections 32-568 and 32-569, Revised Statutes Supplement, 1996; to change provisions relating to terms of office and filling of vacancies; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Abboud
Cudaback
Lynch
Tyson
Warner
Wehrbein
Wickersham
Will

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 753. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-1,131, Revised Statutes Supplement, 1996; to authorize banks to act as trustee or custodian of a medical savings account; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Cudaback
Dierks
Lynch
Tyson
Warner
Wehrbein
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 887. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Water Resources; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmitt

Excused and not voting, 10:

Abboud
Cudaback
Dierks
Lynch
Maurstad
Tyson
Warner
Wehrbein
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 114 with 37 ayes, 1 nay, 2 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 114.

A BILL FOR AN ACT relating to accountants; to amend sections 1-105.01 to 1-108.01, 1-110, 1-113, 1-114, 1-116 to 1-125, 1-134, 1-136.01, 1-136.04, 1-140, 1-142 to 1-145, 1-150, 1-151, 1-153, 1-156, 1-159, 1-163 to 1-164.01, 1-164.03 to 1-167, 1-170, and 1-171, Reissue Revised Statutes of Nebraska, and sections 1-109, 1-111, 1-112, 1-126, 1-133, 1-135, 1-136, 1-136.02, 1-137 to 1-139, 1-148, 1-152, 1-154, 1-155, 1-157, 1-158, 1-160 to 1-162.01, 1-164.02, and 1-169, Revised Statutes Supplement, 1996; to change provisions relating to the Public Accountancy Act of 1957; to eliminate obsolete veterans' provisions; to repeal the original sections; and to outright repeal sections 1-130, 1-131, and 1-132, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmitt

Excused and not voting, 8:

Abboud
Cudaback
Dierks
Lynch
Warner
Wehrbein
Wickersham
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 114A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 114, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Robinson
Schmitt

Excused and not voting, 8:

Abboud
Cudaback
Dierks
Lynch
Warner
Wehrbein
Wickersham
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 862 with 35 ayes, 1 nay, 4 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 862. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4201, 44-4203, 44-4221, and 44-4222, Reissue Revised Statutes of Nebraska, and sections 44-760, 44-4228, 44-4233, 44-5223, 44-5225, 44-5233, 44-5242, 44-5244, 44-5253, 44-5259, 44-5260, and 44-5261, Revised Statutes Supplement, 1996; to provide, change, and eliminate definitions; to establish requirements for health coverages; to change provisions relating to the Comprehensive Health Insurance Pool and the Small Employer Health Insurance Availability Act; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal section 44-5249, Revised Statutes Supplement, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska

Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Kiel
Schmitt

Excused and not voting, 9:

Abboud
Cudaback
Dierks
Hillman
Lynch
Warner
Wehrbein
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 30 with 33 ayes, 1 nay, 6 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 30. With Emergency.

A BILL FOR AN ACT relating to water wells; to amend section 46-637, Reissue Revised Statutes of Nebraska, and sections 46-235.04, 46-602, 46-656.28, 46-1239, and 46-1240, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to replacement water wells; to authorize temporary suspension of water well drilling; to provide a statute of limitations for actions to collect civil penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Crosby
Elmer
Engel
Hartnett
Hilgert
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Coordsen
Schmitt

Excused and not voting, 9:

Abboud
Cudaback
Dierks
Hillman
Lynch
Warner
Wehrbein
Wickersham
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 51 with 37 ayes, 1 nay, 2 present and not voting, and 9 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 51.

A BILL FOR AN ACT relating to custodial trusts; to adopt the Nebraska Uniform Custodial Trust Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Robak
Schmitt

Excused and not voting, 9:

Abboud	Dierks	Lynch	Wehrbein	Will
Cudaback	Hillman	Warner	Wickersham	

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 466 to Select File

Mr. Bromm moved to return LB 466 to Select File for his specific amendment, AM1227, found on page 1248.

The Bromm motion to return prevailed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 466. The Bromm specific amendment, AM1227, found on page 1248, was adopted with 37 ayes, 0 nays, 3 present and not voting, and 9 excused and not voting.

Advanced to E & R for reengrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 99. Read. Considered.

LEGISLATIVE RESOLUTION 100. Read. Considered.

LEGISLATIVE RESOLUTION 102. Read. Considered.

LEGISLATIVE RESOLUTION 103. Read. Considered.

LEGISLATIVE RESOLUTION 105. Read. Considered.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

Pursuant to Rule 4, Section 5, LRs 99, 100, 102, 103, and 105 were adopted with 22 ayes, 0 nays, 17 present and not voting, and 10 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Dw. Pedersen, D. Pederson, Preister, Engel, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

ANNOUNCEMENT

The Chair announced Sunday was Senator Wesely's birthday.

GENERAL FILE

LEGISLATIVE BILL 116A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mrs. Stuhr asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 270A. Title read. Considered.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 610A. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM0758, found on page 927.

The Wesely amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 14. Placed on General File as amended.
Standing Committee amendment to LB 14:
AM1246

1. On page 3, line 9, strike the new matter and insert "eighty-five"; and in line 18 strike "eighty-five" and insert "seventy-five".
2. On page 4, line 9, strike "eighty" and insert "sixty-five"; in lines 10 and 11 strike "sixty-five" and insert "sixty"; and in line 12 strike "seventy" and insert "sixty".

LEGISLATIVE BILL 287. Indefinitely postponed.
LEGISLATIVE BILL 510. Indefinitely postponed.

LEGISLATIVE RESOLUTION 40CA. Indefinitely postponed.

LEGISLATIVE RESOLUTION 56CA. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: 264, 54, 165, 166, 246, 284, 434, 531, 554, 589, 734, 753, 887, 114, 114A, 862, 30, and 51.

SELECT FILE

LEGISLATIVE BILL 422. Mr. Chambers renewed his pending amendment, FA79, found on page 1067 and considered on page 1238.

Messrs. Brashear, Tyson, Robinson, Maurstad, Wesely, Mmes. Brown, and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Matzke moved the previous question. The question is, “Shall the debate now close?”

Mr. Matzke moved for a call of the house. The motion prevailed with 3 ayes, 0 nays, and 46 not voting.

The motion to cease debate failed with 24 ayes, 1 nay, and 24 not voting.

The Chair declared the call raised.

Messrs. Beutler, Bromm, Mmes. Brown, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 1 nay, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Chambers
Coordsen
Dierks
Hilgert
Janssen
Kiel
Schimek

Voting in the negative, 15:

Brown
Bruning
Crosby
Elmer
Hillman
Jensen
Jones
Landis
Lynch
Matzke
Maurstad
Peterson, C.
Vrtiska
Witek
Withem

Present and not voting, 5:

Hartnett
Hudkins
Kristensen
Schellpeper
Schmitt

Excused and not voting, 22:

Abboud
Beutler
Bohlke
Brashear
Bromm
Cudaback
Engel
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Robak
Robinson
Schrock
Stuhr
Suttle
Tyson
Warner
Wehrbein
Wesely
Wickersham
Will

The Chambers amendment lost with 7 ayes, 15 nays, 5 present and not voting, and 22 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, FA80, found on page 1067.

Messrs. Hartnett, Schellpeper, Elmer, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 1, 1997, at 11:25 a.m., were the following bills: LBs 264, 54, 165, 166, 246, 284, 434, 531, 554, 589, 734, 753, 887, 114, 114A, 862, 30, and 51.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were 42 fifth and sixth grade students and teacher from Elgin; 9 sixth grade students and teacher from Emmanuel Lutheran Elementary School, York; 40 fourth grade students and teacher from Stanton; and former Senator Tom Fitzgerald and granddaughters, Katie, Laura, and Sarah Sturm, from Omaha.

RECESS

At 12:09 p.m., on a motion by Mrs. Witek, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Brashear, Cudaback, Engel, Hilgert, Jones, Kristensen, Landis, Dw. Pedersen, Schellpeper, Warner, Wehrbein, Wickersham, Will, Mmes. Bohlke, Kiel, Robak, and Witek who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 99, 100, 102, 103, and 105.

SELECT FILE

LEGISLATIVE BILL 422. Mr. Chambers renewed his pending amendment, FA80, found on page 1067 and considered in this day's Journal.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Chambers amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, FA81, found on page 1068.

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. WILL PRESIDING

Messrs. Withem and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Chambers
Hartnett
Hilgert
Kiel
Will

Voting in the negative, 9:

Bruning
Crosby
Hudkins
Janssen
Jensen
Lynch
Pedersen, Dw.
Peterson, C.
Witek

Present and not voting, 23:

Bohlke
Brashear
Bromm
Brown
Coordsen
Elmer
Engel
Hillman
Jones
Matzke
McKenzie
Pederson, D.
Preister
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham

Excused and not voting, 12:

Abboud
Beutler
Cudaback
Dierks
Kristensen
Landis
Maurstad
Robak
Schellpeper
Warner
Wehrbein
Withem

The Chambers amendment lost with 5 ayes, 9 nays, 23 present and not voting, and 12 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Coordsen, Tyson, Wesely, Mmes. McKenzie, and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS
Business and Labor

LEGISLATIVE BILL 125. Placed on General File.

The Committee on Business and Labor desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Laurie L. Klosterboer - Boiler Safety Advisory Board
Allan W. Spary - Boiler Safety Advisory Board

VOTE: Aye: Senators Dierks, Preister, Schimek, and Schrock.

(Signed) Chris Abboud, Chairperson

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 280:

(1)

FA121
Amend E & R (AM7098)
P. 1, line 5, strike "In law" and insert, "Under the laws of this state,".

(2)

FA122
Amend E & R Amendment (AM7098)
P. 1, line 8, strike "is essential" and insert, "must be given".

(3)

FA123
Amend E & R (AM7098)
P. 1, line 12, strike "would be" and insert "are"

(4)

FA124
P. 1, line 12, strike "by" and insert "under"

(5)

FA125
Amend E & R (AM7098)
P. 1, line 13, after "laws", insert "or customs"

(6)

FA126
Amend E & R (AM7098)
P. 1, line 13, strike "the same" and insert "such marriages"

(7)

FA127
Amend E & R (AM7098)
P. 1, line 14, strike "shall be" and insert "are".

(8)

FA128
Amend E & R (AM7098)
P. 1, line 14, strike "in all courts and places" and insert "for all purposes whatsoever"

Mr. Landis filed the following amendment to LB 280:
AM1228

(Amendments to E & R amendments, AM7098)

1. Insert the following new section:

"Sec. 2. Section 42-103, Reissue Revised Statutes of Nebraska, is amended to read:

42-103. Marriages are void (1) when either party has a husband or wife living at the time of the marriage, (2) when either party, at the time of marriage, is mentally incompetent to enter into the marriage relation, ~~and~~ (3) when the parties are related to each other as parent and child, grandparent and grandchild, brother and sister of half as well as whole blood, first cousins when of whole blood, uncle and niece, and aunt and nephew, and (4) for marriages entered into on or after the effective date of this act, when either party has been convicted of assault of a spouse from a prior marriage three times prior to this marriage. This subdivision extends to children and relatives born out of wedlock as well as those born in wedlock.".

2. On page 1, line 21, after "42-101" insert ", 42-103,".

3. Renumber the remaining sections accordingly.

Mr. Chambers filed the following amendment to LB 280:
AM1258

(Amendments to E & R amendments, AM7098)

1. Insert the following new sections:

"Sec. 3. The purpose of sections 3 to 7 of this act is to provide for legal recognition of intimate, committed relationships between two persons of the same sex.

Sec. 4. For purposes of sections 3 to 7 of this act:

(1) Declaration of domestic partnership means a signed statement given under oath in which two people declare that they meet and agree to the requirements of the definition of domestic partners when they sign the statement;

(2) Domestic partners means two adults of the same sex who have chosen to share their lives in an intimate, committed relationship of mutual caring. To be domestic partners two people must:

(a) Live together;

(b) Agree to be jointly responsible for each other's basic living expenses during the domestic partnership;

(c) Not be married or a member of another domestic partnership;

(d) Be over eighteen years of age and not be related in a way which would prevent them from being legally married to each other; and

(e) Sign and file with the Secretary of State a declaration of domestic partnership;

(3) Jointly responsible for each other's basic living expenses means joint responsibility for basic food and shelter and also includes any other costs, for example medical care costs, for which a partner is receiving some reimbursement or benefit, for example health care benefits, because he or she is a member of a

domestic partnership. Joint responsibility means that each partner agrees to provide for the other partner's basic living expenses if the partner is unable to provide for himself or herself. Anyone to whom these expenses are owed may enforce this responsibility; and

(4) Live together means that two people share the same place to live. The legal right to possess the place need not be in both of their names, and either or both may have additional places to live. Domestic partners do not cease to live together if one leaves the shared place but intends to return.

Sec. 5. Two persons may establish a domestic partnership by filing a declaration of domestic partnership with the Secretary of State. A person may not become a member of a domestic partnership until at least six months after any other domestic partnership of which he or she was a member ended unless the earlier domestic partnership ended because one of the partners died.

Sec. 6. Domestic partners shall have the same civil legal status, obligations, and entitlements which spouses have. This section does not apply to bona fide religious associations or religious corporations. This section does not require any church or religious group to celebrate or recognize a domestic partnership for religious purposes.

Sec. 7. A domestic partnership ends when (1) one partner sends the other a written notice that he or she has ended the partnership, (2) one of the partners dies, (3) one of the partners marries, or (4) the partners no longer live together.

When a domestic partnership ends for a reason other than the death of one of the partners, at least one of the partners must sign a notice saying that the partnership has ended and file the notice with the Secretary of State. A domestic partner who has given a copy of a declaration of domestic partnership to any third party in order to qualify for any financially valuable benefit or if that partner has died, the surviving member of the domestic partnership must give the third party notice that the partnership has ended within sixty days of the end of the domestic partnership. A third party who suffers loss as a result of failure to give the notice may sue the partner who was obliged to give it for the actual losses. Failure to give either notice shall not prevent or delay ending the domestic partnership.".

2. On page 1, line 8, after the period insert "Marriage does not include domestic partnerships.".

3. Renumber the remaining section accordingly.

Mr. Chambers filed the following amendment to LB 280:
FA129

Amend E & R (7098)

P. 1, line 11, after "42-117." strike all language through "cousins" in line 20, and insert, "In accord with the strong public policy of this state, no marriage entered into in any other country, state, or territory is valid in this state if such marriage is void under the provisions of section 42-101 and section 42-103, unless the parties to such marriage are not more closely related than first cousins."

Mr. Dw. Pedersen filed the following amendment to LB 309:
AM1259

(Amendments to Standing Committee amendments, AM0767)

1. On page 39, line 4, strike "excessive" and show as stricken.

Mr. Landis filed the following amendment to LB 273:
AM0991

(Amendments to Final Reading copy)

1. On page 1, line 9; and page 37, line 11, strike "44-5142,".
2. On page 12, line 14, reinstate the stricken matter.
3. On page 26, line 9, after "entity" insert "other than an insurer".

Mr. Landis filed the following amendment to LB 335:
AM1130

1. Insert the following new section:
"Sec. 14. This act becomes operative on July 31, 1997.".
2. On page 7, line 19, strike "effective" and insert "operative".
3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 422. Mr. Chambers withdrew his amendment, FA82, found on page 1068.

Mr. Chambers renewed his pending amendment, FA114, found on page 1248.

Mmes. Brown, Stuhr, Messrs. Bromm, Lynch, and Preister asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Matzke requested a ruling of the Chair on whether the Chambers amendment is germane to the bill.

The Chair ruled the Chambers amendment is not germane to the bill.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Robinson and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a record vote on his motion to overrule the Chair.

Voting in the affirmative, 4:

Chambers
Kiel
Schimek
Suttle

Voting in the negative, 15:

Bruning
Crosby
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
Pedersen, Dw.
Pederson, D.
Schellpeper
Schrock

Present and not voting, 10:

Bohlke
Brashear
Hartnett
Kristensen
Schmitt
Vrtiska
Wehrbein
Wickersham
Will
Withem

Excused and not voting, 20:

Abboud
Beutler
Bromm
Brown
Coordsen
Cudaback
Dierks
Landis
Lynch
Maurstad
McKenzie
Peterson, C.
Preister
Robak
Robinson
Stuhr
Tyson
Warner
Wesely
Witek

The Chambers motion to overrule the Chair failed with 4 ayes, 15 nays, 10 present and not voting, and 20 excused and not voting.

The Chair was sustained.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 98. Indefinitely postponed.
LEGISLATIVE BILL 212. Indefinitely postponed.
LEGISLATIVE BILL 723. Indefinitely postponed.

(Signed) Stan Schellpeper, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 106. Introduced by Robak, 22.

WHEREAS, Stephen Wright is the new Nebraska Spelling Bee Champion by winning the state contest on March 22, 1997; and

WHEREAS, Stephen Wright is a sixth-grader at Bible Baptist Christian School in Columbus, Nebraska; and

WHEREAS, Stephen won the Platte County Spelling Bee on March 15, 1997; and

WHEREAS, Stephen earned the right to represent the State of Nebraska at the National Spelling Bee Competition in Washington, D.C., over the Memorial Day weekend; and

WHEREAS, Stephen defeated ninety-two worthy opponents, including a fifteen-round marathon for the title between him and one final competitor; and

WHEREAS, Stephen carries on the family tradition set by his older brother, who won three straight state titles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to Stephen Wright.
2. That a copy of this resolution be sent to Stephen Wright.

Laid over.

UNANIMOUS CONSENT - Member Excused

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 422. Mr. Chambers withdrew his amendments, FA115, FA116, FA117, and AM1253, found on pages 1264 and 1268.

Mr. Chambers renewed his pending amendment, AM1254, found on page 1269.

SPEAKER WITHEM PRESIDING

Messrs. Schrock, Dw. Pedersen, Janssen, Dierks, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WILL PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 18:

Beutler
Bohlke
Chambers
Crosby
Engel
Hartnett
Hilgert
Kiel
Landis
McKenzie
Peterson, C.
Preister
Schimek
Suttle
Wesely
Wickersham
Will
Withem

Voting in the negative, 6:

Bromm
Bruning
Hudkins
Jensen
Jones
Matzke

Present and not voting, 17:

Brashear
Brown
Coordsen
Elmer
Hillman
Kristensen
Maurstad
Pedersen, Dw.
Pederson, D.
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Witek

Excused and not voting, 8:

Abboud
Cudaback
Dierks
Janssen
Lynch
Robak
Tyson
Warner

The Chambers amendment lost with 18 ayes, 6 nays, 17 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 353. Placed on General File.

LEGISLATIVE BILL 881. Placed on General File as amended.
Standing Committee amendment to LB 881:
AM0812

1. On page 3, strike beginning with "name" in line 1 through "had" in line 2 and insert "fact that the owner was not in the"; and in line 3 after the period insert "The providing of such sworn affidavit shall not prevent the state or political subdivision from seeking a conviction of the actual operator of the motor vehicle.".

LEGISLATIVE BILL 399. Indefinitely postponed.
LEGISLATIVE BILL 402. Indefinitely postponed.
LEGISLATIVE BILL 445. Indefinitely postponed.
LEGISLATIVE BILL 463. Indefinitely postponed.
LEGISLATIVE BILL 697. Indefinitely postponed.

LEGISLATIVE BILL 698. Indefinitely postponed.
LEGISLATIVE BILL 827. Indefinitely postponed.
LEGISLATIVE BILL 880. Indefinitely postponed.

(Signed) Douglas A. Kristensen, Chairperson

Revenue

LEGISLATIVE BILL 269. Placed on General File as amended. (Standing Committee amendment, AM1243, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 271. Placed on General File as amended. (Standing Committee amendment, AM1255, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 306. Placed on General File as amended. (Standing Committee amendment, AM1256, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 804. Placed on General File as amended.
Standing Committee amendment to LB 804:
AM1242

1. Strike the original sections and insert the following new sections:

"Section 1. (1) The Local Option Tax Study Committee is created. The committee shall be composed of the Lieutenant Governor, the Tax Commissioner, the Property Tax Administrator, the Speaker of the Legislature, the Chairperson of the Education Committee of the Legislature, the Chairperson of the Revenue Committee of the Legislature, a representative of the State Department of Education appointed by the Commissioner of Education, a member of a county board, a county assessor, and three members of the general public who have knowledge of education matters or finance appointed by the Governor. The Lieutenant Governor shall be the chairperson of the committee.

(2) The committee shall analyze the impact of permitting school districts to locally implement and authorize a local income tax to finance a portion of the operating expenses of the school district. The committee shall study the impact of permitting school districts to enact a countywide local option sales tax, the proceeds of which will be distributed to schools on a per student basis or in some other manner. Specifically the committee should make recommendations on:

(a) Whether or not receipts from a local option income tax or local option sales tax for school purposes should be treated as accountable receipts for a school district;

(b) If there should be a maximum percentage of the school district budget which may be funded by a local option income tax or local option sales tax for school purposes, and if so, what the limit should be; and

(c) If there should be a limit on the length of time a local option income tax or local option sales tax for school purposes can be imposed without another vote of the registered voters of the school district extending the tax, and if so, how long the limit should be.

(3) For purposes of its consideration of the issues and to aid in the developing its recommendations, the committee shall assume that a school district may authorize a local option income tax or local option sales tax to fund a portion of the operation of the school district, that the tax may only be imposed after approval by a majority of those voting in a general or special election, and that the tax may only be implemented to provide for a reduction in property tax receipts utilized by the school district.

(4) The committee shall also analyze the impact of a county income tax for purposes of property tax relief. Specifically the committee should make recommendations on:

(a) Whether it is practical to credit county income taxes paid against property taxes due;

(b) Whether any county income tax should be limited in amount or duration and, if so, how; and

(c) Whether a county income tax with a credit against property taxes will provide sufficient revenue to provide public services in areas which currently have above-average property taxes.

(5) The committee shall also study the possible impact of restricting the availability of property tax exemptions both for government property and property for religious, educational, cemetery, and charitable use. Specifically, the committee should make recommendations on:

(a) The possibility of levying ad valorem taxes on the value of a leasehold interest in public property by a commercial enterprise as if it were owned in fee;

(b) The possibility of requiring or allowing local governments to require in lieu of tax payments on governments owning tax-exempt property to recover the costs of other local governments in providing property related services such as law enforcement, fire protection, and street construction and maintenance;

(c) The possibility of narrowing the eligibility for property tax exemptions for religious, educational, cemetery, or charitable use such as by requiring a certain level of charitable donation of goods or services to individuals worthy of charity; and

(d) The possibility of requiring or allowing local governments to require in lieu of tax payments by entities with property tax exemptions to recover the costs of providing property related services such as law enforcement, fire protection, and street construction and maintenance.

(6) The Department of Revenue shall provide necessary staff and assistance to the committee.

(7) The committee shall make a report to the Governor and Legislature on its findings on or before December 1, 1997.

Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.".

LEGISLATIVE BILL 84. Placed on General File.

LEGISLATIVE RESOLUTION 37. Reported to the Legislature for further consideration.

(Signed) Jerome Warner, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 476. Placed on Select File.
LEGISLATIVE BILL 452. Placed on Select File.

LEGISLATIVE BILL 555. Placed on Select File as amended.
E & R amendment to LB 555:
AM7099

1. Insert the following new section:

"Sec. 13. Section 45-130, Reissue Revised Statutes of Nebraska, is amended to read:

45-130. The Department of Banking and Finance is hereby charged with the duty of inspecting the business, records, and accounts of all persons that lend money subject to the provisions of sections 45-114 to ~~45-155~~ 45-158. The department is hereby empowered to inspect and investigate the business, records, and accounts of all persons in the public business of lending money contrary to the provisions of ~~said~~ such sections~~;~~ and who do not have a license under ~~said~~ such sections. The Director of Banking and Finance is hereby empowered to appoint examiners who shall, under his or her direction, investigate the loans and business, and examine the books and records of licensees semiannually, and more often when the director shall so determine. The expenses of the Department of Banking and Finance, incurred in the examination of the books and records of licensees, and fully to administer the provisions of the law during each calendar year, shall be charged semiannually to each licensee by the department as soon as reasonably possible after June 30 and December 31 of each year, in proportion to the number of days required to examine and supervise the books and records of the respective licensees.".

2. On page 1, line 3, after "45-129," insert "45-130,".

3. On page 24, line 7, strike "said", show as stricken, and insert "such".

4. On page 28, line 1, after "45-129," insert "45-130,".

5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 740. Placed on Select File.

LEGISLATIVE BILL 523. Placed on Select File as amended.
E & R amendment to LB 523:
AM7103

1. In the Standing Committee amendment, AM0520, on page 3, lines 8 and 9, strike "a statement of qualification" and insert "an application for registration".

2. On page 1, strike lines 2 through 8 and insert ", 67-294, and 67-301, Reissue Revised Statutes of Nebraska; to adopt the Uniform Partnership Act of 1998; to provide for applicability of and a termination date for partnership provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to provide severability; and to repeal the original sections.".

3. On page 11, line 23, strike the period and insert "; and".

4. On page 44, line 21, strike the comma.

5. On page 53, line 24, strike "company" and insert "partnership".

6. On page 57, line 6, strike "The sections" and insert "Sections".

7. On page 61, line 18, reinstate the stricken matter; and in line 19 before "Uniform" insert "or".

LEGISLATIVE BILL 424. Placed on Select File as amended.
E & R amendment to LB 424:
AM7100

1. On page 13, line 3, strike "(1)(l)" and insert "(1)(k)".

LEGISLATIVE BILL 193. Placed on Select File.

LEGISLATIVE BILL 643. Placed on Select File as amended.
E & R amendment to LB 643:
AM7101

1. On page 1, line 3, after "release" insert "or use".

LEGISLATIVE BILL 873. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 107. Introduced by Maurstad, 30.

WHEREAS, libraries have the obligation to provide information to the citizens, thus offering access to knowledge and ideas; and

WHEREAS, libraries break down the boundaries that obstruct our vision and ability to communicate with each other and educate ourselves; and

WHEREAS, libraries make all resources equally available to all members of the community, regardless of income or class; and

WHEREAS, libraries value individuals through library collections which offer the historical, global, cultural, and political perspective necessary to foster the individual spirit of exploration; and

WHEREAS, libraries nourish creativity as the repositories of both books and images; and

WHEREAS, libraries open childrens' minds and last summer more than twenty-five thousand Nebraska children participated in the statewide Summer Reading Program; and

WHEREAS, libraries return high dividends by providing crucial start-up information to business entrepreneurs; and

WHEREAS, libraries build communities by serving as a repository of community culture and preserving the records of the lives within our communities; and

WHEREAS, libraries help families by providing services and information to build coping skills; and

WHEREAS, libraries provide tolerance and show an eagerness to view all sides of an issue; and

WHEREAS, libraries provide sanctuary and alert us to the enormous mystery of human experience and knowledge; and

WHEREAS, libraries provide for our future by preserving our past.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the week of April 13 to April 19, 1997, be declared National Library Week.
2. That a copy of this resolution be sent to the Nebraska Library Association.

Laid over.

SELECT FILE

LEGISLATIVE BILL 422. Mr. Chambers reoffered his amendment, FA116, found on page 1264.

Mr. Landis and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Maurstad requested a record vote on the Chambers amendment.

Voting in the affirmative, 26:

Beutler
Bohlke
Bromm
Bruning
Chambers
Coordsen
Crosby
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robinson
Schimek
Schmitt
Stuhr
Wesely
Will
Withem

Voting in the negative, 4:

Brashear
Jensen
Maurstad
Witek

Present and not voting, 12:

Brown
Dierks
Elmer
Jones
Kristensen
Pederson, D.
Schellpeper
Schrock
Suttle
Vrtiska
Wehrbein
Wickersham

Excused and not voting, 7:

Abboud
Cudaback
Kiel
Landis
Robak
Tyson
Warner

The Chambers amendment was adopted with 26 ayes, 4 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 38 ayes, 1 nay, 3 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducers

Mr. Maurstad asked unanimous consent to have his name added as cointroducer to LB 401. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LB 881. No objections. So ordered.

VISITORS

Visitors to the Chamber were Ed Pallesen from Cambridge, Massachusetts and Scott Hatfield from Lincoln; 12 Scouts from Den 4, St. Teresa School, Lincoln; Senator Coordsen's daughter and grandson, Valerie and Dylan Goebel, from Marion, Kansas and his niece and her sons, Merry, Dan and Ben Kellogg, from Lincoln; and 3 students from Wesleyan University, Lincoln.

ADJOURNMENT

At 5:19 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, April 2, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIRST DAY - APRIL 2, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 2, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Pastor Greg Olson, Southwood Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Matzke, Schellpeper, Schrock, Tyson, Warner, Wickersham, Will, Mmes. Bohlke, Brown, Kiel, Robak, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 727. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 335. Title read. Considered.

Standing Committee amendment, AM0563, found on page 845, was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Mr. Landis renewed his pending amendment, AM1130, found on page 1300.

The Landis amendment was adopted with 25 ayes, 0 nays, 13 present and

not voting, and 11 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 741. Title read. Considered.

Mr. Landis renewed his pending amendment, AM1144, found on page 1183.

The Landis amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 543. Title read. Considered.

Standing Committee amendment, AM0799, found on page 922, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 136. Title read. Considered.

Standing Committee amendment, AM0832, found on page 929, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 772. Title read. Considered.

MRS. CROSBY PRESIDING

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 771. Title read. Considered.

Standing Committee amendment, AM0864, found on page 971, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 527. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 558. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 802. Title read. Considered.

Standing Committee amendment, AM0842, found on page 1000, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Lynch withdrew his amendment, AM0667, found on page 828.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

STANDING COMMITTEE REPORTS
Government, Military and Veterans Affairs

LEGISLATIVE BILL 839. Placed on General File.

LEGISLATIVE RESOLUTION 53. Placed on General File.

LEGISLATIVE BILL 778. Placed on General File as amended.
Standing Committee amendment to LB 778:
AM1252

1. On page 4, line 17, strike "funded" and insert "receiving state funds"; and strike beginning with the comma in line 18 through "agency" in line 22.

2. On page 7, line 9, after the period insert "However, because a cooperative agreement between the Department of Roads and the Nebraska State Historical Society currently exists which ensures that all highway construction projects meet federal historic preservation legislation and regulations, and such federal preservation legislation and regulations fulfill or exceed the objectives and standards of the Nebraska Archeological Resources Preservation Act, the Department of Roads is exempt from the provisions of the act. Nothing in this section shall be construed to abridge the rights of private property owners.".

LEGISLATIVE BILL 878. Placed on General File as amended.
Standing Committee amendment to LB 878:
AM1124

1. On page 2, line 6, after "to" insert "voluntarily";

in line 19 after the period insert "Any proposed buy-out program shall include an independent actuarial analysis to assist in determining the value of the vested rights identified. The formula of such actuarial analysis shall be uniformly applied to all offered buy-out plans. In no event shall payments which exceed the valuation determined by the independent actuarial analysis be offered as part of a buy-out program."; in line 25 strike "and"; in line 26 after "(b)" insert "Buy-out means the situation in which a state employee leaves his or her position with state government and waives any vested rights in connection with that employment in exchange for some form of compensation, whether direct or indirect, by the state;

(c)"; and in line 27 after "agreement" insert "; and

(d) Vested rights includes, but is not limited to, the continued right to employment, vacation leave, sick leave, holiday leave, retirement, and insurance benefits".

LEGISLATIVE BILL 31. Indefinitely postponed.
LEGISLATIVE BILL 847. Indefinitely postponed.

(Signed) C. N. "Bud" Robinson, Chairperson

AMENDMENT - Print in Journal

Mr. Engel filed the following amendment to LB 882:
AM1266

1. On page 5, line 13, after "camp" insert "for a period not exceeding one hundred eighty days".

RESOLUTION

LEGISLATIVE RESOLUTION 101. Read. Considered.

LR 101 was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 278. Title read. Considered.

Standing Committee amendment, AM0427, found on page 839, was considered.

Mr. Abboud renewed his pending amendment, AM1175, found on page 1215, to the Standing Committee amendment.

The Abboud amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA131
Amend committee amendment (AM0427)
Line 8, strike comma and insert "and";
in line 9, beginning with "or" strike all language through "section 71-1,103"

Messrs. Schellpeper and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Messrs. Maurstad and Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA132
Strike the language on lines 21 and 22 on page 3 and substitute the following:
"False imprisonment of a minor in the first degree pursuant to Section 28-314 except when the person is the parent of the minor and was not convicted of any other offense in this subdivision"

MR. COORDSEN PRESIDING

The Beutler amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mrs. C. Peterson and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 278A. Title read. Considered.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Abboud moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 874. Placed on Select File.
LEGISLATIVE BILL 173. Placed on Select File.
LEGISLATIVE BILL 66. Placed on Select File.

LEGISLATIVE BILL 851. Placed on Select File as amended.
E & R amendment to LB 851:
AM7102

1. On page 12, line 25, strike "Hearing Impaired", show as stricken, and insert "Deaf and Hard of Hearing".

LEGISLATIVE BILL 274. Placed on Select File.
LEGISLATIVE BILL 856. Placed on Select File.
LEGISLATIVE BILL 303. Placed on Select File.

LEGISLATIVE BILL 197. Placed on Select File as amended.
E & R amendment to LB 197:
AM7104

1. On page 1, line 7, strike "examination" and insert "examinations".

LEGISLATIVE BILL 49. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 419. Placed on General File as amended.
Standing Committee amendment to LB 419:
AM1204

1. Insert the following new sections:

"Section 1. The office of county superintendent of schools shall be eliminated by June 30, 2000, and the duties of county superintendents shall be assigned for a period not to exceed two years to educational service units, except for duties specifically assigned by statute. The State Department of Education shall make recommendations on which of the duties assigned to county superintendents should be eliminated, which of such duties should be retained, and to whom the retained duties should be assigned. The department shall report its recommendations to the Clerk of the Legislature not later than June 30, 1998.

Sec. 2. The Education Committee of the Legislature shall prepare legislation for introduction in the Ninety-sixth Legislature, First Session, to carry out the intent of section 1 of this act.

Sec. 8. It is the intent of the Legislature to appropriate nine million one hundred thousand dollars in FY1998-99 to fund core services and be distributed pursuant to section 9 of this act.

Sec. 9. Funds appropriated for core services shall be distributed proportionally to each educational service unit by the State Department of Education based on the fall membership in member districts in the preceding school fiscal year. Funds distributed pursuant to this section shall be used for core services with the approval of representatives of two-thirds of the member school districts, representing a majority of the students in the member school districts. If a member school district provides evidence satisfactory to the educational service unit that the district will provide core services for itself in a cost-efficient manner, the educational service unit may distribute funds directly to the district to be used for providing core services.

Sec. 10. Funds generated from the property tax levy shall only be used for purposes approved by representatives of two-thirds of the members school districts in an educational service unit, representing a majority of the students in the member school districts.".

2. On page 2, line 3, strike "Seventeen", show as stricken, and insert "Nineteen"; in lines 4 and 5 strike the new matter; and in line 25 after "Douglas" insert "except school district 28-001".

3. On page 3, line 1, after "Lancaster" insert "except school district 55-001".

4. On page 5, strike beginning with the underscored comma in line 5 through the second underscored comma in line 7; and in line 7 after "provided" insert "by educational service units".

5. On page 7, strike beginning with "The" in line 8 through "(6)" in line 14; and in line 21 strike "(7)" and insert "(6)".

6. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 126. Indefinitely postponed.
LEGISLATIVE BILL 157. Indefinitely postponed.
LEGISLATIVE BILL 205. Indefinitely postponed.
LEGISLATIVE BILL 446. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Natural Resources

LEGISLATIVE BILL 499. Placed on General File as amended.
Standing Committee amendment to LB 499:
AM1245

1. Strike section 9 and insert the following new section:

"Sec. 9. Except as provided in sections 18-412.07 to 18-412.09, 70-628.02 to 70-628.04, or 70-644 to 70-653.02 the plant, property, or equipment of a district shall never by sale under foreclosure, receivership, bankruptcy proceedings, outright sale, or lease become the property or come under the control of any private person, firm, or corporation engaged in the business of generating, transmitting, or distributing electricity for profit. This restriction does not apply to: (1) The exercise by a district of its rights and powers with respect to radioactive material or the energy therefrom; (2) the sales of ethanol production or distribution facilities; (3) joint participation in any electric generation or transmission facility pursuant to sections 18-412.07 to 18-412.09, 70-628.02 to 70-628.04, 70-646, and 70-657; or (4) a nonprofit cooperative corporation that has provided financing for property, projects, or undertakings when such property is covered by a mortgage, pledge of revenue, or other hypothecation to secure the payment of a loan or loans made to a district. This restriction does not apply to a sale, transfer, or lease of property to a nonprofit electric cooperative corporation engaged in the retail distribution of electric energy in established service areas, which cooperative corporation is organized under the laws of the State of Nebraska or domesticated in the State of Nebraska, except that such property so acquired by a cooperative nonprofit corporation organized to provide financing or by a nonprofit electric cooperative corporation shall never become the property or come under the control of any person, firm, or corporation engaged in the business of generating, transmitting, or distributing electricity for profit. This section shall not be construed as an expansion of the authority of public power districts to engage in telecommunications services as may otherwise be authorized by statute.".

2. On page 12, strike the new matter.

3. On page 13, line 21, strike beginning with "70-637" through "70-641" and insert "and 70-637".

(Signed) Chris Beutler, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolution: LR 101.

GENERAL FILE

LEGISLATIVE BILL 485. Title read. Considered.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Hudkins renewed her pending amendment, AM0928, found on page 1089.

The Hudkins amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment:
FA133
P. 3, lines 15 & 16, Strike new language.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Wesely and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LB 517:
AM1208

1. Insert the following new section:

"Section 1. Section 66-1510, Reissue Revised Statutes of Nebraska, is amended to read:

66-1510. Petroleum shall mean:

(1) Motor vehicle fuels as defined in section 66-482, except denatured agricultural ethyl alcohol that is not blended with motor vehicle fuels;

(2) Diesel fuel as defined in section 66-654, including kerosene; and

(3) A fraction of crude oil that is liquid at a temperature of sixty degrees Fahrenheit and a pressure of fourteen and seven-tenths pounds per square inch absolute, except any such fraction which is regulated as a hazardous substance under section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980.".

2. Amend the repealer and renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were Senator Cudaback's mother, sister, and niece, Mrs. Cudaback from Riverdale, Jane Rumbeck from Amherst, and Pat Anderson from Kearney; 5 eleventh and twelfth grade students and teacher from Charter Oak High School, Charter Oak, Iowa; Larry Dauel from Malmo and Abner and Gladys Dauel from Wahoo; 48 tenth through twelfth grade students and sponsor from North High, Omaha; 35 fifth grade students and teachers from Northside, Fremont; 45 fifth grade students and teacher from Clarkson Elementary, Fremont; and eighth grade students, principal, and sponsors from Brady.

RECESS

At 11:59 a.m., on a motion by Mr. Robinson, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Brashear, Bromm, Coordsen, Dierks, Elmer, Hilgert, Kristensen, Landis, Matzke, Dw. Pedersen, Warner, Wickersham, Will, Mmes. Bohlke, Kiel, McKenzie, C. Peterson, and Robak who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Schmitt asked unanimous consent to be excused until he returns. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 108. Introduced by Maurstad, 30.

WHEREAS, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than five trillion dollars; and

WHEREAS, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenue; and

WHEREAS, the growing national debt artificially inflates interest rates, which in turn increases the cost of purchasing a home, an automobile, a college education, and other staples of the American Dream; and

WHEREAS, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the United States Constitution; and

WHEREAS, the United States Constitution vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures, and opposition by a small minority repeatedly has thwarted the will of the people that a Balanced Budget Amendment to the United States Constitution should be submitted to the states for ratification; and

WHEREAS, the Legislature of the State of Nebraska prefers that a constitutional convention not be called to address this issue and the implementation of this resolution by Congress will effectively eliminate the necessity for such a convention.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature requests the Congress of the United States to expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the United States Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That the Clerk of the Legislature transmit copies of this resolution to the President pro tempore of the Senate of the United States, the Speaker of the House of Representatives of the United States, each Member of the Nebraska Congressional Delegation, and the Secretaries of State and the presiding officers of both houses of the legislatures of each of the several states.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 108 was referred to the Reference Committee.

AMENDMENTS - Print in Journal

Mr. Janssen filed the following amendment to LB 310:
AM0811

1. In the Standing Committee amendments, AM0766, strike amendments 1, 2, 5, and 6 and renumber the remaining amendments accordingly.

2. On page 11, strike lines 16 through 28.

3. On page 12, strike beginning with line 1 through the underscored period in line 15.

Ms. Schimek filed the following amendment to LB 584:
AM1273

1. Insert the following new sections:

"Sec. 2. Section 81-15,164, Reissue Revised Statutes of Nebraska, is amended to read:

81-15,164. ~~The~~ Except as provided in subsection (2) of this section, the fees imposed by sections 81-15,159 to 81-15,165 shall be collected in the same manner as the sales tax under the Nebraska Revenue Act of 1967, including provisions of the act relating to due dates, interest, penalties, and collection procedures. No fees shall be charged for any permits under section 81-15,162, and no collection fees shall be allowed any retailer.

(2) The fees imposed by section 81-15,163 shall be collected in the same manner as the litter fee under the Nebraska Litter Reduction and Recycling Act, including provisions of the act relating to due dates, interest, penalties, and collection procedures. No fees shall be charged for any permits, and no collection fees shall be allowed any retailer.

Sec. 3. The changes made in section 81-15,163 shall become operative for all periods beginning on or after July 1, 1997. The changes made in section 81-15,164 shall become operative on the effective date of this act.".

2. On page 2, line 9, after "state" insert "if the retail sales of tangible personal property for the location are thirty thousand dollars or more"; in line 13 strike "section" and insert "sections" and after "81-15,163" insert "and 81-15,164"; and in line 14 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 485A. Title read. Considered.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 70. The pending Standing Committee amendment, AM0371, printed separately and referred to on page 676 and considered on page 921, was renewed.

Mr. Cudaback renewed his pending amendment, AM0661, found on page

828, to the Standing Committee amendment.

The Cudaback amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Mr. Cudaback renewed his pending amendment, AM0995, found on page 1210, to the Standing Committee amendment.

The Cudaback amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

Messrs. Matzke and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 882. Title read. Considered.

Mr. Engel renewed his pending amendment, AM1266, found on page 1314.

Messrs. Schellpeper, Cudaback, and Mrs. Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WILL PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment to the Engel pending amendment:
FA135
Amend Engel Amendment (1266), strike "exceeding" and insert "to exceed".

Mrs. Bohlke and Mr. Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 255A. Introduced by Matzke, 47.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 255, Ninety-fifth Legislature, First Session, 1997.

STANDING COMMITTEE REPORTS
Transportation

LEGISLATIVE BILL 590. Placed on General File as amended.
(Standing Committee amendment, AM1198, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Motor Carrier Advisory Council
Larry Caulfield
Dianna Davis
David Goldstein
David Hale
Dan Hurt

VOTE: Aye: Senators Coordsen, Elmer, Kristensen, Matzke, Dw. Pedersen, C. Peterson, and Robinson. Nay: None. Absent: Senator Bruning.

(Signed) Douglas A. Kristensen, Chairperson

AMENDMENTS - Print in Journal

Mrs. Bohlke filed the following amendment to LB 864:
AM1276

1. Insert the following new section:

"Sec. 11. It is the intent of the Legislature to provide one-time funding of $200,000 for the development and renovation of a child care facility at the Hastings campus of the Central Community College Area. The purpose of the facility is to provide child care for Central Community College students and other low-income families within the community that are underserved in meeting child care needs. The Central Community College Area has donated a building and land on the Hastings campus to serve as such a facility. Funding is required to complete improvements to the facility in order that it may be utilized to provide child care. Once fully operational, the child care center will also provide support to families through parenting workshops, video conferences, mentoring programs, newsletters, and programs to promote good nutrition and enhance wellness in the home.".

2. Renumber the remaining sections accordingly.

Mr. Abboud filed the following amendment to LB 398:
AM1230

1. On page 3, line 2, reinstate the stricken matter; and in line 3 strike the new matter.

Mrs. Hudkins filed the following amendment to LB 485A:
AM1186

1. Insert the following new section:

"Sec. 2. Since an emergency exists, this act takes effect when passed and approved according to law.".

GENERAL FILE

LEGISLATIVE BILL 882. The Chambers pending amendment, FA135, found in this day's Journal, to the Engel pending amendment, was renewed.

Messrs. Hilgert, Preister, Mmes. Hillman, and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm moved the previous question. The question is, “Shall the debate now close?”

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 23 not voting.

The Chambers amendment was adopted with 28 ayes, 0 nays, 7 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

The Engel amendment, AM1266, as amended, was adopted with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Dw. Pedersen offered the following amendment:
AM1284

1. On page 5, line 19, strike "and", and after "behavior" insert ", and (e) is eighteen years of age or older".

SPEAKER WITHEM PRESIDING

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Dw. Pedersen amendment lost with 10 ayes, 14 nays, 13 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment:
FA134

Page 6, line 3, strike the period and insert, ", except that if the failure to successfully complete the incarceration work camp program is due to physical or mental incapacity, the offender shall be deemed to have successfully completed the program, for purposes of sentencing."

Ms. Schimek and Mr. Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Engel offered the following amendment to the Chambers pending amendment:
FA137

Strike "shall be deemed to have successfully completed the program, for purposes of sentencing."

and insert, "shall appear before the original sentencing court and the court may impose any other sentence that the court may have originally imposed."

Mrs. Witek and Mr. Schrock asked unanimous consent to be excused. No objections. So ordered.

Mr. Engel withdrew his amendment.

Mr. Chambers withdrew his amendment.

Mr. Bromm offered the following amendment:
FA136

On Page 5, Line 2, after probation insert ", in and of themselves," and

On Page 5, Line 3, after would insert "in all likelihood, be sentenced to prison."

On Lines 4 and 5, strike "go to prison."

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

The Bromm amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Chambers moved to indefinitely postpone LB 882.

Pending.

AMENDMENT - Print in Journal

Mr. Hartnett filed the following amendment to LB 875:
AM1287

(Amendments to Standing Committee amendments, AM0963)

1. On page 1, line 5, before "Prior" insert "(1)"; and in line 24 strike "In addition" and insert

"(2) If the redevelopment plan uses funds authorized in section 18-2147".

2. On page 2, line 11, after "if" insert "(1)" and after the stricken "said" strike "(1)"; strike the new matter in lines 13 through 23; and in line 25 after "Law" insert "and (2) the plan uses funds authorized in section 18-2147, it finds that (a) the redevelopment project in the plan would not be economically feasible without the use of tax-increment financing, (b) the redevelopment project would not occur in the community redevelopment area without the use of tax-increment financing, and (c) the costs and benefits of the redevelopment project, including costs and benefits to other affected political subdivisions, the economy of the community, and the demand for public and private services have been analyzed by the governing body and have been found to be in the long-term best interest of the community impacted by the redevelopment project".

3. On page 3, line 26, strike "February" and insert "March".

MESSAGE FROM THE GOVERNOR

April 2, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 264, 54, 165, 166, 246, 284, 434, 531, 554, 589, 734, 753, 887, 114, 862, 30, and 51 were received in my office on April 1, 1997.

These bills were signed by me on April 2, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

UNANIMOUS CONSENT - Add Cointroducer

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 852. No objections. So ordered.

ANNOUNCEMENT

Mr. Coordsen announced the Revenue Committee will hold an executive session Thursday, April 3, 1997, at 10:30 a.m., in Room 1520.

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 278:
FA138
P. 3, line 13, after "in" strike all language and insert "this subdivision"

VISITORS

Visitors to the Chamber were Alex and Jimmy Swenson from Ashland and Jim and Evelyn Swenson from Oakland; and 33 eighth grade students, teacher, and principal from Axtell.

The Doctor of the Day was Jeff Gotschall from Columbus.

ADJOURNMENT

At 5:14 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Thursday, April 3, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-SECOND DAY - APRIL 3, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 3, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Carol Rottmer Brewer, Southgate United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler and Tyson who were excused; and Messrs. Abboud, Dierks, Hilgert, Jones, Kristensen, Landis, Matzke, Dw. Pedersen, Schmitt, Warner, Wehrbein, Wesely, Wickersham, Will, Withem, Mmes. Bohlke, Brown, McKenzie, Robak, and Witek who were excused until they arrive.

MR. COORDSEN PRESIDING

CORRECTIONS FOR THE JOURNAL

Page 1324, line 19, strike "Hall" and insert "Hale".
The Journal for the fifty-first day was approved as corrected.

REPORTS

The following reports were received by the Legislature:

Examiners, Board of, for County Highway and City Street Superintendents
  Annual Report

Labor, Department of
  State Labor Summary

Natural Resources Districts
  Middle Niobrara Natural Resources District Report regarding Drainage

Districts as directed by LB 1085
Papio-Missouri River Natural Resources District Report regarding Drainage Districts as directed by LB 1085
Upper Big Blue Natural Resources District Report regarding Drainage Districts

Railway Council, Nebraska
Annual Report

SELECT FILE

LEGISLATIVE BILL 280. Considered.

Mr. Chambers renewed his pending amendment, FA121, found on page 1297.

Messrs. Robinson and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The Chambers amendment was adopted with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, FA122, found on page 1297.

Mmes. Crosby, Stuhr, Messrs. Schrock, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Chambers amendment was adopted with 28 ayes, 0 nays, 5 present and not voting, and 16 excused and not voting.

Pending.

The Chair declared the call raised.

COMMUNICATION

April 3, 1997

Senator George Coordsen
Chair, Executive Board
Nebraska State Legislature

State Capitol Building
Lincoln, NE 68509

Dear George:

Pursuant to Rule 1, Section 17, I would like to request approval by the Executive Board to designate LBs 806, 269, 590 and 660 as major proposals for this legislative session.

- LBs 806 and 269 are necessary for the continuation of the property tax discussion begun last session.
- LB 590 assures that issues raised pursuant to the passage of LB 1375, a major proposal from last session, are addressed this year.
- LB 660 implements and clarifies the authority of the Public Service Commission regarding the administration of the Federal Telecommunications Act of 1996.

I will be reserving the last major priority legislation designation for a later date after determining what other issues may have a sense of urgency this session.

If you have any questions, please don't hesitate to contact me.

Sincerely,
(Signed) Ron Withem
Speaker

RW/mrw
xc/Patrick O'Donnell

MESSAGE FROM THE GOVERNOR

April 2, 1997

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 114A to you with a line item reduction and explanation.

LB 114, among other things increases current per diem rates for the Nebraska State Board of Public Accountancy from $50 to $100 a day. The current budget for per diems for the Nebraska State Board of Public Accountancy is $6,600.

Doubling the per diem rate, as is called for in LB 114, necessitates an increase in the per diem budget by $6,600 in FY1997-98 and $6,600 in FY1998-99. The line-item veto of $9,400 in both fiscal years of the 1997-99 biennium is an increase associated with the agency's budget request for additional meetings currently under consideration by the Appropriation Committee.

LB 114 does not require additional Board meetings. If the Legislature's intent is to authorize additional Board meetings, funding for that purpose should be included in LB 389 currently under consideration by the Appropriation Committee.

I urge members of the Legislature to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 125A. Introduced by Brown, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 125, Ninety-fifth Legislature, First Session, 1997.

UNANIMOUS CONSENT - Member Excused

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 280. Mr. Chambers renewed his pending amendment, FA123, found on page 1297.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Coordsen, Wickersham, Bromm, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 144. Indefinitely postponed.
LEGISLATIVE BILL 169. Indefinitely postponed.
LEGISLATIVE BILL 224. Indefinitely postponed.

LEGISLATIVE BILL 305. Indefinitely postponed.
LEGISLATIVE BILL 311. Indefinitely postponed.
LEGISLATIVE BILL 348. Indefinitely postponed.
LEGISLATIVE BILL 408. Indefinitely postponed.
LEGISLATIVE BILL 410. Indefinitely postponed.
LEGISLATIVE BILL 454. Indefinitely postponed.
LEGISLATIVE BILL 456. Indefinitely postponed.
LEGISLATIVE BILL 457. Indefinitely postponed.
LEGISLATIVE BILL 493. Indefinitely postponed.
LEGISLATIVE BILL 498. Indefinitely postponed.
LEGISLATIVE BILL 576. Indefinitely postponed.
LEGISLATIVE BILL 612. Indefinitely postponed.
LEGISLATIVE BILL 617. Indefinitely postponed.
LEGISLATIVE BILL 662. Indefinitely postponed.
LEGISLATIVE BILL 717. Indefinitely postponed.
LEGISLATIVE BILL 719. Indefinitely postponed.
LEGISLATIVE BILL 737. Indefinitely postponed.
LEGISLATIVE BILL 759. Indefinitely postponed.
LEGISLATIVE BILL 787. Indefinitely postponed.
LEGISLATIVE BILL 794. Indefinitely postponed.

(Signed) Jerome Warner, Chairperson
(Signed) George Coordsen, Vice Chairperson

SELECT FILE

LEGISLATIVE BILL 280. The Chambers pending amendment, FA123, found on page 1297 and considered in this day's Journal, was renewed.

MR. WESELY PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Chambers amendment lost with 5 ayes, 19 nays, 12 present and not voting, and 13 excused and not voting.

Pending.

The Chair declared the call raised.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 886. Placed on Select File as amended.
E & R amendment to LB 886:
AM7106

1. In the Standing Committee amendments, AM0629, on page 1, line 3, after "(1)" insert "of this section".

2. On page 4, line 27, strike "a", show as stricken, and insert "an".

3. On page 6, line 20, strike "of any averages" and show as stricken.

LEGISLATIVE BILL 861. Placed on Select File.

LEGISLATIVE BILL 636. Placed on Select File as amended.
E & R amendment to LB 636:
AM7105

1. On page 3, line 27, after "rules" insert "of the State Fire Marshal"; and in line 28 strike beginning with "of" through "Marshal".

LEGISLATIVE BILL 279. Placed on Select File as amended.
E & R amendment to LB 279:
AM7107

1. In the Standing Committee amendments, AM0746:

a. On page 3, line 2, strike "center" and insert "centers"; in line 4 after "laboratory" insert a comma; and in line 19 strike "offer" and insert "offers"; and

b. On page 4, line 7, after "means" insert "a"; in line 9 after "incentives" insert a comma; and in line 15 after "copayments" insert a comma.

2. On page 1, strike beginning with "amend" in line 1 through line 4 and insert "adopt the Managed Care Patient Protection Act.".

LEGISLATIVE BILL 396. Placed on Select File as amended.
E & R amendment to LB 396:
AM7111

1. Because of the enactment of Laws 1997, LB 4, strike section 3.

2. On page 1, line 2; and page 22, line 23, strike "72-1237.01,".

3. On page 2, line 3, strike "19" and insert "18".

4. On page 3, line 20, strike "17" and insert "16".

5. On page 6, line 25; page 10, line 2; page 12, lines 19 and 20; and page 13, line 5, strike "4 to 21" and insert "3 to 20".

6. On page 13, line 15, strike "6" and insert "5".

7. On page 19, line 15, strike "for state employees.", show as stricken, and insert an underscored period.

8. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 396A. Placed on Select File.
LEGISLATIVE BILL 546. Placed on Select File.

LEGISLATIVE BILL 577. Placed on Select File as amended.

E & R amendment to LB 577:
AM7108

1. On page 1, strike beginning with "include" in line 4 through "commission" in line 5 and insert "change provisions relating to eligible professions under the act and membership of the Nebraska Rural Health Advisory Commission".

LEGISLATIVE BILL 837. Placed on Select File as amended.
E & R amendment to LB 837:
AM7112

1. On page 1, line 4, strike "a term" and insert "terms".

(Signed) Jon C. Bruning, Chairperson

SELECT FILE

LEGISLATIVE BILL 280. Mr. Chambers renewed his pending amendment, FA124, found on page 1297.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

The Chambers amendment was adopted with 30 ayes, 0 nays, 6 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, FA125, found on page 1297.

Messrs. Dw. Pedersen and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek offered the following amendment to the Chambers pending amendment:
FA139
to amend FA125
After "or customs" insert "of an Indian tribe recognized by the State of Nebraska."

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Mmes. McKenzie, Stuhr, Messrs. Wickersham, D. Pederson, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek withdrew her amendment.

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Messrs. Janssen, Robinson, Dierks, Abboud, Mmes. Bohlke, and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 25:

Abboud
Brashear
Brown
Chambers
Crosby
Cudaback
Elmer
Engel
Hilgert
Hillman
Hudkins
Kiel
Kristensen
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Robak
Schimek
Schmitt
Schrock
Suttle
Wehrbein
Will
Withem

Voting in the negative, 2:

Jensen
Jones

Present and not voting, 1:

Matzke

Excused and not voting, 21:

Beutler
Bohlke
Bromm
Bruning
Coordsen
Dierks
Hartnett
Janssen
Landis
Lynch
McKenzie
Pederson, D.
Robinson
Schellpeper
Stuhr
Tyson
Vrtiska
Warner
Wesely
Wickersham
Witek

The Chambers amendment was adopted with 25 ayes, 2 nays, 1 present and not voting, and 21 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Wehrbein, Jones, Schmitt, Abboud, Hilgert, and Will asked unanimous consent to be excused until they return. No objections. So ordered.

STANDING COMMITTEE REPORTS
General Affairs

LEGISLATIVE BILL 522. Placed on General File as amended.
(Standing Committee amendment, AM1274, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 846. Placed on General File as amended.
Standing Committee amendment to LB 846:
AM0921

1. On page 2, line 9, after "of" insert "or a finding by a preponderance of the evidence is made by the commission that there is probable cause to believe that the licensee committed".

(Signed) Stan Schellpeper, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 882A. Introduced by Engel, 17.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 882, Ninety-fifth Legislature, First Session, 1997.

AMENDMENT - Print in Journal

Messrs. Schrock, Tyson, Dw. Pedersen, Engel, D. Pederson, Wehrbein, Schmitt, Jones, Coordsen, Elmer, Preister, Bruning, Dierks, Hilgert, Hartnett, Wickersham, Mmes. Witek, Hudkins, Stuhr, Suttle, Kiel, McKenzie, and Ms. Schimek filed the following amendment to LB 622:
AM1185

1. Insert the following new sections:

"Section 1. Section 71-1,133, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry ~~is defined as being~~ means one or a combination of the following, without the use of surgery:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye, ocular adnexa, or visual system; ~~or lid;~~

(2) The employment of instruments, devices, pharmaceutical agents, other than oral therapeutic agents used in

the treatment of glaucoma, ~~excluding antiglaucoma agents,~~ and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or abnormal conditions of the human eye, ocular adnexa, or visual system ~~or lid~~ or for the removal of superficial eyelid, conjunctival, and corneal foreign bodies and the ordering of procedures and laboratory tests rational to the diagnosis of conditions or diseases of the human eye, ocular adnexa, or visual system; or

(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system. ~~or lid.~~

The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth.

Sec. 2. Section 71-1,134 Reissue Revised Statutes of Nebraska, is amended to read:

71-1,134. Sections 71-1,133 to ~~71-1,136~~ 71-1,136.09 shall not be construed to (1) include merchants or dealers who sell glasses as merchandise in an established place of business or who sell contact lenses from a prescription for contact lenses written by an optometrist or a person licensed to practice medicine and surgery and who do not profess to be optometrists or practice optometry as defined in section 71-1,133~~,~~ or (2) restrict, expand, or otherwise alter ~~practices or acts~~ the scope of practice governed by other statutes.

Sec. 3. Section 71-1,135 Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135. Every applicant for a license to practice optometry shall: (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an examination approved by the Board of Examiners in Optometry. After August 25, 1989, ~~such~~ the examination shall cover all subject matter included in the practice of optometry as defined in section 71-1,133 for applicants who have graduated from an accredited optometry school after such date. After October 1, 1997, the examination shall cover all subject matter included in the practice of optometry for applicants who have graduated from an accredited optometry school after such date.

Sec. 4. Section 71-1,135.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.01. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~shall mean~~ means anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes,

~~shall mean~~ means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or ~~and~~ visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, excluding steroids and immunosuppressive agents.

Sec. 5. Section 71-1,135.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular ~~and~~ adnexa, and visual system offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the ~~lid, lacrimal system, conjunctiva, sclera, and episclera~~ eye, ocular adnexa, and visual system;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular ~~and~~ adnexa, and visual system;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

(3)(a) An optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes on the effective date of this act who graduated from an accredited school of optometry prior to January 1, 1996, shall complete the education requirements relative to the treatment of glaucoma, as determined by the board of examiners, prior to January 1, 2000, and shall complete such educational requirements prior to treating glaucoma. Failure to complete such education prior to January 1, 2000, shall result in the revocation of the licensee's certification to use pharmaceutical agents for therapeutic purposes.

(b) An optometrist who applies for licensure on or after the effective date of this act who graduated from an accredited school of optometry prior to January 1, 1996, shall complete the education requirements relative to the treatment of glaucoma, as determined by the board of examiners, prior to being issued a license to practice optometry.

(c) An optometrist who graduated from an accredited school of optometry after January 1, 1996, shall be deemed to have met the educational requirements for certification to use pharmaceutical agents for therapeutic purposes which includes the treatment and management of glaucoma.

Sec. 6. Section 71-1,135.03, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.03. (1) No course or courses in pharmacology shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless taught by an institution which is accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and the transcript credit for the course or courses is certified to the board by the institution.

(2) No course of instruction in the treatment of glaucoma shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless it is taught by an institution that is recognized by the United States Department of Education or its successor and the content for the course is certified to the board by the institution as being comparable in content to a course of instruction in the treatment of glaucoma required by other licensing boards for licensees or registrants allowed to treat glaucoma in the scope of their professional practice.

Sec. 7. Section 71-1,135.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.04. In issuing a license ~~of~~ or renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section

71-1,133 or therapeutic use of such agents as provided in subdivision (2) or (3) of section 71-1,133.

Sec. 8. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of glaucoma shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.

Sec. 9. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 10. Original sections 71-1,133 to 71-1,135.04 and 71-1,135.06, Reissue Revised Statutes of Nebraska, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 280. Mr. Chambers renewed his pending amendment, FA126, found on page 1297.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Pending.

MOTION - Adjournment

Mr. Chambers moved to adjourn until 9:00 a.m., Tuesday, April 8, 1997.

Mr. Maurstad requested a roll call vote on the Chambers motion to adjourn.

Voting in the affirmative, 3:

Bohlke Chambers Schimek

Voting in the negative, 22:

Abboud Brown Cudaback Engel Hudkins
Brashear Crosby Dierks Hillman Jensen

Jones	Matzke	Peterson, C.	Robak	Suttle
Kiel	Maurstad	Preister	Schrock	Wickersham
Kristensen	Pedersen, Dw.			

Present and not voting, 2:

Elmer	Withem

Excused and not voting, 22:

Beutler	Hilgert	Pederson, D.	Stuhr	Wehrbein
Bromm	Janssen	Robinson	Tyson	Wesely
Bruning	Landis	Schellpeper	Vrtiska	Will
Coordsen	Lynch	Schmitt	Warner	Witek
Hartnett	McKenzie			

The Chambers motion to adjourn failed with 3 ayes, 22 nays, 2 present and not voting, and 22 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 280. The Chambers amendment, FA126, was adopted with 25 ayes, 0 nays, 2 present and not voting, and 22 excused and not voting.

The Chair declared the call raised.

SPEAKER WITHEM PRESIDING

Mr. Chambers renewed his pending amendment, FA127, found on page 1297.

Mmes. Kiel, Brown, and Mr. Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to his pending amendment:
FA140
Amend Chambers amendment FA127
Add "not" after the word "are"

Mr. Wickersham asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 17:

Brashear
Bromm
Crosby
Dierks
Engel
Hillman
Hudkins
Janssen
Jensen
Jones
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schimek
Vrtiska
Witek

Present and not voting, 17:

Abboud
Bohlke
Brown
Bruning
Chambers
Coordsen
Cudaback
Elmer
Kristensen
Matzke
McKenzie
Preister
Robak
Schrock
Stuhr
Suttle
Withem

Excused and not voting, 15:

Beutler
Hartnett
Hilgert
Kiel
Landis
Lynch
Robinson
Schellpeper
Schmitt
Tyson
Warner
Wehrbein
Wesely
Wickersham
Will

The Chambers amendment lost with 0 ayes, 17 nays, 17 present and not voting, and 15 excused and not voting.

Pending.

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 411. Indefinitely postponed.
LEGISLATIVE BILL 455. Indefinitely postponed.
LEGISLATIVE BILL 475. Indefinitely postponed.

(Signed) George Coordsen, Vice Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LR	**Committee**
108	Executive Board

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Executive Board

LR 108	Thursday, April 10, 1997	8:30 a.m.

(Signed) George Coordsen, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 2, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

DeCicco, Yvonne - Washington, DC; Dean Witter, Discover & Co. on behalf of itself and its subsidiaries
Goc, John J. - Lincoln; Nebraska Charitable Gaming Association
McTighe, Kathleen P. - Washington, DC; Dean Witter, Discover & Co. on behalf of itself and its subsidiaries
Pribyl, James C. - Denver, CO; MCI Telecommunications Corporation
Vickers, Tom - Lincoln; Distilled Spirits Council of the U.S., Inc. (DISCUS) (Withdrawn 03/31/97)
Vvdra, Frank N. - Washington, DC; Dean Witter, Discover & Co. on behalf of itself and its subsidiaries

RESOLUTION

LEGISLATIVE RESOLUTION 109. Introduced by C. Peterson, 35.

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, statistics of children who are abused and neglected escalate each year; and

WHEREAS, the effects of child abuse are felt by whole communities and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed when partnerships are created among social service agencies, schools, religious organizations, law enforcement agencies, and the business community; and

WHEREAS, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community; and

WHEREAS, all citizens should become more aware of child abuse and its prevention within the community and become involved in supporting parents to raise their children in a safe, nurturing environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Legislature hereby proclaims April as Child Abuse Prevention Month in Nebraska and calls upon all citizens to increase their participation in efforts to prevent child abuse, thereby strengthening the communities in

which we live.

Laid over.

AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 622:
AM1291

1. Insert the following new sections:

"Section 1. Section 71-1,133, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry ~~is defined as being~~ means one or a combination of the following, without the use of surgery:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye, ocular adnexa, or visual system; ~~or lid;~~

(2) The employment of instruments, devices, pharmaceutical agents, excluding antiglaucoma agents except as authorized pursuant to subsection (3) of section 71-1,135.02, and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or abnormal conditions of the human eye, ocular adnexa, or visual system ~~or lid~~ or for the removal of superficial eyelid, conjunctival, and corneal foreign bodies; or

(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system. ~~or lid.~~

The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth.

Sec. 2. Section 71-1,135, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135. Every applicant for a license to practice optometry shall: (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an examination approved by the Board of Examiners in Optometry. After August 25, 1989, ~~such~~ the examination shall cover all subject matter included in the practice of optometry as defined in section 71-1,133 for applicants who have graduated from an accredited optometry school after such date. After October 1, 1997, the examination shall cover all subject matter included in the practice of optometry for applicants who have graduated from an accredited optometry school after such date.

Sec. 3. Section 71-1,135.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.01. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~shall mean~~ means anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, ~~shall mean~~ means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or ~~and~~ visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, excluding steroids and immunosuppressive agents.

Sec. 4. Section 71-1,135.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular ~~and~~ adnexa, and visual system offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the ~~lid, lacrimal system, conjunctiva, sclera, and episclera~~ eye, ocular adnexa, and visual system;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular ~~and~~ adnexa, and visual system;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

(3) After January 1, 2008, an optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes may administer and prescribe topical therapeutic pharmaceutical agents for patients with primary open-angle glaucoma after meeting the requirements of this subsection. Before initiating treatment, an optometrist shall refer the patient for examination to a board-certified or board-eligible ophthalmologist selected by the patient. A treatment plan shall be developed jointly by the ophthalmologist and optometrist and shall include (a) all tests and examinations that led to the diagnosis, (b) an initial schedule of all tests and examinations necessary to treat the patient's condition, (c) a medication plan, (d) a target intraocular pressure, and (e) criteria for surgical intervention by the ophthalmologist. A treatment plan developed under this subsection may be modified only after both the optometrist and the ophthalmologist consult together and consent to the modification. Each modification shall be noted in the optometric record of the patient. An optometrist who treats a patient with primary open-angle glaucoma in accordance with this subsection shall refer the patient to an ophthalmologist for examination at least once each year after the initial referral to the ophthalmologist. The optometrist shall consult with the ophthalmologist if the patient does not have the expected response to treatment, the target intraocular pressure is not reached, or there is worsening in a patient's visual field or optic nerve-head. The treating optometrist may perform and evaluate visual field tests, nerve fiber layer photos, and optic disk photos. The tests or photos shall be provided to the ophthalmologist for review by the ophthalmologist. An optometrist may not administer or prescribe any oral pharmaceutical agent for the treatment of glaucoma nor may an optometrist treat angle closure or congenital or infantile forms of glaucoma. In order to be certified to use topical therapeutic pharmaceutical agents for the treatment of primary open-angle glaucoma, an optometrist shall complete the education and training requirements established by the Director of Regulation and Licensure or health director if one is appointed pursuant to section 81-3201. The director or health director shall establish such education and training requirements to protect the health and safety of patients after receiving the recommendations for such education and training requirements from the Board of Examiners in Optometry and the Board of Examiners in Medicine and Surgery.

Sec. 5. Section 71-1,135.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.04. In issuing a license ~~of~~ or renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section 71-1,133 or therapeutic use of such agents as provided in subdivision (2) or (3) of section 71-1,133.

Sec. 6. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of glaucoma shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.

Sec. 7. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 8. Original sections 71-1,133, 71-1,135 to 71-1,135.02, 71-1,135.04, and 71-1,135.06, Reissue Revised Statutes of Nebraska, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen filed the following amendment to LB 622:
AM1292

1. Insert the following new sections:

"Section 1. Section 71-1,133, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry ~~is defined as being~~ means one or a combination of the following, without the use of surgery:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye, ocular adnexa, or visual system; ~~or lid;~~

(2) The employment of instruments, devices, pharmaceutical agents, excluding antiglaucoma agents except as authorized pursuant to subsection (3) of section 71-1,135.02, and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or abnormal conditions of the human eye, ocular adnexa, or visual

system ~~or lid~~ or for the removal of superficial eyelid, conjunctival, and corneal foreign bodies; or

(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system. ~~or lid.~~

The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth.

Sec. 2. Section 71-1,135, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135. Every applicant for a license to practice optometry shall: (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an examination approved by the Board of Examiners in Optometry. After August 25, 1989, ~~such~~ the examination shall cover all subject matter included in the practice of optometry as defined in section 71-1,133 for applicants who have graduated from an accredited optometry school after such date. After October 1, 1997, the examination shall cover all subject matter included in the practice of optometry for applicants who have graduated from an accredited optometry school after such date.

Sec. 3. Section 71-1,135.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.01. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~shall mean~~ means anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, ~~shall mean~~ means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or ~~and~~ visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, excluding steroids and immunosuppressive agents.

Sec. 4. Section 71-1,135.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry

with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular ~~and~~ adnexa, and visual system offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the ~~lid, lacrimal system, conjunctiva, sclera, and episclera~~ eye, ocular adnexa, and visual system;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular ~~and~~ adnexa, and visual system;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

(3) After January 1, 2003, an optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes may administer and prescribe topical therapeutic pharmaceutical agents for patients with primary open-angle glaucoma after meeting the requirements of this subsection. Before initiating treatment, an optometrist shall refer the patient for examination to a board-certified or board-eligible ophthalmologist selected by the patient. A treatment plan shall be developed jointly by the ophthalmologist and optometrist and shall include (a) all tests and examinations that led to the diagnosis, (b) an initial schedule of all tests and examinations necessary to treat the patient's condition, (c) a medication plan, (d) a target intraocular pressure, and (e) criteria for surgical intervention by the ophthalmologist. A treatment plan developed under this subsection may be modified only after both the optometrist and the ophthalmologist consult together and consent to the modification. Each modification shall be noted in the optometric record of the

patient. An optometrist who treats a patient with primary open-angle glaucoma in accordance with this subsection shall refer the patient to an ophthalmologist for examination at least once each year after the initial referral to the ophthalmologist. The optometrist shall consult with the ophthalmologist if the patient does not have the expected response to treatment, the target intraocular pressure is not reached, or there is worsening in a patient's visual field or optic nerve-head. The treating optometrist may perform and evaluate visual field tests, nerve fiber layer photos, and optic disk photos. The tests or photos shall be provided to the ophthalmologist for review by the ophthalmologist. An optometrist may not administer or prescribe any oral pharmaceutical agent for the treatment of glaucoma nor may an optometrist treat angle closure or congenital or infantile forms of glaucoma. In order to be certified to use topical therapeutic pharmaceutical agents for the treatment of primary open-angle glaucoma, an optometrist shall complete the education and training requirements established by the Director of Regulation and Licensure or health director if one is appointed pursuant to section 81-3201. The director or health director shall establish such education and training requirements to protect the health and safety of patients after receiving the recommendations for such education and training requirements from the Board of Examiners in Optometry and the Board of Examiners in Medicine and Surgery.

Sec. 5. Section 71-1,135.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.04. In issuing a license ~~of~~ or renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section 71-1,133 or therapeutic use of such agents as provided in subdivision (2) or (3) of section 71-1,133.

Sec. 6. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of glaucoma shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.

Sec. 7. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 8. Original sections 71-1,133, 71-1,135 to 71-1,135.02, 71-1,135.04, and 71-1,135.06, Reissue Revised Statutes of Nebraska, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen filed the following amendment to LB 622:
AM1293

1. Insert the following new sections:

"Section 1. Section 71-1,133, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry ~~is defined as being~~ means one or a combination of the following, without the use of surgery:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye, ocular adnexa, or visual system; ~~or lid;~~

(2) The employment of instruments, devices, pharmaceutical agents, excluding antiglaucoma agents except as authorized pursuant to subsection (3) of section 71-1,135.02, and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or abnormal conditions of the human eye, ocular adnexa, or visual system ~~or lid~~ or for the removal of superficial eyelid, conjunctival, and corneal foreign bodies; or

(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system. ~~or lid.~~

The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth.

Sec. 2. Section 71-1,135, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135. Every applicant for a license to practice optometry shall: (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an examination approved by the Board of Examiners in Optometry. After August 25, 1989, ~~such~~ the examination shall cover all subject matter included in the practice of optometry as defined in section 71-1,133 for applicants who have graduated from an accredited optometry school after such date. After October 1, 1997, the examination shall cover all subject matter included in the practice of optometry for applicants who have graduated from an accredited optometry school after such date.

Sec. 3. Section 71-1,135.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.01. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~shall mean~~ means anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, ~~shall mean~~ means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or ~~and~~ visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, excluding steroids and immunosuppressive agents.

Sec. 4. Section 71-1,135.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular ~~and~~ adnexa, and visual system offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the ~~lid, lacrimal system, conjunctiva, sclera, and episclera~~ eye, ocular adnexa, and visual system;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular ~~and~~ adnexa, and visual system;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

(3) An optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes may administer and prescribe topical therapeutic pharmaceutical agents for patients with primary open-angle glaucoma after meeting the requirements of this subsection. Before initiating treatment, an optometrist shall refer the patient for examination to a board-certified or board-eligible ophthalmologist selected by the patient. A treatment plan shall be developed jointly by the ophthalmologist and optometrist and shall include (a) all tests and examinations that led to the diagnosis, (b) an initial schedule of all tests and examinations necessary to treat the patient's condition, (c) a medication plan, (d) a target intraocular pressure, and (e) criteria for surgical intervention by the ophthalmologist. A treatment plan developed under this subsection may be modified only after both the optometrist and the ophthalmologist consult together and consent to the modification. Each modification shall be noted in the optometric record of the patient. An optometrist who treats a patient with primary open-angle glaucoma in accordance with this subsection shall refer the patient to an ophthalmologist for examination at least once each year after the initial referral to the ophthalmologist. The optometrist shall consult with the ophthalmologist if the patient does not have the expected response to treatment, the target intraocular pressure is not reached, or there is worsening in a patient's visual field or optic nerve-head. The treating optometrist may perform and evaluate visual field tests, nerve fiber layer photos, and optic disk photos. The tests or photos shall be provided to the ophthalmologist for review by the ophthalmologist. An optometrist may not administer or prescribe any oral pharmaceutical agent for the treatment of glaucoma nor may an optometrist treat angle closure or congenital or infantile forms of glaucoma. In order to be certified to use topical therapeutic pharmaceutical agents for the treatment of primary open-angle glaucoma, an optometrist shall complete the education and training requirements established by the Board of Examiners in Medicine and Surgery. The board shall establish such education and training requirements to protect the health and safety of patients after receiving the recommendations for such education and training requirements from the Board of Examiners in Optometry.

Sec. 5. Section 71-1,135.04, Reissue Revised Statutes of

Nebraska, is amended to read:

71-1,135.04. In issuing a license ~~of~~ or renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section 71-1,133 or therapeutic use of such agents as provided in subdivision (2) or (3) of section 71-1,133.

Sec. 6. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of glaucoma shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.

Sec. 7. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 8. Original sections 71-1,133, 71-1,135 to 71-1,135.02, 71-1,135.04, and 71-1,135.06, Reissue Revised Statutes of Nebraska, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen filed the following amendment to LB 622:
AM1288

1. Insert the following new sections:

"Section 1. Section 71-1,133, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry ~~is defined as being~~ means one or a combination of the following, without the use of surgery:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye, ocular adnexa, or visual system; ~~or lid;~~

(2) The employment of instruments, devices, pharmaceutical agents, excluding antiglaucoma agents except as authorized pursuant to subsection (3) of section 71-1,135.02, and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or

abnormal conditions of the human eye, ocular adnexa, or visual system ~~or~~ ~~lid~~ or for the removal of superficial eyelid, conjunctival, and corneal foreign bodies; or

(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system. ~~or lid.~~

The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth.

Sec. 2. Section 71-1,135, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135. Every applicant for a license to practice optometry shall: (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an examination approved by the Board of Examiners in Optometry. After August 25, 1989, ~~such~~ the examination shall cover all subject matter included in the practice of optometry as defined in section 71-1,133 for applicants who have graduated from an accredited optometry school after such date. After October 1, 1997, the examination shall cover all subject matter included in the practice of optometry for applicants who have graduated from an accredited optometry school after such date.

Sec. 3. Section 71-1,135.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.01. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~shall mean~~ means anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, ~~shall mean~~ means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or ~~and~~ visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, excluding steroids and immunosuppressive agents.

Sec. 4. Section 71-1,135.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in

Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours

shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular ~~and~~ adnexa, and visual system offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the ~~lid, lacrimal system, conjunctiva, sclera, and episclera~~ eye, ocular adnexa, and visual system;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular ~~and~~ adnexa, and visual system;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

(3) An optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes may administer and prescribe topical therapeutic pharmaceutical agents for patients with primary open-angle glaucoma after meeting the requirements of this subsection. Before initiating treatment, an optometrist shall refer the patient for examination to a board-certified or board-eligible ophthalmologist selected by the patient. A treatment plan shall be developed jointly by the ophthalmologist and optometrist and shall include (a) all tests and examinations that led to the diagnosis, (b) an initial schedule of all tests and examinations necessary to treat the patient's condition, (c) a medication plan, (d) a target intraocular pressure, and (e) criteria for surgical intervention by the ophthalmologist. A treatment plan developed under this subsection may be modified only after both the optometrist and the ophthalmologist consult together and consent to the modification. Each modification shall be noted

in the optometric record of the patient. An optometrist who treats a patient with primary open-angle glaucoma in accordance with this subsection shall refer the patient to an ophthalmologist for examination at least once each year after the initial referral to the ophthalmologist. The optometrist shall consult with the ophthalmologist if the patient does not have the expected response to treatment, the target intraocular pressure is not reached, or there is worsening in a patient's visual field or optic nerve-head. The treating optometrist may perform and evaluate visual field tests, nerve fiber layer photos, and optic disk photos. The tests or photos shall be provided to the ophthalmologist for review by the ophthalmologist. An optometrist may not administer or prescribe any oral pharmaceutical agent for the treatment of glaucoma nor may an optometrist treat angle closure or congenital or infantile forms of glaucoma. In order to be certified to use topical therapeutic pharmaceutical agents for the treatment of primary open-angle glaucoma, an optometrist shall complete the education and training requirements established by the Director of Regulation and Licensure or health director if one is appointed pursuant to section 81-3201. The director or health director shall establish such education and training requirements to protect the health and safety of patients after receiving the recommendations for such education and training requirements from the Board of Examiners in Optometry and the Board of Examiners in Medicine and Surgery.

Sec. 5. Section 71-1,135.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.04. In issuing a license ~~of~~ or renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section 71-1,133 or therapeutic use of such agents as provided in subdivision (2) or (3) of section 71-1,133.

Sec. 6. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of glaucoma shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.

Sec. 7. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 8. Original sections 71-1,133, 71-1,135 to 71-1,135.02, 71-1,135.04, and 71-1,135.06, Reissue Revised Statutes of Nebraska, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen filed the following amendment to LB 622:
AM1289

1. Insert the following new sections:

"Section 1. Section 71-1,133, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry ~~is defined as being~~ means one or a combination of the following, without the use of surgery:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye, ocular adnexa, or visual system; ~~or lid;~~

(2) The employment of instruments, devices, pharmaceutical agents, excluding antiglaucoma agents except as authorized pursuant to subsection (3) of section 71-1,135.02, and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or abnormal conditions of the human eye, ocular adnexa, or visual system ~~or lid~~ or for the removal of superficial eyelid, conjunctival, and corneal foreign bodies; or

(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system. ~~or lid.~~

The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth.

Sec. 2. Section 71-1,135, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135. Every applicant for a license to practice optometry shall: (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an examination approved by the Board of Examiners in Optometry. After August 25, 1989, ~~such~~ the examination shall cover all subject matter included in the practice of optometry as defined in section 71-1,133 for applicants who have graduated from an accredited optometry school after such date. After October 1, 1997, the examination shall cover all subject matter included in the practice of optometry for applicants who have graduated from an accredited optometry school after such date.

Sec. 3. Section 71-1,135.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.01. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~shall mean~~ means anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, ~~shall mean~~ means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or ~~and~~ visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, excluding steroids and immunosuppressive agents.

Sec. 4. Section 71-1,135.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular ~~and~~ adnexa, and visual system offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the ~~lid, lacrimal system, conjunctiva, sclera, and episclera~~ eye, ocular adnexa, and visual system;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular ~~and~~ adnexa, and visual system;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

(3) An optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes may administer and prescribe topical therapeutic pharmaceutical agents for patients with primary open-angle glaucoma after meeting the requirements of this subsection. Before initiating treatment, an optometrist shall refer the patient for examination to a board-certified or board-eligible ophthalmologist selected by the patient. An optometrist who treats a patient with primary open-angle glaucoma in accordance with this subsection shall refer the patient to an ophthalmologist for examination at least once each year after the initial referral to the ophthalmologist. The optometrist shall consult with the ophthalmologist if the patient does not have the expected response to treatment, the target intraocular pressure is not reached, or there is worsening in a patient's visual field or optic nerve-head. The treating optometrist may perform and evaluate visual field tests, nerve fiber layer photos, and optic disk photos. The tests or photos shall be provided to the ophthalmologist for review by the ophthalmologist. An optometrist may not administer or prescribe any oral pharmaceutical agent for the treatment of glaucoma nor may an optometrist treat angle closure or congenital or infantile forms of glaucoma. In order to be certified to use topical therapeutic pharmaceutical agents for the treatment of primary open-angle glaucoma, an optometrist shall complete the education and training requirements established by the Director of Regulation and Licensure or health director if one is appointed pursuant to section 81-3201. The director or health director shall establish such education and training requirements to protect the health and safety of patients after receiving the recommendations for such education and training requirements from the Board of Examiners in Optometry and the Board of Examiners in Medicine and Surgery.

Sec. 5. Section 71-1,135.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.04. In issuing a license ~~of~~ or renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section

71-1,133 or therapeutic use of such agents as provided in subdivision (2) or (3) of section 71-1,133.

Sec. 6. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of glaucoma shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.

Sec. 7. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 8. Original sections 71-1,133, 71-1,135 to 71-1,135.02, 71-1,135.04, and 71-1,135.06, Reissue Revised Statutes of Nebraska, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen filed the following amendment to LB 622:
AM1290

1. Insert the following new sections:

"Section 1. Section 71-1,133, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry ~~is defined as being~~ means one or a combination of the following, without the use of surgery:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of the human eye, ocular adnexa, or visual system; ~~or lid;~~

(2) The employment of instruments, devices, pharmaceutical agents, excluding antiglaucoma agents except as authorized pursuant to subsection (3) of section 71-1,135.02, and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or abnormal conditions of the human eye, ocular adnexa, or visual system ~~or lid~~ or for the removal of superficial eyelid, conjunctival, and corneal foreign bodies; or

(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve,

or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system. ~~or lid.~~

The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth.

Sec. 2. Section 71-1,135, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135. Every applicant for a license to practice optometry shall: (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an examination approved by the Board of Examiners in Optometry. After August 25, 1989, ~~such~~ the examination shall cover all subject matter included in the practice of optometry as defined in section 71-1,133 for applicants who have graduated from an accredited optometry school after such date. After October 1, 1997, the examination shall cover all subject matter included in the practice of optometry for applicants who have graduated from an accredited optometry school after such date.

Sec. 3. Section 71-1,135.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.01. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~shall mean~~ means anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, ~~shall mean~~ means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or ~~and~~ visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, excluding steroids and immunosuppressive agents.

Sec. 4. Section 71-1,135.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular ~~and~~ adnexa, and visual system offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for

therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the ~~lid, lacrimal system, conjunctiva, sclera, and episclera~~ eye, ocular adnexa, and visual system;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular ~~and~~ adnexa, and visual system;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

(3) An optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes may administer and prescribe topical therapeutic pharmaceutical agents for patients with primary open-angle glaucoma after meeting the requirements of this subsection. Before initiating treatment, an optometrist shall refer the patient for a physical examination to a physician selected by the patient. The optometrist shall consult with an ophthalmologist if the patient does not have the expected response to treatment, the target intraocular pressure is not reached, or there is worsening in a patient's visual field or optic nerve-head. The treating optometrist may perform and evaluate visual field tests, nerve fiber layer photos, and optic disk photos. The tests or photos shall be provided to the ophthalmologist for review by the ophthalmologist. An optometrist may not administer or prescribe any oral pharmaceutical agent for the treatment of glaucoma nor may an optometrist treat angle closure or congenital or infantile forms of glaucoma. In order to be certified to use topical therapeutic pharmaceutical agents for the treatment of primary open-angle glaucoma, an optometrist shall complete the education and training requirements established by the Director of Regulation and Licensure or health director if one is appointed pursuant to section 81-3201. The director or health director shall establish such education and training requirements to protect the

health and safety of patients after receiving the recommendations for such education and training requirements from the Board of Examiners in Optometry and the Board of Examiners in Medicine and Surgery.

Sec. 5. Section 71-1,135.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.04. In issuing a license ~~of~~ or renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section 71-1,133 or therapeutic use of such agents as provided in subdivision (2) or (3) of section 71-1,133.

Sec. 6. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of glaucoma shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.

Sec. 7. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 8. Original sections 71-1,133, 71-1,135 to 71-1,135.02, 71-1,135.04, and 71-1,135.06, Reissue Revised Statutes of Nebraska, are repealed.".

2. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 280. Mr. Chambers moved to reconsider the vote on the Chambers amendment, FA140.

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 4:

Chambers	Crosby	Cudaback	Kiel

Voting in the negative, 32:

Brashear	Engel	Kristensen	Pederson, D.	Stuhr
Bromm	Hilgert	Landis	Peterson, C.	Suttle
Brown	Hillman	Matzke	Preister	Vrtiska
Bruning	Hudkins	Maurstad	Robak	Wehrbein
Coordsen	Janssen	McKenzie	Schimek	Witek
Dierks	Jensen	Pedersen, Dw.	Schrock	Withem
Elmer	Jones			

Present and not voting, 2:

Bohlke	Hartnett

Excused and not voting, 11:

Abboud	Robinson	Schmitt	Warner	Wickersham
Beutler	Schellpeper	Tyson	Wesely	Will
Lynch				

The Chambers motion to reconsider failed with 4 ayes, 32 nays, 2 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

The Chambers pending amendment, FA127, found on page 1297 and considered in this day's Journal, was renewed.

Mr. Chambers withdrew his amendments, FA127, FA128, and AM1258, found on pages 1297 and 1298.

Pending.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 302. Placed on General File as amended.
Standing Committee amendment to LB 302:
AM1316

1. Strike the original sections and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Counterfeiting Prevention and Trademark

Protection Act.

Sec. 2. For purposes of the Counterfeiting Prevention and Trademark Protection Act:

(1) Counterfeit protected mark means a mark that is identical to a protected mark or an imitation of a protected mark sufficiently similar to the protected mark that a reasonable person would believe it to be the protected mark, when the use of such mark is unauthorized by the owner of the protected mark;

(2) In connection with goods or services means displayed on the premises or location at which the goods or services are offered in such a manner that a reasonable person would believe that the mark is applicable to the goods or services offered; and

(3) Protected mark means a trademark, trade name, or service mark on the principal register of the United States Patent and Trademark Office or the trademark or trade name register of the State of Nebraska or any other state or protected by the Amateur Sports Act of 1978, 36 U.S.C. 371 et seq.

Sec. 3. A person commits the offense of counterfeiting a protected mark when he or she:

(1) Forges, counterfeits, or reproduces or causes or procures to be forged, counterfeited, or reproduced, upon or in connection with any goods or services, a counterfeit protected mark and the person intends to appropriate the use of the protected mark; or

(2) Possesses tools or other reproduction materials for the reproduction of a specific forged or counterfeit protected mark, with knowledge that it is a protected mark, when the reproduction of such protected mark is unauthorized by its owner.

Sec. 4. A person commits the offense of vending counterfeit goods when he or she:

(1) Knowing the counterfeit protected mark to be counterfeited and with the intent to appropriate the use of the protected mark, sells, advertises, or offers for sale any goods or services that (a) have on them a counterfeit protected mark or (b) are sold or offered for sale in conjunction with a counterfeit protected mark; or

(2) Purchases and keeps or has in his or her possession any goods that have on them a counterfeit protected mark and such person (a) knows the protected mark is a counterfeit protected mark, (b) intends to appropriate the use of the protected mark, and (c) intends to sell or offer for sale the goods bearing the counterfeit protected mark.

For purposes of this section, a person having possession, custody, or control of more than twenty-five items bearing a counterfeit protected mark is presumed to possess the items with the requisite intent to sell such items or offer such items for sale.

Sec. 5. The offense of counterfeiting a protected mark is a Class I misdemeanor when the offender violated subdivision (2) of section 3 of this act. The offense of counterfeiting a protected mark when the offender violated subdivision (1) of section 3 of this act or the offense of vending counterfeit goods is a:

(1) Class III felony when the goods or services to which a counterfeit protected mark is attached, affixed, or used in connection with have a value of one thousand five hundred dollars or more, individually or in the aggregate;

(2) Class IV felony when the goods or services to which a counterfeit protected mark is attached, affixed, or used in connection with have a value of five hundred dollars or more but less than one thousand five hundred dollars, individually or in the aggregate;

(3) Class I misdemeanor when the goods or services to which a counterfeit protected mark is attached, affixed, or used in connection with have a value of two hundred dollars or more but less than five hundred dollars, individually or in the aggregate; or

(4) Class II misdemeanor when the goods or services to which a counterfeit protected mark is attached, affixed, or used in connection with have a value of less than two hundred dollars.

For purposes of this section, the value of an item is its actual value and not its purported value as if the counterfeit protected mark were genuine. For items bearing a counterfeit mark that are components of a finished product, the value of the item is the value of the component alone and not the finished product on or in which the component would be utilized.

Sec. 6. Any goods to which a counterfeit protected mark is attached or affixed, or any tools or other reproduction materials for the reproduction of a protected mark, which are produced or possessed in violation of the Counterfeiting Prevention and Trademark Protection Act, may be seized by any law enforcement officer having probable cause to believe that such goods, tools, or other reproduction materials are produced or possessed in violation of the act. Upon seizure, such goods, tools, or other reproduction materials shall be kept by the property division of the law enforcement agency that employs the law enforcement officer who seized such property for so long as such property is needed as evidence in any trial. When no longer required as evidence, the goods, tools, or other reproduction materials shall be (1) destroyed, with the written consent of the owner of such goods, tools, or other reproduction materials or by order of a court after a judicial determination that the seized goods have a counterfeit protected mark attached or affixed to them or that the seized tools or other reproduction materials are tools or reproduction materials for the reproduction of a specific protected mark and that the owner of such goods, tools, or other reproduction materials was not authorized to reproduce the protected mark by the owner of the protected mark, unless the owner of the protected mark approves of a different disposition or (2) returned to the owner of such goods, tools, or other reproduction materials after a judicial determination that (a) the goods do not have a counterfeit protected mark attached or affixed or that the tools or reproduction materials are not tools or reproduction materials for the reproduction of a specific protected mark, (b) the owner of the goods, tools, or other reproduction materials is the owner of the protected mark, or (c) the owner of the goods, tools, or other reproduction materials was authorized to reproduce the protected mark by the owner of the protected mark. At any time after the seizure and prior to court disposition, the owner of the property seized under this section may petition the district court of the county in which the seizure was made for a release of such property, and the court shall release such property upon a showing by the owner that any of the conditions described in subdivision (2) of this section apply.

Sec. 7. In a prosecution under the Counterfeiting Prevention and Trademark Protection Act or any action for recovery of property seized under the act, all defenses, affirmative defenses, and limitations on remedies that would be applicable in an action under the Lanham Act, 15 U.S.C. 1051 et seq., or under Chapter 87, articles 1 and 2, are applicable.

Sec. 8. No owner, officer, employee, or agent who provides, rents, leases, licenses, or sells real property upon which a violation of the Counterfeiting Prevention and Trademark Protection Act occurs is subject to criminal penalty under the Counterfeiting Prevention and Trademark Protection Act unless he or she had actual knowledge that the protected mark was forged or counterfeit and he or she was a principal to the offense or an accessory after the fact.

Sec. 9. The Counterfeiting Prevention and Trademark Protection Act does not create, delete, or in any way affect any civil claim that may exist against any offender.

Sec. 10. Section 28-601, Reissue Revised Statutes of Nebraska, is amended to read:

28-601. As used in sections 28-601 to 28-605, unless the context otherwise requires:

(1) Written instrument ~~shall mean~~ means any paper, document, or other instrument containing written or printed matter used for purposes of reciting, embodying, conveying, or recording information, and any money, credit card, token, stamp, seal, badge, ~~trademark,~~ or any evidence or symbol of value, right, privilege, or identification which is capable of being used to the advantage or disadvantage of some person;

(2) Complete written instrument ~~shall mean~~ means a written instrument which purports to be genuine and fully drawn with respect to every essential feature thereof;

(3) Incomplete written instrument ~~shall mean~~ means one which contains some matter by way of content or authentication but

which requires additional matter in order to render it a complete written instrument;

(4) To falsely make a written instrument ~~shall~~ ~~mean~~ means to make or draw a written instrument, whether complete or incomplete, which purports to be an authentic creation of its ostensible maker, but which is not, either because the ostensible maker is fictitious or because, if real, he or she did not authorize the making or the drawing thereof;

(5) To falsely complete a written instrument ~~shall~~ ~~mean~~ means to transform an incomplete written instrument into a complete one by adding, inserting, or changing matter without the authority of anyone entitled to grant such authority, so that the complete written instrument falsely appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker;

(6) To falsely alter a written instrument ~~shall~~ ~~mean~~ means to change a written instrument without the authority of anyone entitled to grant such authority, whether it be in complete or incomplete form, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or by any other means, so that such instrument in its thus altered form falsely appears or purports to be in all respects an authentic creation of or fully authorized by its ostensible maker;

(7) Forged instrument ~~shall~~ ~~mean~~ means a written instrument which has been falsely made, completed, endorsed, or altered. The terms forgery and counterfeit and their variants are intended to be synonymous in legal effect as used in this article;

(8) Possess ~~shall~~ ~~mean~~ means to receive, conceal, or otherwise exercise control over; and

(9) Utter ~~shall~~ ~~mean~~ means to issue, authenticate, transfer, sell, transmit, present, use, pass, or deliver, or to attempt or cause such uttering.

Sec. 11. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.

Sec. 12. Original section 28-601, Reissue Revised Statutes of Nebraska, is repealed.".

(Signed) Kermit A. Brashear, Chairperson

AMENDMENT - Print in Journal

Mr. Kristensen filed the following amendment to LB 256:
AM1141

1. On page 2, lines 5 and 6; and page 6, lines 23 and 24, strike "agencies included in subsection (2) of section 81-1021 for the purposes stated in such subsection" and insert "the Nebraska State Patrol, the Game and Parks Commission, deputy state

sheriffs employed by the Nebraska Brand Committee and State Fire Marshal for state law enforcement purposes, persons employed by the Tax Commissioner for state revenue enforcement purposes, the Department of Health and Human Services for the purposes of communicable disease control or for the prevention and control of those communicable diseases which endanger the public health, the Department of Health and Human Services Regulation and Licensure in the enforcement of drug control laws or for other investigation purposes, and the Department of Agriculture for special investigative purposes".

VISITORS

Visitors to the Chamber were Adam Sparling and Jason Adams from Lincoln; Bill Koenig from Lincoln; 13 kindergarten through eighth grade students and teacher from Saunders County, District 5, Ashland; Senator Jones' son and grandson, Steve and Beau Jones, and Jared Nelson, Travis Slagle, and Jeff Carriker from Broken Bow; 60 twelfth grade students and teachers from Fort Calhoun; 14 students and teacher from Spencer-Napier High School; 16 twelfth grade students and teachers from St. Paul; Mark and Alvin Schoenrock from Fairbury; 60 fifth grade students and teacher from Milliken Park, Fremont; 9 students and teacher from Northeast High School, Lincoln; Senator Brown's sister-in-law, niece, and nephew, Laurie, Ali, and Danny Kemp, and Mary and Katie Arnold from Omaha; 26 fourth grade students and teacher from Watson Elementary School, Hastings; and 21 fourth grade students and teacher from Blessed Sacrament School, Lincoln.

ADJOURNMENT

At 2:32 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Tuesday, April 8, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-THIRD DAY - APRIL 8, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 8, 1997

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Intern Pastor Joel Nau, Lutheran Student Center, University of Nebraska, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Cudaback, Hilgert, Kristensen, Lynch, Matzke, Robinson, Warner, Wesely, Wickersham, Will, Mmes. Bohlke, Crosby, Hudkins, Kiel, and McKenzie who were excused until they arrive.

MRS. HILLMAN PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-second day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: 343 and 466.

Correctly Engrossed

The following bill was correctly engrossed: 422.

Enrollment and Review Change to LB 422

The following changes, required to be reported for publication in the

Journal, have been made:
ER9036

1. The Chambers amendment, FA80, was incorporated in the E & R amendments, AM7096, by inserting on page 2, after line 12, the following new paragraph:

"The facts upon which the applicability of an aggravating circumstance depends must be proved beyond a reasonable doubt.".

2. The Chambers amendments, FA78 and FA77, have been incorporated in the E & R amendments, AM7096, on page 2, line 10.

(Signed) Jon C. Bruning, Chairperson

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 53:
AM1275

1. On page 7, line 18, after the semicolon insert "and"; and strike beginning with the semicolon in line 19 through "policy" in line 25.

2. On page 31, strike beginning with "Subject" in line 10 through "(3)" in line 18.

3. On page 32, line 2, strike "(4)" and insert "(3)"; in line 8 strike "(5)(a)" and insert "(4)"; and strike beginning with "such" in line 9 through "The" in line 13 and insert "the".

WITHDRAW - Cointroducer

Mr. Vrtiska withdrew his name as cointroducer to LB 369.

COMMUNICATION

Received a copy of Senate Concurrent Memorial 1001 from the State of Arizona urging the Congress to enact legislation that prohibits the President from establishing national monuments without authorization of Congress.

SELECT FILE

LEGISLATIVE BILL 280. Mr. Landis renewed his pending amendment, AM1228, found on page 1297.

SPEAKER WITHEM PRESIDING

Mr. Tyson and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mrs. Suttle filed the following amendment to LB 299:
AM0824

(Amendments to Standing Committee amendments, AM0464)

1. On page 3, line 8, strike "A", show as stricken, and insert "Except as otherwise provided in this subsection, a".

2. On page 4, line 8, after the period insert "A person who parks in such an exclusively designated parking space in an offstreet, privately owned commercial parking lot which is reserved for the exclusive use of a single commercial facility or business, during hours when the commercial facility or business is closed to the public, or in a parking lot which is used by more than one commercial facility or business, during hours when each commercial facility or business using such lot is closed to the public, shall not be required to have the license plate or permit.".

Mrs. C. Peterson filed the following amendment to LB 622:
(Amendment, AM1336, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

STANDING COMMITTEE REPORTS
Revenue

LEGISLATIVE BILL 180. Placed on General File as amended.
Standing Committee amendment to LB 180:
AM1213

1. Strike the original sections and insert the following new section:

"Section 1. The Property Tax Reduction Incentive Fund is created. The fund shall be used for specific programs for property tax relief. The programs may include increased state aid to political subdivisions or program takeovers by the state of programs funded in whole or in part by property taxes. Any money in the fund available for investment shall be invested by the State Investment Officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

There shall be transferred from the General Fund to the Property Tax Reduction Incentive Fund $100,000,000 on or before June 30, 1998, $100,000,000 on or before June 30, 1999, and $100,000,000 on or before June 30, 2000.".

LEGISLATIVE BILL 401. Placed on General File as amended.
Standing Committee amendment to LB 401:
AM1315

1. Strike the original sections and insert the following new sections:

"Section 1. Section 77-2715.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,000, $30,000, and $46,750, for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,000, $15,000, and $23,375, for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) ~~The~~ Except as provided in subdivision (2)(e) of this section, the primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .708, .986, 1.415, and 1.89;

(e) For tax years 1997 and 1998, the primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .6892, .9595, 1.3811, and 1.8405;

(f) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to hundredths of one percent; and

~~(f)~~ (g) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be eight times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the

taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemption credit and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 2. Section 77-2716.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716.01. (1) Every individual shall be allowed to subtract from his or her income tax liability an amount for personal exemptions. The amount allowed to be subtracted shall be the credit amount for the year as provided in this section multiplied by the number of exemptions allowed on the federal return. For tax year 1993, the credit amount shall be sixty-five dollars; for tax year 1994, the credit amount shall be sixty-nine dollars; for tax year 1995, the credit amount shall be sixty-nine dollars; for tax year 1996, the credit amount shall be seventy-two dollars; for tax year 1997, the credit amount shall be ~~seventy-six~~ ninety-six dollars; for tax year 1998, the credit amount shall be ~~seventy-eight~~ ninety-eight dollars; for tax year 1999, and each year thereafter, the credit amount shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. The sixty-five-dollar credit amount shall be adjusted for cumulative inflation since 1993. If any credit amount is not an even dollar amount, the amount shall be rounded to the nearest dollar. The amount allowed for each personal exemption shall be reduced, but not below zero, by five dollars for each five thousand dollars, or portion thereof, that federal adjusted gross income exceeds ninety thousand dollars for married filing joint returns, fifty-four thousand dollars for single returns, seventy-five thousand dollars for head-of-household returns, and for married filing separate returns, one-half the amount stated in this subsection for married filing joint returns. For nonresident individuals and partial-year resident individuals, the personal exemption credit shall be subtracted as specified in subsection (3) of section 77-2715. For tax year 1994 and each tax year thereafter, the income levels stated in this subsection shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. If any income level in this subsection is not a multiple of one thousand dollars, the amount shall be rounded to the next highest multiple of one thousand dollars.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal

standard deduction for the filing status used on the federal return except as the amount is adjusted under section 77-2716.03.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or the amount before the federal disallowance of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid and the amount of any adjustment required under section 77-2716.03.

Sec. 3. Original sections 77-2715.02 and 77-2716.01, Reissue Revised Statutes of Nebraska, are repealed.".

LEGISLATIVE BILL 870. Placed on General File as amended.
(Standing Committee amendment, AM1224, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) George Coordsen, Vice Chairperson

Natural Resources

LEGISLATIVE BILL 877. Placed on General File as amended.
(Standing Committee amendment, AM1283, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Chris Beutler, Chairperson

SELECT FILE

LEGISLATIVE BILL 280. Mr. Chambers offered the following amendment to the Landis pending amendment:
FA141
Amend Landis amendment (AM1228)
In line 13, strike "three" and insert "two".

Mr. Chambers withdrew his amendment.

The Landis pending amendment, AM1228, found on page 1297 and considered in this day's Journal, was renewed.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Schellpeper asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis requested a record vote on his amendment.

Voting in the affirmative, 15:

Bohlke
Brown
Chambers
Crosby
Hartnett
Janssen
Kiel
Landis
Preister
Robak
Schimek
Suttle
Wesely
Wickersham
Withem

Voting in the negative, 17:

Brashear
Bromm
Bruning
Coordsen
Dierks
Engel
Hillman
Jensen
Jones
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Stuhr
Vrtiska
Wehrbein
Witek

Present and not voting, 7:

Elmer
Hilgert
Hudkins
Matzke
McKenzie
Schmitt
Schrock

Excused and not voting, 10:

Abboud
Beutler
Cudaback
Kristensen
Lynch
Robinson
Schellpeper
Tyson
Warner
Will

The Landis amendment lost with 15 ayes, 17 nays, 7 present and not voting, and 10 excused and not voting.

Mr. Chambers withdrew his amendment, FA129, found on page 1299.

Mr. Chambers reoffered his amendment, AM1258, found on page 1298.

Mr. Dw. Pedersen and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to his pending amendment:
FA142
Amend Chambers amendment (AM1258)
1. Page 3, line 2, strike "sends" and insert "delivers to".
2. Add new section:
"The effective date of sections 3 to 7 of this act shall be January 1, 1999."

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Preister and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13

ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Bohlke
Brashear
Bromm
Brown
Chambers
Crosby
Elmer
Hartnett
Hillman
Hudkins
Kiel
Landis
Maurstad
McKenzie
Peterson, C.
Robak
Schimek
Schmitt
Wesely
Wickersham
Withem

Voting in the negative, 12:

Abboud
Bruning
Dierks
Engel
Jensen
Pederson, D.
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Witek

Present and not voting, 6:

Coordsen
Janssen
Jones
Matzke
Schellpeper
Suttle

Absent and not voting, 1:

Hilgert

Excused and not voting, 9:

Beutler
Cudaback
Kristensen
Lynch
Pedersen, Dw.
Preister
Robinson
Warner
Will

The Chambers amendment lost with 21 ayes, 12 nays, 6 present and not voting, 1 absent and not voting, and 9 excused and not voting.

Mr. Jensen moved to invoke cloture on LB 280, pursuant to Rule 7, Section 10.

Mr. Jensen requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 32:

Abboud
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Witek

Voting in the negative, 6:

Chambers
Kiel
Landis
Schimek
Wesely
Withem

Present and not voting, 2:

Bohlke
Robak

Absent and not voting, 1:

Hilgert

Excused and not voting, 8:

Beutler
Cudaback
Kristensen
Lynch
Pedersen, Dw.
Robinson
Warner
Will

The Jensen motion to invoke cloture failed with 32 ayes, 6 nays, 2 present and not voting, 1 absent and not voting, and 8 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 307. Placed on Select File as amended.
E & R amendment to LB 307:
AM7117

1. In the Standing Committee amendment, AM0670:

a. On page 1, line 18; and page 3, line 23, strike "228" and insert "224"; and

b. On page 3, line 12, after the first comma insert "a".

2. Strike original sections 306 to 308 and insert the following new sections:

"Sec. 232. Section 83-901, Revised Statutes Supplement, 1996, is amended to read:

83-901. The purpose of sections 49-617, 68-621, 72-249, 72-1302 to 72-1304, 81-101, 81-102, 81-1021, 83-101.08, 83-107.01, 83-108, 83-108.04, 83-112, 83-134, 83-135, 83-139, 83-140, 83-144, 83-145, 83-147 to 83-150, 83-153 to 83-156, 83-170 to 83-173, 83-186, 83-188, 83-428, 83-443, ~~83-4,100 to~~ 83-4,101, 83-4,102, 83-4,104, and 83-901 to 83-916 is to establish an agency of state government for the custody, study, care, discipline, training, and treatment of persons in the correctional and detention institutions and for the study, training, and treatment of persons under the supervision of other correctional services of the state so that they may be prepared for lawful community living. Correctional services shall be so diversified in program and personnel as to facilitate individualization of treatment.

Sec. 233. Section 83-925.07, Revised Statutes Supplement, 1996, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement in a county containing a city of the metropolitan class. A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;

(5) Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections ~~83-4,100~~ 83-4,101 to 83-4,104 shall be supplemented with purchased community-based evaluation services. The community-based evaluation services shall replace the evaluation services available at the Youth Diagnostic and Rehabilitation Center by December 31, 1999. All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

(6) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a county containing a

city of the metropolitan class;

(7) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

(8) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.

Sec. 239. Original sections 28-406 to 28-408, 28-428, 28-430, 28-431, 28-434, 43-119, 43-121, 43-124 to 43-127, 43-130 to 43-135, 43-137 to 43-146, 43-146.02, 43-146.04 to 43-146.16, 43-2002, 43-2004 to 43-2006, 43-2009, 43-2012, 68-1027, 68-1028, 68-1037.03, 68-1037.04, 69-2409.01, 70-101, 71-121, 71-121.01, 71-141, 71-151, 71-157, 71-158, 71-161.10, 71-172.01, 71-174.01, 71-1,136.01, 71-1,142, 71-1,147.08, 71-1,147.41, 71-1,154, 71-1,234, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,312, 71-1,334, 71-390, 71-604, 71-604.05, 71-605, 71-606, 71-608.01, 71-612, 71-614, 71-616.04, 71-616.05, 71-617.02, 71-617.06 to 71-617.15, 71-626 to 71-630, 71-636, 71-639, 71-640.02, 71-641, 71-642, 71-649, 71-1405, 71-1536, 71-1901, 71-1903, 71-1906.02, 71-1907, 71-1909, 71-1910, 71-1913, 71-1913.02, 71-2003, 71-2097 to 71-20,101, 71-20,103, 71-2610.01, 71-3406, 71-3708, 71-3710, 71-5509, 71-5514, 71-5515.01, 71-6043, 71-6048, 71-6059, 71-6066, 71-7804, 71-7806, 77-27,160, 77-27,161, 77-27,163.01 to 77-27,169, 77-27,171 to 77-27,173, 77-27,208, 79-215, 79-1178, 80-605, 81-502, 81-505.01, and 81-683, Reissue Revised Statutes of Nebraska, and sections 9-810, 28-343, 28-401, 28-410, 28-414, 28-713, 32-327, 42-347, 42-358, 42-358.08, 42-723, 43-104.07, 43-106.02, 43-107, 43-247, 43-512.02, 43-512.03, 43-512.05 to 43-512.07, 43-512.12 to 43-512.15, 43-512.17, 43-536, 43-701, 43-702, 43-705, 43-707, 43-708, 43-1301, 43-1314.01, 43-1408.01, 43-1704, 43-1706, 43-1718.02, 43-1720, 43-2003, 43-2606, 43-2608 to 43-2613, 43-2615 to 43-2617, 43-2620, 43-2622, 43-2624, 43-2625, 44-3,144, 46-656.28, 46-656.51, 48-647, 58-710, 81-15,102, 83-125, 83-126, 83-158.01, 83-164, 83-227.01, 83-305.04, 83-308, 83-324, 83-336, 83-339, 83-340, 83-901, 83-925.07, 83-1214, 90-511, and 90-522, Revised Statutes Supplement, 1996, are repealed.

Sec. 240. The following sections are outright repealed: Sections 71-2206, 81-601.01, and 83-4,100, Reissue Revised Statutes of Nebraska, and sections 43-120, 43-122, and 83-162.05, Revised Statutes Supplement, 1996.".

3. Strike beginning with line 2 on page 1 through line 21 on page 3 and insert "28-406 to 28-408, 28-428, 28-430, 28-431, 28-434, 43-119, 43-121, 43-124 to 43-127, 43-130 to 43-135, 43-137 to 43-146, 43-146.02, 43-146.04 to 43-146.16, 43-2002, 43-2004 to 43-2006, 43-2009, 43-2012, 68-1027, 68-1028, 68-1037.03, 68-1037.04, 69-2409.01, 70-101, 71-121, 71-121.01, 71-141, 71-151,

71-157, 71-158, 71-161.10, 71-172.01, 71-174.01, 71-1,136.01, 71-1,142, 71-1,147.08, 71-1,147.41, 71-1,154, 71-1,234, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,312, 71-1,334, 71-390, 71-604, 71-604.05, 71-605, 71-606, 71-608.01, 71-612, 71-614, 71-616.04, 71-616.05, 71-617.02, 71-617.06 to 71-617.15, 71-626 to 71-630, 71-636, 71-639, 71-640.02, 71-641, 71-642, 71-649, 71-1405, 71-1536, 71-1901, 71-1903, 71-1906.02, 71-1907, 71-1909, 71-1910, 71-1913, 71-1913.02, 71-2003, 71-2097 to 71-20,101, 71-20,103, 71-2610.01, 71-3406, 71-3708, 71-3710, 71-5509, 71-5514, 71-5515.01, 71-6043, 71-6048, 71-6059, 71-6066, 71-7804, 71-7806, 77-27,160, 77-27,161, 77-27,163.01 to 77-27,169, 77-27,171 to 77-27,173, 77-27,208, 79-215, 79-1178, 80-605, 81-502, 81-505.01, and 81-683, Reissue Revised Statutes of Nebraska, and sections 9-810, 28-343, 28-401, 28-410, 28-414, 28-713, 32-327, 42-347, 42-358, 42-358.08, 42-723, 43-104.07, 43-106.02, 43-107, 43-247, 43-512.02, 43-512.03, 43-512.05 to 43-512.07, 43-512.12 to 43-512.15, 43-512.17, 43-536, 43-701, 43-702, 43-705, 43-707, 43-708, 43-1301, 43-1314.01, 43-1408.01, 43-1704, 43-1706, 43-1718.02, 43-1720, 43-2003, 43-2606, 43-2608 to 43-2613, 43-2615 to 43-2617, 43-2620, 43-2622, 43-2624, 43-2625, 44-3,144, 46-656.28, 46-656.51, 48-647, 58-710, 81-15,102, 83-125, 83-126, 83-158.01, 83-164, 83-227.01, 83-305.04, 83-308, 83-324, 83-336, 83-339, 83-340, 83-901, 83-925.07, 83-1214, 90-511, and 90-522, Revised Statutes Supplement, 1996; to eliminate references to the Bureau of Examining Boards, section of Hospitals and Medical Facilities, Bureau of Vital Statistics, and director of maternal and child health; to change references to departments and directors which no longer exist; to transfer duties between departments; to change provisions relating to false claims; to eliminate obsolete provisions; to correct internal references; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-2206, 81-601.01, and 83-4,100, Reissue Revised Statutes of Nebraska, and sections 43-120, 43-122, and 83-162.05, Revised Statutes Supplement, 1996; and to declare an emergency.".

4. On page 28, line 20, strike the semicolon, show as stricken, and insert an underscored comma.

5. On page 195, line 27, strike "state treasury", show as stricken, and insert "State Treasurer".

6. On page 329, strike beginning with "health" in line 21 through line 22.

7. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 352. Placed on Select File as amended.
E & R amendment to LB 352:
AM7109

1. On page 1, line 1, strike "sections 71-1,145 and" and insert "section"; strike line 3; and in line 5 strike "sections" and insert "section".

LEGISLATIVE BILL 788. Placed on Select File as amended.
E & R amendment to LB 788:
AM7110

1. In the Standing Committee amendment, AM0770, on page 1, line 5, after "adopted" insert "through the department".

2. On page 1, line 3, after the semicolon insert "to require medical assessments;".

LEGISLATIVE BILL 551. Placed on Select File.

LEGISLATIVE BILL 814. Placed on Select File as amended.
E & R amendment to LB 814:
AM7113

1. On page 1, line 2; and page 19, line 14, strike "54-602" and insert "54-603".

2. On page 2, lines 2 and 9, strike the first comma; in line 4 strike the third comma; in line 12 strike the comma; and in line 19 after "hearing-impaired" insert an underscored comma.

LEGISLATIVE BILL 119. Placed on Select File as amended.
E & R amendment to LB 119:
AM7115

1. On page 1, strike beginning with "28-711" in line 1 through the first comma in line 2 and insert "28-713.01"; in line 3, strike "section" and insert "sections 28-710 and"; and strike beginning with "child's" in line 4 through "abuse" in line 5 and insert "procedures regarding cases of out-of-home abuse or neglect".

In the Standing Committee amendment, AM0630, on page 6, line 10, strike "28-710," and strike the second comma; and in line 11 strike "section" and insert "sections 28-710 and".

LEGISLATIVE BILL 437. Placed on Select File as amended.
E & R amendment to LB 437:
AM7114

1. On page 2, line 5, strike "county attorney association" and insert "Nebraska County Attorneys Association".

LEGISLATIVE BILL 495. Placed on Select File.
LEGISLATIVE BILL 770. Placed on Select File.
LEGISLATIVE BILL 116A. Placed on Select File.
LEGISLATIVE BILL 270A. Placed on Select File.
LEGISLATIVE BILL 610A. Placed on Select File.
LEGISLATIVE BILL 727. Placed on Select File.

LEGISLATIVE BILL 335. Placed on Select File as amended.
E & R amendment to LB 335:
AM7123

1. On page 1, line 12, after the first semicolon insert

"to provide an operative date;".

2. On page 31, lines 8 and 18, strike the semicolon, show as stricken, and insert an underscored period; and in line 18 strike the new matter.

3. On page 36, line 20, strike the comma and after "years" insert an underscored comma; and in line 26 strike the comma.

4. On page 37, line 10, after the semicolon insert "or".

5. On page 46, line 13, after "order" insert an underscored comma.

6. On page 48, line 13; and page 49, line 26, strike "subdivision" and insert "subsection".

7. On page 50, line 24, strike "8-1124", show as stricken, and insert "8-1123".

LEGISLATIVE BILL 741. Placed on Select File as amended.
E & R amendment to LB 741:
AM7116

1. On page 1, line 1, strike "civil procedure" and insert "uninsured and underinsured motorist coverage"; strike lines 2 through 4; and in line 5 strike "payments" and insert "44-6409, Revised Statutes Supplement, 1996; to change provisions relating to reduction of liability limits" and strike "sections" and insert "section".

LEGISLATIVE BILL 543. Placed on Select File.
LEGISLATIVE BILL 136. Placed on Select File.

LEGISLATIVE BILL 772. Placed on Select File as amended.
E & R amendment to LB 772:
AM7118

1. On page 2, line 5, after "shall" insert an underscored comma.

2. On page 3, line 17, after the last "shall" insert an underscored comma.

LEGISLATIVE BILL 771. Placed on Select File.
LEGISLATIVE BILL 527. Placed on Select File.
LEGISLATIVE BILL 558. Placed on Select File.

LEGISLATIVE BILL 802. Placed on Select File as amended.
E & R amendment to LB 802:
AM7119

1. In the Standing Committee amendments, AM0842, renumber sections 9 and 10 as sections 10 and 9, respectively.

LEGISLATIVE BILL 278. Placed on Select File as amended.
E & R amendment to LB 278:
AM7120

1. Strike the originals sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the DNA Detection of Sexual and Violent Offenders Act.

Sec. 2. The Legislature finds that DNA data banks are an important tool in criminal investigations, in the exclusion of individuals who are the subject of criminal investigations or prosecutions, and in deterring and detecting recidivist acts. Several states have enacted laws requiring persons convicted of certain crimes, especially sex offenses, to provide genetic samples for DNA typing tests. Moreover, it is the policy of this state to assist federal, state, and local criminal justice and law enforcement agencies in the identification and detection of individuals in criminal investigations. It is in the best interest of this state to establish a State DNA Data Base for DNA records and a State DNA Sample Bank as a repository for DNA samples from individuals convicted of felony sex offenses and other specified offenses.

Sec. 3. For purposes of the DNA Detection of Sexual and Violent Offenders Act:

(1) Combined DNA Index System means the Federal Bureau of Investigation's national DNA identification index system that allows the storage and exchange of DNA records submitted by state and local forensic DNA laboratories;

(2) DNA means deoxyribonucleic acid which is located in the cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification;

(3) DNA record means the DNA identification information stored in the State DNA Data Base or the Combined DNA Index System which is derived from DNA typing test results;

(4) DNA sample means a blood or tissue sample provided by any person with respect to offenses covered by the DNA Detection of Sexual and Violent Offenders Act for analysis or storage, or both;

(5) DNA typing tests means the laboratory procedures which evaluate the characteristics of a DNA sample which are of value in establishing the identity of an individual;

(6) Felony sex offense means a felony offense, or an attempt, conspiracy, or solicitation to commit a felony offense, under any of the following:

(a) Kidnapping of a minor pursuant to section 28-313, except when the person is the parent of the minor and was not convicted of any other offense in subdivision (6) of this section;

(b) Incest of a minor pursuant to section 28-703;

(c) Sexual assault in the first or second degree pursuant to section 28-319 or 28-320;

(d) Sexual assault of a child pursuant to section 28-320.01;

(e) Sexual assault of a vulnerable adult pursuant to subdivision (1)(c) of section 28-386; and

(f) False imprisonment of a minor in the first degree pursuant to section 28-314, except when the person is the parent of the minor and was not convicted of any other offense in subdivision (6) of this section;

(7) Law enforcement agency includes a police department, town marshal, county sheriff, and the Nebraska State Patrol;

(8) Other specified offense means an offense, or an attempt, conspiracy, or solicitation to commit an offense, under any of the following:

(a) Murder in the first degree pursuant to section 28-303;

(b) Murder in the second degree pursuant to section 28-304;

(c) Manslaughter pursuant to section 28-305; or

(d) Stalking pursuant to sections 28-311.02 to 28-311.05; and

(9) Released means any release, parole, furlough, work release, prerelease, or release in any other manner from a prison, jail, or any other detention facility or institution.

Sec. 4. The State DNA Data Base is established. The Nebraska State Patrol shall administer the State DNA Data Base and shall provide DNA records to the Federal Bureau of Investigation for storage and maintenance in the Combined DNA Index System. The patrol shall provide for liaison with the Federal Bureau of Investigation and other law enforcement agencies in regard to the state's participation in the Combined DNA Index System. The State DNA Data Base shall store and maintain DNA records related to:

(1) Forensic casework;

(2) Convicted offenders required to provide a DNA sample under the DNA Detection of Sexual and Violent Offenders Act; and

(3) Anonymous DNA records used for research or quality control.

Sec. 5. (1) The Nebraska State Patrol shall prescribe procedures to be used in the collection, submission, identification, analysis, storage, and disposition of DNA samples and DNA records under the DNA Detection of Sexual and Violent Offenders Act. These procedures shall include quality assurance guidelines for laboratories which submit DNA records to the State DNA Data Base. The State DNA Data Base shall be compatible with the procedures specified by the Federal Bureau of Investigation, including the use of comparable test procedures, laboratory equipment, supplies, and computer software. The DNA records shall be securely stored in the State DNA Data Base and retained in a manner consistent with the procedures established by the Federal Bureau of Investigation.

(2) The Nebraska State Patrol may contract with the University of Nebraska Medical Center to establish the State DNA Sample Bank at the medical center and for DNA typing tests. The

State DNA Sample Bank shall serve as the repository of DNA samples collected under the act. The University of Nebraska Medical Center in contracting under the act is subject to the same restrictions and requirements of the act, insofar as applicable, as the Nebraska State Patrol, as well as any additional restrictions imposed by the patrol.

(3) The DNA samples and DNA records shall only be used:

(a) For law enforcement identification purposes, to assist in the recovery or identification of human remains from disasters, or for other humanitarian identification purposes, including identification of missing persons; and

(b) By the Nebraska State Patrol to create a separate population data base comprised of DNA records obtained under the act after all personal identification is removed. The patrol may share or disseminate the population data base with other law enforcement agencies or forensic DNA laboratories which assist the patrol with statistical data bases. The population data base may be made available to and searched by other agencies participating in the Combined DNA Index System.

Sec. 6. (1) A person who is convicted of a felony sex offense or other specified offense on or after the effective date of this act shall have a DNA sample drawn:

(a) Upon intake to a prison, jail, or other detention facility or institution to which such person is sentenced. If the person is already confined at the time of sentencing, the person shall have a DNA sample drawn immediately after the sentencing. Such DNA samples shall be drawn at the place of incarceration or confinement. Such person shall not be released unless and until a DNA sample has been drawn; or

(b) As a condition for any sentence which will not involve an intake into a prison, jail, or other detention facility or institution. Such DNA samples shall be drawn at a detention facility or institution as specified by the court. Such person shall not be released unless and until a DNA sample has been drawn.

(2) A person who has been convicted of a felony sex offense or other specified offense before the effective date of this act and who is still serving a term of confinement for such offense on the effective date of this act shall not be released prior to the expiration of his or her maximum term of confinement unless and until a DNA sample has been drawn.

Sec. 7. (1) Only individuals who are physicians, registered nurses, or meet the requirements of subdivision (18) or (19) of section 71-1,103 shall draw a DNA sample under the DNA Detection of Sexual and Violent Offenders Act. In addition to the DNA sample, a full set of fingerprints shall be taken from the person from whom the DNA sample is being drawn for the exclusive purpose of verifying the identity of such person. The DNA sample and the set of fingerprints shall be delivered to the Nebraska State Patrol within forty-eight hours after drawing the sample.

(2) A person authorized to draw DNA samples under this section is not criminally liable for drawing a DNA sample and transmitting DNA records pursuant to the act if he or she performs these activities in good faith and is not civilly liable for such activities if he or she acted in a reasonable manner according to generally accepted medical and other professional practices.

Sec. 8. (1) All DNA samples and DNA records submitted pursuant to the DNA Detection of Sexual and Violent Offenders Act are confidential except as otherwise provided in the act. The Nebraska State Patrol shall make DNA records in the State DNA Data Base available:

(a) To law enforcement agencies and forensic DNA laboratories which serve such agencies; and

(b) Upon written or electronic request and in furtherance of an official investigation of a criminal offense or offender or suspected offender.

(2) The Nebraska State Patrol shall adopt and promulgate rules and regulations governing the methods of obtaining information from the State DNA Date Base and the Combined DNA Index System and procedures for verification of the identity and authority of the requester.

(3) The Nebraska State Patrol may, for good cause shown, revoke or suspend the right of a forensic DNA laboratory in this state to have access to or submit records to the State DNA Data Base.

Sec. 9. A person whose DNA record has been included in the State DNA Data Base pursuant to the DNA Detection of Sexual and Violent Offenders Act may request expungement on the grounds that the conviction on which the authority for including such person's DNA record was based has been reversed and the case dismissed. The Nebraska State Patrol shall purge all DNA records and identifiable information in the data base pertaining to the person and destroy all DNA samples from the person upon receipt of a written request for expungement pursuant to this section and a certified copy of the final court order reversing and dismissing the conviction.

Sec. 10. (1) Any person who has possession of or access to individually identifiable DNA samples or DNA records in the State DNA Data Base or in the State DNA Sample Bank shall not disclose such samples or records in any manner to any person or agency not authorized to receive them knowing that such person or agency is not authorized to receive them.

(2) No person shall obtain individually identifiable DNA samples or DNA records from the State DNA Date Base or the State DNA Sample Bank without authorization to do so. Any person who knowingly violates this subsection is guilty of a Class I misdemeanor.

Sec. 11. (1) Any person who has possession of or access to individually identifiable DNA samples or DNA records contained in the State DNA Date Base or in the State DNA Sample Bank and who for pecuniary gain for such person or for any other person discloses such samples and records in any manner to any person or agency not authorized to receive them is guilty of a Class I misdemeanor.

(2) Any person aggrieved by a knowing violation of this section has the substantive right to bring an action for damages for such violation in a court of competent jurisdiction. A person found by the court to have been aggrieved by a knowing violation of this section may receive damages of not less than one hundred dollars for each violation and may recover the reasonable costs of the litigation and attorney's fees.

Sec. 12. The Nebraska State Patrol or any other aggrieved individual or agency may institute an action in a court of proper jurisdiction against any person, including law enforcement agencies, to enjoin such person or agency from violating the DNA Detection of Sexual and Violent Offenders Act.

Sec. 13. The Nebraska State Patrol may recommend to the Legislature that the Legislature enact legislation for the inclusion of additional offenses for which DNA samples shall be taken and otherwise subjected to the DNA Detection of Sexual and Violent Offenders Act. In determining whether to recommend additional offenses, the Nebraska State Patrol shall consider those offenses for which DNA testing will have a substantial impact on the detection and identification of sexual offenders and violent offenders.

Sec. 14. The Nebraska State Patrol shall adopt and promulgate rules and regulations to carry out the DNA Detection of Sexual and Violent Offenders Act.

Sec. 15. Nothing in the DNA Detection of Sexual and Violent Offenders Act limits or abrogates any existing authority of peace officers to take, maintain, store, and utilize DNA samples for law enforcement purposes.".

LEGISLATIVE BILL 278A. Placed on Select File.

LEGISLATIVE BILL 485. Placed on Select File as amended.
E & R amendment to LB 485:
AM7121

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 29-1823, Reissue Revised Statutes of Nebraska, is amended to read:

29-1823. If at any time prior to trial it appears that the accused has become mentally incompetent to stand trial, such disability may be called to the attention of the district court by the county attorney, by the accused, or by any person for the accused. The judge of the district court of the county ~~wherein~~ where the accused is to be tried shall have the authority to determine whether or not the accused is competent to stand trial.

The district judge may also cause such medical, psychiatric, or psychological examination of the accused to be made as he or she deems warranted and hold such hearing as he or she deems necessary. The cost of the examination, when ordered by the court, shall be the expense of the county in which the crime is charged. The district judge may allow any physician, psychiatrist, or psychologist a reasonable fee for his or her services, which amount, when determined by the district judge, shall be certified to the county board which shall cause payment to be made. Should ~~he~~ the district judge determine after a hearing that the accused is mentally incompetent to stand trial and that there is a substantial probability that the accused will become competent within the foreseeable future, the district judge ~~he~~ shall order the accused to be committed to a state hospital for the mentally ill or some other appropriate state-owned or state-operated facility for appropriate treatment until such time as the disability may be removed. Within six months after the commencement of the treatment ordered by the district court, and every six months thereafter until either the disability is removed or other disposition of the accused has been made or within twenty-one days after a report is filed with the court by the Department of Health and Human Services that the accused is competent to stand trial, the court shall hold a hearing to determine whether or not there is a substantial probability that the accused will become competent within the foreseeable future. If it is determined that there is not a substantial probability that the accused will become competent within the foreseeable future, then the state shall either (1) commence the applicable civil commitment proceeding that would be required to commit any other person for an indefinite period of time or (2) release the accused. The state shall pay the cost of maintenance and care of the accused during the period of time ordered by the court for treatment to remove the disability. No person found incompetent to stand trial under this section shall be confined under this section for a period of time exceeding the maximum sentence allowed by statute that could have been imposed by the court had the accused been found guilty of the crime charged. ~~The cost of such an examination, when ordered by the court, shall be the expense of the county wherein the crime is charged. The district judge may allow any physician, psychiatrist or psychologist a reasonable fee for his services which amount, when determined by the district judge, shall be certified to the county board who shall cause payment to be made.~~

Sec. 2. Original section 29-1823, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 5, strike "and" and after "section" insert "; and to declare an emergency".

LEGISLATIVE BILL 485A. Placed on Select File.

LEGISLATIVE BILL 70. Placed on Select File as amended.
(E & R amendment, AM7122, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jon C. Bruning, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 110. Introduced by Robak, 22.

WHEREAS, the Todd Valley Wetland Foundation has property located in Platte County, Nebraska, which will be maintained as the Carrig-Jewell Wetland for public outdoor recreation activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Todd Valley Wetland Foundation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature approves the gift from the Todd Valley Wetland Foundation to the Game and Parks Commission of all of the real estate described as:

The N 1/2 of the SW 1/4, the S 1/2 of the NW 1/4, a portion of the S 1/2 of the NE 1/4, and a portion of the N 1/2 of the SE 1/4 all in section 30, township 18 north, range 1 west of the 6th principal meridian, Platte County, Nebraska, more particularly described as follows: Beginning at the SW corner of said S 1/2 NW 1/4; thence N 00`00'00" E, 1327.32 feet on the west line of said S 1/2 NW 1/4; thence S 89`53'26" E, 2642.60 feet on north line of said S 1/2 NW 1/4; thence S 88`35'59" E, 2566.19 feet on the north line of said S 1/2 NE 1/4; thence S 00`17'56" E, 1312.35 feet on the west right-of-way line of U.S. Highway 81; thence N 89`25'13" W, 82.60 feet on the north line of said N 1/2 SE 1/4; thence S 00`07'14" W, 1261.48 feet on said right-of-way line; thence N 89`36'05" W, 115.00 feet on said right-of-way line; thence S 00`23'51" W, 58.40 feet on said right-of-way line; thence N 89`28'14" W, 2367.33 feet on the south line of said N 1/2 SE 1/4; thence N 89`27'47" W, 2650.34 feet on the south line of said N 1/2 SW 1/4; thence N 00`08'25" E, 1324.30 feet on the west line of said N 1/2 SW 1/4 to the point of beginning, containing 315.30 acres, more or less, including 2.01 acres, more or less, used for county road purposes.

The S 1/2 of the NW 1/4, the S 1/2 of the NE 1/4, the north 72.95 acres of the N 1/2 of the SW 1/4 and the N 1/2 of the SE 1/4 all in section 25, township 18 north range 2 west of the 6th principal meridian, Platte County, Nebraska, more particularly described as follows:

Beginning at the northeast corner of said N 1/2 SE 1/4; thence S 0`08'25"

Nebraska, more particularly described as follows:

Beginning at the northeast corner of said N 1/2 SE 1/4; thence S 0`08'25" W (assumed bearing), 1324.30 feet on the east line of said N 1/2 SE 1/4 to the southeast corner thereof; thence N 89`38'41" W, 2636.22 feet on the south line of said N 1/2 SE 1/4 to the southwest corner thereof; thence N 0`13'00" E, 113.97 feet on the west line of said N 1/2 SE 1/4; thence N 89`35'44" W, 2620.11 feet parallel with the north line of said N 1/2 SW 1/4; thence N 0`09'39" E, 2540.25 feet on the west line of said section to the northwest corner of said S 1/2 NW 1/4; thence S 89`35'29" E, 5252.02 feet on the north line of said S 1/2 NW 1/4 and on the north line of said S 1/2 NE 1/4 to the northeast corner of said S 1/2 NE 1/4; thence S 0`00'00" E, 1327.32 feet on the east line of said S 1/2 NE 1/4 to the point of beginning, containing 313.25 acres, more or less.

A total of 628.55 acres of land, more or less.

2. That such approval is granted with the understanding that the land described shall be designated a wildlife management area and accepted by the Game and Parks Commission.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 110 was referred to the Reference Committee.

AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendment to LB 622:
(Amendment, AM1137, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Beutler filed the following amendment to LB 558:
AM1320

1. Insert the following new section:
"Sec. 8. The Department of Health and Human Services Regulation and Licensure may adopt and promulgate rules and regulations to implement the Certified Industrial Hygienist Title Protection Act and to further regulate the use of the term certified industrial hygienist.".

VISITORS

Visitors to the Chamber were 32 fourth and eighth grade students and teacher from Humphrey; Nobuhiko Tsukiyama from Japan; 55 eighth grade students and teacher from Kirn Junior High, Council Bluffs, Iowa; and 20 fourth grade students and teacher from Hooper.

RECESS

At 12:00 noon, on a motion by Mrs. Suttle, the Legislature recessed until

1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Brashear, Dierks, Hilgert, Jones, Landis, Lynch, Matzke, Dw. Pedersen, Robinson, Schmitt, Vrtiska, Warner, Will, Mmes. Bohlke, Hillman, Hudkins, Robak, Suttle, and Witek who were excused until they arrive.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 850. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

AMENDMENT - Print in Journal

Mr. Jensen filed the following amendment to LB 280:
AM1295

(Amendments to E & R amendments, AM7098)

1. Insert the following new sections:

"Sec. 2. Section 42-104, Reissue Revised Statutes of Nebraska, is amended to read:

42-104. (1) Prior to the solemnization of any marriage in this state, a license for that purpose shall be obtained from a county clerk in the State of Nebraska.

(2)(a) Parties intending to apply for a marriage license may complete a program in premarital counseling conducted by a professional counselor, a marriage and family therapist, or a mental health practitioner licensed or certified under the Uniform Licensing Law or conducted by an official representative of a religious organization. Each party shall present satisfactory documentary proof of and shall swear or affirm in the marriage license application to having completed such premarital counseling program. If the parties do not complete a premarital counseling program, there is an additional one hundred dollar marriage license application fee.

(b) A premarital program provider shall provide a sliding fee schedule based upon the income of the parties and shall include allowing participation by indigent parties for no fee. The parties shall pay the appropriate fee directly to the premarital program provider.

(c) The Department of Health and Human Services Finance and Support shall furnish to county clerks lists of premarital counseling programs available in the geographic area.

(3) Each party shall present satisfactory documentary proof of and shall swear or affirm to the application giving: (a) Full name of each applicant and residence; and (b) the place, date, and year of birth of each.

(4) Applications for a marriage license made with the county court prior to January 1, 1987, shall be processed and licenses shall be issued by the county court according to the law and procedures in effect on the date each application was made. No marriage ~~hereafter~~ contracted on or after January 1, 1987, shall be recognized as valid unless such license has been previously obtained and used within one year from the date of issuance and unless such marriage is solemnized by a person authorized by law to solemnize marriages. ~~Each party shall present satisfactory documentary proof of and shall swear or affirm to the application giving: (1) Full name of each applicant and residence; and (2) the place, date, and year of birth of each.~~

Sec. 3. Section 42-106, Revised Statutes Supplement, 1996, is amended to read:

42-106. When an application is made for a license to the county clerk, he or she shall, upon the granting of such license, state in the license the information contained in the application as provided in subsection (3) of section 42-104. The license shall, prior to the issuing thereof, be entered of record in the office of the county clerk in a suitable book to be provided for that purpose.

The forms for the application, license, and certificate of marriage shall be provided by the Department of Health and Human Services Finance and Support at actual cost as determined by the department.".

2. On page 1, line 21, after "42-101" insert ", 42-104, 42-106,".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 882. Mr. Chambers withdrew his motion, found on page 1326, to indefinitely postpone.

Mr. Engel offered the following amendment:
AM1325

1. On page 4, lines 10 and 11, strike "July 1, 1999" and insert "no later than January 1, 2000".

MR. COORDSEN PRESIDING

Messrs. Withem, Maurstad, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Kiel asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Engel pending amendment:
FA143
Amend Engel amendment (1325)
Strike "2000" and insert "2005".

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers amendment was adopted with 30 ayes, 2 nays, 7 present and not voting, and 10 excused and not voting.

Pending.

The Chair declared the call raised.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 271A. Introduced by Coordsen, 32.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 271, Ninety-fifth Legislature, First Session, 1997.

STANDING COMMITTEE REPORT
Health and Human Services

LEGISLATIVE BILL 186. Placed on General File as amended.
(Standing Committee amendment, AM1264, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Don Wesely, Chairperson

AMENDMENTS - Print in Journal

Mr. Coordsen filed the following amendment to LB 180:
AM1347

(Amendments to Standing Committee amendments, AM1213)

1. On page 1, lines 12 through 14, strike each occurrence of "or before June 30" and insert "July 1".

Messrs. Kristensen and Withem filed the following amendment to LR 7CA:
AM1311

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 3:

III-2 'The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall execute their signatures before such person and at such location as provided by law. In all cases the petition shall be signed by not less than three ~~be so distributed as to include five~~ percent of the registered voters of each of ~~two-fifths~~ a majority of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than ~~four~~ eight months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.'

III-3 'The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state~~,~~ ~~distributed as required for initiative~~

~~petitions,~~ and shall include signatures of not less than three percent of the registered voters of each of a majority of the counties of the state. The registered voters signing such petition shall execute their signatures before such person and at such location as provided by law. Signed petitions shall be filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Each such ~~Such~~ petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state ~~distributed as aforesaid~~ including signatures of not less than three percent of the registered voters of each of a majority of the counties of the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to prescribe requirements for signing initiative and referendum petitions, to change the distribution of the number of signatures required on initiative and referendum petitions, and to change filing requirements for initiative petitions.

For

Against'.".

Messrs. Kristensen and Withem filed the following amendment to LR 7CA:
AM1334

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 4, and Article XVI, section 1, and add a new section 3 to Article XVI:

III-2 'The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature.

This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state. If ~~, and if~~ the petition be for the amendment of the Constitution, the petition ~~therefor~~ shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures which propose the enactment of a law submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. If conflicting measures which propose a constitutional amendment submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.'

III-4 'The whole number of votes cast for Governor at the general election next preceding the filing of an initiative or referendum petition shall be the basis on which the number of signatures to such petition shall be computed. The veto power of the Governor shall not extend to measures initiated by or referred to the people. A measure initiated which proposes the enactment of a law shall become a law ~~or part of the Constitution, as the case may be,~~ when a majority of the votes cast thereon, and not less than thirty-five ~~per cent~~ percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof, and shall take effect upon proclamation by the Governor which shall be made within ten days after the official canvass of such votes. A measure initiated which proposes a constitutional amendment shall be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution, when a majority of the votes cast thereon, and not less than thirty-five percent of the total vote cast at the election at which the same was submitted, are cast in favor thereof. The vote upon initiative and referendum measures shall be returned and canvassed in the manner prescribed for the canvass of votes for president. The method of submitting ~~and adopting~~ amendments to the Constitution provided by this section shall be supplementary to the method prescribed in the article of this Constitution, entitled, "Amendments" and the latter shall in no case be construed to conflict herewith. The provisions with respect to the initiative and referendum shall be self-executing, but legislation may be enacted to facilitate their operation. All propositions submitted in pursuance hereof shall be submitted in a non-partisan manner and without any indication or suggestion on the ballot that they have been approved or endorsed by any political party or organization. Only the title or proper descriptive words of measures shall be printed on the ballot and when two or more measures have the same title they shall be numbered consecutively in the order of filing with the Secretary of State and the number shall be followed by the name of the first petitioner on the corresponding petition. The ballot for a measure initiated which proposes a constitutional amendment shall include a notice that the measure is subject to a vote of the electorate for ratification at an election pursuant to Article XVI, section 3, of this Constitution.'

XVI-1 'The Legislature may propose amendments to this Constitution. If the same be agreed to by three-fifths of the members elected to the Legislature, such proposed amendments shall be entered on the journal, with yeas and nays, and published once each week for three consecutive weeks, in at least one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendments to the electors. At such election said amendments shall be submitted to the electors for approval or rejection upon a ballot separate from that upon which the names of candidates appear. The ballot shall include a notice that the measure is subject to a vote of the electorate for ratification at an election pursuant to Article XVI, section 3, of this Constitution. If a majority of the electors voting on any such amendment adopt the same, it shall ~~become a part of this Constitution~~ be referred to the electorate for ratification pursuant to Article XVI, section 3, of this Constitution, provided the votes cast in favor of such amendment shall not be less than thirty-five per cent of the total votes cast at such election. When two or more amendments are submitted at the same election, they shall be so submitted as to enable the electors to vote on each amendment separately.'

XVI-3 '(1) Before an amendment to this Constitution takes effect there shall be two votes by the electors. The first vote for adoption of the amendment may be made pursuant to initiative as provided by Article III, sections 2 and 4, of this Constitution or pursuant to the Legislature proposing an amendment as provided by Article XVI, section 1, of this Constitution. The second vote shall be for ratification and shall be made pursuant to subsection (2) of this section.

(2) The proposed amendment shall, without change, be published once each week for three consecutive weeks, in at least

one newspaper in each county, where a newspaper is published, immediately preceding the next election of members of the Legislature or a special election called by the vote of four-fifths of the members elected to the Legislature for the purpose of submitting such proposed amendment to the electors for ratification. At such election the proposed amendment shall be submitted to the electors for ratification. If a majority of the electors voting on any such amendment ratify the adoption of the same, it shall become a part of this Constitution if the votes cast in favor of such amendment at the election are not less than thirty-five percent of the total votes cast at such election.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.
For
Against'.".

Mr. Wesely filed the following amendment to LB 622:
AM1317

1. On page 51, line 11, strike "(11), (13),".

Mr. Wesely filed the following amendment to LB 307:
AM1303

(Amendments to Standing Committee amendments, AM0670)

1. Strike sections 133, 226 to 228, and 257.

2. On page 1, line 3, strike "301" and insert "300"; and in line 4 strike "sections" and insert "section".

3. Renumber the remaining section accordingly.

Mr. Tyson filed the following amendment to LB 746:
AM1277

1. Strike original section 1 and insert the following new section:

"Section 1. (1) In addition to uses otherwise authorized in the Offstreet Parking District Act, any money available from taxes or assessments levied pursuant to section 19-3315 or revenue derived from the operation of an offstreet parking facility may be used in the district for any one or more of the following purposes as determined by a vote of the majority of the city council:

(a) Improvement of any public place or facility, including landscaping, physical improvements for decoration or security purposes, and plantings;

(b) Construction or installation of pedestrian shopping malls or plazas, sidewalks or moving sidewalks, parks, meetings and display facilities, bus stop shelters, lighting, benches or other seating furniture, sculptures, trash receptacles, shelters, foundations, skywalks, and pedestrian and vehicular overpasses and underpasses, and any useful or necessary public improvements;

(c) Leasing, acquiring, constructing, reconstructing, extending, maintaining, or repairing parking lots or parking garages, both above and below the ground, or other facilities for the parking of vehicles, including the power to install such facilities in public areas, whether such areas are owned in fee or by easement;

(d) Creation and implementation of a plan for improving the general architectural design of public areas;

(e) Development of any public activities and promotion of public events, including the management, promotion, and advocacy of retail trade activities or other promotional activities;

(f) Maintenance, repair, and reconstruction of any publicly-owned improvements or facilities;

(g) The creation by ordinance and operation of a revolving loan fund for the purpose of providing financing upon appropriate terms and conditions for capital improvements to privately-owned facilities, subject to the following conditions:

(i) No loan from such fund shall exceed an amount equivalent to forty-nine percent of the total cost of the improvements to be financed by the loan;

(ii) The city shall require and receive appropriate security to guarantee the repayment of the loan; and

(iii) The proposed improvements to be financed shall serve to foster the purposes of the act, promote economic activity, or contribute to the public health, safety, and welfare;

(h) Any other project or undertaking for the betterment of the public facilities, whether the project is capital or noncapital in nature;

(i) Enforcement of parking regulations and the provision of security; and

(j) Employing or contracting for personnel, including administrators, for any improvement program under the act, and providing for any service as may be necessary or proper to carry out the purposes of the act.

(2) If any part of the revenue from fees and charges on the use of an off-street parking facility or from on-street parking meters within the district has been dedicated for the payment of principal or interest on bonds issued pursuant to section 19-3317 or has been pledged as security for such bonds, such revenue shall not be used for the purposes set forth in subsection (1) of this section until such time as such bonds have been fully paid or sufficient revenue has been placed in the sinking fund to guarantee such repayment.

(3) If the city council proposes to exercise the authority granted by subsection (1) of this section for any one or more of the purposes set forth in such subsection within the boundaries of a district in existence prior to the effective date

of this act, the city clerk shall give notice of the council's intention to exercise such authority by publishing notice of such intent in a newspaper of general circulation in the city once a week for two consecutive weeks. The notice shall describe the proposed new uses for district revenue and shall specify the time for hearing objections to such uses, which time shall be at least fifteen days after the date of publication of the notice. The clerk shall accept written protests or objections to the approval of the proposed new uses of district revenue. If the owners of real property representing more than fifty percent of the actual valuation of all real property in the district file a written protest or objection within twenty days after the date of publication of the notice, district revenue shall not be applied to such uses.".

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LR	**Committee**
110	Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Mr. Dierks filed the following amendment to LB 619:
AM1344

1. Strike original section 1 and all amendments thereto and insert the following section:

"Section 1. (1) The state contract which provides for the Nebraska AIDS hotline shall provide for the production and distribution of labels for human immunodeficiency virus home collection kits licensed by the Food and Drug Administration sold at retail in Nebraska. The labels shall contain the telephone number of the Nebraska AIDS hotline and be designed for affixing to the home collection kits.

(2) Labels shall be provided to kit retailers in Nebraska at no cost to the retailer, with the request that the labels be voluntarily affixed to the kits prior to sale to the ultimate purchaser.".

Mr. Schrock filed the following amendment to LB 66:
AM1272

1. Insert the following new section:

"Section 1. Section 71-1,132.30, Reissue Revised

Statutes of Nebraska, is amended to read:

71-1,132.30. The Nurse Practice Act confers no authority to practice medicine or surgery. The act does not prohibit~~,~~ ~~until October 1, 1997,~~ performance of health maintenance activities by a designated caregiver for a competent individual at the direction of that individual. Health maintenance activities are those activities which enable the individual to live in his or her home and community. Such activities are those specialized procedures, beyond activities of daily living, which the individual would perform for himself or herself if he or she were physically able and which the attending physician or registered nurse determines can be safely performed in the home and community by a designated caregiver as directed by the competent individual. A competent individual is someone who has the capability and capacity to make an informed decision.".

2. On page 3, line 13, strike "section" and insert "sections 71-1,132.30 and"; and in line 14 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 882. The Engel amendment, AM1325, found in this day's Journal, as amended, was adopted with 37 ayes, 0 nays, 2 present and not voting, and 10 excused and not voting.

Mmes. McKenzie and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. C. Peterson offered the following amendment:
FA144

On page 4, line 20-strike the word "any", and insert the word "all".

On page 4, line 23 following the word "Counseling" strike "or" and following the word "treatment", strike the words "or other".

The C. Peterson amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

Mrs. C. Peterson offered the following amendment:
FA145

1. Page 6, line 10, following the period, insert new section 7 and insert new language:

"An annual report shall be provided to the Legislature ensuring that all programmatic objectives are being met. The report shall include an evaluation of the impact of the multi-treatment programs, including program costs, educational achievement, inmate disciplinary activity, parole release decision-making & community reintegration."

2. Renumber remaining sections

Mr. Engel offered the following amendment to the C. Peterson pending amendment:
FA149
to amend the Peterson amendment, FA145,
Strike "parole" and insert "probation" before the word "release".

Mr. Engel moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

PRESIDENT ROBAK PRESIDING

The Engel amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Messrs. Tyson and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. C. Peterson offered the following amendment to her pending amendment:
FA150
to amend the Peterson amendment, FA145.
by inserting the word "progress" after the word "annual", and after the word "reintegration" insert "on November 1 of the year following implementation"

Mrs. C. Peterson moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The C. Peterson amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

The C. Peterson amendment, FA145, as amended, was adopted with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

Mr. Dw. Pedersen and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA146
Strike the entire sentence beginning on line 7, page 5.

The Beutler amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Messrs. Withem and Kristensen filed the following amendment to LR 47CA:
AM1307

1. On page 1, line 3, strike "the general election in November 1998" and insert "a special election on May 12, 1998,".

Messrs. Withem and Kristensen filed the following amendment to LR 30CA:
AM1308

1. On page 1, line 3, strike "the general election in November 1998" and insert "a special election on May 12, 1998,".

Messrs. Withem and Kristensen filed the following amendment to LR 26CA:
AM1309

1. On page 1, line 3, strike "the general election in November 1998" and insert "a special election on May 12, 1998,".

Messrs. Kristensen and Withem filed the following amendment to LR 10CA:
AM1304

1. On page 1, line 3, strike "the general election in November 1998" and insert "a special election on May 12, 1998,".

Messrs. Kristensen and Withem filed the following amendment to LR 17CA:
AM1305

1. In the Standing Committee amendments, AM0236, on page 1, lines 3 and 11, strike "the general election in November 1998" and insert "a special election on May 12, 1998,".

2. On page 1, line 3, strike "the general election in November 1998" and insert "a special election on May 12, 1998,".

Messrs. Kristensen and Withem filed the following amendment to LR 20CA:
AM1306

1. On page 1, line 3, strike "the general election in November 1998" and insert "a special election on May 12, 1998,".

Messrs. Kristensen and Withem filed the following amendment to LR 32CA:
AM1310

(Amendments to Final Reading copy)

1. On page 1, line 3; and page 2, line 17, strike "the general election in November 1998" and insert "a special election on May 12, 1998,".

Mr. Chambers filed the following amendment to LB 280:
FA151

Amend E & R amendment (AM7098)
In line 15, strike "strong".

Mr. Chambers filed the following amendment to LB 280:
FA152

Amend E & R amendment (AM7098)
In line 20, add:

"The strong public policy of this state requires the Legislature to withhold from individuals of homosexual or bisexual orientation, recognition as persons or human beings."

Mr. Will filed the following amendment to LB 627:
AM1300

1. Insert the following new sections:

"Sec. 2. Section 9-312, Revised Statutes Supplement, 1996, is amended to read:

9-312. Lottery by the sale of pickle cards shall mean any gambling scheme in which participants pay or agree to pay something of value for a pickle card. Any lottery by the sale of pickle cards shall be conducted pursuant to and in accordance with the Nebraska Pickle Card Lottery Act.

Lottery by the sale of pickle cards shall not mean or include any activity authorized or regulated under the Nebraska Bingo Act except as provided in section 9-346, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, section 9-701, or Chapter 2, article 12, nor shall lottery by the sale of pickle cards mean or include any activity prohibited under Chapter 28, article 11.

Sec. 3. Section 9-315, Revised Statutes Supplement, 1996, is amended to read:

9-315. Pickle card shall mean any disposable card, board, or ticket which accords a person an opportunity to win a cash prize by opening, pulling, detaching, or otherwise removing one or more tabs from the card, board, or ticket to reveal a set of numbers, letters, symbols, or configurations, or any combination thereof, and shall include, but not be limited to, any card known as a pickle ticket, pickle, break-open, pull-tab, pull-tab board, punchboard, seal card, pull card, or any other similar card, board, or ticket which is included under this section, whether referred to by any other name.

Pickle card shall not mean or include any:

(1) Card used in connection with bingo conducted pursuant to the Nebraska Bingo Act except as provided in section 9-346;

(2) Racing ticket or wager in connection with any horserace conducted pursuant to Chapter 2, article 12;

(3) Scrape-off or rub-off ticket;

(4) Card, ticket, or other device used in connection with any kind of gambling, lottery, raffle, or gift enterprise authorized or regulated under the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or section 9-701; or

(5) Card, ticket, or other device prohibited under Chapter 28, article 11.

Sec. 4. Section 9-346, Revised Statutes Supplement, 1996, is amended to read:

9-346. (1) The winning cards, boards, or tickets in any lottery by the sale of pickle cards shall be determined by a comparison of those numbers, letters, symbols, or configurations, or combination thereof, which are revealed on the pickle cards, to a set of numbers, letters, symbols, or configurations, or combination thereof, which has been previously specified as a winning combination. Whenever the winning combinations do not comprise a statement of the cash prize won, the winning combinations shall be printed on every pickle card that is wider than one inch or longer than two and one-half inches. Pickle cards that are smaller than such dimensions shall have the winning combinations printed on a flare card that is publicly displayed at the point of sale of the pickle cards.

(2) The winning chances of any pickle card shall not be determined or otherwise known until after its purchase and only upon opening, pulling, detaching, breaking open, or otherwise removing the tab or tabs to clearly reveal or otherwise appropriately revealing the combination. The winning chances shall be determined by and based upon an element of chance.

(3) Any person possessing a winning pickle card shall receive the appropriate cash prize previously determined and specified for that winning combination.

(4) All pickle cards shall legibly bear on the outside of each pickle card the name of the licensed organization conducting the lottery by the sale of pickle cards and such organization's state identification number.

(5) Nothing in this section shall prohibit (a) punchboards which allow the person who purchases the last punch on the punchboard to receive a cash prize predetermined by the manufacturer as a result of purchasing the last punch, ~~or~~ (b) pickle card units which utilize a seal card which allows a seal card winner to receive a cash prize predetermined by the manufacturer, or (c) pickle card units which are designed by a manufacturer to utilize bingo numbers drawn during the conduct of bingo to determine a winning combination. Such pickle card units shall be sold by a licensed distributor only to an organization licensed to conduct a lottery by the sale of pickle cards which is also licensed to conduct bingo and shall be played only at the bingo premises of the licensed organization during a bingo occasion conducted pursuant to the Nebraska Bingo Act.".

2. On page 3, line 3, strike "section" and insert "sections" and after "9-241.03" insert ", 9-312, 9-315, and 9-346"; and in line 4 strike "is" and insert "are".

3. Renumber the remaining section accordingly.

Mr. Wickersham filed the following amendment to LB 624:
AM1346

1. Insert the following new section:

"Sec. 46. Section 4, Legislative Bill 250, Ninety-fifth

Legislature, First Session, 1997, is amended to read:

Sec. 4. (1) For purposes of this section:

(a) Political subdivision includes villages, cities of all classes, counties, school districts, ~~public power districts,~~ and all other units of local government, including entities created by local public agencies pursuant to the Interlocal Cooperation Act. Political subdivision does not include any contractor with a political subdivision;

(b) Receiving entity means a political subdivision which receives transferred employees from a separate political subdivision; and

(c) Transferring entity means a political subdivision which is transferring employees to a separate political subdivision.

(2) For transfers involving a retirement system which maintains a defined benefit plan, the transfer value of the transferring employee's accrued benefit shall be calculated by one or both of the retirement systems involved as follows:

(a) If the retirement system of the transferring entity maintains a defined benefit plan, an initial benefit transfer value of the employee's accrued benefit shall be determined by calculating the present value of the employee's retirement benefit based on the employee's years of service as of the date of transfer and the other actuarial assumptions of the retirement system of the transferring entity so that the effect on the retirement system of the transferring entity will be actuarially neutral; and

(b) If the retirement system of the receiving entity maintains a defined benefit plan, the final benefit transfer value of the employee's accrued benefit shall be determined by calculating the present value of the employee's retirement benefit as if the employee were employed on the date of transfer and had completed the same amount of service with the same compensation as the employee actually completed at the transferring entity prior to transfer. The calculation shall then be based on the employee's assumed years of service as of the date of transfer and the other actuarial assumptions of the retirement system of the receiving entity so that the effect on the retirement system of the receiving entity will be actuarially neutral.

(3) A full-time or part-time employee of a transferring entity who becomes an employee of a receiving entity pursuant to a merger of services shall receive credit for his or her years of participation in the retirement system of the transferring entity for purposes of membership in the retirement system of the receiving entity.

(4) An employee referred to in subsection (3) of this section shall elect one of the following options:

(a) The employee may elect to take a termination benefit in the retirement system of the transferring entity as if the employee were terminating employment with the transferring entity and shall thereafter be treated as a new employee for purposes of the retirement system of the receiving entity; or

(b)(i) If the retirement system of the receiving entity maintains a defined contribution plan, the employee may transfer all of his or her funds by paying to the retirement system of the receiving entity from funds held by the retirement system of the transferring entity an amount equal to one of the following: (A) If the retirement system of the transferring entity maintains a defined benefit plan, an amount not to exceed the initial benefit transfer value, leaving no funds attributable to the transferred employee within the retirement system of the transferring entity, or (B) if the retirement system of the transferring entity maintains a defined contribution plan, an amount not to exceed the employee and employer accounts of the transferring employee plus earnings during the period of employment with the transferring entity. The employee shall receive eligibility and vesting credit for his or her years of service in a governmental plan, as defined in section 414(d) of the Internal Revenue Code, maintained by the transferring entity. Payment shall be made within five years after employment begins with the receiving entity or prior to retirement, whichever comes first, and may be made through direct payment, installment payments, or an irrevocable payroll deduction authorization; or

(ii) If the retirement system of the receiving entity maintains a defined benefit plan, the employee may transfer all of his or her funds out of the retirement system of the transferring entity to purchase service credits that will generate a final benefit transfer value not to exceed the employee's initial benefit transfer value in the retirement system of the transferring entity. After such purchase, the employee shall receive eligibility and vesting credit in the retirement system of the receiving entity for his or her years of service in a governmental plan, as defined in section 414(d) of the Internal Revenue Code, maintained by the transferring entity. The election to purchase service credit shall be made within three years after the employment begins with the receiving entity. The amount to be paid by the member for such service credit shall equal the actuarial cost to the retirement system of the receiving entity for allowing such additional service credit to the employee. If any funds remain in the retirement system of the transferring entity after the employee has purchased service credits in the retirement system of the receiving entity, such remaining funds shall be rolled over into another qualified trust under section 401(a) of the Internal Revenue Code, an individual retirement account, or an individual retirement annuity. Payment shall be made within five years after the employee elects to purchase the service credit or prior to retirement, whichever comes first, and may be made through direct payment, installment payments, or an irrevocable payroll deduction authorization.

(5) The transferring entity, the receiving entity, and

the employees who are being transferred may by binding agreement determine which parties will provide funds to pay any amount needed to purchase creditable service in the retirement system of the receiving entity sufficient to provide a final benefit transfer value not to exceed the employee's initial benefit transfer value, if the amount of a direct rollover from the retirement system of the transferring entity is not sufficient to provide a final benefit transfer value in the retirement system of the receiving entity.

(6) The retirement system of the receiving entity may accept cash rollover contributions from a member who is making payment pursuant to this section if the contributions do not exceed the amount of payment required for the service credits purchased by the member and the contributions represent (a) all or any portion of the balance of the member's interest in a qualified trust under section 401(a) of the Internal Revenue Code or (b) the interest of the member from an individual retirement account or an individual retirement annuity, the entire of which is attributable to a qualified total distribution, as defined in the Internal Revenue Code, from a qualified trust under section 401(a) of the code and qualified as a tax-free rollover amount. The member's interest under subdivision (a) or (b) of this subsection must be transferred to the retirement system within sixty days after the date of the distribution from the qualified trust, individual retirement account, or individual retirement annuity.

(7) Cash transferred to the retirement system of the receiving entity as a rollover contribution shall be deposited as other contributions.

(8) The retirement system of the receiving entity may accept direct rollover distributions made from a qualified trust pursuant to section 401(a)(31) of the Internal Revenue Code. The direct rollover distribution shall be deposited as all other payments under this section.

(9) The receiving entity or its retirement system shall adopt provisions defining procedures for acceptance of rollovers which are consistent with sections 401(a)(31) and 402 of the Internal Revenue Code.

(10) Any retirement system authorized pursuant to section 14-1805, 15-1017, 16-1004, 16-1023, 19-3501, or 23-1118 or any retirement system for a city of the metropolitan class authorized pursuant to home rule charter shall be modified to conform with this section prior to any merger of service involving such system.".

2. On page 81, line 1, strike "and"; and in line 5 after "1996" insert ", and section 4, Legislative Bill 250, Ninety-fifth Legislature, First Session, 1997".

3. Renumber the remaining sections accordingly.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 853A. Introduced by Will, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 853, Ninety-fifth Legislature, First Session, 1997.

LEGISLATIVE BILL 835A. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 835, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

RESOLUTION

LEGISLATIVE RESOLUTION 111. Introduced by Wesely, 26.

WHEREAS, crime and victimization are top concerns of our community, our state, and our nation; and

WHEREAS, annually more than thirty-six million Americans become victims of crime, with over six million falling prey to violence; and

WHEREAS, when any man, woman, or child is hurt by crime, we all, as a community and as a nation, suffer; and

WHEREAS, the physical, financial, and psychological impact of crime has a devastating effect on the fabric of our great nation; and

WHEREAS, there are over eight thousand organizations across the nation and countless individuals who devote their personal and professional lives to aiding victims of crime and making our communities safer; and

WHEREAS, the citizens of Nebraska must join together and recommit our energies and resources to reduce violence, assist crime victims, and make our homes and communities better places to live; and

WHEREAS, the week of April 13-19, 1997, is the seventeenth annual commemoration of National Crime Victims' Rights Week in America; and

WHEREAS, by working together we can "Let Victim's Rights Ring Across America".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature proclaims the week of April 13-19, 1997, to be Nebraska's Crime Victims' Rights Week.
2. That we, citizens of Nebraska, support individual and collective commitments to helping victims of crime and supporting victim service programs, not only during this special week, but throughout the year.

Laid over.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 267. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 882. Mrs. C. Peterson offered the following amendment:
FA147

On page 5, line 25 following the word "court" and before the word "may", insert the following new language:

"Will place the offender in an aftercare program and"

On page 5, line 26 following the word "probation," insert a period and delete the language on line 26 and line 27.

Messrs. Vrtiska, Dierks, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. C. Peterson withdrew her amendment.

Mr. Chambers offered the following amendment:
FA148

P. 4, line 10, strike "commence" and insert "be completed"

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

SPEAKER WITHEM PRESIDING

The Chambers amendment was adopted with 36 ayes, 0 nays, 1 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 28 ayes, 2 nays, 7 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 882A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 12 present and not voting, and 11 excused and not voting.

AMENDMENT - Print in Journal

Mrs. Bohlke filed the following amendment to LB 864:
AM1348

1. Insert the following new section:

"Sec. 11. It is the intent of the Legislature to provide one-time funding of $200,000 to the Hastings Child Development

Council for the development and renovation of a child care facility at the Hastings campus of the Central Community College Area. The purpose of the facility is to provide child care for Central Community College students and other low-income families within the community that are underserved in meeting child care needs. The Central Community College Area has donated a building and land on the Hastings campus to serve as such a facility. Funding is required to complete improvements to the facility in order that it may be utilized to provide child care. Once fully operational, the child care center will also provide support to families through parenting workshops, video conferences, mentoring programs, newsletters, and programs to promote good nutrition and enhance wellness in the home.".

2. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 55 eighth grade students and teacher from Kirn Junior High, Council Bluffs, Iowa; 27 third and fourth grade students and teachers from St. John's Elementary, Weston; and 28 eighth grade students and teachers from Scribner.

ADJOURNMENT

At 4:51 p.m., on a motion by Mr. Wesely, the Legislature adjourned until 8:30 a.m., Wednesday, April 9, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-FOURTH DAY – APRIL 9, 1997

LEGISLATIVE JOURNAL

FIFTY-FOURTH DAY – APRIL 9, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 9, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mrs. Kiel and Mr. Warner who were excused; and Messrs. Abboud, Brashear, Bromm, Chambers, Hartnett, Hilgert, Matzke, Maurstad, Schellpeper, Schmitt, Wesely, Will, Mmes. Bohlke, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LB 882:
FA153
On page 5, line 11 change "may be" to "is"

GENERAL FILE

LEGISLATIVE BILL 173A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 577A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

LEGISLATIVE BILL 852. Title read. Considered.

Standing Committee amendment, AM0798, found on page 1008, was considered.

Mrs. Crosby offered the following amendment to the Standing Committee amendment:
AM1271

(Amendments to Standing Committee amendments, AM0798)

1. On page 2, lines 8 and 9, strike "Regulation and Licensure".

The Crosby amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 595. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 624. Title read. Considered.

Standing Committee amendment, AM0759, found on page 1019, was considered.

Mr. Wickersham renewed his pending amendment, AM1346, found on page 1415.

The Wickersham amendment was adopted with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 579. Title read. Considered.

MR. COORDSEN PRESIDING

Advanced to E & R for review with 28 ayes, 1 nay, 11 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 579A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 1 nay, 12 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 659. Title read. Considered.

Standing Committee amendment, AM0897, found on page 1044, was adopted with 34 ayes, 0 nays, 7 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 94. Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 8 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 94A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 758. Title read. Considered.

Standing Committee amendment, AM0850, found on page 1066, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LR 32CA to Select File

Mr. Kristensen moved to return LR 32CA to Select File for the Kristensen-Withem specific amendment, AM1310, found on page 1413.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kristensen motion to return prevailed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE RESOLUTION 32CA. The Kristensen-Withem specific amendment, AM1310, found on page 1413, was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 301. Placed on General File.
LEGISLATIVE BILL 490. Placed on General File.

LEGISLATIVE RESOLUTION 16CA. Placed on General File.
LEGISLATIVE RESOLUTION 18CA. Placed on General File.

LEGISLATIVE BILL 729. Placed on General File as amended.
Standing Committee amendment to LB 729:
AM1323

1. Strike the original sections and insert the following new sections:

"Section 1. A legal services fee of two dollars shall be taxed as costs in each case filed in each separate juvenile court and district court, including appeals to such courts, and on each case filed in each county court except those filed in county court pursuant to its jurisdiction under subdivision (4) of section 24-517 or section 25-2802. A legal services fee of two dollars shall be taxed as costs for each appeal and original action filed in the Court of Appeals and the Supreme Court. Such fees shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the close of each month for credit to the Legal Aid and Services Fund.

Sec. 2. A docket fee of twenty-five dollars shall be collected by the clerk of the county court or the clerk of the district court for each proceeding to modify a decree of dissolution or annulment of marriage, a modification of an award of child support, or a modification of child custody or visitation. Such fees shall be remitted to the State Treasurer on forms provided by the State Treasurer within ten days after the close of each month for credit to the Legal Aid and Services Fund.

Sec. 3. The Legal Aid and Services Fund is created. Money in the fund shall be used to provide civil legal services to eligible low-income persons. The State Treasurer shall distribute all money in the fund monthly to service providers of civil legal services to eligible low-income persons as determined by the Commission on Public Advocacy pursuant to section 6 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. For purposes of sections 3 to 6 of this act:

(1) Eligible low-income person means any person (a) whose income is less than one hundred twenty-five percent of the federal

poverty level, (b) who is financially eligible under the service provider's eligibility guidelines, (c) who resides in one of the counties in the service provider's area, and (d) who has a civil legal problem that falls within the guidelines established by the commission;

(2) Service area means the counties in Nebraska defined by the Commission on Public Advocacy as the area to be served by a service provider; and

(3) Service provider means a nonprofit entity that is engaged in or desires to become engaged in the provision of free civil legal services to eligible low-income persons.

Sec. 5. (1) The Commission on Public Advocacy shall establish eligibility criteria and guidelines to determine on an annual basis (a) the service areas, (b) the legal services to be provided and the priorities for providing the services, and (c) the service provider or providers for each service area. The commission shall annually certify one or more service providers for each service area. A single service provider may be certified for more than one service area. Such certification entitles the service provider to a distribution of funds as defined and determined by section 6 of this act.

(2) The commission shall accept applications for certification on an annual basis from entities interested in providing free civil legal services to eligible low-income persons. In the application, each applicant shall certify to the commission that the applicant intends to provide free civil legal services to eligible low-income persons as determined by the commission.

Sec. 6. (1) Each service provider certified by the Commission on Public Advocacy shall receive funds from the Legal Aid and Services Fund to provide free civil legal services to eligible low-income persons in the service area for which it is certified. The funds granted to each service provider from the Legal Aid and Services Fund shall be determined by the commission. The commission shall provide the State Treasurer the amount of the available funds to be distributed to each service provider. Such funds shall be distributed on a monthly basis.

(2) Each service provider is authorized to use funds received from the Legal Aid and Services Fund to provide legal services in civil matters to any eligible low-income person.

(3) A service provider which has received funds from the Legal Aid and Services Fund shall be audited annually.

Sec. 7. Section 29-3924, Reissue Revised Statutes of Nebraska, is amended to read:

29-3924. The commission shall consist of nine members appointed by the Governor from a list of attorneys submitted by the executive council of the Nebraska State Bar Association after consultation with the board of directors of the Nebraska Criminal Defense Attorneys Association. A member shall be appointed from each of the six Supreme Court judicial districts, and three members shall be appointed at large. The executive council of the Nebraska State Bar Association shall ensure that the selection process promotes appointees who are independent from partisan political influence. To be eligible for appointment, a person shall be a member of the Nebraska State Bar Association who has substantial experience in criminal defense work and, for appointments made after the operative date of this section, substantial experience in civil legal matters that commonly affect low-income persons and, at the time of selection or at any time during the term of office, shall not be a prosecutor, law enforcement official, or judge. All members shall be committed to the principle of providing indigent defense services and civil legal services to low-income persons free from unwarranted judicial or political influence. Each member shall serve for a term of six years, except that three of the initial appointees shall serve terms of two years and three shall serve terms of four years as designated by the Governor. Members may be removed from the commission by the Governor for cause.

Sec. 8. Section 29-3927, Reissue Revised Statutes of Nebraska, is amended to read:

29-3927. (1) In respect to its duties related to the criminal defense of indigent persons, the ~~The~~ commission shall:

~~(1)~~ (a) Adopt and promulgate rules and regulations for its organization and internal management and rules and regulations governing the exercise of its powers and the fulfillment of its purpose;

~~(2)~~ (b) Appoint and abolish such advisory committees as may be necessary for the performance of its functions and delegate appropriate powers and duties to them;

~~(3)~~ (c) Accept and administer loans, grants, and donations from the United States and its agencies, the State of Nebraska and its agencies, and other sources, public and private, for carrying out the functions of the commission;

~~(4)~~ (d) Enter into contracts, leases, and agreements necessary, convenient, or desirable for carrying out its purposes and the powers granted under this section with agencies of state or local government, corporations, or persons;

~~(5)~~ (e) Acquire, hold, and dispose of personal property in the exercise of its powers; and

~~(6)~~ (f) Provide legal services to indigent persons through the divisions in section 29-3930.

(2) In respect to its duties related to the provision of civil legal services to eligible low-income persons, the commission shall have such powers and duties as described in sections 3 to 6 of this act.

Sec. 9. Sections 1 to 6, 8, and 10 of this act become operative on January 1, 1998. The other sections of this act become operative on their effective date.

Sec. 10. Original section 29-3927, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 11. Original section 29-3924, Reissue Revised Statutes of Nebraska, is repealed.".

(Signed) Kermit A. Brashear, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 112. Introduced by Matzke, 47.

WHEREAS, it is appropriate for all Nebraska citizens to recognize the significance and to appreciate the importance of agriculture's relationship to our state economy; and

WHEREAS, today's farmers must exhibit innovation, diversification, and a genuine commitment to agriculture to succeed in these changing times; and

WHEREAS, Scott and Jane Easterly of Sidney, Nebraska, were named Outstanding Young Farmers of the Year for Nebraska; and

WHEREAS, Scott and Jane Easterly were also recognized as one of the four National Outstanding Young Farmers by the United States Junior Chamber of Commerce based upon their demonstrated commitment to agriculture, achievements, soil and water conservation practices, and community service; and

WHEREAS, Scott Easterly is the third generation of his family to farm in Cheyenne County; and

WHEREAS, in addition to their contribution to agriculture, Scott and Jane Easterly are also involved in church, school, and community activities; and

WHEREAS, the recognition given to Scott and Jane Easterly is reflective of their achievements and characteristic of their dedication, innovation, and commitment to agriculture.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates Scott and Jane Easterly for receiving national and state recognition in the Outstanding Young Farmer program.
2. That the Clerk of the Legislature send a copy of this resolution to Scott and Jane Easterly of Sidney, Nebraska.

Laid over.

STANDING COMMITTEE REPORTS
Judiciary

The Committee on Judiciary desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Phyllis Anstine - Crime Victims Reparation Committee
Darrell Johnson - Crime Victims Reparation Committee
Bob Boozer - Board of Parole
Jean Lovell - Board of Parole

VOTE: Aye: Senators Abboud, Brashear, Hilgert, Hudkins, Jones, and Dw. Pedersen. Nay: None. Absent: Senators Chambers and Robak.

(Signed) Kermit A. Brashear, Chairperson

AMENDMENTS - Print in Journal

Mrs. Brown filed the following amendment to LB 608:
AM1357

1. Insert the following new sections:

"Sec. 3. A church shall be exempt from the rules and regulations adopted under section 48-418.12 regarding the installation of a key-switch elevator if the church verifies that the elevator will be restricted to the use of disabled or elderly persons who need access which the elevator will provide and that an elevator is not otherwise required by state or federal regulation. A key-switch elevator may only be installed in a building that does not have another elevator. The key-switch elevator must meet the requirements of the Nebraska Elevator Code for private residence elevators.

Sec. 4. Section 48-418.02, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.02. The Commissioner of Labor and the state elevator inspector shall have the right and power to enter any building or structure, public or private, for the purpose of inspecting any equipment covered by sections 48-418 to 48-418.12 and section 3 of this act or gathering information with reference thereto.

Sec. 5. Section 48-418.03, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.03. Upon making an inspection of any equipment covered by sections 48-418 to 48-418.12 and section 3 of this act and receipt of the inspection fee, the inspector shall give to the owner or user thereof a certificate of inspection, upon forms prescribed by the Commissioner of Labor. The certificate shall be posted in the elevator car.

Sec. 6. Section 48-418.04, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.04. The provisions of sections 48-418 to 48-418.12 and section 3 of this act shall not apply to (1) elevators under the jurisdiction and subject to inspection by the United States Government, (2) elevators used exclusively for agricultural purposes, and (3) elevators in private residences.

Sec. 7. Section 48-418.06, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.06. The state elevator inspector shall maintain a complete and accurate record of the name of the owner or user of each elevator and equipment subject to sections 48-418 to 48-418.12 and section 3 of this act and a full description of the equipment and the date when last inspected.

Sec. 8. Section 48-418.07, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.07. The inspections required by sections 48-418 to 48-418.12 and section 3 of this act shall not be made when any owner or user of any equipment obtains an inspection by a representative of a reputable insurance company licensed to do business in Nebraska, obtains a policy of insurance from such company upon the equipment, and files with the Commissioner of Labor a certificate of inspection by such insurance company and a statement that such equipment is insured, and no fee shall be required. No inspection shall be required under sections 48-418 to 48-418.12 and section 3 of this act when there has been an annual inspection under a city ordinance which meets the standards of the Nebraska Elevator Code.

Sec. 9. Section 48-418.10, Revised Statutes Supplement, 1996, is amended to read:

48-418.10. The Elevator Inspection Fund is hereby created. The Commissioner of Labor shall use the fund for the administration of the elevator inspection program pursuant to sections 48-418 to 48-418.14 and section 3 of this act. The fund shall consist of money appropriated to it by the Legislature and fees collected in the administration of the elevator inspection program.

Fees so collected shall be remitted to the State Treasurer for credit to the fund and shall not lapse into the General Fund. Any money in the Elevator Inspection Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 10. Section 48-418.11, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.11. Any person, persons, corporations, and the directors, managers, superintendents, and officers of such corporations violating any of the provisions of sections 48-418 to 48-418.12~~,~~ and section 3 of this act shall be guilty of a Class V misdemeanor. Each violation shall be a separate offense.

Sec. 11. Section 48-418.12, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.12. The Commissioner of Labor shall adopt and promulgate rules and regulations to establish safety requirements for elevators used in this state and to implement the exemption for installation of key-switch elevators as described in section 3 of this act. A safety code may be adopted as a rule and regulation by the commissioner and shall thereafter be known as the Nebraska Elevator Code. The rules and regulations may conform generally to the standards found in the American National Safety Code A 17.1 as published by the American Society of Mechanical Engineers. A copy of this code, if so adopted, shall be kept on file in the office of the commissioner.

Sec. 12. Section 48-418.14, Reissue Revised Statutes of Nebraska, is amended to read:

48-418.14. For purposes of sections 48-418 to 48-418.12 and section 3 of this act, unless the context otherwise requires, elevator shall include (1) any hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors of a building or structure, (2) an escalator, (3) a power-driven incline, (4) a continuous stairway used for raising or lowering passengers, (5) moving sidewalks, (6) dumbwaiters, and (7) tray conveyors.".

2. Correct the operative date and repealer sections so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler filed the following amendment to LB 702:
FA154

On page 2, line 13 after "subsection" insert the following:

", and the authority of such officer shall be limited to enforcement of laws for the protection of wildlife and for the administration of hatcheries, game preserves, recreational areas, and parks"

SELECT FILE

LEGISLATIVE RESOLUTION 26CA. Messrs. Withem and Kristensen renewed their pending amendment, AM1309, found on page 1413.

The Withem-Kristensen amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 30CA. Messrs. Withem and Kristensen renewed their pending amendment, AM1308, found on page 1413.

The Withem-Kristensen amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 10CA. Messrs. Kristensen and Withem renewed their pending amendment, AM1304, found on page 1413.

The Kristensen-Withem amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 8CA. Mr. Cudaback offered the following amendment:
AM1361

1. On page 1, line 3, strike "the general election in November 1998" and insert "a special election on May 12, 1998,".

The Cudaback amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 47CA. E & R amendment, AM7057, found on page 715, was adopted.

Messrs. Withem and Kristensen renewed their pending amendment, AM1307, found on page 1413.

The Withem-Kristensen amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 17CA. Messrs. Kristensen and Withem renewed their pending amendment, AM1305, found on page 1413.

The Kristensen-Withem amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE RESOLUTION 20CA. Messrs. Kristensen and Withem withdrew their amendment, AM1306, found on page 1413.

Passed over.

LEGISLATIVE RESOLUTION 5CA. E & R amendment, AM7047, found on page 683, was adopted.

Mr. Chambers moved to indefinitely postpone LR 5CA.

SPEAKER WITHEM PRESIDING

Mrs. Hillman, Messrs. Brashear, Landis, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Messrs. Coordsen and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mrs. Witek filed the following amendment to LB 450:
(Amendment on file in the Clerk's Office - Room 2018 - AM1354.)

Mrs. Witek filed the following amendment to LB 450:
(Amendment on file in the Clerk's Office - Room 2018 - AM1355.)

Mrs. Witek filed the following amendment to LB 798:
(Amendment, AM1353, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mrs. Witek filed the following amendment to LB 186:
(Amendment on file in the Clerk's Office - Room 2018 - AM1356.)

Mr. Landis filed the following amendment to LB 372:
AM1285

1. Insert the following new sections:

"Section 1. Section 25-1552, Reissue Revised Statutes of Nebraska, is amended to read:

25-1552. ~~All debtors who do not have lands, town lots, or houses subject to exemptions as a homestead under sections 40-101 to 40-116~~ Each natural person residing in this state shall have exempt from forced sale on execution the sum of ~~twenty-five~~ two thousand five hundred dollars in personal property, except wages. The provisions of this section ~~shall not, in any manner,~~ do not apply to the exemption of wages, that subject being fully provided for by section 25-1558. In proceedings involving a writ of execution, the exemption from execution under this section shall be claimed in the manner provided by section 25-1516. The debtor desiring to claim an exemption from execution under this section shall, at the time the request for hearing is filed, file a list of the whole of the property owned by the debtor and an indication of the items of property which he or she claims to be exempt from execution pursuant to this section and section 25-1556, along with a value for each item listed. The debtor or his or her authorized agent may select from the list an amount of property not exceeding the value exempt from execution under this section according to the debtor's valuation or the court's valuation if the debtor's valuation is challenged by a creditor.

Sec. 2. Section 25-1556, Reissue Revised Statutes of Nebraska, is amended to read:

25-1556. No property hereinafter mentioned shall be liable to attachment, execution or sale on any final process issued from any court in this state, against any person being a resident of this state: (1) The immediate personal possessions of the debtor and his or her family; ~~and~~ (2) all necessary wearing apparel of the debtor and his or her family; ~~all kitchen utensils and household furniture, to be selected by the debtor, not exceeding in value fifteen hundred dollars; all equipment or tools used by the debtor or his family for their own support not exceeding fifteen hundred dollars in value; the provisions for the debtor and his family necessary for six months' support, either provided or growing, or both; and fuel necessary for six months. All of the articles hereinbefore intended to be exempt shall be chosen by the debtor, his agent, clerk or legal representative, as the case may be~~ (3) the debtor's interest, not to exceed an aggregate fair market value of one thousand five hundred dollars, in household furnishings, household goods, household computers, household appliances, books, or musical instruments which are held primarily for personal, family, or household use of such debtor or the dependents of such debtor; (4) the debtor's interest, not to exceed an aggregate fair market value of two thousand four hundred dollars, in implements, tools, or professional books or supplies held for use in the principal trade or business of such debtor or his or her family, which may include one motor vehicle used by the debtor in connection with his or her principal trade or business or to commute to and from his or her principal place of trade or business; and (5) the debtor's interest in any professionally prescribed health aids for such debtor or the dependents of such debtor. The specific exemptions in this section shall be selected by the debtor, his or her agent, clerk, or legal representative in the manner provided in section 25-1552.

Sec. 3. Section 25-1557, Reissue Revised Statutes of Nebraska, is amended to read:

25-1557. Nothing in this chapter shall be so construed as to exempt any property in this state from execution or attachment for ~~clerks', laborers' or mechanics' wages, or for money due and owing by an attorney at law for money or other valuable consideration received by such attorney for any person or persons~~ unpaid wages; for money due and owing by an attorney at law for money or other valuable consideration received by such attorney for any person or persons; or for enforcement of an award of or judgment for child support, alimony, or maintenance or a judgment for property division awarded to a former spouse.

Sec. 4. Section 40-101, Reissue Revised Statutes of Nebraska, is amended to read:

40-101. A homestead not exceeding ~~ten~~ twelve thousand five hundred dollars in value shall consist of the dwelling house in which the claimant resides, its appurtenances, and the land on which the same is situated, not exceeding one hundred and sixty acres of land, to be selected by the owner, and not in any incorporated city or village, or, at the option of the claimant, a quantity of contiguous land not exceeding two lots within any incorporated city or village, and shall be exempt from judgment liens and from execution or forced sale, except as provided in sections 40-101 to 40-116.

Sec. 6. Sections 5, 6, 7, and 9 of this act become operative on their effective date. The other sections of this act become operative three calendar months after adjournment of this legislative session.

Sec. 8. Original sections 25-1552, 25-1556, 25-1557, and 40-101, Reissue Revised Statutes of Nebraska, are repealed.".

2. Renumber the remaining sections accordingly.

Mr. Landis filed the following amendment to LB 424:
AM1339

1. On page 13, line 3, strike "(1)(i)", show as stricken, and insert "(1)(h)".

Mr. Landis filed the following amendment to LB 727:
AM1281

1. On page 18, line 5, strike beginning with the first "the" through the second "the" and show as stricken; and strike beginning with "the" in line 20 through the first "of" in line 21 and show as stricken.

SELECT FILE

LEGISLATIVE RESOLUTION 5CA. The Chambers pending motion, found in this day's Journal, to indefinitely postpone, was renewed.

Mr. Landis moved the previous question. The question is, “Shall the debate now close?”

Mr. Landis moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 17:

Bohlke
Chambers
Elmer
Hartnett
Hilgert
Kristensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Robak
Schellpeper
Schmitt
Suttle
Wickersham

Voting in the negative, 23:

Beutler
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Engel
Janssen
Jensen
Landis
Maurstad
Peterson, C.
Robinson
Schimek
Schrock
Stuhr
Tyson
Wehrbein
Wesely
Will
Witek
Withem

Present and not voting, 4:

Hillman
Hudkins
Jones
Vrtiska

Excused and not voting, 5:

Abboud
Brashear
Cudaback
Kiel
Warner

The Chambers motion to indefinitely postpone failed with 17 ayes, 23 nays, 4 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

Mrs. Stuhr requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 24:

Beutler
Brown
Bruning
Coordsen
Crosby
Dierks
Engel
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Maurstad
Peterson, C.
Robinson
Schimek
Schrock
Stuhr
Tyson
Wehrbein
Wesely
Will
Witek

Voting in the negative, 19:

Bohlke
Bromm
Chambers
Elmer
Hartnett
Hilgert
Kristensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Robak
Schellpeper
Schmitt
Suttle
Vrtiska
Wickersham

Present and not voting, 1:

Withem

Excused and not voting, 5:

Abboud
Brashear
Cudaback
Kiel
Warner

Failed to advance to E & R for engrossment with 24 ayes, 19 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE RESOLUTION 20CA. Considered.

Mrs. Robak, Messrs. Dierks, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 90. Placed on General File as amended.
Standing Committee amendment to LB 90:
AM1358

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 28-101, Revised Statutes Supplement, 1996, is amended to read:

28-101. Sections 28-101 to 28-1348 and sections 2 to 6 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. A person in the State of Nebraska has the right to live free from violence, or intimidation by threat of violence, committed against his or her person or the destruction or vandalism of, or intimidation by threat of destruction or vandalism of, his or her property because of his of her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.

Sec. 3. Any person who commits one or more of the following criminal offenses against a person or a person's property because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability shall be punished by the imposition of the next higher penalty classification than the penalty classification prescribed for the criminal offense, unless such criminal offense is already punishable as a Class IB felony or higher classification: Manslaughter, section 28-305; assault in the first degree, section 28-308; assault in the second degree, section 28-309; assault in the third degree, section 28-310; terroristic threats, section 28-311.01; stalking, section 28-311.03; kidnapping, section 28-313; false imprisonment in the first degree, section 28-314; false imprisonment in the second degree, section 28-315; sexual assault in the first degree, section 28-319; sexual assault in the second or third degree, section 28-320; arson in the first degree, section 28-502; arson in the second degree, section 28-503; arson in the third degree, section

28-504; criminal mischief, section 28-519; criminal trespass in the first degree, section 28-520; or criminal trespass in the second degree, section 28-521.

Sec. 4. The allegations stating that the underlying offense was committed because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability shall be set forth in the indictment or information, but the allegations shall not be disclosed to the jury trying the case. It is the burden of the county attorney to prove such allegations beyond a reasonable doubt to the judge after a guilty verdict on the underlying offense and prior to sentencing. If the case is tried to the judge without a jury, all allegations may be proved in the state's case in chief.

Sec. 5. (1) A person against whom a violation of section 3 of this act has been committed may bring a civil action for equitable relief, general and special damages, reasonable attorney's fees, and costs.

(2) A civil action brought pursuant to this section must be brought within four years after the date of the violation of section 3 of this act.

(3) In a civil action brought pursuant to this section, the plaintiff shall establish by a preponderance of the evidence that the defendant committed the act.

Sec. 6. The Nebraska Commission on Law Enforcement and Criminal Justice shall establish and maintain a central repository for the collection and analysis of information regarding criminal offenses committed against a person because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability. Upon establishing such a repository, the commission shall develop a procedure to monitor, record, classify, and analyze information relating to criminal offenses apparently directed against individuals or groups, or their property, because of their race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the their association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.".

(Signed) Kermit A. Brashear, Chairperson

AMENDMENT - Print in Journal

Mrs. Robak filed the following amendment to LB 227:
AM1363
(Amendments to Standing Committee amendments, AM1188)

1. On page 2, line 24, after "denied" insert "and an appeal is taken".

UNANIMOUS CONSENT - Add Cointroducers

Messrs. Wickersham and Jensen asked unanimous consent to have their names added as cointroducers to LB 401. No objections. So ordered.

VISITORS

Visitors to the Chamber were John Sauter from Raymond Central High School; former Senator Carol Pirsch; 43 fourth grade students and teachers from St. Wenceslaus School, Wahoo; Mr. Sergei and Dr. Elena Burasovsky from Russia; 4 high school students and teacher from Scottsbluff; 13 fourth through eighth grade students, teacher, and sponsors from Broadwater; Barton Sidles from Bucharest, Romania; 96 fourth grade students and teacher from St. Wenceslaus School, Omaha; and 85 fourth grade students and teachers from Aurora.

RECESS

At 11:59 a.m., on a motion by Mr. Will, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Kiel and Mr. Warner who were excused; and Messrs. Abboud, Coordsen, Dierks, Engel, Hilgert, Kristensen, Matzke, Maurstad, Robinson, Wesely, Will, Mmes. Bohlke, Brown, Hillman, and Witek who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 53. E & R amendment, AM7060, found on page 715, was adopted.

Mr. Landis renewed his pending amendment, AM1275, found on page 1380.

The Landis amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 404. Mr. Tyson withdrew his motion, found on page 898, to indefinitely postpone.

The Hudkins et al. reconsidered amendment, AM0567, found on page 850 and considered on pages 897, 910, and 1070, was renewed.

Mmes. Hudkins, Stuhr, Hillman, Messrs. D. Pederson, Engel, Wickersham, Bromm, and Jones renewed their pending amendment, AM0968, found on page 1068, to the Hudkins et al. pending amendment.

PRESIDENT ROBAK PRESIDING

Messrs. Landis, Maurstad, Wehrbein, Lynch, and Mrs. Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mrs. Hudkins requested a roll call vote on the Hudkins et al. amendment, AM0968.

Voting in the affirmative, 25:

Bohlke
Bromm
Chambers
Coordsen
Cudaback
Dierks
Engel
Hillman
Hudkins
Janssen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wickersham

Voting in the negative, 18:

Abboud
Beutler
Brashear
Brown
Bruning
Elmer
Hartnett
Hilgert
Jensen
Pedersen, Dw.
Preister
Robinson
Schimek
Suttle
Wesely
Will
Witek
Withem

Present and not voting, 1:

Crosby

Excused and not voting, 5:

Kiel
Landis
Lynch
Warner
Wehrbein

The Hudkins et al. amendment was adopted with 25 ayes, 18 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Preister moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mrs. Hudkins requested a roll call vote on the Hudkins et al. amendment, AM0567, as amended.

Voting in the affirmative, 26:

Bohlke
Bromm
Chambers
Coordsen
Crosby
Cudaback
Dierks
Engel
Hillman
Hudkins
Janssen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wickersham

Voting in the negative, 20:

Abboud
Beutler
Brashear
Brown
Bruning
Elmer
Hartnett
Hilgert
Jensen
Lynch
Pedersen, Dw.
Preister
Robinson
Schimek
Suttle
Wehrbein
Wesely
Will
Witek
Withem

Excused and not voting, 3:

Kiel
Landis
Warner

The Hudkins et al. amendment, as amended, was adopted with 26 ayes, 20 nays, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Withem moved to indefinitely postpone LB 404.

Laid over.

LEGISLATIVE BILL 710. E & R amendment, AM7067, found on page 792, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 256. Mr. Dw. Pedersen withdrew his amendment, AM0570, found on page 899.

Mr. Chambers renewed his pending amendment, FA56, found on page 911.

Messrs. Lynch and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM1136

1. On page 3, lines 7 and 24, after the period insert "Any person who shall disclose any information pertaining to undercover license plates to any unauthorized individual shall be guilty of a Class III misdemeanor."; and after line 24 insert

"(7) The contact person shall be held accountable to keep proper records of the number of undercover plates possessed by the agency, the particular license plate numbers for each vehicle, and the person who is assigned to the vehicle. This record shall be confidential and not be subject to public disclosure.".

2. On page 7, line 25, after the period insert "Any person who shall disclose any information pertaining to undercover driver's licenses to any unauthorized individual shall be guilty of a Class III misdemeanor.".

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Messrs. Tyson, Janssen, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Mr. Kristensen renewed his pending amendment, AM1141, found on page 1377.

Mr. Kristensen moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Kristensen amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Wesely and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA155

1. On page 3, lines 7 and 24, after the period insert "Any person who receives information in the course of his or her employment and who shall disclose any information pertaining to undercover license plates to any unauthorized individual shall be guilty of a Class III misdemeanor."; and after line 24 insert

"(7) The contact person shall be held accountable to keep proper records of the number of undercover plates possessed by the agency, the particular license plate numbers for each vehicle, and the person who is assigned to the vehicle. This record shall be confidential and not be subject to public disclosure.".

2. On page 7, line 25, after the period insert "Any person who receives information in the course of his or her employment and who shall disclose any information pertaining to undercover driver's licenses to any unauthorized individual shall be guilty of a Class III misdemeanor.".

Mr. D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers reoffered his amendment, FA56, found on page 911 and considered in this day's Journal.

Mmes. Brown, Crosby, Hillman, Robak, McKenzie, Messrs. Maurstad, Wehrbein, Preister, Engel, Will, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

The Chambers amendment was adopted with 25 ayes, 2 nays, 1 present and not voting, and 21 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 256A. Advanced to E & R for engrossment.

The Chair declared the call raised.

STANDING COMMITTEE REPORT

Education

LEGISLATIVE BILL 806. Placed on General File as amended.
(Standing Committee amendment, AM1205, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Ardyce L. Bohlke, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 113. Introduced by Stuhr, 24.

WHEREAS, The State of Nebraska recognizes its role as part of the global structure, network, and economy; and

WHEREAS, The State of Nebraska has always recognized its heritage; and

WHEREAS, The State of Nebraska has created a successful record of accomplishment in observing the State of Nebraska's centennial of statehood in 1967, the United States' bicentennial of independence in 1976, and the state's quasquicentennial in 1992; and

WHEREAS, The Department of Economic Development Division of Travel and Tourism continues to work on promotion of the state on a regional, national, and international level; and

WHEREAS, The State of Nebraska will naturally be part of the rare, once-in-a-lifetime millennium experience, as we step into the twenty-first century; and

WHEREAS, Successful celebrations are a result of advance organization, preparation, and planning; and

WHEREAS, A commemorative event would focus on the people, places, and accomplishments of Nebraska, reflecting on the state's past, resulting in a plan for the future; and

WHEREAS, Such an observance would instill an even greater awareness of Nebraska's heritage, creating permanent reminders to honor our past and prepare us into not only the next century, but the next millennium.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The NEBRASKAland Foundation encourages Governor Nelson, the Legislature, and the Department of Economic Development to begin the formation, planning, and research of funding for Nebraska's role in the Millennium Observance (Year 2000), organizing the state, counties, and communities in the observance as we step into the twenty-first century, with a plan to honor and celebrate the year 2000.
2. The results of action on this resolution will create a deeper realization of the global impact by Nebraska, a keener sense for the spirit of Nebraska's founding pioneers, and a promotion that all of Nebraska can work together, accomplishing a successful celebration observance and developing a plan as we step into the next century.

Laid over.

MOTION - Print in Journal

Messrs. Dw. Pedersen and Hilgert filed the following motion to LB 280:
Reconsider the vote to invoke cloture on LB 280.

AMENDMENT - Print in Journal

Messrs. Withem and Dw. Pedersen filed the following amendment to LB 526:
AM1360

1. Strike original section 2 and insert the following new sections:

"Sec. 2. Section 49-237, Reissue Revised Statutes of Nebraska, is amended to read:

49-237. When the Legislature calls a special state election to submit a proposed amendment to the Constitution to the electors on a date other than the statewide primary election as provided in section 32-401, the Legislature shall appropriate to the Secretary of State sufficient funds to pay all expenses of such election. The county clerk or election commissioner in each county shall certify to the Secretary of State all expenses incurred in conducting such election. The Secretary of State shall transmit payment for such expenses to the county clerks or election commissioners who shall then pay the expenses incurred in their counties.

Sec. 3. Original section 49-237, Reissue Revised Statutes of Nebraska, and section 32-1041, Revised Statutes Supplement, 1996, are repealed.".

SELECT FILE

LEGISLATIVE BILL 550. Mr. Chambers renewed his pending amendment, FA99, found on page 1127.

Messrs. Vrtiska, Abboud, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 17:

Coordsen
Dierks
Hilgert
Hudkins
Janssen
Jensen
Jones
Kristensen
Peterson, C.
Schimek
Schrock
Stuhr
Suttle
Tyson
Wickersham
Witek
Withem

Present and not voting, 8:

Bohlke
Cudaback
Elmer
Hartnett
Matzke
Robinson
Schellpeper
Schmitt

Excused and not voting, 23:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Crosby
Engel
Hillman
Kiel
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Robak
Vrtiska
Warner
Wehrbein
Wesely
Will

The Chambers amendment lost with 1 aye, 17 nays, 8 present and not voting, and 23 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, FA107, found on page 1184.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Chambers
Kristensen
Schimek
Wickersham

Voting in the negative, 14:

Brashear
Coordsen
Dierks
Elmer
Hudkins
Janssen
Jensen
Jones
Peterson, C.
Schrock
Stuhr
Tyson
Witek
Withem

Present and not voting, 12:

Abboud
Bohlke
Brown
Cudaback
Hartnett

Hilgert
Hillman
Matzke
Maurstad
Schellpeper
Schmitt
Suttle

Excused and not voting, 19:

Beutler
Bromm
Bruning
Crosby
Engel
Kiel
Landis
Lynch
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Robak
Robinson
Vrtiska
Warner
Wehrbein
Wesely
Will

The Chambers amendment lost with 4 ayes, 14 nays, 12 present and not voting, and 19 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

Abboud
Beutler
Bohlke
Brashear
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Peterson, C.
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 15:

Bromm
Bruning
Kiel
Lynch
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Robak
Robinson
Vrtiska
Warner
Wehrbein
Wesely
Will

Advanced to E & R for engrossment with 34 ayes, 0 nays, and 15 excused and not voting.

The Chair declared the call raised.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 393. Mrs. Hillman withdrew her motion, found on page 1127, to bracket until March 21, 1997.

Mr. Chambers renewed his pending amendment, FA100, found on page 1127.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 23:

Beutler
Bohlke
Brashear
Coordsen
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Jensen
Jones
Landis
Peterson, C.
Schimek
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wickersham
Witek
Withem

Present and not voting, 10:

Brown
Crosby
Cudaback
Hartnett
Janssen
Kristensen
Matzke
Maurstad
Schellpeper
Suttle

Excused and not voting, 15:

Abboud
Bromm
Bruning
Kiel
Lynch
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Robak
Robinson
Vrtiska
Warner
Wesely
Will

The Chambers amendment lost with 1 aye, 23 nays, 10 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 393A. Advanced to E & R for engrossment.

Mrs. Suttle, Messrs. Hilgert, Landis, and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 317. Mr. Chambers renewed his pending amendment, FA101, found on page 1127.

MR. COORDSEN PRESIDING

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 526. Mr. Chambers withdrew his motion, found on page 1128, to indefinitely postpone.

Mr. Withem renewed the Withem-Dw. Pedersen pending amendment, AM1360, found in this day's Journal.

The Withem-Dw. Pedersen amendment was adopted with 26 ayes, 0 nays, 4 present and not voting, and 19 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 263. E & R amendment, AM7084, found on page 981, was adopted.

Mr. Chambers renewed his pending amendment, FA103, found on page 1184.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 5:

Abboud
Bohlke
Brown
Chambers
Schimek

Voting in the negative, 1:

Dierks

Present and not voting, 24:

Beutler
Brashear
Coordsen
Crosby
Cudaback
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Peterson, C.
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wickersham
Withem

Excused and not voting, 19:

Bromm
Bruning
Engel
Hilgert
Kiel
Landis
Lynch
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Robak
Robinson
Suttle
Vrtiska
Warner
Wesely
Will
Witek

The Chambers amendment lost with 5 ayes, 1 nay, 24 present and not voting, and 19 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 746. Mr. Tyson withdrew his amendment, AM1154, found on page 1242.

Mr. Tyson renewed his pending amendment, AM1277, found on page 1408.

The Tyson amendment was adopted with 27 ayes, 1 nay, 2 present and not voting, and 19 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 363. Advanced to E & R for engrossment.

LEGISLATIVE BILL 398. Mr. Abboud renewed his pending amendment, AM1230, found on page 1325.

The Abboud amendment was adopted with 28 ayes, 0 nays, 2 present and not voting, and 19 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 270. E & R amendment, AM7097, printed separately and referred to on page 1073, was adopted.

Mr. Kristensen renewed the Kristensen-Warner pending amendment, AM1173, found on page 1230.

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

The Kristensen-Warner amendment was adopted with 28 ayes, 0 nays, 1 present and not voting, and 20 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 270A. Advanced to E & R for engrossment.

AMENDMENT - Print in Journal

Mr. Matzke filed the following amendment to LB 622:
AM1383

(Amendments to AM1137)

1. On page 36, line 4, after "(15)" insert "Work performed in the exploration, development, and production of oil and gas or before the Nebraska Oil and Gas Conservation Commission; (16)"; and in line 11 strike "(16)" and insert "(17)".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Schellpeper asked unanimous consent to have his name added as cointroducer to LB 306. No objections. So ordered.

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 409. No objections. So ordered.

Mr. Coordsen asked unanimous consent to have his name added as cointroducer to LB 198. No objections. So ordered.

UNANIMOUS CONSENT - Bracket LB 710

Mr. Withem asked unanimous consent to bracket LB 710 until June 1, 1997. No objections. So ordered.

VISITORS

Visitors to the Chamber were 40 fourth grade students and teacher from Morton Elementary School, Hastings; 3 seniors and sponsor from Kearney Catholic High School; and 32 students from Homer.

The Doctor of the Day was Matt Glenn from Lincoln.

ADJOURNMENT

At 7:46 p.m., on a motion by Mrs. Brown, the Legislature adjourned until 9:00 a.m., Thursday, April 10, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-FIFTH DAY – APRIL 10, 1997

LEGISLATIVE JOURNAL

FIFTY-FIFTH DAY - APRIL 10, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 10, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Beutler, Brashear, Engel, Hilgert, Vrtiska, Wesely, Will, Mmes. Brown, Kiel, Robak, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fourth day was approved.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 343.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-3444, Reissue Revised Statutes of Nebraska; to permit election officials to establish a uniform date for a special election regarding levy authority; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 34:

Bohlke Bromm Bruning Chambers Coordsen

Crosby
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Cudaback
Schimek

Excused and not voting, 13:

Abboud
Beutler
Brashear
Brown
Engel
Hilgert
Kiel
Robak
Vrtiska
Warner
Wesely
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 273 to Select File

Mr. Landis moved to return LB 273 to Select File for his specific amendment, AM0991, found on page 1300.

The Landis motion to return prevailed with 34 ayes, 0 nays, 3 present and not voting, and 12 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 273. The Landis specific amendment, AM0991, found on page 1300, was adopted with 35 ayes, 0 nays, 3 present and not voting, and 11 excused and not voting.

Advanced to E & R for reengrossment.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 466 with 34 ayes, 1 nay, 3 present and not voting, and 11 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 466.

A BILL FOR AN ACT relating to guardians and conservators; to amend sections 30-1601, 30-2201, 30-2220, 30-2601, 30-2619, 30-2620, 30-2625 to 30-2629, 30-2630.01, 30-2633, 30-2634, 30-2637, and 30-2639, Reissue Revised Statutes of Nebraska; to change provisions relating to appointment, powers, and duties of guardians and conservators and notice and procedures for guardianship and conservatorship proceedings; to change certain bond requirements; to state intent; to redefine a term; to change provisions relating to temporary guardianship and conservatorship proceedings, expedited hearings, the authority of the court pursuant to the creation of a will by a protected person or the creation or alteration of his or her estate plan, and limitations on proceedings against trustees; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 9:

Abboud
Brown
Hilgert
Kiel
Robak
Vrtiska
Warner
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 422 to Select File

Mr. Chambers moved to return LB 422 to Select File for his specific reoffered amendment, AM1254, found on page 1269 and considered on page 1302.

SPEAKER WITHEM PRESIDING

MR. COORDSEN PRESIDING

SPEAKER WITHEM PRESIDING

Mr. Jones moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers motion to return prevailed with 26 ayes, 13 nays, 9 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 422. The Chambers specific amendment, AM1254, found on page 1269, was adopted with 26 ayes, 5 nays, 17 present and not voting, and 1 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 422 to Select File

Mr. Kristensen moved to return LB 422 to Select File for the following specific amendment:
FA156
Strike the enacting clause.

Mr. Kristensen withdrew his motion to return.

UNANIMOUS CONSENT - Member Excused

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 517 to Select File

Mr. Beutler moved to return LB 517 to Select File for his specific amendment, AM1208, found on page 1319.

The Beutler motion to return prevailed with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 517. The Beutler specific amendment, AM1208, found on page 1319, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 372 to Select File

Mr. Landis moved to return LB 372 to Select File for his specific amendment, AM1285, found on page 1433.

The Landis motion to return prevailed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 372. The Landis specific amendment, AM1285, found on page 1433, was adopted with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Mr. Preister filed the following amendment to LB 374:
AM1318

1. In the Standing Committee amendments, AM0619, on page 1, line 13, strike "21" and insert "19"; and strike beginning with "lines" in line 14 through the quotation marks in line 18 and insert "beginning with the semicolon in line 21 through line 25 and insert a period".

2. On page 2, after line 27, insert the following new subsection:

"(4) It is the intent of the Legislature that the reporting requirements of the Nebraska Emergency Planning and Community Right to Know Act are to be no more stringent than the reporting requirements of the Emergency Planning and Community Right to Know Act pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986, as amended.".

3. On page 9, line 26, strike "fees,".

Messrs. Preister, Hilgert, Abboud, Lynch, Will, Mmes. Suttle, Kiel, and Ms. Schimek filed the following amendment to LB 182:
AM1301

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 6. Section 77-3512, Reissue Revised Statutes of Nebraska, as amended by section 27, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997, is amended to read:

77-3512. It shall be the duty of each owner who applies for the homestead exemption provided in sections 77-3507 to 77-3509 to file an application therefor with the county assessor of the county in which the homestead is located after January 1, 1997, and April 1 in subsequent years and on or before June 30 of each year. Failure to do so shall constitute a waiver of the exemption for that year, except that the county board of the county in which the homestead is located may, by majority vote, extend the deadline to on or before July 20 of each year or, by two-thirds vote of all members, extend the deadline to on or before March 31 of the following year. An extension shall not be granted to an applicant who received an extension in the immediately preceding year.".

2. On page 1, line 3, after "Nebraska" insert ", and section 77-3512, Reissue Revised Statutes of Nebraska, as amended by section 27, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997"; and in line 4 after the second semicolon insert "to change provisions relating to filing deadlines;".

3. On page 12, line 22, after the second comma insert "and section 77-3512, Reissue Revised Statutes of Nebraska, as amended by section 27, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997,".

4. Renumber the remaining sections accordingly.

Mr. Maurstad filed the following amendment to LB 138:
AM1329

(Amendments to Standing Committee amendments, AM0380)

1. On page 6, line 1, after the comma insert "at least one member who is a municipal ambulance service director/fire chief,".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 882. Placed on Select File as amended.
E & R amendment to LB 882:
AM7125

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 29-2262, Reissue Revised Statutes of Nebraska, is amended to read:

29-2262. (1) When a court sentences an offender to probation, it shall attach such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law-abiding life. No offender shall be sentenced to probation if he or she is deemed to be an habitual criminal pursuant to section 29-2221.

(2) The court may, as a condition of a sentence of probation, require the offender:

(a) To refrain from unlawful conduct;

(b) To be confined periodically in the county jail or to return to custody after specified hours but not to exceed (i) for misdemeanors, the lesser of ninety days or the maximum jail term provided by law for the offense and (ii) for felonies, one hundred eighty days;

(c) To meet his or her family responsibilities;

(d) To devote himself or herself to a specific employment or occupation;

(e) To undergo medical or psychiatric treatment and to enter and remain in a specified institution for such purpose;

(f) To pursue a prescribed secular course of study or vocational training;

(g) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation;

(h) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(i) To have in his or her possession no firearm or other dangerous weapon unless granted written permission;

(j) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his or her address or his or her employment;

(k) To report as directed to the court or a probation officer and to permit the officer to visit his or her home;

(l) To pay a fine in one or more payments as ordered;

(m) To work, in lieu of or in addition to any fine, on public streets, parks, or other public property for a period not exceeding twenty working days. Such work shall be under the supervision of the probation officer or a law enforcement officer in the jurisdiction in which the work is performed;

(n) To pay for tests to determine the presence of drugs or alcohol, psychological evaluations, and rehabilitative services required in the identification, evaluation, and treatment of offenders if such offender has the financial ability to pay for such services;

(o) To perform community service as defined in section 29-2277;

(p) To be monitored by an electronic surveillance device or system and to pay the cost of such device or system if the offender has the financial ability;

(q) To participate in a community correctional facility or program as provided in section 47-610; ~~or~~

(r) To successfully complete an incarceration work camp program as determined by the Department of Correctional Services; or

~~(r)~~ (s) To satisfy any other conditions reasonably related to the rehabilitation of the offender.

(3) In all cases in which the offender is guilty of assault or battery and the victim is the offender's spouse, a condition of probation shall be mandatory counseling as provided by the Protection from Domestic Abuse Act.

(4) In all cases in which the offender is guilty of violating section 28-416, a condition of probation shall be mandatory treatment and counseling as provided by such section.

Sec. 2. The Department of Correctional Services shall develop and implement an incarceration work camp, to be completed no later than January 1, 2005, for adult criminal offenders to be placed in as a condition of a sentence of probation. It is the intent of the Legislature that the incarceration work camp serve to reduce prison overcrowding and to make prison bed space available for violent offenders. It is the further intent of the Legislature that the incarceration work camp serve the interests of society by promoting the rehabilitation of offenders and by deterring offenders from engaging in further criminal activity. To accomplish these goals, the incarceration work camp shall provide regimented, structured, disciplined programming, including all of the following: Work programs; vocational training; behavior management and modification; money management; substance abuse awareness, counseling, and treatment; and education, programming needs, and aftercare planning, which will increase the offender's abilities to lead a law-abiding, productive, and fulfilling life as a contributing member of a free society.

Sec. 3. (1) It is the intent of the Legislature that the court target the felony offender (a) who is experiencing his or her first prison sentence, (b) for whom the court finds that other conditions of a sentence of probation, in and of themselves, are not suitable, and (c) who, without the existence of an incarceration work camp, would, in all likelihood, be sentenced to prison. It is the further intent of the Legislature that prior offenders who were incarcerated for minor nonviolent offenses are not automatically ineligible to be placed in an incarceration work camp as a condition of a sentence of probation.

(2) When the court is of the opinion that imprisonment may be appropriate, but that a brief and intensive period of incarceration may better serve the interests of society, the court may place an offender in an incarceration work camp for a period not to exceed one hundred eighty days as a condition of a sentence of probation. The court may consider such placement if the offender (a) is a male or female offender who is convicted as an adult, (b) is determined to be medically and mentally fit to participate, with allowances given for reasonable accommodation, (c) has not previously been incarcerated for a violent felony crime, and (d) has not demonstrated chronic violent behavior. Offenders convicted of a crime under sections 28-319 to 28-321 or of any capital crime are not eligible to be placed in an incarceration work camp.

Sec. 4. Upon successful completion of the incarceration work camp program, as determined by the Department of Correctional Services, the sentencing court may modify the offender's conditions of his or her sentence of probation, place the offender in an aftercare program, or discharge the offender.

Sec. 5. If the offender for any reason fails to successfully complete the incarceration work camp program, the sentencing court may impose any other sentence that the court may have originally imposed. Credit shall be given for time actually served in the incarceration work camp program.

Sec. 6. All costs incurred during the period the offender is committed to an incarceration work camp shall be the responsibility of the state, and the counties shall be liable only for the cost of returning the offender to the appropriate court for reimposition of sentence or such other disposition as the court may then deem appropriate.

Sec. 7. An annual progress report shall be provided to the Legislature ensuring that all programmatic objectives are being met. The report shall include an evaluation of the impact of the multi-treatment programs, including program costs, educational achievement, inmate disciplinary activity, probation release decision-making, and community reintegration on November 1 of the year following implementation.

Sec. 8. Original section 29-2262, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 882A. Placed on Select File.
LEGISLATIVE BILL 173A. Placed on Select File.
LEGISLATIVE BILL 577A. Placed on Select File.

LEGISLATIVE BILL 852. Placed on Select File as amended.
E & R amendment to LB 852:
AM7124

1. In the Standing Committee amendments, AM0798:

a. On page 1, line 10, strike the last "of"; and in line 12 strike "The employee" and insert "Each employee subject to the criminal history record information check requirements of subdivision (9) of section 83-1217 and section 3 of this act"; and

b. On page 2, line 8, strike "Department of Health and Human Services" and insert "department"; and in line 9 after "the" insert "Nebraska".

2. On page 1, line 2, strike "section" and insert "sections 83-1201 and"; and in line 4 strike "section" and insert "sections".

3. On page 3, line 4, strike "background" and insert "history record information".

LEGISLATIVE BILL 595. Placed on Select File as amended.
E & R amendment to LB 595:
AM7126

1. On page 8, line 17, strike "be" and insert "by".

(Signed) Jon C. Bruning, Chairperson

AMENDMENT - Print in Journal

Mrs. Robak filed the following amendment to LB 806:
AM1380

(Amendments to Standing Committee amendments, AM1205)

1. On page 48, line 27, strike "(21)", show as stricken, and insert "(25)".

2. On page 51, line 5, after "(13)" insert "District adjusted gross income per return means the total Nebraska

individual adjusted gross income reported on Nebraska income tax returns by residents of a school district divided by the total number of Nebraska income tax returns filed by residents of the school district, as reported by the Department of Revenue for the second preceding year;

(14) District income factor is one plus fifty percent of the difference of the district income ratio minus one;

(15) District income ratio means the ratio of the district adjusted gross income per return divided by the state adjusted gross income per return;

(16)"; in line 7 strike "(14)", show as stricken, and insert "(17)"; in line 9 strike "(15)", show as stricken, and insert "(18)"; in line 16 strike "(16)", show as stricken, and insert "(19)"; and in line 18 strike "(17)", show as stricken, and insert "(20)".

3. On page 52, line 5, strike "(18)", show as stricken, and insert

"(21) Formula valuation means a district's adjusted valuation multiplied by the district income factor;

(22)"; in line 8 strike "(19)", show as stricken, and insert "(23)"; in line 15 strike "(20)", show as stricken, and insert "(24)"; in line 17 strike "(21)", show as stricken, and insert "(25)"; in line 23 strike "(22)", show as stricken, and insert "(26)"; and in line 27 strike "(23)", show as stricken, and insert "(27)".

4. On page 53, line 3, strike "(24)", show as stricken, and insert "(28)"; in line 6 strike "(25)" and insert "(29)"; in line 14 strike "(26)" and insert "(30)"; in line 19 strike "(27)" and insert "(31)"; in line 22 strike "(28)" and insert "(32)"; in line 25 strike "(29)" and insert "(33)"; and after line 27 insert the following new subdivision:

"(34) State adjusted gross income per return means the total Nebraska individual adjusted gross income divided by the total number of Nebraska individual income tax returns, of those returns designating school districts, as reported by the Department of Revenue for the second preceding year;".

5. On page 54, line 1, strike "(30)" and insert "(35)"; in line 4 strike "(31)" and insert "(36)"; in line 9 strike "(32)" and insert "(37)"; in line 10 strike "(33)" and insert "(38)"; and in line 13 strike "(34)" and insert "(39)".

6. On page 55, line 5, strike "(35)" and insert "(40)".

7. On page 86, lines 4 and 12, strike "adjusted" and insert "formula".

Messrs. Hartnett and Wickersham filed the following amendment to LB 419:
AM1374

(Amendments to Standing Committee amendments, AM1204)

1. On page 2, line 8, after "services" insert ", or if all member school districts within the boundaries of an educational

service unit together provide evidence satisfactory to the State Department of Education that the districts will provide core services for themselves in a more cost-efficient manner than the educational service unit, the department shall distribute funds directly to the districts to be used for providing core services"; and in line 20 after the comma insert "line 5, strike 'Core' and insert 'Except as provided in section 9 of this act, core';".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 372. No objections. So ordered.

COMMUNICATION

April 10, 1997

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Sec. 17, the Executive Board met today and approved the Speaker's designation of the following bills as major proposals: LB 269, LB 806, and LB 660.

Sincerely,
(Signed) George Coordsen, Chairperson
Executive Board

VISITORS

Visitor to the Chamber was Senator Vrtiska's daughter, Dr. Terri Vrtiska, from Rochester, Minnesota.

RECESS

At 11:53 a.m., on a motion by Mrs. Kiel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Hudkins and

Mr. Warner who were excused; and Messrs. Abboud, Brashear, Bromm, Chambers, Coordsen, Cudaback, Engel, Kristensen, Matzke, Dw. Pedersen, Robinson, Schellpeper, Schrock, Wehrbein, Will, Mmes. Bohlke, and Brown who were excused until they arrive.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 343 and 466.

GENERAL FILE

LEGISLATIVE BILL 864. Title read. Considered.

Standing Committee amendment, AM0234, found on page 772, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mrs. Bohlke withdrew her amendment, AM1276, found on page 1324.

Advanced to E & R for review with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 7CA. Read. Considered.

Messrs. Coordsen, Schellpeper, Abboud, Will, Hartnett, Beutler, Chambers, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Withem filed the following amendment to LB 806:
AM1389

(Amendments to Standing Committee amendments, AM1205)

1. Insert the following new section:

"Sec. 51. It is the intent of the Legislature to ensure sufficient appropriations to the School District Income Tax Fund and to the Tax Equity and Educational Opportunities Fund to result in a local effort rate for each year's state aid calculation that would be less than the maximum tax levy specified in section 77-3442 after the statewide total formula need has been adjusted by the Consumer Price Index for All Urban Consumers for each of the most recent two years. The Appropriations Committee of the Legislature shall annually include such amounts in their recommendations to the Legislature to carry out the requirements of this section.".

2. On page 46, line 19, strike "49" and insert "51".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Dw. Pedersen filed the following amendment to LB 882:
AM1373

(Amendments to E & R amendments, AM7125)

1. Insert the following new sections:

"Sec. 8. Section 83-905, Reissue Revised Statutes of Nebraska, is amended to read:

83-905. The Department of Correctional Services shall have oversight and general control of all state adult correctional institutions and the secure youth facility. The Secure Youth Confinement Facility is a physically secure, coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care. ~~The Office of Juvenile Services shall have oversight and general control of all state juvenile correctional facilities.~~

Sec. 9. Section 83-925.05, Reissue Revised Statutes of Nebraska, is amended to read:

83-925.05. The Office of Juvenile Services shall:

(1) Coordinate the programs and services of the juvenile justice system with other governmental agencies and political subdivisions;

(2) Develop and use intake and assessment procedures for the evaluation of juveniles;

(3) Provide case management for juveniles;

(4) Provide secure facility and other alternative programs;

(5) Coordinate educational, vocational, and social counseling;

(6) Coordinate community-based services for juveniles and their families;

(7) Administer the youth rehabilitation and treatment centers; ~~and any secure facilities developed in the future;~~

(8) Supervise and coordinate juvenile parole and aftercare services; and

(9) Provide any other programs and services necessary to the juvenile justice system.

Sec. 10. Section 83-925.06, Reissue Revised Statutes of Nebraska, is amended to read:

83-925.06. The Office of Juvenile Services shall design and make available programs and treatment services at the youth rehabilitation and treatment centers ~~and any secure confinement facility~~ for juvenile offenders. The programs and treatment services shall be based upon the individual or family assessment and evaluation process and treatment plan. Programs and treatment services shall address:

(1) Behavioral impairments, severe emotional disturbances, and other mental health or psychiatric disorders;

(2) Drug and alcohol addiction;

(3) Health and medical needs;

(4) Education, special education, and related services;

(5) Individual, group, and family counseling services as appropriate with any treatment plan related to subdivisions (1) through (4) of this section. Services shall also be made available for juveniles who have been physically or sexually abused;

(6) A case management and coordination process shall be designed which will assure appropriate reintegration of the juvenile to his or her family, school, and community. This process shall follow individualized planning which shall begin at intake and assessment. Structured programming shall be scheduled for all juveniles. ~~committed to secure confinement.~~ This programming shall include a strong academic program as well as classes in health education, living skills, vocational training, behavior management and modification, money management, family and parent responsibilities, substance abuse awareness, physical education, job skills training, and job placement assistance. Participation shall be required of all juveniles. ~~committed to a secure confinement facility.~~ The goal of such structured programming shall be to provide the academic and life skills necessary for a juvenile to successfully return to his or her home and community upon release; ~~from the secure confinement facility;~~ and

(7) The design and delivery of treatment programs within the youth rehabilitation and treatment centers as well as any licensing or certification requirements, and the office shall follow the requirements as stated within Title XIX and Title IV-E of the federal Social Security Act, as amended, the Special Education Act, or other funding guidelines as appropriate. It is the intent of the Legislature that these funding sources shall be utilized to support service needs of eligible juveniles in residence at the youth rehabilitation and treatment centers.

Sec. 11. Section 83-925.07, Revised Statutes Supplement, 1996, is amended to read:

83-925.07. In developing its programs, the Office of Juvenile Services shall:

(1) Design the table of organization for the office by designing the functional specifications for the operation of the office and managing the process of change as programs, functions, and services are transferred to the office;

(2) Develop risk and need assessment instruments for use in determining the need for detention or other placement at the time a juvenile enters the system. This shall include validating and pilot testing the instruments in selected jurisdictions;

(3) Develop a case classification process to include the establishment of classification program levels and case management standards for each program level. This shall include pilot testing the classification process with juveniles committed for placement;

(4) ~~Plan for the construction of a secure confinement facility to serve juvenile offenders identified as in need of secure confinement in a county containing a city of the metropolitan class. A secure confinement facility shall mean a physically secure coeducational facility designed to provide secure confinement, education, and treatment for serious and chronic juvenile offenders who have been committed to the Office of Juvenile Services or the Department of Correctional Services for secure care;~~

~~(5)~~ Develop a purchase-of-care system which will facilitate the development of a statewide community-based continuum of care with the involvement of the private sector and the local public sector. Care services may be purchased from private providers to provide a wider diversity of services. This system shall include accessing existing Title IV-E funds of the federal Social Security Act, as amended, new medicaid funds, and other funding sources to support eligible community-based services. Such services developed and purchased shall include, but not be limited to, evaluation services which shall be available on a geographically accessible basis across the state. The evaluation services available at the Youth Diagnostic and Rehabilitation Center pursuant to sections 83-4,100 to 83-4,104 shall be supplemented with purchased community-based evaluation services. The community-based evaluation services shall replace the evaluation services available at the Youth Diagnostic and Rehabilitation Center by December 31, 1999. All costs incurred during the period in which the juvenile is being evaluated shall be the responsibility of the state;

~~(6)~~ (5) Develop a community-based assessment and evaluation process. A prototype community-based evaluation process shall be developed and pilot-tested in several jurisdictions. A residential evaluation program shall be established in a county containing a city of the metropolitan class;

~~(7)~~ (6) Develop functional specifications for juvenile service centers and identify several demonstration sites. The risk assessment and community-based assessment and evaluation procedures may be pilot-tested at the juvenile service center demonstration sites; and

~~(8)~~ (7) Identify and recommend the functional requirements for a management information system. The system shall be a unified, interdepartmental client information system which supports assessment.".

2. On page 5, line 27, strike "section 29-2262" and insert "sections 29-2262, 83-905, 83-925.05, and 83-925.06".

3. On page 6, line 1, strike "is" and insert "and

section 83-925.07, Revised Statutes Supplement, 1996, are".

4. Renumber the remaining section accordingly.

Mr. Wesely filed the following amendment to LB 307A:
AM1392

1. Strike the original sections and insert the following new sections:

"Section 1. There is hereby appropriated (1) $76,966 from the General Fund for FY1997-98 and (2) $78,981 from the General Fund for FY1998-99 to the Department of Health and Human Services Regulation and Licensure, for Program 177, to aid in carrying out the provisions of Legislative Bill 307, Ninety-fifth Legislature, First Session, 1997.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $58,629 for FY1997-98 or $60,241 for FY1998-99.

Sec. 2. There is hereby appropriated (1) $3,387,391 from the General Fund and $6,122,722 from federal funds for FY1997-98 and (2) $3,430,137 from the General Fund and $6,196,276 from federal funds for FY1998-99 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 307, Ninety-fifth Legislature, First Session, 1997.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $3,383,320 for FY1997-98 or $3,476,361 for FY1998-99.

Sec. 3. The General Fund appropriation for FY1997-98 to the Department of Health and Human Services Finance and Support, for Program 341, is hereby reduced by $3,464,357. The General Fund appropriation for FY1998-99 to the Department of Health and Human Services Finance and Support, for Program 341, is hereby reduced by $3,509,118.

The federal fund appropriation for FY1997-98 to the Department of Health and Human Services Finance and Support, for Program 341, is hereby reduced by $6,122,722. The federal fund appropriation for FY1998-99 to the Department of Health and Human Services Finance and Support, for Program 341, is hereby reduced by $6,196,276.

The salary limit for FY1997-98 for the Department of Health and Human Services Finance and Support, for Program 341, is hereby reduced by $3,441,949. The salary limit for FY1998-99 for the Department of Health and Human Services Finance and Support, for Program 341, is hereby reduced by $3,536,602.".

Mr. Abboud filed the following amendment to LB 278:
AM1349

(Amendments to E & R amendments, AM7120)

1. On page 6, strike beginning with "who" in line 7 through "71-1,103" in line 9 and insert "(a) who are physicians or

registered nurses, (b) who are obtaining blood specimens while working under orders of or protocols and procedures approved by a physician, registered nurse, or other independent health care practitioner licensed to practice by the state if the scope of practice of that practitioner permits the practitioner to obtain blood specimens, or (c) who are both employed by a licensed institution or facility and have been trained to withdraw human blood for scientific or medical purposes".

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 259A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 259, Ninety-fifth Legislature, First Session, 1997.

LEGISLATIVE BILL 782A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 782, Ninety-fifth Legislature, First Session, 1997.

NOTICE OF COMMITTEE HEARING
Health and Human Services

Wednesday, April 23, 1997 1:00 p.m.
Department of Health and Human Services Finance and Support
  Jeffery J. Elliott
Nebraska State Board of Health
  Linda Lazure
Child Abuse Prevention Fund Board
  Julie Cervantes-Salomons
  John Jelkin
  Susan Koenig-Cramer
  Jesse Sharp

(Signed) Don Wesely, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 10, 1997, at 2:00 p.m., were the following bills: LBs 466 and 343.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE RESOLUTION 7CA. Messrs. Kristensen and Withem renewed their pending amendment, AM1311, found on page 1404.

Messrs. Wesely and Brashear asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Janssen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Kristensen-Withem amendment was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Messrs. Kristensen and Withem renewed their pending amendment, AM1334, found on page 1405.

Messrs. Kristensen and Withem withdrew their amendment.

SPEAKER WITHEM PRESIDING

Advanced to E & R for review with 36 ayes, 1 nay, 7 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Mrs. Brown filed the following amendment to LB 23:
AM1394

(Amendments to Standing Committee amendments, AM0748)

1. On page 3, line 21; and page 6, line 13, after "injury" insert ", including a life-endangering condition caused by or arising from the pregnancy itself".

Mr. Robinson filed the following amendment to LB 269:
AM1328

(Amendments to Standing Committee amendments, AM1243)

1. Insert the following new sections:

"Sec. 13. Section 18-801, Reissue Revised Statutes of Nebraska, is amended to read:

18-801. The corporate authorities of cities and villages of the State of Nebraska ~~shall~~ may cause shade trees to be planted along the streets thereof.

Sec. 14. Section 18-802, Reissue Revised Statutes of Nebraska, is amended to read:

18-802. For the ~~such~~ purpose of section 18-801, a tax of not less than one dollar, nor more than five dollars, in addition to all other taxes, ~~shall~~ may be levied upon each lot adjacent to which trees are to be planted ~~as aforesaid~~ and collected as other taxes.

Sec. 15. Section 18-804, Reissue Revised Statutes of Nebraska, is amended to read:

18-804. The corporate authorities ~~aforesaid~~ of cities and villages shall provide, by ordinance, the distance from the side of the street that trees ~~shall~~ may be planted~~,~~ and the size thereof.

Sec. 16. Section 18-805, Reissue Revised Statutes of Nebraska, is amended to read:

18-805. The owner of any lot or lots may plant trees adjacent thereto ~~where ordered~~ in the manner provided in ~~sections 18-803 and~~ section 18-804, and, on making proof thereof by affidavit to the collector, ~~he~~ shall be exempt from the payment of the tax authorized by section 18-802.".

2. On page 31, line 4, after the second comma insert "after 'Sections' insert '18-803,' and".

3. Correct the operative date section and repealer so that the sections added by this amendment become operative on their effective date with the emergency clause.

4. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were Marquetta G. Peltier from Lawrence, Kansas; and Senator Stuhr's daughter, Cindy Hendricks, from Omaha.

On April 9, 1997, visitors to the Chamber were Eric Javins, Sarah Polk, and Bri Little from Kearney.

ADJOURNMENT

At 4:46 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Friday, April 11, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SIXTH DAY - APRIL 11, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 11, 1997

Pursuant to adjournment, the Legislature met at 9:02 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Kristensen, Vrtiska, and Warner who were excused; and Mmes. Bohlke, Hudkins, McKenzie, Messrs. Bromm, Chambers, Coordsen, Cudaback, Dierks, Hilgert, Jones, Landis, Dw. Pedersen, Schellpeper, Wickersham, Will, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-fifth day was approved.

ATTORNEY GENERAL'S OPINION

Opinion No. 97025

DATE:	April 11, 1997
SUBJECT:	LB422 - Death Penalty Issues
REQUESTED BY:	Senator Douglas Kristensen
WRITTEN BY:	Don Stenberg, Attorney General

You have written to me to obtain my "thoughts on some issues concerning LB422." In your letter you say that you are not requesting a formal written opinion from my office.

It has been the practice of the Attorney General's Office under at least the last three Attorneys General not to give a private Attorney General's opinion to an individual Senator. It is my understanding that the reason for this policy was insistence by members of the Legislature that all Senators have access to the same legal information regarding a legislative bill at approximately the same time. Indeed, to this day, the Clerk of the Legislature is insistent that Attorney General's opinions to members of the Legislature be promptly provided to his office so that they may be shared with the entire Legislature as expeditiously as possible.

By the same token, because of the importance of the issues involved and the possibility of mis-communication through verbal means, an oral response would not be appropriate for the important questions which you have raised.

Accordingly, I am responding to your questions in the context of this formal Attorney General's opinion which will be shared equally with your colleagues by the Clerk of the Legislature.

You first ask whether LB422 as amended is unconstitutionally vague. In my opinion, LB422 as amended is not unconstitutionally vague. I will provide you with a more extended analysis of this question if you so desire and if the schedule of the Legislature permits.

You next ask whether LB422 "weakens or confuses Nebraska's death penalty statutes." The answer is yes. Under LB422 as amended, the death penalty may never be applied to a person who is "mentally retarded." Under current law, "mental defect" which includes mental retardation, is a mitigating circumstance already required to be weighted by the court when determining a sentence. However, "mental retardation" is not presently an outright bar to imposition of the death penalty. Under current law, the important question is "the capacity of the defendant to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law."

Under LB422 as amended, a mentally retarded person who understands that it is wrong to kill and who has the mental capacity to stop himself from killing, but who kills a dozen young children at a fast-food restaurant with a semi-automatic weapon, could not be subject to the death penalty.

In LB422 as amended, mentally retarded is defined as "significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior." It is probably fair to say that many killers, whether mentally retarded or not, have deficits in their adaptive behavior. The question then is what is "significantly subaverage general intellectual functioning?" LB422 tells us that an intelligence quotient of 70 or below is presumptive evidence of mental retardation. However, someone with an intelligence quotient of 90, who understood that murder is wrong, and who had the ability to stop himself from murdering, could still be found "mentally retarded" and would not be eligible for the death penalty.

If LB422 is passed in its current form, it is likely that we will see men like triple killers John Lotter and Clarence Victor arguing that even though they knew that murder was wrong and could have stopped themselves from all of their killings, they are now exempted from the death penalty. Whether they will be successful with their arguments, of course, remains to be seen, but there is every reason to believe the State of Nebraska will have to suffer through additional years of litigation to know the answer.

Aggravating circumstance (1)(a) in LB422 refers to "prior history." On the one hand, the court may view this insertion of the word "prior" as a simple redundancy since, by definition, history is events which have occurred in the past. On the other hand, this provision might be applied to the following situation. Assume a murder is committed and the defendant, subsequent to the murder, rapes several women, robs several convenience stores, shoots but does not kill several additional persons in separate incidents, and at the end of this crime spree, is captured. In that circumstance, the court might interpret "prior history" to mean that none of these subsequent activities could be considered for purposes of aggravating circumstance (1)(a).

Aggravator (1)(b) has been amended in LB422 to read as follows, "The murder was committed in an effort to conceal the commission of a crime or to conceal the identity of the perpetrator of such crime." It is not completely clear whether "such" refers to the murder or another crime. This could be an important difference. For example, assume the defendant first raped a woman. She reports that crime and the defendant is arrested and subsequently released on bail. While on bail, the defendant shoots the victim, whom he had previously sexually assaulted, and is never seen by the victim in the course of the murder. If the words "such crime" refer only to the murder, aggravator (1)(b) would not apply to that situation because the murder was not committed to conceal who committed the murder, it was committed to conceal who committed the sexual assault. If the words "such crime" refer to the earlier sexual assault, then aggravator (1)(b) would apply. The existing statute refers to "a" crime and under that statute, aggravator (1)(b) would clearly apply to the hypothetical just stated.

Aggravator (1)(h) is amended to provide that the "murder was committed knowingly to disrupt or hinder the lawful exercise of any governmental function or the enforcement of the laws." Previously the statute had referred to the crime being committed to disrupt or hinder, etc. Assume that a person disgusted with the Legislature plants a bomb in the legislative chamber set to explode at 2:00 a.m. when no one is expected to be in the Capitol building. Unfortunately, one diligent Senator is working very late in the chamber and is killed in the explosion. Here, the bomb was exploded in an effort to disrupt the exercise of a government function (the convening of the Legislature the next day), but the murder was not. Therefore, aggravator (1)(h) might not apply under the new language whereas under the existing language, it would. On the other hand, these facts would constitute a felony murder and if the word "murder" were interpreted to include felony murder, aggravator (1)(h) would still apply.

You next ask about LB422 resulting in "additional appeals." While LB422 might in some circumstances lead to additional legal arguments in the numerous appeals being filed, and might let killers like Clarence Victor off death row if they can convince a court that they are "mentally retarded," it does not change the number of appeals available. Indeed, the biggest problem we have with the death penalty in Nebraska today is that there is literally no limit to the number of "appeals" (actually post-conviction proceedings) that may be filed.

Considering all of the foregoing, I would make two recommendations to the Legislature concerning LB422. First, I would strike all of the amendments to existing law made by the bill except Senator Matzke's provision which adds aggravating circumstance (1)(i) relating to the victim being a law enforcement officer. Second, and very importantly, I would further amend LB422 to limit the number of state post-conviction proceedings to one round. Until that is done, it will remain effectively impossible to carry out any additional capital sentences in the State of Nebraska.

In your letter you state, "Additional appeals would further delay the imposition of the death penalty, and create a greater strain on the state's judicial and financial resources." It is for that reason that I strongly urge you and the other members of the Legislature to amend LB422 to limit to one the number of state post-conviction proceedings allowed by Nebraska law[1].

Yours truly,
(Signed) Don Stenberg
Attorney General

DS:bs
cc: Clerk of the Legislature

[1] Neither the federal nor the state constitution require that the state provide any state post-conviction proceedings.

RESOLUTION

LEGISLATIVE RESOLUTION 114. Introduced by Wesely, 26; Schrock, 38.

WHEREAS, the Nebraska Wesleyan University men's basketball team achieved second place in the National College Athletic Association (NCAA) Division III National Championship; and

WHEREAS, the Nebraska Wesleyan University men's basketball team has accomplished this feat, which no other Nebraska college or university has previously attained in NCAA Division III basketball; and

WHEREAS, Nebraska Wesleyan University men's basketball team also won the Nebraska-Iowa Athletic Conference (NIAC) basketball championship during 1997; and

WHEREAS, the Plainsmen of Nebraska Wesleyan University have demonstrated consistent dedication to the high standards demanded of a successful athletic team; and

WHEREAS, the members of the team, Cory Adams, Chris Boesiger, Marcus Boesiger, Benji Hoegh, Chad Ideus, Demetrious Jenkins, Kipp Kissinger, Jeff Miller, Mitch Mosser, Chad Otto, Chris Roth, Isaak Russell, Andy Smith, B.J. Smith, Kurt Tenopir, and Nate Thomas illustrated great talent, teamwork, and a willingness to endure the hard work that is required to be champions; and

WHEREAS, Coach Todd Raridon of the Nebraska Wesleyan University men's basketball team was named the Molten/NCAA Division III News men's basketball coach of the year; and

WHEREAS, the coaching staff, parents, and members of the Nebraska Wesleyan University men's basketball team are deserving of special recognition for their success and commitment to excellence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates and commends the Nebraska Wesleyan University men's basketball team and Coach Todd Raridon and his staff for their performance in the NCAA Division III National Championship.

2. That a copy of the resolution be sent to Nebraska Wesleyan University.

Laid over.

REPORTS

The following reports were received by the Legislature:

Auditor of Public Accounts
  Administrative Services, Department of, Central Data Processing Division
  Aging, Department of
  Agriculture, Department of, Bureau of Plant Industry
  Commission on Status of Women
  Environmental Quality, Department of, Landfill Closure Assistance Program
  Governor, Office of, Programs
  Legislative Council
  Public Institutions, Department of, Compulsive Gamblers Assistance Fund
  Retirement Systems, Public Employees', School Employees', Judges', and State Patrol
  Revenue, Department of, Cigarette Tax Receipts
  University of Nebraska Financial Statements
  University of Nebraska Management Letter

Investment Finance Authority, Nebraska, (NIFA)
Single Family Mortgage Revenue Bonds Series 1996 A
Single Family Mortgage Revenue Bonds Series 1996 E

RESOLUTIONS

LEGISLATIVE RESOLUTION 106. Read. Considered.

LEGISLATIVE RESOLUTION 107. Read. Considered.

LEGISLATIVE RESOLUTION 109. Read. Considered.

LEGISLATIVE RESOLUTION 111. Read. Considered.

LEGISLATIVE RESOLUTION 112. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 106, 107, 109, 111, and 112 were adopted with 27 ayes, 0 nays, 3 present and not voting, and 19 excused and not voting.

LEGISLATIVE RESOLUTION 113. Read. Considered.

LR 113 was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

MOTION - Approve Appointments

Mr. Abboud moved the adoption of the report of the Business and Labor Committee for the following appointments found on page 1296: Laurie L. Klosterboer and Allan W. Spary - Boiler Safety Advisory Board.

Voting in the affirmative, 25:

Abboud
Brown
Bruning
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Lynch
Pederson, D.
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Witek

Voting in the negative, 0.

Present and not voting, 7:

Beutler
Kiel
Matzke
Maurstad
Peterson, C.
Preister
Robinson

Excused and not voting, 17:

Bohlke
Brashear
Bromm
Chambers
Coordsen

Hilgert
Hudkins
Jones
Kristensen
Landis
McKenzie
Pedersen, Dw.
Vrtiska
Warner
Wickersham
Will
Withem

The appointments were confirmed with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mr. Elmer moved the adoption of the report of the Transportation Committee for the following appointments found on page 1324: Larry Caulfield, Dianna Davis, David Goldstein, David Hale, and Dan Hurt - Motor Carrier Advisory Council.

Voting in the affirmative, 25:

Abboud
Brown
Bruning
Chambers
Crosby
Cudaback
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Lynch
Pederson, D.
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wesely
Witek

Voting in the negative, 0.

Present and not voting, 9:

Beutler
Dierks
Kiel
Matzke
Maurstad
Peterson, C.
Preister
Schimek
Suttle

Excused and not voting, 15:

Bohlke
Brashear
Bromm
Coordsen
Hilgert
Hudkins
Kristensen
Landis
McKenzie
Pedersen, Dw.
Vrtiska
Warner
Wickersham
Will
Withem

The appointments were confirmed with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 278. E & R amendment, AM7120, found on page 1392, was adopted.

Mr. Chambers renewed his pending amendment, FA138, found on page 1328.

The Chambers amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Abboud renewed his pending amendment, AM1349, found on page 1467.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

The Abboud amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA157
to amend (E & R AMENDMENT)
On page 8, line 6 change "I" to "III"
On page 8, line 13 change "I" to "III"

The Beutler amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Chambers offered the following amendment:
FA158
Page 8, line 11, add subsection (4).

"(4) For purposes of this subsection, person means law enforcement agency, the Federal Bureau of Investigation, any forensic DNA laboratory, or person. No records or DNA samples shall be provided to any person unless such person enters into a written agreement with the Nebraska State Patrol to comply with the provisions of section 9 of this act relative to expungement, when notified by the Nebraska State Patrol that expungement has been granted. Every person shall comply with the provisions of section 9 of this act within ten calendar days of receipt of such notice and certify in writing to the Patrol that such compliance has been effectuated. The Nebraska State Patrol shall provide notice of such certification to the person who was granted expungement.

Page 8, line 22, add:

"Within 10 calendar days of granting expungement, The Nebraska State Patrol shall provide written notice of such expungement pursuant to subsection 4 of section 8 of this act, to any person to whom DNA records and samples have been made available. The Nebraska State Patrol shall establish procedures for providing notice of certification of expungement to the person who was granted expungement."

The Chambers amendment was adopted with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA159
P. 7, line 14, strike "acted" and insert "performed such activities"

(Section 7, subsection (2))

The Chambers amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

SPEAKER WITHEM PRESIDING

Advanced to E & R for engrossment.

LEGISLATIVE BILL 278A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 70. E & R amendment, AM7122, printed separately and referred to on page 1399, was adopted.

Advanced to E & R for engrossment.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 10, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Ashford, Brad (Withdrawn 03/31//97); Lincoln City Employees/Lincoln Police Union (Withdrawn 03/31//97)
Moors, H. Jack - Lincoln; Johnson & Johnson
Spickelmier, James D. - Lincoln (Withdrawn 04/07/97); Nebraska Propane Gas Association (Withdrawn 04/07/1997)

AMENDMENTS - Print in Journal

Mr. Robinson filed the following amendment to LB 465:
AM1080

(Amendments to Standing Committee amendments, AM0617)

1. On page 16, strike beginning with "meeting" in line 23 through the second "Legislature" in line 25 and insert "public building used to conduct the business of the State of Nebraska; state-owned vehicle; public building used to conduct the business of any village, municipality, county, or other political subdivision of the State of Nebraska; building, stadium, and campus environs of any community college, college, or university; hospital; United States Post Office; professional athletic event; property licensed for on-premises consumption of alcohol; church, synagogue, temple, or other place of religious worship; premises of a licensed day care provider; county fairgrounds during the period in which the county fair is held; state fairgrounds".

Mr. Robinson filed the following amendment to LB 465:
AM1081

(Amendments to Standing Committee amendments, AM0617)

1. On page 13, after line 8, insert the following new subsection:

"(4) Along with an issued license to carry a concealed handgun, a sticker shall also be issued to a licensee. The licensee shall be required to display the sticker on any motor vehicle he or she operates. The sticker shall be designed by the Nebraska State Patrol as to size, color, and information and as to placement on the motor vehicle in order to effectively notify any peace officer who encounters the motor vehicle that the operator is a licensee who may carry a concealed handgun.".

Mr. Robinson filed the following amendment to LB 465:
AM1187

(Amendments to Standing Committee amendments, AM0617)

1. On page 18, after line 13, insert the following new subsection:

"(9) A licensee who knowingly and intentionally carries a concealed handgun into a private residence which has posted on it a notice prohibiting concealed handguns in the private residence is guilty of a Class IV felony. A licensee who violates this subsection shall also be subject to the administrative penalty provided in section 17 of this act.".

SELECT FILE

LEGISLATIVE BILL 882. E & R amendment, AM7125, found on page 1457, was adopted.

Mr. Beutler renewed his pending amendment, FA153, found on page 1422.

Mrs. C. Peterson asked unanimous consent to bracket LB 882 until April 24, 1997.

Mr. Engel objected.

Mrs. C. Peterson moved to bracket LB 882 until April 24, 1997.

Mr. Engel asked unanimous consent to pass over LB 882. No objections. So ordered.

LEGISLATIVE BILL 788. E & R amendment, AM7110, found on page 1391, was adopted.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Mr. D. Pederson filed the following amendment to LB 882:
AM1405

(Amendments to E & R amendments, AM7125)

1. On page 5, line 10, after "program" insert "or the aftercare program".

Mr. D. Pederson filed the following amendment to LB 882:
AM1404

(Amendments to E & R amendments, AM7125)

1. On page 4, line 19, after "court" insert ", after obtaining an evaluation and a recommendation from the Department of Correctional Services concerning the suitability of the offender for the incarceration work camp, and after determining space availability within the incarceration work camp,".

Mr. Dw. Pedersen filed the following amendment to LB 882:
AM1422

(Amendments to E & R amendments, AM7125)

1. Insert the following new section:

"Sec. 8. The Director of Health and Human Services shall have the authority, and may delegate the authority to the Juvenile Services Director, to issue warrants for the arrest of juveniles who have absconded from a facility or program operated by the office or provided through a contract with the office. Any peace officer, who arrests a juvenile on such a warrant, shall detain the juvenile in an appropriate facility or program for juveniles until the office can take custody of the juvenile.".

2. Renumber the remaining section accordingly.

STANDING COMMITTEE REPORT
Executive Board

LEGISLATIVE RESOLUTION 108. Reported to the Legislature for further consideration.

(Signed) George Coordsen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 310. Title read. Considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0766, found on page 926, was considered.

Mr. Janssen renewed his pending amendment, AM0811, found on page 1321, to the Standing Committee amendment.

The Janssen amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mrs. McKenzie offered the following amendment:
FA160
on page 13, line 28, strike "fifteen" and insert "thirty"
on page 14, line 2, strike "fifteen-day" and insert "thirty-day"

Messrs. Chambers and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

The McKenzie amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 310A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following resolution was correctly reengrossed: 32CA.

Correctly Engrossed

The following resolutions were correctly engrossed: 8CA, 10CA, 26CA, 30CA, and 47CA.

(Signed) Jon C. Bruning, Chairperson

AMENDMENT - Print in Journal

Mrs. Suttle filed the following amendment to LB 301:
AM1416
1. On page 7, line 11, strike "willful" and strike "gross".

GENERAL FILE

LEGISLATIVE BILL 23. Title read. Considered.

Standing Committee amendment, AM0748, found on page 880, was considered.

Mrs. Brown withdrew her amendment, AM1394, found on page 1469.

The Standing Committee amendment was adopted with 27 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Maurstad moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

Advanced to E & R for review with 30 ayes, 0 nays, 9 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 374. Title read. Considered.

Standing Committee amendment, AM0619, found on page 998, was considered.

Mr. Preister renewed his pending amendment, AM1318, found on page 1456, to the Standing Committee amendment.

The Preister amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

AMENDMENT - Print in Journal

Mrs. Kiel filed the following amendment to LB 23:

FA161
On page 3, line 19, and page 6, line 11 after "necessary", insert "to preserve the health or".

GENERAL FILE

LEGISLATIVE BILL 255. Title read. Considered.

Messrs. Tyson, Janssen, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Messrs. Bromm and Janssen asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud offered the following amendment:
FA162
Strike Section 17.

Mr. Abboud withdrew his amendment.

Mr. Elmer moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Matzke moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 255A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 10 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 138. Title read. Considered.

Standing Committee amendment, AM0380, printed separately and referred to on page 687, was considered.

Ms. Schimek asked unanimous consent to be excused. No objections. So ordered.

Mr. Wickersham offered the following amendment to the Standing Committee amendment:

AM1382

(Amendments to Standing Committee amendments, AM0380)

1. Strike sections 29, 47, 55, and 56 and insert the following new sections:

"Sec. 46. Section 71-507, Reissue Revised Statutes of Nebraska, is amended to read:

71-507. For purposes of sections 71-507 to 71-513:

(1) Department ~~shall mean~~ means the Department of Health and Human Services Regulation and Licensure;

(2) Designated physician ~~shall mean~~ means the physician, physician assistant, or nurse practitioner representing the emergency ~~medical~~ services provider as identified by name, address, and telephone number on the significant exposure report form. The designated physician shall serve as the contact for notification by a health care facility in case of airborne infectious disease exposures by an emergency services provider. Each emergency service provider shall have a designated physician, and the department shall adopt and promulgate rules and regulations to assure compliance with this provision;

(3) Emergency ~~medical~~ services provider ~~shall mean a person certified to provide emergency medical services pursuant to sections 71-5101 to 71-5164, a person certified to provide emergency medical care pursuant to the Emergency Medical Technician-Paramedic Act, a first responder certified to provide prehospital care pursuant to the First Responders Emergency Rescue~~ means an out-of-hospital emergency care provider certified pursuant to the Emergency Medical Services Act, a sheriff, a deputy sheriff, a police officer, a state highway patrol officer, a funeral service practitioner, and a firefighter;

(4) Funeral service practitioner means a licensed funeral director or employee with responsibility for transport or handling of a deceased human;

(5) Health care facility ~~shall have~~ has the meaning found in subdivisions (2), (10), (11), and (21) of section 71-2017.01 or any facility that receives patients of emergencies who are transported to the facility by emergency services providers;

~~(5)~~ (6) Infectious disease or condition ~~shall mean~~ means hepatitis B, meningococcal meningitis, active pulmonary tuberculosis, human immunodeficiency virus, diphtheria, plague, hemorrhagic fevers, rabies, and such other diseases as the department may from time to time specify;

~~(6)~~ (7) Patient ~~shall mean~~ means an individual who is sick, injured, wounded, or otherwise helpless or incapacitated;

~~(7)~~ (8) Patient's attending physician ~~shall mean~~ means the physician having the primary responsibility for the patient as indicated on the records of the health care facility;

~~(8)~~ (9) Provider agency ~~shall mean~~ means any law enforcement agency, fire department, ~~ambulance~~ emergency medical service, funeral service practitioner, or other entity which is ~~in the business of providing~~ licensed to provide emergency ~~response~~ medical services;

~~(9)~~ (10) Significant exposure ~~shall mean~~ means a situation in which the body fluids, such as blood, saliva, urine, or feces, of a patient have entered the body of an emergency ~~medical~~ services provider through a body opening such as the mouth or nose, a mucous membrane, or a break in skin from cuts or abrasions, from a contaminated needlestick or scalpel, from occupational exposure to airborne aerosol when sharing airspace with a patient who has an airborne infectious disease or intimate respiratory contact, or through any other situation when the patient's body fluids may have entered the emergency ~~medical~~ services provider's body; and

~~(10)~~ (11) Significant exposure report form ~~shall mean~~ means the form used by the emergency ~~medical~~ services provider to document information necessary for notification of significant exposure to an infectious disease or condition.

Sec. 50. Section 71-511, Reissue Revised Statutes of Nebraska, is amended to read:

71-511. (1) Information concerning any patient or test results obtained under sections 71-507 to 71-513 shall be maintained as confidential by the health care facility that received or tested the patient, the designated physician, the patient's attending physician, the emergency services ~~medical service~~ provider, and the provider agency except as provided by such sections and sections 71-503.01 and 71-2017 and the rules and regulations adopted and promulgated pursuant to such sections. Such information shall not be made public upon subpoena, search warrant, discovery proceedings, or otherwise except as provided by such sections.

(2) The information described in subsection (1) of this section may be released with the written consent of the patient or, if the patient is deceased or incapable of giving informed consent, with the written consent of his or her next of kin, legal guardian, or personal representative of his or her estate.

Sec. 51. Section 71-512, Reissue Revised Statutes of Nebraska, is amended to read:

71-512. All health care facilities and provider agencies subject to sections 71-507 to 71-513 shall adopt written procedures regarding infectious diseases or conditions which address preexposure safeguards, notification methods, and postexposure risk-reduction methods.

Sec. 58. Original sections 28-907, 60-337, 60-6,270, 71-168, 71-168.02, 71-1,198, 71-1,339, 71-507 to 71-512, 71-514.02, 71-7102, and 81-15,102.03, Reissue Revised Statutes of Nebraska, and sections 13-303, 13-1801, 23-1821, 23-3547, 23-3594, 35-514.02, 48-115, and 48-126.01, Revised Statutes Supplement, 1996, are repealed.

Sec. 59. The following sections are outright repealed: Sections 71-5101 to 71-5107, 71-5108.01 to 71-5165, 71-5501 to 71-5518, 71-5520 to 71-5521.01, 71-5523, and 71-7301 to 71-7318, Reissue Revised Statutes of Nebraska, and section 71-5108, Reissue Revised Statutes of Nebraska, as amended by this legislative bill.".

2. On page 1, line 2, strike "31" and insert "30"; and in line 20 before the comma insert "of providing".

3. On page 4, line 27, strike "State Board of Health" and insert "Governor with the approval of a majority of the Legislature. The appointees may begin to serve immediately following appointment and prior to approval by the Legislature".

4. On page 6, lines 12, 16, 18, and 19 and 20; and page 7, lines 1 and 22, strike "State Board of Health" and insert "Governor".

5. On page 6, lines 14, 16, and 18, strike "Three" and insert "Five"; strike beginning with "Three" in line 20 through the period in line 23; in line 24 strike "five-year" and insert "three-year"; and in line 26 strike "No" through the period.

6. On page 12, line 15, after "adopts" insert "all parts of"; and in line 16 strike "curriculums" and insert "curricula including appendices".

7. On page 15, line 10, strike "be licensed to"; and in line 26 strike "ambulances" and insert "emergency medical services".

8. On page 16, line 21, after "from" insert "the licensing and certification requirements of".

9. On page 17, line 14, after the first comma insert "or" and strike beginning with the second comma through the second "nurses".

10. On page 18, line 13, after the second comma insert "or" and strike the third comma and insert "who"; and strike line 14.

11. On page 19, after line 8 insert the following new subsection:

"(3) No physician medical director shall incur any liability by reason of his or her use of any unmodified protocol, standing order, operating procedure, or guideline provided by the board pursuant to subdivision (10) of section 7 of this act.".

12. On page 20, strike beginning with "It" in line 16 through the period in line 20 and insert "It shall be unlawful for any person to operate a training agency for the initial training or recertification of out-of-hospital emergency care providers unless

the training agency is approved pursuant to rules and regulations of the board. It shall be unlawful for any person to operate an emergency medical service unless such service is licensed pursuant to rules and regulations promulgated by the board.".

13. On page 29, line 11, after "of" insert "the need for the assistance of an emergency medical service or out-of-hospital emergency care provider or"; in line 13 after "agency" insert an underscored semicolon; and strike line 14 and show as stricken.

14. On page 51, line 6, after "facility" insert ", to the provider agency,"; and in line 25 after "(4)" insert "If a health care facility determines that a patient transported by an emergency services provider has an airborne infectious disease, the health care facility shall notify the designated physician of the emergency service provider who transported or treated the patient at the scene as soon as practical but not later than forty-eight hours after the determination has been made.

(5)".

15. On page 52, line 4, strike "(5)", show as stricken, and insert "(6)"; in line 9 strike "(6)", show as stricken, and insert "(7)"; in line 16 strike "(7)", show as stricken, and insert "(8)"; and in line 19 strike "(8)", show as stricken, and insert "(9)".

16. Correct the operative date section so that the sections added by this amendment become operative on July 1, 1998.

17. Renumber the remaining sections and correct internal references accordingly.

The Wickersham amendment was adopted with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

AMENDMENT - Print in Journal

Mr. Wesely filed the following amendment to LB 798:
(Amendment, AM1398, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

MOTION - Print in Journal

Mr. Wesely filed the following motion to LB 798:
Indefinitely postpone LB 798.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Withem asked unanimous consent to have his name added as cointroducer to LB 14. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jeff Klein from Cozad; Scott Nabity; Mark Waller and Senator Schrock's son, Tom, from Holdrege; and Don and Terry Peterson from Pawnee City.

ADJOURNMENT

At 1:32 p.m., on a motion by Mr. Wickersham, the Legislature adjourned until 9:00 a.m., Monday, April 14, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

FIFTY-SEVENTH DAY – APRIL 14, 1997

LEGISLATIVE JOURNAL

FIFTY-SEVENTH DAY – APRIL 14, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 14, 1997

Pursuant to adjournment, the Legislature met at 9:01 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Allen Myers, Piedmont Park Seventh Day Adventist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Beutler, Engel, Hilgert, Robinson, Wesely, Will, Mmes. Bohlke, Brown, Kiel, McKenzie, C. Peterson, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1433, strike lines 10 and 11 and insert:
Mrs. Witek filed the following amendment to LB 798:
(Amendment, AM1353, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)
The Journal for the fifty-fourth day was approved as corrected.
The Journal for the fifty-sixth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following resolutions were correctly engrossed: LRs 17CA and 20CA.

Enrollment and Review Change to LR 17CA

The following changes, required to be reported for publication in the Journal, have been made:

ER9043

1. In the Standing Committee amendment, AM0236, on page 1, line 8, "III-31" has been struck and "III-30" inserted.

(Signed) Jon C. Bruning, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolutions: LRs 106, 107, 109, 111, 112, and 113.

GENERAL FILE

LEGISLATIVE BILL 875. Title read. Considered.

Standing Committee amendment, AM0963, found on page 1090, was considered.

Mr. Hartnett renewed his pending amendment, AM1287, found on page 1327, to the Standing Committee amendment.

MRS. CROSBY PRESIDING

The Hartnett amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 5 present and not voting, and 10 excused and not voting.

Messrs. Tyson, Jensen, Brashear, Jones, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 3 nays, 10 present and not voting, and 10 excused and not voting.

LEGISLATIVE BILL 588. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 588A. Title read. Considered.

MR. COORDSEN PRESIDING

Messrs. Maurstad and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 583:
AM1415

1. Insert the following new section:

"Sec. 15. The following section is outright repealed: Section 23-250.01, Reissue Revised Statutes of Nebraska.".

2. On page 15, line 13, strike "and 14" and insert ", 14, and 15".

Mr. Wickersham filed the following amendment to LB 173:
AM1362

1. Insert the following new section:

"Sec. 3. Section 37-215.03, Revised Statutes Supplement, 1996, as amended by section 3, Legislative Bill 107, Ninety-fifth Legislature, First Session, 1997, is amended to read:

37-215.03. (1) A Nebraska resident who owns or leases eighty acres or more of farm or ranch land for agricultural purposes or a member of such person's immediate family residing in the same household may apply for a limited deer, antelope, wild turkey, or elk permit. The limited permit is valid during the predetermined period established by the commission pursuant to section 37-215 or 37-227. To qualify for a limited elk permit the farm or ranch land of the applicant must be within an area designated as an elk zone ~~management unit~~ by the commission in its regulations. Only one limited permit for each species shall be issued annually for the farm or ranch land described in the application, except that both a spring and a fall turkey permit may be issued. Upon receipt of an application in proper form as prescribed by the commission, the commission may issue a limited permit which shall restrict (a) the limited deer, antelope, or wild turkey permit to hunting only on the farm or ranch land included in the application and shall not apply to the land of other persons and (b) the limited elk permit to hunting on the entire elk management unit of which the farm or ranch land included in the application is a part. For purposes of this section, immediate family shall mean and be limited to husband and wife and their children. The conditions applicable to permits issued pursuant to section 37-215 or 37-227, whichever is appropriate, shall apply to limited permits issued pursuant to this section, except that the commission may adopt regulations for species harvest allocation pertaining to the sex and age of the species harvested which are different for this permit than for other hunting permits.

(2) Except as provided in subsection (3) of this section, receipt of a limited permit or a permit issued pursuant to section 37-215 or 37-227 for any one-year or open season shall not bar receipt of a limited permit in any subsequent year or for any subsequent open season.

(3) A limited elk permit issued pursuant to this section shall not be issued to any applicant more than once every three years.

(4) The fee for a limited permit to hunt elk shall be one-fifth the fee for the regular permit to hunt elk. The fee for a limited permit to hunt deer, antelope, or wild turkey shall be one-half the fee for the regular permit for these species.

(5) The commission may by rule and regulation prescribe forms to be filled out by the applicant for a limited permit as prescribed in this section to determine whether the applicant is a Nebraska resident and is the owner or lessee of the described property or is a member of the family or household of such person.".

2. On page 6, line 20, strike "and"; and in line 21 after the second comma insert "and section 37-215.03, Revised Statutes Supplement, 1996, as amended by section 3, Legislative Bill 107, Ninety-fifth Legislature, First Session, 1997,".

3. Renumber the remaining section accordingly.

Mr. Robinson filed the following amendment to LB 465:
AM1429

(Amendments to Standing Committee amendments, AM0617)

1. Insert the following new section:

"Sec. 24. Any structure, property, or event at which the carrying of concealed handguns is prohibited by law shall have posted at all entrances signs stating such prohibition. The signs shall be designed and printed by the Nebraska State Patrol. Owners, lessees, managers, or persons in charge of such structure, property, or event may obtain such signs from the Nebraska State Patrol for posting.".

2. On page 3, line 3, strike "seventy-five" and insert "one hundred fifty".

3. On page 13, line 27, strike "forty-five" and insert "ninety".

4. On page 19, line 23, after the comma insert "to pay the costs of printing signs for distribution pursuant to section 24 of this act.".

5. On page 20, line 2, strike "fifteen" and insert "ninety"; and in line 3 strike "five" and insert "fifty".

6. Renumber the remaining sections and change internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 798. Title read. Considered.

SPEAKER WITHEM PRESIDING

Mrs. Witek withdrew her amendment, AM1002, printed separately and referred to on page 1076.

Mrs. Witek renewed her pending amendment, AM1353, printed separately and referred to on page 1433 and 1490.

MR. LANDIS PRESIDING

Mr. Wesely offered the following amendment to the Witek pending amendment:
FA163
  to amend Amd. 1353
  to strike Sec. 32 & insert "this act shall take effect on July 1, 1999."

SPEAKER WITHEM PRESIDING

Messrs. Landis and Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 34 third and fourth grade students and teachers from Adams; 50 fourth grade students and teacher from Norris Elementary School, Firth; Deb Kuhlman from Lincoln, Kim Norris, Jerry, and Rita Strovie from Omaha; 50 sophomores sponsored by the General Federation of Women's Clubs; Senator Kristensen's wife, Terri Harder, and daughter, Morgan; and 4 students and teacher from Sutherland.

RECESS

At 11:59 a.m., on a motion by Mr. Hilgert, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Vrtiska presiding.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Beutler, Brashear, Cudaback, Dierks, Landis, Maurstad, Dw. Pedersen, Preister, Will, Withem, and Mrs. Kiel who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 798. The Wesely pending amendment, FA163, found in this day's Journal, to the Witek pending amendment, AM1353, was renewed.

Messrs. Hartnett, Tyson, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mrs. McKenzie requested a record vote on the Wesely amendment.

Voting in the affirmative, 15:

Beutler
Bohlke
Chambers
Janssen
Lynch
Matzke
Maurstad
Peterson, C.
Preister
Robinson
Schellpeper
Schimek
Wesely
Wickersham
Withem

Voting in the negative, 24:

Abboud
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Hilgert
Hudkins
Jensen
Jones
Kiel
Kristensen
McKenzie
Pedersen, Dw.
Pederson, D.
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Will
Witek

Present and not voting, 4:

Elmer
Engel
Robak
Vrtiska

Excused and not voting, 6:

Brashear
Brown
Hartnett
Hillman
Landis
Warner

The Wesely amendment lost with 15 ayes, 24 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. WILL PRESIDING

Mrs. Witek moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Mrs. Witek requested a record vote on her amendment, AM1353.

Voting in the affirmative, 32:

Abboud
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Robak
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Will
Witek

Voting in the negative, 12:

Beutler
Bohlke
Chambers
Landis
Lynch
Matzke
Peterson, C.
Robinson
Schellpeper
Schimek
Wesely
Withem

Present and not voting, 3:

Elmer
Hartnett
Wickersham

Excused and not voting, 2:

Brashear
Warner

The Witek amendment was adopted with 32 ayes, 12 nays, 3 present and not voting, and 2 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTION

LEGISLATIVE RESOLUTION 115. Introduced by Bruning, 3; Chambers, 11; Lynch, 13.

WHEREAS, the competition of sports is the truest level playing field in our society; and

WHEREAS, 21-year-old Tiger Woods became the first African-American to win the Masters tournament with a record score of 270 on April 13, 1997; and

WHEREAS, Jackie Robinson became the first African-American to play Major League baseball on April 15, 1947; and

WHEREAS, Tiger Woods will become an admirable role model for the youth of today just as Jackie Robinson was to the youth of that era because of their hard work and determination.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates Tiger Woods on his Masters win.
2. That the Legislature encourages the youth of Nebraska to also set new records in athletics, academics, and other worthwhile endeavors.
3. That the Clerk of the Legislature transmit a copy of this resolution to Tiger Woods.

Laid over.

STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 752. Placed on General File as amended. (Standing Committee amendment, AM1359, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Kermit A. Brashear, Chairperson

GENERAL FILE

LEGISLATIVE BILL 798. Mr. Wesely withdrew his amendment, AM1398, printed separately and referred to on page 1488.

Mr. Wesely withdrew his motion, found on page 1488, to indefinitely postpone.

Mrs. Crosby requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Abboud
Bromm
Brown
Bruning
Crosby
Cudaback
Dierks
Engel
Hilgert
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Robak
Schmitt
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Will
Witek

Voting in the negative, 4:

Matzke	Peterson, C.	Robinson	Wesely

Present and not voting, 14:

Beutler	Coordsen	Hillman	Schellpeper	Vrtiska
Bohlke	Elmer	Landis	Schimek	Withem
Chambers	Hartnett	Lynch	Schrock	

Excused and not voting, 2:

Brashear	Warner

Advanced to E & R for review with 29 ayes, 4 nays, 14 present and not voting, and 2 excused and not voting.

Messrs. Lynch and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 865. Title read. Considered.

Standing Committee amendment, AM1042, printed separately and referred to on page 1129, was considered.

Mrs. McKenzie moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Messrs. Beutler and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 835. Title read. Considered.

Messrs. Abboud, Landis, and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM1064, found on page 1129, was considered.

MRS. CROSBY PRESIDING

Messrs. Coordsen, Bromm, Robinson, Engel, Janssen, Hilgert, Schrock, Will, Mmes. Suttle, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 7 present and not voting, and 17 excused and not voting.

Mrs. Hillman moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mrs. Hillman requested a record vote on the advancement of the bill.

Voting in the affirmative, 24:

Bohlke
Brown
Bruning
Crosby
Cudaback
Elmer
Engel
Hartnett
Hillman
Hudkins
Kiel
Kristensen
Landis
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schimek
Stuhr
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 10:

Beutler
Chambers
Dierks
Jensen
Jones
Matzke
Preister
Schellpeper
Schmitt
Witek

Excused and not voting, 15:

Abboud
Brashear
Bromm
Coordsen
Hilgert
Janssen
Lynch
Robak
Robinson
Schrock
Suttle
Tyson
Vrtiska
Warner
Will

Failed to advance to E & R for review with 24 ayes, 0 nays, 10 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mmes. Witek, Crosby, and McKenzie filed the following amendment to LB 798:
AM1437

(Amendments to AM1353)

1. Insert the following new sections:

"Sec. 8. Acute care bed means a bed in a hospital that is licensed by the department for acute care services or a bed that is part of a hospital or unit of a hospital that is excluded from prospective payment system under Title XVIII of the federal Social

Security Act, as amended, as a rehabilitation hospital or rehabilitation unit.

Sec. 18. Until two years after the effective date of this section, no person, including persons acting for or on behalf of a health care facility, shall engage in any action which results in:

(1) The initial establishment of a hospital;

(2) An increase in the acute care beds of a hospital, if the acute care beds of a hospital will have increased by more than ten beds or more than ten percent of total bed capacity, whichever is greater, over a two-year period; or

(3) The relocation of the acute care beds of a hospital from one physical facility or site to another physical facility or site which is more than one mile away from the existing physical facility or site, if more than ten beds or more than ten percent of total bed capacity, whichever is greater, will have been relocated from one physical facility or site to another physical facility or site which is more than one mile away from the existing physical facility or site over a two-year period, unless the relocation is in connection with replacement of an existing hospital and is required in order to:

(a) Eliminate or prevent imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations;

(b) Comply with accreditation or certification standards which need to be met to receive reimbursement under Title XVIII or XIX of the federal Social Security Act, as amended;

(c) Respond to an emergency situation created by a natural disaster such as tornadoes, floods, fire, or explosions; or

(d) Improve physical conditions which are related to operational or functional deficiencies.".

2. On page 1, lines 5 and 6, strike "and 16" and insert ", 8, 17, and 18"; and in line 13 strike "section 7" and insert "sections 7 and 8".

3. Renumber the remaining sections accordingly.

Mr. Bromm filed the following amendment to LB 590:
(Amendment, AM1324, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Coordsen filed the following amendment to LB 590:
FA164
Amend amendment 1198 by:
1. On Page 11, line 24 & 25 strike "by more than fifty percent."

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 852A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 852, Ninety-fifth Legislature, First Session, 1997.

STANDING COMMITTEE REPORT
Education

LEGISLATIVE BILL 232. Placed on General File as amended.
Standing Committee amendment to LB 232:
AM1455

1. Strike the original sections and insert the following new sections:

"Section 1. Section 79-256, Reissue Revised Statutes of Nebraska, is amended to read:

79-256. For purposes of the Student Discipline Act, unless the context otherwise requires:

(1) Long-term suspension means the exclusion of a student from attendance in all schools within the system for a period exceeding five school days but less than twenty school days;

(2) Expulsion means exclusion from attendance in all schools within the system in accordance with section 79-283; ~~and~~

(3) Mandatory reassignment means the involuntary transfer of a student to another school in connection with any disciplinary action; and

(4) Short-term suspension means the exclusion of a student from attendance in all schools within the system for a period not to exceed five school days.

Sec. 2. Section 79-266, Reissue Revised Statutes of Nebraska, is amended to read:

79-266. (1) Beginning July 1, 1997, each school district shall have an alternative school, class, or educational program or the procedures of subsection (2) of this section available or in operation for all expelled students.

The requirements of this section do not apply to students who are reasonably determined by a school administrator to be dangerous to the safety of other students or school district employees. If an alternative school, class, or educational program will not be available from the school district and the procedures in subsection (2) of this section will not be followed because a student is reasonably determined by the school administrator to be dangerous, law enforcement shall be notified. The determination of the school administrator may be appealed by the student pursuant to the procedures in sections 79-268 to 79-292.

Any two or more school boards or boards of education may join together in providing alternative schools, classes, or educational programs. Any district may by agreement with another district send its suspended or expelled students to any alternative school, class, or educational program already in operation by such other district. An educational program may include, but shall not be limited to, individually prescribed educational and counseling programs or a community-centered classroom with experiences for the student as an observer or aide in governmental functions, as an on-the-job trainee, or as a participant in specialized tutorial experiences. Such programs shall include an individualized learning program to enable the student to continue academic work for credit toward graduation. The State Department of Education shall adopt and promulgate rules and regulations relating to alternative schools, classes, and educational programs.

(2) If a district does not provide an alternative school, class, or educational program for expelled students, the district shall follow the procedures in this subsection prior to expelling a student unless the expulsion was required by subsection (4) of section 79-283:

(a) The student must have been placed in an in-school suspension within the six months preceding the expulsion;

(b) The student must have been placed on a short-term suspension within the six months preceding the expulsion; and

(c) A conference shall be called by a school administrator and held to assist the district in the development of a plan with the participation of a parent or legal guardian, the student, a school representative, and a representative of either a community organization with a mission of assisting young people or a representative of an agency involved with juvenile justice. The plan shall be in writing and adopted by a school administrator and presented to the student and the parent or legal guardian. The plan shall specify steps for the student to accomplish in order to have the expulsion suspended and require the student to attend monthly reviews to assess the student's progress toward suspending the expulsion.

(3) A school district that has expelled a student may suspend the enforcement of such expulsion unless the expulsion was required by subsection (4) of section 79-283. The suspension may be for a period not to exceed the length of the expulsion. As a condition of such suspended action, the school district may assign the student to a school, class, or educational program which the school district deems appropriate.

At the conclusion of such suspension period, the school district shall (a) reinstate any student who has satisfactorily participated in the school, class, or educational program to which such student has been assigned and permit the student to return to the school of former attendance or to attend other programs offered by the district or (b) if the student's conduct has been unsatisfactory, enforce the remainder of the expulsion action.

If the student is reinstated, the district may also take action to expunge the record of the expulsion action.

Sec. 3. Original sections 79-256 and 79-266, Reissue

Revised Statutes of Nebraska, are repealed.".

(Signed) Ardyce L. Bohlke, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 53, 256, 256A, 263, 317, 363, 393, 393A, 398, 526, 550, and 746.

Enrollment and Review Change to LB 256

The following changes, required to be reported for publication in the Journal, have been made:
ER9037
1. In lieu of the Beutler amendment, FA155:
a. On page 3, lines 7 and 24, after the period insert "Any person who receives information pertaining to undercover license plates in the course of his or her employment and who discloses any such information to any unauthorized individual shall be guilty of a Class III misdemeanor."; and after line 24 insert
"(7) The contact person shall be held accountable to keep proper records of the number of undercover plates possessed by the agency, the particular license plate numbers for each vehicle, and the person who is assigned to the vehicle. This record shall be confidential and not be subject to public disclosure.";
b. On page 7, line 25, after the period insert "Any person who receives information pertaining to undercover driver's licenses in the course of his or her employment and who discloses any such information to any unauthorized individual shall be guilty of a Class III misdemeanor.".
2. In the Chambers amendment, FA56, an underscored comma has been inserted after "federal".

Enrollment and Review Change to LB 526

The following changes, required to be reported for publication in the Journal, have been made:
ER9038
1. On page 1, line 1, after "amend" insert "section 49-237, Reissue Revised Statutes of Nebraska, and"; in line 3 after the semicolon insert "to change provisions relating to expenses of elections for constitutional amendments proposed by the Legislature;"; and in line 4 strike "section" and insert "sections".

Enrollment and Review Change to LB 746

The following changes, required to be reported for publication in the

Journal, have been made:
ER9044

1. In the Tyson amendment, AM1277, on page 1, line 13, "meetings" has been struck and "meeting" inserted.

(Signed) Jon C. Bruning, Chairperson

VISITORS

Visitors to the Chamber were 50 fourth grade students, teachers, and sponsors from Norris Elementary School, Firth; 31 fourth grade students and teacher from Sutton; Marcy Bluvas from Omaha; 9 students and teachers from Bonesteel-Fairfax High School, Butte, South Dakota; students and teacher from Southeast Community College, Lincoln; and Senator C. Peterson's husband, Ernie, from Grand Island.

The Doctor of the Day was John Quinn from Franklin.

ADJOURNMENT

At 4:40 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, April 15, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-EIGHTH DAY - APRIL 15, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 15, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Naomi Hull, St. Paul United Methodist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Vrtiska and Warner who were excused; and Messrs. Abboud, Brashear, Hilgert, Schrock, Wehrbein, Wesely, Wickersham, Will, Withem, Mmes. Bohlke, and Hillman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

GENERAL FILE

LEGISLATIVE BILL 660. Title read. Considered.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM1051, printed separately and referred to on page 1227, was considered.

Mr. Beutler offered the following amendment to the Standing Committee

amendment:
AM1470

(Amendments to Standing Committee amendments, AM1051)

1. On page 19, line 8, after "order" insert "after public notice and a hearing"; and in line 13 after the period insert "The notice provided for in this subsection shall be given once each week for two consecutive weeks in a newspaper of general circulation in the affected area and shall state that a determination of local competition shall result in the freeing of the telecommunications company from all regulation by the commission.".

Mr. Dierks, Mmes. Witek, Hillman, Crosby, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion failed with 12 ayes, 3 nays, and 34 not voting.

Messrs. Hilgert and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM1469

(Amendments to Standing Committee amendments, AM1051)

1. Strike section 3.
2. Renumber the remaining sections and correct the repealer accordingly.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM1469, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM1469.

Mr. Landis offered the following substitute amendment to the Standing Committee amendment:
FA165

to amend the committee amendment:
strike the new language on line 23 and 24 on page 4.

MR. WESELY PRESIDING

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Landis moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Landis requested a record vote on his amendment.

Voting in the affirmative, 17:

Abboud
Beutler
Bromm
Chambers
Dierks
Hartnett
Hilgert
Jensen
Landis
McKenzie
Preister
Robak
Schellpeper
Schimek
Suttle
Will
Withem

Voting in the negative, 27:

Brashear
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hillman
Hudkins
Janssen
Jones
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robinson
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wesely
Wickersham
Witek

Present and not voting, 2:

Brown
Kiel

Excused and not voting, 3:

Bohlke
Vrtiska
Warner

The Landis amendment lost with 17 ayes, 27 nays, 2 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM1474

(Amendments to Standing Committee amendments, AM1051)

1. On page 16, line 6, strike "Notwithstanding" and insert "In an exchange in which local competition does not exist, notwithstanding".

Mr. Landis and Mrs. Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM1471

(Amendments to Standing Committee amendments, AM1051)

1. On page 19, line 13, after the period insert "The commission may, on its own motion at any time after a determination as to whether local competition exists, reexamine and redetermine the determination after notice and a hearing on the issue. For purposes of this subsection, notice of the hearing shall be sent to the telecommunications company by certified mail, return receipt requested, and notice of the hearing shall be published in a newspaper of general circulation in the service area. The hearing shall be held no sooner than ten days after the receipt of notice to the telecommunications company.".

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM1477

(Amendments to Standing Committee amendments, AM1051)

1. On page 20, line 23, strike the first comma, show as stricken, and insert "and" and strike ", and", show as stricken, and insert an underscored period; and strike line 24 and show the old matter as stricken.

Messrs. Withem, Jensen, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 116. Introduced by Stuhr, 24.

WHEREAS, the Bradshaw Public School's Future Business Leaders of America (FBLA) members won forty-four state awards on April 3-5, 1997, in the Nebraska competition; and

WHEREAS, the Bradshaw Public School competed with 1400 students from 100 schools of all classes across Nebraska, and Bradshaw, a Class D-2 school, was the smallest school to participate in the FBLA state conference; and

WHEREAS, the twelve students from the Bradshaw FBLA club garnered nine first place awards at the state contest; and

WHEREAS, Bradshaw's FBLA club has won the right to compete in the national competition for thirteen consecutive years; and

WHEREAS, last year Bradshaw's FBLA won nationally: First place in Accounting I; first place in Introduction to Business; and fifth place in Accounting II; and

WHEREAS, the team members as well as Business Instructor Ken Schultz, deserve special recognition for the teamwork, knowledge, and keen business sense they have displayed throughout the year which has contributed to the team's success; and

WHEREAS, eight students, Bill Folkerts, Dustin Hoffman, Melody Kaliff, Caroline Watt, Katie Stoll, Dustin Thorne, Crystal Ratliff, and Andrew Watt, will be competing at the National FBLA Conference in Anaheim, California, June 28-July 4, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the members of the Bradshaw Public School's Future Business Leaders of America and their advisor, Ken Schultz.

2. That a copy of this resolution be sent to the Bradshaw Public School's Future Business Leaders of America club and their advisor, Ken Schultz.

Laid over.

ANNOUNCEMENT

Mr. Beutler announced the Natural Resources Committee will hold an executive session Wednesday, April 16, 1997, at 7:45 a.m., in Room 2022.

COMMUNICATIONS

April 15, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Consistent with our rules, I am forwarding LB 103 for deposit in your office. Legislative rules require me to deliver same to your office on the sixth legislative day following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

April 15, 1997

The Honorable Scott Moore
Secretary of State

2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item veto by Governor Nelson on LB 114A, and consistent with our rules, I am forwarding LB 114A for filing in the form and amounts as prescribed by the Governor. Legislative rules require me to deliver same to your office on the sixth legislative day following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

AMENDMENTS - Print in Journal

Mr. Dierks filed the following amendment to LB 806:
AM1458

(Amendments to Standing Committee amendments, AM1205)

1. On page 67, line 12, strike "and"; in line 13 after "(c)" insert "Local systems that do not qualify for the very sparse or the sparse cost grouping but have three hundred or fewer formula students in the local system shall be in the rural cost grouping; and

(d)"; and in line 14, strike "or" and insert an underscored comma and after "sparse" insert ", or the rural".

Mr. Dierks filed the following amendment to LB 806:
AM1457

(Amendments to Standing Committee amendments, AM1205)

1. On page 72, line 26, strike "Except" through "a" and insert "A".

2. On page 73, strike beginning with "minus" in line 3 through "77-3444" in line 9.

Mr. Bromm filed the following amendment to LB 590:
AM1465

(Amendments to Standing Committee amendments, AM1198)

1. Insert the following new section:

"Sec. 9. By September 15, 1997, the board shall submit for public bidding any contract made by a state agency prior to the effective date of this act for providing electronic access to public records for a fee. Any such contract in existence on the effective date to this act shall be terminated on January 31, 1998, unless sooner voided or terminated by order of a court of competent jurisdiction.".

2. On page 12, line 26, strike "8" and insert "9".

3. On page 13, line 2, strike "9" and insert "10".

4. Renumber the remaining sections accordingly.

Mr. Bromm filed the following amendment to LB 590:
AM1466

(Amendments to Standing Committee amendments, AM1198)

1. On page 5, lines 4, 8, 11, 14, and 18; page 8, lines 4, 7, 21, 24, and 27; page 8, lines 4, 6, 8, 10, and 13; page 11, lines 7, 22, and 24; page 12, lines 5, 9, 11, and 19; page 13, line 13; page 14, line 26; and page 15, line 8, strike each occurrence of "information" and insert "records".

2. On page 8, strike beginning with "information" in line 9 through "files" in line 13 and insert "records has the same meaning as in section 84-713".

Mr. Withem filed the following amendments to LB 590:

(1)

AM1460

(Amendments to Standing Committee amendments, AM1198)

1. On page 11, line 20, after "in" insert "section 7 of this act,"; and in line 21 after "60-483" insert an underscored comma.

(2)

AM1461

(Amendments to Standing Committee amendments, AM1198)

1. On page 12, line 5, after "fee" insert "through a gateway"; and in line 15 after "request" insert "in accordance with section 7 of this act" and after the period insert "The board shall hold a public hearing prior to taking action on the request and within the thirty-day period.".

(3)

AM1440

(Amendments to Standing Committee amendments, AM1198)

1. On page 11, line 22, strike "charge" and insert "establish"; in line 23 strike "may" and insert "shall"; and in line 27 strike "otherwise authorized" and insert "enacted".

(4)

AM1462

(Amendments to Standing Committee amendments, AM1198)

1. On page 8, line 8, strike "and"; and in line 13 after "files" insert "; and

(17) Network manager means an individual, a private entity, a state agency, or other governmental subdivision

responsible for directing and supervising the day-to-day operations and expansion of a gateway".

2. On page 10, line 27, after the period insert "Such criteria shall include procedures for submission of proposals by an individual, a private entity, a state agency, or other governmental subdivision.".

(5)

AM1439

(Amendments to Standing Committee amendments, AM1198)

1. On page 9, strike beginning with "The" in line 22 through "(d)" in line 25 and show the old matter as stricken; and in line 27 strike "(e)" and insert "(c)".

2. On page 10, line 2, strike "(f) Two" and insert "(d) Three"; in line 3 after "libraries" insert ", the news media," and after the period insert the following new paragraph:

"It is the intent of the Legislature that the representatives appointed by the Governor be active users of electronic access to public information."; in line 12 after the period insert "The administrator shall convene at least one joint meeting of the board and advisory committee established by subsection (6) of this section each year. The administrator shall provide copies of the minutes of the board to the members of the advisory committee."; and after line 23 insert the following new subsection:

"(6) An advisory committee is established to provide information and guidance upon request by the board. The advisory committee shall consist of:

(a) The Attorney General or his or her designee;

(b) The Auditor of Public Accounts or his or her designee;

(c) The State Treasurer;

(d) The Chief Justice of the Nebraska Supreme Court;

(e) The Clerk of the Legislature;

(f) The Director of the Nebraska State Historical Society; and

(g) The State Archivist.".

3. On page 14, line 15, strike "consumer groups", show as stricken, and insert "the news media".

(6)

AM1464

(Amendments to Standing Committee amendments, AM1198)

1. Insert the following new section:

"Sec. 9. By September 15, 1997, the board shall submit for public bidding any contract made by a state agency prior to the effective date of this act for providing electronic access to public information for a fee through a gateway.".

2. On page 8, line 27, after "act" insert "and submit

contracts for public bidding pursuant to section 9 of this act".

3. On page 10, line 25, after the period insert "A network manager may include an individual, a private entity, a state agency, or other governmental subdivision.".

4. On page 12, lines 23 and 26, strike "8" and insert "9".

5. On page 13, line 2, strike "9" and insert "10".

6. On page 15, line 10, after "(c)" insert "An assessment of current practices by state agencies regarding the decision to make or not make public information available in a certain medium, whether such decisions have resulted in certain public information being distributed in limited formats and the rationale, if any, for such decisions, whether and in what circumstances access to public information in certain formats has been denied, and whether barriers to agencies exist which discourage agencies from providing public information in a variety of mediums;

(d)"; and in line 11 strike "(d)", show as stricken, and insert "(e)".

7. Renumber the remaining sections accordingly.

Mr. Bromm filed the following amendment to LB 590:
AM1468

(Amendments to Standing Committee amendments, AM1198)

1. Insert the following new section:

"Sec. 6. If an agency is required to provide a copy of public records on request, a person requesting a copy of a public record may elect to obtain it in any and all media in which the agency is capable of providing it. No request for a copy of a public record in a particular medium shall be denied on the ground that the custodian has made or prefers to make the public record available in another medium or on the ground that a copy of the public record in a particular medium is available elsewhere. This section shall not be construed to require an agency to put into an electronic medium a public record that is not kept in an electronic medium.".

2. On page 5, line 15, strike "and"; and in line 18 before the period insert "; and

(8) The general public shall have access to public records in the requested medium, directly from state agencies, to the extent practicable, as well as through a network provider".

3. On page 13, line 2, strike "9" and insert "10".

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Hilgert filed the following amendment to LB 306:
AM1450

(Amendments to Standing Committee amendments, AM1256)

1. Strike sections 15 to 20 and insert the following new

sections:

"Sec. 15. Section 79-1081, Reissue Revised Statutes of Nebraska, is amended to read:

79-1081. The tax for bond interest for a Class IV school district shall in no one year exceed such amount as will, with the balance on hand in such fund, be sufficient to pay the bond interest as it becomes due. The tax for the bond sinking fund shall not exceed a sum sufficient to pay the principal of such bonds as it becomes due or to pay each year such number of the bonds as will retire them all at or before their maturity. The amount of tax levied for the retirement plan fund and for general school purposes shall be without restriction, except that the aggregate school tax levy for all purposes shall not in any one year exceed such rate as shall be necessary to provide the sums reported in the estimate returned in accordance with section 79-1085. The amount of tax levied for the building and equipment fund shall not in any one year exceed fourteen cents on each one hundred dollars of the taxable value in the school district or multiple-district school system.

Sec. 16. Section 79-10,110, Reissue Revised Statutes of Nebraska, is amended to read:

79-10,110. (1) A school board or board of education, after making a determination that an actual or potential environmental hazard or accessibility barrier exists within the school buildings or grounds under its control, may make and deliver to the county clerk of such county in which any part of the school district is situated, not later than September 10, an itemized estimate of the amounts necessary to be expended for the abatement of such environmental hazard or accessibility barrier elimination in its school buildings or grounds. The board shall conduct a public hearing on the itemized estimate prior to presenting such estimate to the county clerk. Notice of the place and time of such hearing shall, at least five days prior to the date set for hearing, be published in a newspaper of general circulation within the school district or be sent by direct mailing to each resident within the district.

(2) The board shall designate the particular environmental hazard abatement project or accessibility barrier elimination project for which the tax levy provided for by this section will be expended, the period of years, which shall not exceed ten years, for which the tax will be levied for such project, and the amount of the levy for each year of the period. The board may designate more than one project and levy a tax pursuant to this section for each such project, concurrently or consecutively, as the case may be, if the aggregate levy in each year and the duration of each levy will not exceed the limitations specified in this section. Each levy for a project which is authorized by this section may be imposed for such duration as shall be specified by the board notwithstanding the contemporaneous

existence or subsequent imposition of any other levy for another project imposed pursuant to this section and notwithstanding the subsequent issuance by the district of bonded indebtedness payable from its general fund levy.

(3) The county clerk shall levy such taxes, not to exceed five and one-fifth cents per one hundred dollars of taxable valuation, on the taxable property of the district or multiple-district school system necessary to cover the project costs itemized by the board. Such taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and when collected shall be paid to the treasurer of the district and used to cover the project costs.

(4) If such board operates grades nine through twelve as part of an affiliated school system, it shall designate the fraction of the project to be conducted for the benefit of grades nine through twelve. Such fraction shall be raised by a levy placed upon all of the taxable value of all taxable property in the affiliated school system pursuant to subsection (2) of section 79-1075. The balance of the project to be conducted for the benefit of grades kindergarten through eight shall be raised by a levy placed upon all of the taxable value of all taxable property in the district which is governed by such board. The combined rate for both levies in the high school district, to be determined by such board, shall not exceed five and one-fifth cents on each one hundred dollars of taxable value.

(5) Each board which submits an itemized estimate shall establish an environmental hazard abatement and accessibility barrier elimination project fund. Taxes collected pursuant to this section shall be credited to such fund to cover the project costs. Such estimates may be presented to the county clerk and taxes levied accordingly. The Director of Regulation and Licensure shall, by January 1 of the years 1993, 1995, 1997, and 1999, deliver a report to the Legislature estimating the amount of hazardous materials which remain in the public schools of the state.

(6) The itemized estimate submitted by a board may include the actual cost of abatement of an environmental hazard when such abatement occurred prior to the delivery of such estimate to the county clerk and was completed after June 28, 1982.

(7) For purposes of this section:

(a) Abatement includes, but is not limited to, any inspection and testing regarding environmental hazards, any maintenance to reduce, lessen, put an end to, diminish, moderate, decrease, control, dispose of, or eliminate environmental hazards, any removal or encapsulation of environmentally hazardous material or property, any restoration or replacement of material or property, any related architectural and engineering services, and any other action to reduce or eliminate environmental hazards in the school buildings or on the school grounds under the board's control, except that abatement does not include the encapsulation of any material containing more than one percent friable asbestos;

(b) Accessibility barrier means anything which impedes entry into, exit from, or use of any building or facility by all people;

(c) Accessibility barrier elimination includes, but is not limited to, inspection for and removal of accessibility barriers, maintenance to reduce, lessen, put an end to, diminish, control, dispose of, or eliminate accessibility barriers, related restoration or replacement of facilities or property, any related architectural and engineering services, and any other action to eliminate accessibility barriers in the school buildings or grounds under the board's control; and

(d) Environmental hazard means any contamination of the air, water, or land surface or subsurface caused by any substance adversely affecting human health or safety if such substance has been declared hazardous by a federal or state statute, rule, or regulation.

(8) Accessibility barrier elimination project costs includes, but is not limited to, inspection, maintenance, accounting, emergency services, consultation, or any other action to reduce or eliminate accessibility barriers.

(9) For the purpose of paying amounts necessary for the abatement of environmental hazards and accessibility barrier elimination, the board may borrow money and issue bonds and other evidences of indebtedness of the district, which bonds and other evidences of indebtedness shall be secured by and payable from an irrevocable pledge by the district of amounts received in respect of the tax levy provided for by this section and any other funds of the district available therefor. Bonds and other evidences of indebtedness issued by a district pursuant to this subsection shall not constitute a general obligation of the district or be payable from any portion of its general fund levy.

Sec. 17. Section 79-10,120, Reissue Revised Statutes of Nebraska, is amended to read:

79-10,120. The school board or board of education of a Class II, III, IV, V, or VI school district may establish a special fund for purposes of acquiring sites for school buildings or teacherages, purchasing existing buildings for use as school buildings or teacherages, including the sites upon which such buildings are located, and the erection, alteration, equipping, and furnishing of such school buildings or teacherages and additions to school buildings for elementary and high school grades and for no other purpose. Such fund shall be established from the proceeds of an annual levy, to be determined by the board, of not to exceed fourteen cents on each one hundred dollars upon the taxable value of all taxable property in the district or multiple-district school system which shall be in addition to any other taxes authorized to be levied for school purposes. Such tax shall be levied and collected as are other taxes for school purposes.

Sec. 18. Section 79-10,124, Reissue Revised Statutes of Nebraska, is amended to read:

79-10,124. The amount of special tax levied under sections 79-10,122 to 79-10,125 shall not exceed seventeen and five-tenths cents on each one hundred dollars upon the taxable value of all taxable property in the school district or multiple-district school system above the amount allowed by law for general school purposes, and the total amount voted for the period of years shall not exceed five percent of the taxable valuation of the school district.

Sec. 19. Section 79-10,126, Reissue Revised Statutes of Nebraska, is amended to read:

79-10,126. A Class V school district shall establish (1) for the general operation of the schools, such fund as will result from an annual levy of such rate of tax upon the taxable value of all the taxable property in such school district as the board of education determines to be necessary for such purpose, (2) a fund resulting from an annual amount of tax to be determined by the board of education of not to exceed fourteen cents on each one hundred dollars upon the taxable value of all the taxable property in the district or multiple-district school system for the purpose of acquiring sites of school buildings and the erection, alteration, equipping, and furnishing of such school buildings and additions to school buildings, which tax levy shall be used for no other purposes, and (3) a further fund resulting from an annual amount of tax to be determined by the board of education to pay interest on and retiring, funding, or servicing of bonded indebtedness of the district.".

2. On page 2, strike beginning with "No" in line 8 through the period in line 11.

3. On page 25, line 3, strike "20, and 24" and insert "19, and 23"; and in line 10 strike "77-3442,".

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 100 twelfth grade students and teachers from Millard South, Omaha; 32 eleventh and twelfth grade students and teachers from Broken Bow; 23 third and fourth grade students and teachers from Diller; 100 fourth grade students and teachers from Crete; and 50 representatives of the Diocesan Council of Catholic Women from across the state.

RECESS

At 12:00 noon, on a motion by Ms. Schimek, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Vrtiska and Warner who were excused; and Messrs. Abboud, Coordsen, Cudaback, Dierks, Landis, Matzke, D. Pederson, Preister, Schellpeper, Wesely, Wickersham, Will, Mmes. Bohlke, Brown, Hudkins, Kiel, C. Peterson, and Ms. Schimek who were excused until they arrive.

MESSAGE FROM THE GOVERNOR

April 15, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 343 and 466 were received in my office on April 10, 1997.

These bills were signed by me on April 15, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 875A. Introduced by Hartnett, 45.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 875, Ninety-fifth Legislature, First Session, 1997.

GENERAL FILE

LEGISLATIVE BILL 660. Mr. Beutler withdrew his amendment, AM1477, found in this day's Journal.

Mr. Beutler offered the following amendment to the Standing Committee amendment:

AM1476
(Amendments to Standing Committee amendments, AM1051)
1. On page 20, line 25, strike "may" and insert "shall".

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM1472
(Amendments to Standing Committee amendments, AM1051)
1. On page 11, line 7, after the underscored period insert "The informational meeting shall be held after notice of such meeting is published in a newspaper of general circulation within such affected exchange and no sooner than ten days after notice was received by the commission.".

Mr. Beutler withdrew his amendment.

Mr. Beutler reoffered his amendment, AM1469, found on page 1506, to the Standing Committee amendment.

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
AM1475
(Amendments to Standing Committee amendments, AM1051)
1. On page 17, line 6, strike "Such" and insert "Unless an extension is granted, such"; and in line 8 after "commission" insert "or, if the commission requires further documentation to be filed with the rate list filing, within sixty days after the date of receipt by the telecommunications company of notice for further documentation from the commission. The commission upon its own motion may grant a one-time thirty-day extension for the hearing date".

Mr. Beutler withdrew his amendment.

PRESIDENT ROBAK PRESIDING

Mrs. Bohlke and Mr. Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 29 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 624. Placed on Select File as amended.
(E & R amendment, AM7131, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 579. Placed on Select File as amended.
E & R amendment to LB 579:
AM7130

1. On page 4, strike beginning with "Enclosure" in line 25 through "(14)" in line 28.

2. On page 5, after line 5, insert the following new subdivision:

"(14) Enclosure means the use of rigid, durable construction materials mechanically fastened to the substrate to form a barrier between lead-based paint and the environment;"; in line 16 strike "1.0 milligrams" and insert "one milligram"; and in line 17 strike "0.5" and insert "one-half of one".

3. On page 6, line 13, after "report" insert an underscored comma; in line 19 strike the comma and "any" and strike "age six" and insert "six years of age"; in line 20 strike "is" and insert "are"; and in line 21 after "disabilities" insert an underscored comma.

4. On page 12, line 7, strike "a" and show as stricken.

5. On page 19, line 2, strike "an annual", show as stricken, and insert "a".

6. On page 26, line 6, strike beginning with "Environmental" through "Act", show the old matter as stricken, and insert "act".

7. On page 28, strike beginning with the comma in line 21 through the comma in line 22 and show as stricken.

LEGISLATIVE BILL 579A. Placed on Select File.

LEGISLATIVE BILL 659. Placed on Select File as amended.
E & R amendment to LB 659:
AM7127

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 81-1201.14, Reissue Revised Statutes of Nebraska, is amended to read:

81-1201.14. The primary responsibility of the Existing Business Assistance Division shall be to provide assistance to in-state businesses. Such assistance shall encourage the startup of new businesses and the retention and expansion of existing businesses. Emphasis shall be placed upon meeting the unique needs of small businesses in the state. Activities of the division shall include, but not be limited to, financial packaging, technical assistance, contacts with existing businesses regarding needs, workforce development, job training assistance, export technical assistance, and assistance to businesses in accessing new markets and new technologies.

The division shall avoid duplication with existing programs already in place which assist small businesses and entrepreneurs, and the department and the division shall deliver their programs through, to the extent possible, the Nebraska ~~Small~~ Business Development ~~Centers~~ Center, ~~the Nebraska Technical Assistance Center; the Nebraska Food Processing Center~~ Nebraska FoodStrategy, the Nebraska Investment Finance Authority, the Small Business Administration of the federal government, the Nebraska Industrial Competitiveness Alliance, and other related organizations.

The Nebraska Industrial Competitiveness Alliance is hereby created within the department. The alliance shall be a cooperative partnership of individuals and organizations from business, labor, education, and government which assists Nebraska manufacturers to be more competitive in the world market. The alliance shall be governed by a board appointed by the Governor upon recommendation from the department. The Nebraska Industrial Competitiveness Alliance Board shall consist of twenty-two to twenty-eight members of which the majority shall be individuals from the private sector and at least one-half of whom shall represent small and medium-sized manufacturers. Not more than eight members of the board shall be from state or local government. The board shall establish and approve bylaws to govern its operations and will have the following powers and duties:

(1) To advise the Governor and state agencies on policies and activities that will advance the competitiveness of Nebraska's manufacturing sector;

(2) To provide programmatic policy, guidance, and oversight to the Nebraska Industrial Competitiveness Service manufacturing extension program and the School-to-Work Program and provide oversight to the Science and Technology Program and any other programs as assigned by the Governor or by the department;

(3) To establish a fee for selected services; and

(4) To receive and approve the expenditure of funds appropriated by the Legislature or received through federal program grants, gifts, bequests, fees, commissions, and other contributions from private sources.

Members of the Nebraska Industrial Competitiveness Alliance Board shall not be liable to the state, to the alliance, or to any other person as a result of their activities, whether ministerial or discretionary, except for dishonesty, negligence, or intentional violation of the law.

Sec. 2. Original section 81-1204.14, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 94. Placed on Select File as amended.
E & R amendment to LB 94:
AM7128

1. On page 1, line 3, strike "dispositions" and insert "depositions".

LEGISLATIVE BILL 94A. Placed on Select File.

LEGISLATIVE BILL 758. Placed on Select File as amended.
E & R amendment to LB 758:
AM7129

1. On page 1, line 3, after "32-1548" insert ", 49-14,123,".

LEGISLATIVE BILL 864. Placed on Select File as amended.
E & R amendment to LB 864:
AM7132

1. On page 16, line 15, reinstate the stricken matter.
2. On page 22, line 17, after the semicolon insert "and"; and in line 20 strike "; and", show as stricken, and insert an underscored period.

LEGISLATIVE RESOLUTION 7CA. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 660:
FA166

(Amendments to Standing Committee amendments, AM1051)

1. On page 19, line 8, after "order" insert "after public notice and a hearing"; and in line 13 after the period insert "The notice provided for in this subsection shall be given once each week for two consecutive weeks in a newspaper of general circulation in the affected area and shall state that a determination of local competition may result in the freeing of the telecommunications company from significant regulation by the commission.".

Mr. Withem filed the following amendment to LB 49:
AM1478

1. Strike original section 2 and insert the following new sections:

"Section 1. Section 49-1401, Revised Statutes Supplement, 1996, is amended to read:

49-1401. Sections 49-1401 to 49-14,140 and sections 8 and 9 of this act shall be known and may be cited as the Nebraska Political Accountability and Disclosure Act. Any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-1499.01 and 49-14,103.01 to 49-14,103.07. After August 25, 1989, any reference to sections 49-1401 to 49-14,138 shall be construed to include sections 49-14,123.01 and 49-14,140.

Sec. 2. Section 49-1402, Reissue Revised Statutes of Nebraska, is amended to read:

49-1402. The Legislature finds:

(1) That the public interest in the manner in which election campaigns are conducted has increased greatly in recent years, creating a need for additional disclosure and accountability;

(2) That ~~some organizations and individuals employing lobbyists expend substantial sums to influence action in favor of such lobbyist's interests, and such expenditures must be accounted for and~~ there is a compelling state interest in ensuring that the state and local elections are free of corruption and the appearance of corruption and that this can only be achieved if (a) the sources of funding of campaigns are fully disclosed and (b) the use of money in campaigns is fully disclosed;

(3) That it is essential to the proper operation of democratic government that public officials and employees be independent and impartial, that governmental decisions and policy be made in the proper channels of governmental structure, and that public office or employment not be used for private gain other than the compensation provided by law; and

(4) That the attainment of one or more of these ends is impaired when there exists, or appears to exist, a substantial conflict between the private interests of a public official and his or her duties as such official; and that although the vast majority of public officials and employees are dedicated and serve with high integrity, the public interest requires that the law provide greater accountability, disclosure, and guidance with respect to the conduct of public officials and employees.

Sec. 3. Section 49-1403, Reissue Revised Statutes of Nebraska, is amended to read:

49-1403. For purposes of the Nebraska Political Accountability and Disclosure Act, unless the context otherwise requires, the definitions found in sections 49-1404 to 49-1444 and section 8 of this act shall be used.

Sec. 4. Section 49-1405, Reissue Revised Statutes of Nebraska, is amended to read:

49-1405. Ballot question shall mean any question which is submitted or which is intended to be submitted to a popular vote at an election, ~~by way of initiative, referendum, recall, or bond issue or as a result of legislative action,~~ whether or not it qualifies for the ballot.

Sec. 5. Section 49-1413, Reissue Revised Statutes of Nebraska, is amended to read:

49-1413. Committee shall mean (1) any combination of two or more individuals which receives contributions or makes expenditures of over two thousand dollars in a calendar year for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates or the qualification, passage, or defeat of one or more ballot questions or (2) a person, as defined in section 49-1438, whose primary purpose is to receive contributions or make expenditures and who receives or makes contributions or expenditures of over two thousand dollars in a calendar year for the purpose of influencing or attempting to influence the action of the voters for or against the nomination or election of one or more candidates or the qualification, passage, or defeat of one or more ballot questions. ~~; except an individual, other than a candidate, shall not constitute a committee.~~ Except as otherwise provided in section 49-1445, a committee shall be considered formed and subject to the Nebraska Political Accountability and Disclosure Act upon raising, receiving, or spending over the two thousand dollars in a calendar year referred to in this section. A corporation, labor organization, or industry, trade, or professional association is not a committee if it makes expenditures or provides personal services pursuant to section 49-1469.

Sec. 6. Section 49-1416, Reissue Revised Statutes of Nebraska, is amended to read:

49-1416. Election shall mean a primary, general, special, or other election held in this state or a convention or caucus of a political party held in this state to nominate a candidate. Election ~~includes a recall vote~~ shall include a vote on a ballot question.

Sec. 7. Section 49-1419, Revised Statutes Supplement, 1996, is amended to read:

49-1419. (1) Expenditure shall mean a payment, donation, loan, pledge, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate or the qualification, passage, or defeat of a ballot question. An offer or tender of an expenditure is not an expenditure if expressly and unconditionally rejected or returned.

(2) Expenditure shall include a contribution or a transfer of anything of ascertainable monetary value for purposes of influencing the nomination or election of any candidate or the qualification, passage, or defeat of a ballot question.

(3) Expenditure shall not include:

(a) An amount paid pursuant to a pledge or promise to the extent the amount was previously reported as an expenditure;

(b) An expenditure for communication by a person strictly with the person's paid members or shareholders;

(c) An expenditure for communication on a subject or issue if the communication does not support or oppose a ballot ~~issue~~ question or candidate by name or clear inference;

(d) An expenditure by a broadcasting station, newspaper, magazine, or other periodical or publication for any news story, commentary, or editorial in support of or opposition to a candidate for elective office or a ballot question in the regular course of publication or broadcasting; or

(e) An expenditure for nonpartisan voter registration activities. This subdivision shall not apply if a candidate or a group of candidates sponsors, finances, or is identified by name with the activity. This subdivision shall apply to an activity performed pursuant to the Election Act by an election commissioner or other registration official who is identified by name with the activity.

(4) Expenditure for purposes of sections 49-1480 to 49-1492 shall mean an advance, conveyance, deposit, distribution, transfer of funds, loan, payment, pledge, or subscription of money or anything of value and any contract, agreement, promise, or other obligation, whether or not legally enforceable, to make an expenditure. Expenditure shall not include payments for transportation by lobbyists or the cost of communicating positions from a principal to a lobbyist or from a lobbyist to a principal.

Sec. 8. Major out-of-state contributor means a corporation, union, industry association, trade association, or professional association which is not organized under the laws of the State of Nebraska and which makes contributions or expenditures totaling more than ten thousand dollars in any calendar year in connection with one or more elections.

Sec. 9. (1) A major out-of-state contributor shall file with the commission an out-of-state contribution report. An out-of-state contribution report shall be filed on a form prescribed by the commission within ten days after the end of the calendar month in which a person becomes a major out-of-state contributor. For the remainder of the calendar year, a major out-of-state contributor shall file an out-of-state contribution report with the commission within ten days after the end of each calendar month in which the contributor makes a contribution or expenditure.

(2) An out-of-state contribution report shall disclose as to each contribution or expenditure not previously reported (a) the amount, nature, value, and date of the contribution or expenditure, (b) the name and address of the committee, candidate, or person who received the contribution or expenditure, (c) the name and address of the person filing the report, and (d) the name, address, occupation, and employer of each person making a contribution of more than two hundred dollars in the calendar year to the person filing the report.

(3) This section shall not apply to (a) a person who files a report of a contribution or an expenditure pursuant to subsection (1) of section 49-1469, (b) a person required to file a report or campaign statement pursuant to section 49-1469, (c) a

committee having a statement of organization on file with the commission, or (d) a person or committee registered with the Federal Election Commission.

(4) Any person who fails to file an out-of-state contribution report with the commission as required by this section shall pay to the commission a late filing fee of fifty dollars for each day the report remains not filed in violation of this section, not to exceed one thousand five hundred dollars or ten percent of the amount of the contributions or expenditures which were required to be reported, whichever is greater.

Sec. 11. Section 49-1478, Reissue Revised Statutes of Nebraska, is amended to read:

49-1478. (1) An expenditure shall not be made, other than for overhead or normal operating expenses, by an agent or an independent contractor, including an advertising agency, on behalf of or for the benefit of a person unless the expenditure is reported by the committee as if the expenditure were made directly by the committee, or unless the agent or independent contractor files ~~a~~ an agent's expenditure report ~~of an independent expenditure~~ as provided in subsection (3) of this section. ~~49-1467.~~ The agent or independent contractor shall make known to the committee all information required to be reported by the committee. Any person violating this subsection ~~the provisions of this section~~ shall be guilty of a Class III misdemeanor.

(2) An expenditure shall not be made, other than for overhead or normal operating expenses, by an individual or entity gathering petition signatures on behalf of or for the benefit of a person, including a ballot question committee, unless the expenditure is reported by the ballot question committee as if the expenditure were made directly by the committee, or unless the person or entity gathering petition signatures files an agent's expenditure report as provided in subsection (3) of this section. The individual or entity gathering petition signatures shall make known to the committee all information required to be reported by the committee. For purposes of this section, petition signature means a signature affixed to a petition for the purpose of qualifying a ballot question to appear on a ballot. Any person violating this subsection shall be guilty of a Class III misdemeanor.

(3) An individual or entity gathering petition signatures, an agent, or an independent contractor who is required to file an agent's report shall file a separate agent's report for each person on whose behalf an expenditure is made. An agent's report shall be filed with the commission within ten days after the end of the calendar month in which the expenditure is made. An agent's report shall include:

(a) The name, permanent address, temporary address, permanent telephone number, and temporary telephone number of the individual or entity gathering signatures, the agent, or the independent contractor;

(b) The name, address, and telephone number of the person on whose behalf the expenditure is made;

(c) The name, permanent address, and temporary address of the person to whom the expenditure is made;

(d) The date and amount of each expenditure; and

(e) A description of the goods or services purchased and the purpose of the goods or services.

Sec. 12. Section 49-14,124, Reissue Revised Statutes of Nebraska, is amended to read:

49-14,124. Upon a complaint signed under oath by any person, upon the recommendation of the executive director, or upon its own motion, the commission shall, by way of preliminary investigation, investigate any alleged violation of ~~sections 49-1401 to 49-14,138~~ the Nebraska Political Accountability and Disclosure Act or any rule or regulation adopted and promulgated thereunder. Each governmental body shall cooperate with the commission in the conduct of its investigations. All commission proceedings and records relating to preliminary investigations shall be confidential until a final determination is made by the commission unless the person alleged to be in violation of ~~sections 49-1401 to 49-14,138~~ the act requests that the proceedings be public. The executive director shall notify any person under investigation by the commission of the investigation and of the nature of the alleged violation within five days of the commencement of the investigation. Within fifteen days ~~of~~ after the filing of a sworn complaint by a person alleging a violation, and every thirty days thereafter until the matter is terminated, the executive director shall notify the complainant and the alleged violator of the action taken to date by the commission together with the reasons for such action or for nonaction.

Sec. 13. Original sections 49-1402, 49-1403, 49-1405, 49-1413, 49-1416, 49-1478, and 49-14,124, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1419, and 49-1446.01, Revised Statutes Supplement, 1996, are repealed.".

Mrs. Bohlke filed the following amendment to LB 806:
AM1503

(Amendments to Standing Committee amendments, AM1205)

1. On page 49, line 26, strike "34" and insert "36".

2. On page 75, line 8, after the period insert "The net option funding shall be multiplied by 1.25 for option school districts that have all of the following three programs: Programs for learners with high ability approved by the department pursuant to section 79-1108; vocational education programs meeting base program components established by the department in two or more program areas; and an alternative school, class, or educational program serving expelled students and other students who are not succeeding in the regular classroom environment.".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 633A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 633, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

GENERAL FILE

LEGISLATIVE BILL 686. Title read. Considered.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler offered the following amendment:
AM1500

1. On page 6, line 14, after the period insert "In the initial year of its existence, the commission shall determine the amount of the fund to be as nearly as possible equivalent to the amount of money currently dedicated by the telecommunications industry to universal service and reasonable access.".

Messrs. Wesely, Cudaback, and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 686:
AM1501

1. Insert the following new sections:

"Sec. 10. Section 86-804, Reissue Revised Statutes of Nebraska, is amended to read:

86-804. The commission shall provide the Legislature with an annual report on or before September 30 of each year on the status of the Nebraska telecommunications industry. The report shall describe: (1) The quality of telecommunications services being provided to the citizens of Nebraska; (2) the availability of diverse and affordable telecommunications services to all of the people of Nebraska; ~~and~~ (3) the level of rates of local exchange companies and interexchange telecommunications companies; and (4) the level of the Nebraska Telecommunications Universal Service Fund as determined by section 9 of this act. The report also shall address the question of the need for further legislation to achieve the purposes of sections 86-801 to 86-811.

Sec. 11. Original section 86-804, Reissue Revised Statutes of Nebraska, is repealed.".

2. Insert underscoring in the original sections.

Mr. Beutler filed the following amendment to LB 686:
AM1497

1. On page 6, line 6, after the period insert "In no case shall a majority of the members of the commission represent telecommunications companies.".

Mr. Beutler filed the following amendment to LB 686:
AM1498

1. On page 6, line 12, after the period insert "The commission shall publish notice of the hearing in at least one newspaper of general circulation in the state at least once each week for two consecutive weeks before the hearing.".

Mr. Beutler filed the following amendment to LB 686:
AM1496

1. On page 5, line 6, after the period insert "The commission shall select the administrator who shall serve at the will of the commission.".

Mr. Chambers filed the following amendment to LB 686:
FA167

P. 5, line 25, strike "nine" and insert "seven"; and in line 26, strike "fifteen" and insert "eleven";

P. 6, line 3, strike "four" and insert "two"; in line 4, strike "eight" and insert "three", and in line 5, strike "three" and insert "two".

Mr. Bromm filed the following amendment to LB 590:
AM1491

(Amendments to Standing Committee amendments, AM1198)

1. On page 11, strike beginning with "The" in line 23 through the period in line 25 and insert "If no fee for a public record is specified by law, the board shall not charge a fee for access to a public record that exceeds the actual cost to the state agency of making the public record available. For purposes of this section, actual cost includes the materials used to reproduce the public record, but does not include labor costs, equipment costs, overhead costs, or any other costs that would have been incurred by the state agency if a request to reproduce a public record had not been made. Notwithstanding the provisions of this section, if the request is such as to require significantly greater use of information technology resources or significantly greater clerical or supervisory assistance by personnel of the state agency involved, then the state agency may charge, in addition to the actual cost of reproduction, a special service charge which shall be reasonable and shall not exceed the actual cost incurred for the

significantly greater use of information technology resources or the labor costs of the personnel providing the services or both.".

Mr. Abboud filed the following amendment to LB 890:
AM1445

1. On page 4, after line 5 insert:

"Tort Claim No. 95-306, against the
Department of Roads,
pay to Johnny A. Chavez and Robert P. Chaloupka,
Attorney,
1904 1st Ave., P.O. Box 1204,
Scottsbluff, NE 69363-1204,
out of Roads Operations Cash Fund 250,000.00
;" and in lines 14 and 15 strike "566,747.11" and insert "816,747.11".

Mr. Landis filed the following amendment to LB 590:
AM1322

(Amendments to Standing Committee amendments, AM1198)

1. On page 9, line 25 after "(d)" insert "The State Treasurer or his or her designee;

(e)"; and in line 27 strike "(e)" and insert "(f)".

2. On page 10, line 2, strike "(f)" and insert "(g)".

Mr. Wickersham filed the following amendment to LB 624:
AM1452

1. In the E & R amendments, AM7131, strike section 31 and all amendments thereto and insert the following new section:

"Sec. 32. Section 81-2026, Revised Statutes Supplement, 1996, as amended by section 36, Legislative Bill 623, Ninety-fifth Legislature, First Session, 1997, is amended to read:

81-2026. (1) Any officer qualified for an annuity as provided in section 81-2025 for reasons other than disability shall be entitled to receive a monthly annuity for the remainder of the officer's life. The amount of the annuity shall be a percentage of the officer's final average monthly compensation. For retirement on or after the fifty-fifth birthday of the member or on or after the fiftieth birthday of a member who has been in the employ of the state for twenty-five years, as calculated in section 81-2033, the percentage shall be three percent multiplied by the number of years of creditable service, as calculated in section 81-2033, except that the percentage shall never be greater than seventy-five percent.

For retirement pursuant to subsection (2) of section 81-2025 on or after the fiftieth birthday of the member but prior to the fifty-fifth birthday of the member who has been in the employ of the state for less than twenty-five years, as calculated in section 81-2033, the annuity which would apply if the member were age fifty-five at the date of retirement shall be reduced by five-ninths of one percent for each month by which the early retirement date precedes age fifty-five or for each month by which the early retirement date precedes the date upon which the member has served for twenty-five years, whichever is earlier. Any officer who has completed thirty years of creditable service with the Nebraska State Patrol shall have retirement benefits computed as if the officer had reached age fifty-five.

For purposes of this computation, final average monthly compensation shall mean the sum of the officer's total compensation during the three twelve-month periods of service as an officer in which compensation was the greatest divided by thirty-six, and for any officer employed on or before January 4, 1979, the officer's total compensation shall include payments received for unused vacation and sick leave accumulated during the final three years of service.

(2) Any officer qualified for an annuity as provided in section 81-2025 for reasons of disability shall be entitled to receive a monthly annuity for the remainder of the period of disablement as provided in sections 81-2028 to 81-2030. The amount of the annuity shall be fifty percent of the officer's monthly compensation at the date of disablement if the officer has completed seventeen or fewer years of creditable service. If the officer has completed more than seventeen years of creditable service, the amount of the annuity shall be three percent of the final monthly compensation at the date of disablement multiplied by the total years of creditable service but not to exceed seventy-five percent of the final average monthly compensation as defined in subsection (1) of this section. The date of disablement shall be the date on which the benefits as provided in section 81-2028 have been exhausted.

(3) Upon the death of an officer after retirement for reasons other than disability, the officer's surviving spouse shall receive seventy-five percent of the amount of such officer's annuity for the remainder of the surviving spouse's life or until the surviving spouse remarries. If the surviving spouse has a dependent child or children of the officer under the age of nineteen years in his or her care, the benefit shall be one hundred percent of the amount of such officer's annuity until such time as the youngest such dependent child attains the age of nineteen years, after which time the benefit shall be reduced to seventy-five percent of the amount of such officer's annuity. If there is no surviving spouse living at the date of the officer's death, the officer's child or children, if any, shall continue to receive seventy-five percent of the amount of such officer's annuity until such time as the youngest such child attains the age of nineteen years. If there is more than one such child under the age of nineteen years at such time, the amount thereof shall be divided equally among such children under such age and, as they attain the age of nineteen years, only the other child or children

under such age shall participate therein. If there is no surviving spouse or no child of the officer under the age of nineteen years at the date of the officer's death, the amount of annuities such officer has received under the Nebraska State Patrol Retirement Act shall be computed. If such amount is less than the contributions to the State Patrol Retirement Fund made by such officer, plus regular interest, the difference shall be paid to the officer's designated beneficiary or estate.

Upon the death of an officer after retirement for reasons of disability, benefits shall be provided as if the officer had retired for reasons other than disability.

Upon the death of an officer before retirement, benefits shall be provided as if the officer had retired for reasons of disability on the date of such officer's death as follows: (a) To the surviving spouse, regardless of the length of time the spouse and officer had been married, and dependent child or children of the officer under the age of nineteen years in such spouse's care, the benefit shall be one hundred percent of the amount of such officer's annuity until such time as the youngest dependent child attains the age of nineteen years after which time the benefit shall be reduced to seventy-five percent of the officer's annuity for the remainder of his or her life or until he or she remarries; (b) if there is no spouse living at the date of the officer's death, his or her child or children, if any, shall continue to receive seventy-five percent of the amount of such officer's annuity until such time as the youngest child attains the age of nineteen years; (c) if there is more than one child of the officer under the age of nineteen years at the date of the officer's death, the benefit shall be divided equally among such children and, as they attain the age of nineteen years, only the child or children under the age of nineteen years shall participate therein; and (d) if there is no child or children of the officer under the age of nineteen years living at the date of the officer's death, the surviving spouse, regardless of the length of time the spouse and officer had been married, shall receive seventy-five percent of the amount of such officer's annuity for the remainder of his or her life or until he or she remarries. If no benefits are paid to a surviving spouse or dependent children of the officer, benefits will be paid as described in subsection (1) of section 81-2031.

(4) Any benefits provided in subsections (1), (2), and (3) of this section shall apply only to retirements, disabilities, and deaths occurring on or after September 2, 1977. No benefits being paid under the system on September 2, 1977, shall be modified, in any way, by the enactment of Laws 1977, LB 347.".

2. On page 10, line 28, strike "the member's fifty-fifth", show as stricken, and insert "termination".

3. On page 11, line 1, strike "birthday" and show as stricken; and strike beginning with "attains" in line 9 through "years" in line 10, show as stricken, and insert "has terminated

his or her employment with the county".

VISITORS

Visitors to the Chamber were 41 fourth grade students and teacher from Lost Creek School, Columbus; and 44 fourth grade students and teacher from Geneva.

ADJOURNMENT

At 4:34 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, April 16, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

FIFTY-NINTH DAY - APRIL 16, 1997

LEGISLATIVE JOURNAL

FIFTY-NINTH DAY – APRIL 16, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

FIFTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 16, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Roger Nelson, First Presbyterian Church, Grand Island, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Messrs. Abboud, Bromm, Chambers, Coordsen, Cudaback, Engel, Hilgert, Jones, Schellpeper, Schmitt, Schrock, Vrtiska, Wehrbein, Wesely, Wickersham, Will, Withem, Mmes. Bohlke, Hillman, Kiel, Robak, and Stuhr who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-eighth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 476. Advanced to E & R for engrossment.

LEGISLATIVE BILL 555. E & R amendment, AM7099, found on page 1306, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 740. Advanced to E & R for engrossment.

LEGISLATIVE BILL 523. E & R amendment, AM7103, found on page 1307, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 424. E & R amendment, AM7100, found on page 1307, was adopted.

Mr. Landis renewed his pending amendment, AM1339, found on page 1435.

The Landis amendment was adopted with 25 ayes, 0 nays, 2 present and not voting, and 22 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 193. Advanced to E & R for engrossment.

LEGISLATIVE BILL 643. E & R amendment, AM7101, found on page 1307, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 873. Advanced to E & R for engrossment.
LEGISLATIVE BILL 874. Advanced to E & R for engrossment.

LEGISLATIVE BILL 173. Mr. Beutler renewed the Wickersham pending amendment, AM1362, found on page 1492.

Mr. D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 2 present and not voting, and 21 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 173A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 66. Mr. Schrock renewed his pending amendment, AM1272, found on page 1410.

The Schrock amendment was adopted with 25 ayes, 0 nays, 6 present and not voting, and 18 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 851. E & R amendment, AM7102, found on page 1316, was adopted.

Mrs. Crosby offered the following amendment:
AM1516

1. Strike original sections 1 and 2 and insert the following new sections:

"Section 1. Section 20-150, Reissue Revised Statutes of Nebraska, is amended to read:

20-150. The Legislature hereby finds and declares that it is the policy of the State of Nebraska to secure the rights of ~~hearing-impaired~~ deaf and hard of hearing persons who cannot readily understand or communicate in spoken language and who consequently cannot equally participate in or benefit from proceedings, programs, and activities of the courts, law enforcement personnel, and legislative bodies unless qualified interpreters are available to assist them.

Sec. 2. Section 20-151, Reissue Revised Statutes of Nebraska, is amended to read:

20-151. As used in sections 20-150 to 20-159 and sections 5, 8, 10, and 11 of this act, unless the context otherwise requires:

(1) Appointing authority ~~shall~~ ~~mean~~ means the Legislature, a legislative committee, law enforcement personnel, ~~or~~ any court of the state, or any educational program provided by school districts required to provide a qualified interpreter pursuant to sections 20-150 to 20-159 and sections 5, 8, 10, and 11 of this act;

(2) ~~Hearing-impaired person shall mean a person who because of a hearing impairment has difficulty understanding oral communication or who because of any other impairment depends on an interpreter for the hearing impaired to ensure total expressive and receptive communication;~~ Auxiliary aid includes, but is not limited to, qualified sign language interpreters, oral interpreters, other interpreters, notetakers, transcription services, written materials, assistive listening devices, assisted listening systems, videotext displays, and other visual delivery systems;

(3) Deaf or hard of hearing person means a person whose hearing impairment, with or without amplification, is so severe that he or she may have difficulty in auditorily processing spoken language without the use of an interpreter or a person with a fluctuating or permanent hearing loss which may adversely affect the ability to understand spoken language without the use of an interpreter or an auxiliary aid;

~~(3)~~ (4) Intermediary interpreter ~~shall~~ ~~mean~~ means any person, including any ~~hearing-impaired~~ deaf or hard of hearing person, who is able to assist in providing an accurate interpretation between spoken English and sign language or between variants of sign language in order to facilitate communication between a ~~hearing-impaired~~ deaf or hard of hearing person and a qualified interpreter;

~~(4)~~ (5) Oral interpreter ~~shall~~ ~~mean~~ means a person who interprets language through facial expression, body language, and ~~lip movements~~ mouthing; ~~and~~

(6) Qualified educational interpreter means an interpreter with a competency rating of three or above on the Educational Interpreter Performance Assessment (EIPA) or on the Mid-American Quality Assurance Screening Test (QAST), or a CI, CT, or CSC certificate from the Registry of the Interpreters for the Deaf (RID) or any evaluation procedures deemed acceptable for ensuring competent and qualified interpreters as determined by the commission;

(7) ~~(5)~~ Qualified interpreter means a person who demonstrates proficiencies in interpretation or transliteration, is licensed by the Commission for the Deaf and Hard of Hearing, and is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. A qualified interpreter includes any interpreter who has been assessed and assigned a level of competency by the commission prior to the effective date of this act; and ~~shall mean an interpreter who is approved by the Commission for the Hearing Impaired and is sufficiently able to communicate with a hearing-impaired person and to interpret accurately all statements and proceedings.~~

(8) Tactile interpreter means a person who interprets for a deaf-blind person. The degree of deafness and blindness will determine the mode of communication to be used for each person.

Sec. 3. Section 20-152, Reissue Revised Statutes of Nebraska, is amended to read:

20-152. Whenever a ~~hearing-impaired~~ deaf or hard of hearing person is arrested and taken into custody for an alleged violation of state law or ~~a~~ local ordinance, the appointing authority shall procure a qualified interpreter for any interrogation, warning, notification of rights, or taking of a statement, unless otherwise waived. No ~~such~~ arrested deaf or hard of hearing person otherwise eligible for release, shall be held in custody solely to await the arrival of a qualified interpreter. A qualified interpreter shall be provided as soon as possible. No written or oral answer, statement, or admission made by a ~~hearing-impaired~~ deaf or hard of hearing person in reply to a question of any law enforcement officer or any other person having a prosecutorial function may be used against ~~such~~ the deaf or hard of hearing person in any criminal proceeding unless (1) the statement was made or elicited through a qualified interpreter and was made knowingly, voluntarily, and intelligently or (2) ~~if~~ the ~~hearing-impaired~~ deaf or hard of hearing person waives his or her right to an interpreter, the waiver and statement were made knowingly, voluntarily, and intelligently. The right of a ~~hearing-impaired~~ deaf or hard of hearing person to an interpreter may be waived only in writing. The failure to provide an interpreter pursuant to this section shall not be a defense to prosecution for the violation for which the ~~hearing-impaired~~ deaf or hard of hearing person was arrested.

Sec. 4. Section 20-153, Reissue Revised Statutes of Nebraska, is amended to read:

20-153. For any proceeding before the Legislature, any legislative committee, any law enforcement agency or department, or any court at which a ~~hearing-impaired~~ deaf or hard of hearing person is subpoenaed or requested in writing to attend, the appointing authority shall obtain a qualified interpreter to interpret the proceedings to ~~such~~ the deaf or hard of hearing person and to interpret his or her testimony or statements.

Sec. 5. On and after September 1, 1999, all kindergarten through grade twelve school districts and educational service units shall employ educational interpreters licensed pursuant to section 20-156 and provide auxiliary aids for deaf or hard of hearing persons as determined by the individual education plan or the individual family service plan.

Sec. 6. Section 20-154, Reissue Revised Statutes of Nebraska, is amended to read:

20-154. If an appointed qualified interpreter is not able to provide effective communication with a ~~hearing-impaired~~ deaf or hard of hearing person, the appointing authority shall obtain another qualified interpreter. An oral interpreter shall be provided upon request of a ~~hearing-impaired~~ deaf or hard of hearing person who chooses not to communicate in sign language. If an interpreter is unable to render a satisfactory interpretation, the appointing authority shall then obtain an intermediary interpreter to assist the appointed interpreter. The appointing authority shall ensure that any interpreter is properly situated so as to permit effective communication with the ~~hearing-impaired~~ deaf or hard of hearing person and full participation of the ~~hearing-impaired~~ deaf or hard of hearing person in the proceeding.

Sec. 7. Section 20-155, Reissue Revised Statutes of Nebraska, is amended to read:

20-155. When an appointing authority has reason to believe that a person is not ~~hearing impaired~~ deaf or hard of hearing or is not dependent on an interpreter to ensure receptive or expressive communication, the appointing authority may require the person to furnish reasonable proof of his or her need for an interpreter.

Sec. 8. Section 20-157, Reissue Revised Statutes of Nebraska, is amended to read:

~~20-157.~~ In any proceeding in which a ~~hearing-impaired~~ deaf or hard of hearing person is testifying under oath or affirmation, the interpreter shall take an oath or affirmation that he or she will make a true interpretation of the proceeding in an understandable manner to the best of his or her ability.

Sec. 9. Section 20-156, Reissue Revised Statutes of Nebraska, is amended to read:

20-156. (1) On and after September 1, 1999, all qualified educational interpreters, including such interpreters employed prior to September 1, 1999, shall be licensed by the Commission for the Deaf and Hard of Hearing. The commission shall be the agency assigned full responsibility for evaluating, licensing, and registering qualified educational interpreters. To carry out the duty of evaluating interpreters' skills, the commission shall hire qualified individuals or an organization. The commission may recognize the evaluation and certification programs of the National Association of the Deaf and the Registry of the Interpreters for the Deaf as a means to carry out the duty of evaluating interpreters' skills. The commission shall issue a license without further examination to any interpreter who has been assessed and assigned a level of competency by the commission consistent with the provisions of sections 20-151 to 20-159 and sections 5, 8, 10, and 11 of this act prior to the effective date of this act.

(2) Prior to September 1, 1999, the commission, in conjunction with the State Department of Education, shall develop for distribution qualified educational interpreter guidelines. The commission in cooperation with the State Department of Education shall adopt and promulgate rules and regulations to implement the guidelines and requirements for qualified educational interpreters.

(3) The ~~Commission for the Hearing Impaired~~ commission shall prepare and maintain a list of the various types of qualified interpreters as provided by section 71-4728. Nothing in sections 20-150 to 20-159 and sections 5, 8, 10, and 11 of this act shall be construed to prevent any appointing authority from contracting with a qualified interpreter on a full-time employment basis.

Sec. 10. The Commission for the Deaf and Hard of Hearing may revoke an interpreter's license if the interpreter has violated established rules and regulations. To revoke an interpreter's license, the commission shall convene a board of inquiry composed of at least five impartial persons consisting of a deaf or hard of hearing person, three qualified interpreters, and the director of the commission or his or her designee.

Sec. 11. The Commission for the Deaf and Hard of Hearing shall establish and charge reasonable fees for evaluating and licensing interpreters in Nebraska pursuant to sections 20-150 to 20-159 and sections 5, 8, 10, and 11 of this act.

Sec. 12. Section 20-158, Reissue Revised Statutes of Nebraska, is amended to read:

20-158. Whenever a deaf or hard of hearing ~~hearing-impaired~~ person communicates through an interpreter under circumstances in which the communication would otherwise be privileged, the privilege shall apply to the interpreter as well.

Sec. 13. Section 20-159, Reissue Revised Statutes of Nebraska, is amended to read:

20-159. A qualified interpreter appointed pursuant to sections 20-150 to 20-159 and sections 5, 8, 10, and 11 of this act is ~~shall be~~ entitled to a fee for professional services and other relevant expenses as approved by the governing body of the appointing authority. When appropriate, the appointing authority may use fee guidelines established by a recognized registry of interpreters for the ~~hearing impaired~~ deaf and hard of hearing. When the qualified interpreter is appointed by a court, the fee shall be paid out of the general fund of the county in which such proceedings take place. When the qualified interpreter is appointed by an appointing authority other than a court, the fee shall be paid out of funds available to the governing body of the appointing authority.

Sec. 14. Section 25-2402, Reissue Revised Statutes of Nebraska, is amended to read:

25-2402. For the purposes of sections 25-2401 to 25-2406 unless the context otherwise requires:

(1) Deaf or hard of hearing person means a person whose hearing impairment, with or without amplification, is so severe that he or she may have difficulty in auditorily processing spoken language without the use of an interpreter or a person with a fluctuating or permanent hearing loss which may adversely affect the ability to understand spoken language without the use of an interpreter or an auxiliary aid;

~~(1)~~ (2) Person unable to communicate the English language ~~shall mean~~ means a person who cannot readily understand or communicate the English language; and

~~(2)~~ (3) Proceeding ~~shall mean~~ means any legal proceeding or any hearing preliminary thereto involving persons unable to communicate the English language, or deaf or hard of hearing persons unable to communicate by a spoken language.".

2. Amend the repealer, renumber the remaining sections, and correct internal references accordingly.

The Crosby amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 274. Advanced to E & R for engrossment.
LEGISLATIVE BILL 856. Advanced to E & R for engrossment.

LEGISLATIVE BILL 197. E & R amendment, AM7104, found on page 1316, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 49. Mr. Withem renewed his pending amendment, AM1478, found on page 1522.

Mr. Withem offered the following amendment to his pending amendment:
FA169
delete section 4 from AM1478

The Withem amendment was adopted with 27 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

The Withem amendment, as amended, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 886. E & R amendment, AM7106, found on page 1333, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 861. Advanced to E & R for engrossment.

LEGISLATIVE BILL 636. E & R amendment, AM7105, found on page 1334, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 279. E & R amendment, AM7107, found on page 1334, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 452. Advanced to E & R for engrossment.

LEGISLATIVE BILL 396. E & R amendment, AM7111, found on page 1334, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 396A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 546. Advanced to E & R for engrossment.

LEGISLATIVE BILL 577. E & R amendment, AM7108, found on page 1334, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 577A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 837. E & R amendment, AM7112, found on page 1335, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 352. E & R amendment, 7109, found on page 1390, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 551. Advanced to E & R for engrossment.

LEGISLATIVE BILL 814. E & R amendment, AM7113, found on page 1391, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 119. E & R amendment, AM7115, found on page 1391, was adopted.

Mr. Dw. Pedersen offered the following amendment:
AM1351

1. In the Janssen amendment, AM1238, on page 1, line 10, after "of" insert "and the noncustodial parent or parents of".

2. In the Standing Committee amendment, AM0630:

a. On page 2, line 23; page 3, line 12; and page 4, line 12, after "of" insert "and the noncustodial parent or parents of"; and

b. On page 2, line 25; and page 3, line 14, strike "person or persons" and insert "individuals".

The Dw. Pedersen amendment was adopted with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Dw. Pedersen moved to reconsider adoption of AM1351.

The Dw. Pedersen motion to reconsider prevailed with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Mr. Dw. Pedersen withdrew his amendment, AM1351.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 437. E & R amendment, AM7114, found on page 1391, was adopted.

Advanced to E & R for engrossment.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 495. Mr. Beutler offered the following amendment:

(Amendment, AM1526, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

The Beutler amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 770. Advanced to E & R for engrossment.

MR. COORDSEN PRESIDING

LEGISLATIVE BILL 727. Mr. Landis renewed his pending amendment, AM1281, found on page 1435.

The Landis amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 335. E & R amendment, AM7123, found on page 1391, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 741. E & R amendment, AM7116, found on page 1392, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 543. Advanced to E & R for engrossment.
LEGISLATIVE BILL 136. Advanced to E & R for engrossment.

LEGISLATIVE BILL 772. E & R amendment, AM7118, found on page 1392, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 771. Advanced to E & R for engrossment.
LEGISLATIVE BILL 527. Advanced to E & R for engrossment.

LEGISLATIVE BILL 558. Mr. Beutler renewed his pending amendment, AM1320, found on page 1400.

The Beutler amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 802. E & R amendment, AM7119, found on page 1392, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 852. E & R amendment, AM7124, found on page 1460, was adopted.

Mrs. Crosby offered the following amendment:
AM1449

(Amendments to AM0798)

1. On page 2, strike lines 1 through 4.

The Crosby amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

SPEAKER WITHEM PRESIDING

Advanced to E & R for engrossment.

LEGISLATIVE BILL 595. E & R amendment, AM7126, found on page 1460, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 624. E & R amendment, AM7131, printed separately and referred to on page 1520, was adopted.

Mr. Wickersham renewed his pending amendment, AM1452, found on page 1530.

The Wickersham amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 659. E & R amendment, AM7127, found on page 1520, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 94. E & R amendment, AM7128, found on page 1522, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 94A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 758. E & R amendment, AM7129, found on page 1522, was adopted.

Advanced to E & R for engrossment.

Mrs. McKenzie and Mr. Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 10.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-4,100, 60-507, and 60-531, Reissue Revised Statutes of Nebraska; to change provisions relating to suspension and revocation of operator's licenses; to change notice requirements; to waive certain reinstatement fees after seven years; to change nonresident proof of financial responsibility requirements; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Dierks
Kiel
Vrtiska
Wickersham

Excused and not voting, 7:

Abboud
Bohlke
Chambers
McKenzie
Warner
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 10A.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations relating to the provisions of Legislative Bill 10, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Dierks
Kiel
Maurstad
Vrtiska
Wickersham

Excused and not voting, 7:

Abboud
Bohlke
Chambers
McKenzie
Warner
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 86.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 77-1239 and 77-1240.03, Reissue Revised Statutes of Nebraska; to change provisions relating to taxation of motor vehicles; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen

Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Dierks
Kiel
Vrtiska

Excused and not voting, 7:

Abboud
Bohlke
Chambers
McKenzie
Warner
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 86A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 86, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Kiel
Robinson
Vrtiska
Wickersham

Excused and not voting, 7:

Abboud
Bohlke
Chambers
McKenzie
Warner

Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MR. KRISTENSEN PRESIDING

LEGISLATIVE BILL 641.

A BILL FOR AN ACT relating to the Boiler Inspection Act; to amend section 48-720, Reissue Revised Statutes of Nebraska, and sections 48-722 and 48-726, Revised Statutes Supplement, 1996; to redefine a term; to provide for exemptions and change certain inspection requirements; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Jensen
Kiel
Vrtiska

Excused and not voting, 7:

Abboud
Bohlke
Chambers
McKenzie
Warner
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 641A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 641, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler
Brashear
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Brown
Jensen
Kiel
Vrtiska
Wickersham

Excused and not voting, 7:

Abboud
Bohlke
Chambers
McKenzie
Warner
Wesely
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LR 8CA to Select File

Mr. Withem moved to return LR 8CA to Select File for the following specific amendment:
FA168
Strike the enacting clause.

Mr. Withem withdrew his motion to return.

RESOLUTIONS ON FINAL READING

The following resolutions were read and put upon final passage:

LEGISLATIVE RESOLUTION 8CA.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article IV, section 1:

IV-1 "The executive officers of the state shall be the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and the heads of such other executive departments as set forth herein or as may be established by law. The Legislature may provide for the placing of the above named officers as heads over such departments of government as it may by law establish.

The Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of Public Accounts, and ~~the~~ State Treasurer shall be chosen at the general election held in November, 1974, and in each alternate even-numbered year thereafter, for a term of four years and until their successors shall be elected and qualified.

In the general election one vote shall be cast jointly for the candidates for Governor and Lieutenant Governor nominated by the same party. The Governor shall be ineligible to the office of Governor for four years next after the expiration of two consecutive terms for which he or she was elected.

The records, books, and papers of all executive officers shall be kept at the seat of government. Executive officers shall reside within the State of Nebraska during their respective terms of office. ~~; and such officers, excepting the Lieutenant Governor and members of boards and commissions when the board or commission is the head of an executive department, shall reside there during their respective terms of office.~~ Officers in the executive department of the state shall perform such duties as may be provided by law.

The heads of all executive departments established by law, other than those to be elected as provided herein, shall be appointed by the Governor, with the consent of a majority of all members elected to the Legislature, but officers so appointed may be removed by the Governor. Subject to the provisions of this Constitution, the heads of the various executive or civil departments shall have power to appoint and remove all subordinate employees in their respective departments.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

> "A constitutional amendment to change residency requirements for executive officers of the state.
> For
> Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.

Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 1:

Crosby

Excused and not voting, 6:

Bohlke
Chambers
McKenzie
Warner
Wesely
Will

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the special election.

LEGISLATIVE RESOLUTION 10CA.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 11:

III-11 "The Legislature shall keep a journal of its proceedings and publish them, ~~(~~except such parts as may require secrecy, ~~)~~ and the yeas and nays of the members on any question~~,~~ shall at the desire of any one of them be entered on the journal. All votes shall be viva voce. The doors of the Legislature and of the ~~Committees~~ committees of the ~~Whole,~~ Legislature shall be open, ~~unless~~ except when the business shall be such as ought to be kept secret. The yeas and nays of each member of any committee of the Legislature shall be recorded and published on any question in committee to advance or to indefinitely postpone any bill.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require legislative committees to hold open meetings and to require the recording and publishing of certain votes by members of legislative committees.
For
Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 43:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 5:

Bohlke
McKenzie
Warner
Wesely
Will

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the special election.

LEGISLATIVE RESOLUTION 26CA.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 20:

I-20 "No person shall be imprisoned for debt in any civil action on mesne or final process. ~~; unless in cases of fraud.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate an exception to the prohibition on imprisonment for debt.
For
Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 44:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback

Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Bohlke
McKenzie
Warner
Wesely
Will

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the special election.

LEGISLATIVE RESOLUTION 30CA.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 8:

I-8 "The privilege of the writ of habeas corpus shall not be suspended. ~~, unless, in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.~~".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate an exception to the prohibition on the suspension of the writ of habeas corpus.
For
Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 43:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister

Robak	Schimek	Suttle	Wehrbein	Witek
Robinson	Schrock	Tyson	Wickersham	Withem
Schellpeper	Stuhr	Vrtiska		

Voting in the negative, 0.

Present and not voting, 1:

Schmitt

Excused and not voting, 5:

Bohlke	McKenzie	Warner	Wesely	Will

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the special election.

LEGISLATIVE RESOLUTION 32CA.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 2:

III-2 "The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature. This power may be invoked by petition wherein the proposed measure shall be set forth at length. If the petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the petition be for the amendment of the Constitution, the petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such petition shall be so distributed as to include five percent of the registered voters of each of two-fifths of the counties of the state, and when thus signed, the petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than four months after such petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative. Initiative measures shall contain only one subject.".

Sec. 2. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 3:

III-3 "The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state, distributed as required for initiative petitions, and filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. ~~Such~~ Each such petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. No more than one act or portion of an act of the Legislature shall be the subject of each referendum petition. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state distributed as aforesaid, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.".

Sec. 3. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to require initiative measures to contain only one subject.
For
Against".

"A constitutional amendment to require referendum measures to refer to only one act of the Legislature.
For
Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Brashear
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr

Suttle Vrtiska Wickersham Witek Withem
Tyson Wehrbein

Voting in the negative, 0.

Present and not voting, 2:

Bromm Hilgert

Excused and not voting, 5:

Bohlke McKenzie Warner Wesely Will

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the special election.

LEGISLATIVE RESOLUTION 47CA.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 10 and 14:

III-10 "Beginning with the year 1975, regular sessions of the Legislature shall be held annually, commencing at 10 a.m. on the first Wednesday after the first Monday in January of each year. The duration of regular sessions held shall not exceed ninety legislative days in odd-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature, and shall not exceed sixty legislative days in even-numbered years unless extended by a vote of four-fifths of all members elected to the Legislature. Bills and resolutions under consideration by the Legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next regular session, as if there had been no such adjournment. ~~The Lieutenant Governor shall preside, but shall vote only when the Legislature is equally divided.~~ A majority of the members elected to the Legislature shall constitute a quorum; the Legislature shall determine the rules of its proceedings and be the judge of the election, returns, and qualifications of its members~~,~~ and shall choose its own officers, including a Speaker. ~~to preside when the Lieutenant Governor shall be absent, incapacitated, or shall act as Governor.~~ No member shall be expelled except by a vote of two-thirds of all members elected to the Legislature, and no member shall be twice expelled for the same offense. The Legislature may punish by imprisonment any person not a member thereof who shall be guilty of disrespect to the Legislature by disorderly or contemptuous behavior in its presence, but no such imprisonment shall extend beyond twenty-four hours at one time, unless the person shall persist in such disorderly or contemptuous behavior."

III-14 "Every bill and resolution shall be read by title when introduced, and a printed copy thereof provided for the use of each member. The bill and all amendments thereto shall be printed and presented before the vote is taken upon its final passage and shall be read at large unless three-fifths of all the members elected to the Legislature vote not to read the bill and all amendments at large. No vote upon the final passage of any bill shall be taken until five legislative days after its introduction nor until it has been on file for final reading and passage for at least one legislative day. No bill shall contain more than one subject, and the subject shall be clearly expressed in the title. No law shall be amended unless the new act contains the section or sections as amended and the section or sections so amended shall be repealed. The ~~Lieutenant Governor, or the Speaker if acting as~~ presiding officer~~,~~ shall sign, in the presence of the Legislature while it is in session and capable of transacting business, all bills and resolutions passed by the Legislature.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate references to the Lieutenant Governor as the presiding officer of the Legislature.
For
Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 40:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Withem

Voting in the negative, 4:

Crosby
Maurstad
Robak
Witek

Excused and not voting, 5:

Bohlke
McKenzie
Warner
Wesely
Will

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the special election.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 635 with 39 ayes, 2 nays, 2 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 635. With Emergency.

A BILL FOR AN ACT relating to public records; to amend sections 37-1278, 37-1278.01, 60-106, 60-111.01, 60-308, 60-483, 60-484, 60-4,144, and 60-4,181, Revised Statutes Supplement, 1996; to adopt the Uniform Motor Vehicle Records Disclosure Act; to change provisions relating to motorboat certificates of title, motor vehicle certificates of title, motor vehicle registration certificates, motor vehicle operator's licenses, and state identification cards; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Bohlke
Lynch
McKenzie
Warner
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER WITHEM PRESIDING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 635A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 635, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 40:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Witek

Voting in the negative, 0.

Present and not voting, 3:

Dierks
Wickersham
Withem

Excused and not voting, 6:

Bohlke
Lynch
McKenzie
Warner
Wesely
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Member Excused

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

ANNOUNCEMENT

The Chair announced today is Senator Will's birthday.

GENERAL FILE

LEGISLATIVE BILL 686. Mr. Beutler renewed his pending amendment, AM1500, found on page 1528.

Messrs. Maurstad and Preister asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: LBs 10, 10A, 86, 86A, 641, 641A, LRs 8CA, 10CA, 26CA, 30CA, 32CA, 47CA, LBs 635, and 635A.

GENERAL FILE

LEGISLATIVE BILL 686. The Beutler pending amendment, AM1500, found on page 1528, was renewed.

Mrs. McKenzie, Messrs. Dierks, and Schrock asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 360:
AM1514

1. On page 3, line 12, after "candidate" insert ", except that a public official who holds an elective office may use or authorize the use of such personnel, property, resources, or funds in response to inquiries made to the public official and in furtherance of participation as a public official in the usual processes related to a ballot question and the electoral process consistent with such public official's office, duties, and areas of responsibility if a reasonable person would determine that such participation is proportionate to the participation of other public officials similarly situated and consistent with the intent of the limitations prescribed in this section".

Mr. Hilgert filed the following amendment to LB 806:
AM1482

(Amendments to Standing Committee amendments, AM1205)

1. Insert the following new section:

"Sec. 26. Section 79-850, Reissue Revised Statutes of Nebraska, is amended to read:

79-850. For purposes of sections 79-850 to 79-852, unless the context otherwise requires, reorganized school district means:

(1) Any expanded or altered school district, organized or altered by any of the means provided by Nebraska law including, but not limited to, the methods provided by the Reorganization of School Districts Act, section 79-407, 79-413, 79-456, 79-463, or 79-473, or sections 79-415 to 79-417 or 79-452 to 79-455 or section 22 of this act; or

(2) Any school district to be formed in the future if the petition or plan for such reorganized school district has been approved pursuant to any of the methods set forth in subdivision (1) of this section when the effective date of such reorganization is prospective. For purposes of this subdivision, a petition or plan shall be deemed approved when the last legal action has been taken, as prescribed in section 79-413, 79-450, or 79-455, necessary to effect the changes in boundaries as set forth in the petition or plan.".

2. On page 38, line 1, after the period insert "For purposes of section 79-850, the high school and the Class I district merged pursuant to this section shall constitute a reorganized school district."; in line 8 after "that" insert "(a)"; in lines 11 and 12 strike "and except that" and insert ", (b)"; and in line 13 after "board" insert ", and (c) the limitations of sections 79-851 and 79-852 shall apply to the subdistrict board".

3. On page 105, line 4, after the last comma insert "79-850,".

4. Renumber the remaining sections and correct internal references accordingly.

Ms. Schimek, Messrs. Hilgert, Preister, Chambers, Dierks, Schrock, and Abboud filed the following amendment to LB 890:
AM1343

(Amendments to Standing Committee amendments, AM1037)

1. On page 1, line 6, after the first comma insert "after line 4 insert
'Claim against the Department of Health and Human Services, pay to Joseph J. Soukup, c/o Joseph Soukup Trust Fund, out of the General Fund $50,000'
in" and strike the second comma; in line 7 strike "600,980.79" and insert "650,980.79"; and in line 8 strike "601,097.79" and insert "651,097.79".

MESSAGES FROM THE GOVERNOR

April 4, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Liquor Control Commission.

APPOINTEE: Jack M. Crowley, 401 Lochland Road, Hastings, NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

April 4, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Board of Trustees of the Nebraska State Colleges.

APPOINTEE: Sheryl Lindau, 1214 Sunset Drive, Wayne, NE 68787

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 523A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 523, Ninety-fifth Legislature, First Session, 1997.

VISITORS

Visitors to the Chamber were 11 seniors and teacher from Pius X High

School, Lincoln; 23 fourth grade students and teacher from Plattsmouth; 12 seniors and teachers from Lakeview High School, Columbus; 38 fourth grade students, teachers, and principal from Meadows Elementary School, Omaha; and 25 fourth grade students and teacher from Williams Elementary, Columbus.

RECESS

At 12:03 p.m., on a motion by Mr. Hartnett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Wesely presiding.

ROLL CALL

The roll was called and all members were present except Mr. Warner who was excused; and Mmes. Bohlke, McKenzie, Robak, Witek, Messrs. Cudaback, Engel, Hilgert, Janssen, Landis, Maurstad, Robinson, Schmitt, Schrock, and Will who were excused until they arrive.

SPEAKER WITHEM PRESIDING

PRESENTED TO THE GOVERNOR

Presented to the Governor on April 16, 1997, at 11:55 a.m., were the following bills: LBs 10, 10A, 86, 86A, 641, 641A, 635, and 635A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on April 16, 1997, at 12:10 p.m., were the following resolutions: LRs 10CA, 26CA, 30CA, 32CA, 47CA, and 8CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

GENERAL FILE

LEGISLATIVE BILL 686. The Beutler pending amendment, AM1500, found on page 1528 and considered in this day's Journal, was renewed.

Mr. Chambers offered the following amendment to the Beutler pending amendment:
FA171
Amend AM1500

In line 3, after the second "to", insert, "but no more than"

Mr. Tyson asked unanimous consent to bracket LB 686 until May 8, 1997.

Mr. Kristensen objected.

Mr. Tyson moved to bracket LB 686 until May 8, 1997.

Messrs. Engel and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

The Tyson motion to bracket failed with 2 ayes, 17 nays, 21 present and not voting, and 9 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 310. Placed on Select File as amended.
E & R amendment to LB 310:
AM7134

1. On page 1, strike beginning with "71-1914" in line 2 through "and" in line 3 and insert "and 71-1914 to".
2. On page 11, line 9, strike "if" and insert "of".
3. On page 14, line 3, strike "cease" and insert "ceased".
4. On page 19, line 18, strike beginning with "71-1914" through "and" and insert "and 71-1914 to".

LEGISLATIVE BILL 310A. Placed on Select File.

LEGISLATIVE BILL 23. Placed on Select File as amended.
E & R amendment to LB 23:
AM7133

1. On page 1, strike beginning with "crimes" in line 1 through "28-340" in line 2 and insert "abortions; to amend sections 28-325, 28-340, 71-148, and 71-171.02"; in line 4 strike "penalties" and insert "a penalty; to provide for professional license suspension and revocation"; in line 5 strike "and" and insert "to provide severability;"; and in line 6 after "sections" insert "; and to declare an emergency".

LEGISLATIVE BILL 374. Placed on Select File as amended.
(E & R amendment, AM7135, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 255. Placed on Select File.

LEGISLATIVE BILL 255A. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mrs. Brown filed the following amendment to LB 806:
AM1536

(Amendments to Standing Committee amendments, AM1205)

1. On page 73, lines 12 and 16, strike "ninety" and insert "ninety-five".

Mr. Bromm filed the following amendment to LB 806:
AM1527

(Amendments to Standing Committee amendments, AM1205)

1. Strike section 20.
2. Amend the repealer section, renumber the remaining sections, and correct internal references accordingly.

Mr. Brashear filed the following amendment to LB 420:
(Amendment, AM1549, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

GENERAL FILE

LEGISLATIVE BILL 686. The Chambers pending amendment, FA171, found in this day's Journal, to the Beutler pending amendment, AM1500, found on page 1528 and considered in this day's Journal, was renewed.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his amendment.

The Beutler amendment, AM1500, lost with 3 ayes, 14 nays, 23 present and not voting, and 9 excused and not voting.

Mr. Beutler renewed his pending amendment, AM1501, found on page 1528.

The Beutler amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler asked unanimous consent to replace his pending amendment, AM1497, found on page 1529, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM1497, found on page 1529.

Mr. Beutler offered the following substitute amendment:
FA172

1. On page 6, line 6, after the period insert "In no case shall a majority of the members of the advisory board represent telecommunications companies.".

MRS. CROSBY PRESIDING

Mr. Beutler withdrew his amendment.

Mr. Beutler renewed his pending amendment, AM1498, found on page 1529.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 4 ayes, 0 nays, and 45 not voting.

The Beutler amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Beutler renewed his pending amendment, AM1496, found on page 1529.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers renewed his pending amendment, FA167, found on page 1529.

Mmes. Robak, C. Peterson, Messrs. Dierks, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Beutler offered the following amendment:
FA173

Add the following new section:
"The provisions of this act shall terminate on June 30, 1999"

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment:
AM1535

1. On page 6, line 14, after the period insert "In the initial year of its operation, the commission shall determine the amount of the fund to be equivalent to the amount which, in its judgment, after careful analysis is necessary to keep ninety-six percent of Nebraska households subscribed to local telephone service.".

Pending.

MOTION - Adjournment

Mr. Chambers moved to adjourn until 9:00 a.m., Thursday, April 17, 1997. The motion failed with 1 aye, 9 nays, 27 present and not voting, and 12 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 686. The Beutler pending amendment, AM1535, found in this day's Journal, was renewed.

Mr. Elmer offered the following amendment to the Beutler pending amendment:
FA176

Amend Am1535 In line 4 after the word "Keep" insert the word "Approximately"

Mr. Will asked unanimous consent to be excused. No objections. So ordered.

The Elmer amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

The Beutler amendment, as amended, was adopted with 26 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 29 ayes, 0 nays, 9 present and not voting, and 11 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Preister filed the following amendment to LB 374:
AM1561

(Amendments to E & R amendments, AM7135)

1. Insert the following new section:

"Sec. 47. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 27, line 18, strike "35" and insert "34".

3. On page 29, line 4, after "penalty" insert "under section 325 of Title III"; and in line 12 after "under" insert "section 325 of".

Mr. Wesely filed the following amendment to LB 864:
AM1601

1. Insert the following new sections:

"Section 1. Section 8-1120, Revised Statutes Supplement, 1996, is amended to read:

8-1120. (1) Except as otherwise provided in this section, the Securities Act of Nebraska shall be administered by the Director of Banking and Finance who may employ such assistants or counsel as may be reasonably necessary for the purpose thereof and who may designate one of such assistants as an assistant director. The director may delegate to such assistant director or counsel any powers, authority, and duties imposed upon or granted to the director under the act, such as may be lawfully delegated under the common law or the statutes of this state. The director may also employ special counsel with respect to any investigation conducted by him or her under the act or with respect to any litigation to which the director is a party under the act, except that security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company shall be registered, pursuant to the provisions of sections 8-1104 to 8-1109, with the Director of Insurance who shall as to such registrations administer and enforce the act, and as pertains to the administration and enforcement of such registration of such securities all references in the act to director shall mean the Director of Insurance.

(2) It shall be unlawful for the director or any of his or her officers or employees to use for personal benefit any information which is filed with or obtained by the director and which is not made public. No provision of the act shall authorize the director or any of his or her officers or employees to disclose any such information except among themselves or when necessary or appropriate in a proceeding or investigation under the act. No provision of the act shall either create or derogate from any privilege which exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the director or any of his or her officers or employees.

(3) The director may from time to time make, amend, and rescind such rules and forms as are necessary to carry out the act. No rule or form may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of the act.

In prescribing rules and forms the director may cooperate with the securities administrators of the other states and the Securities and Exchange Commission with a view to effectuating the policy of the Securities Act of Nebraska to achieve maximum uniformity in the form and content of registration statements, applications, and reports wherever practicable. All rules and forms of the director shall be published and mailed to each registered broker-dealer.

(4) No provision of the act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, form, or order of the director, notwithstanding that the rule or form may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(5) Every hearing in an administrative proceeding shall be public unless the director in his or her discretion grants a request joined in by all the respondents that the hearing be conducted privately.

(6) The Securities Act Cash Fund is created. All filing fees, registration fees, and all other fees and all money collected by or paid to the director under any of the provisions of the act shall be remitted to the State Treasurer for credit to the fund, except that registration fees collected by or paid to the Director of Insurance pursuant to the provisions of the act shall be credited to the Department of Insurance Cash Fund. The Securities Act Cash Fund shall be used for the purpose of administering and enforcing the provisions of the act, except that transfers may be made to the General Fund at the direction of the Legislature and, for the calendar years of 2000 and 2001, two million dollars shall be transferred in each year to the Affordable Housing Trust Fund. All of such money is appropriated and shall be appropriated for such purposes. Any money in the Securities Act Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(7) A document is filed when it is received by the director. The director shall keep a register of all applications for registration and registration statements which are or have ever been effective under the Securities Act of Nebraska and all denial, suspension, or revocation orders which have ever been entered under the act. The register shall be open for public inspection. The information contained in or filed with any registration statement, application, or report may be made available to the public under such rules as the director shall prescribe.

(8) Upon request and at such reasonable charges as he or she shall prescribe, the director shall furnish to any person photostatic or other copies, certified under his or her seal of office if requested, of any entry in the register or any document which is a matter of public record. In any proceeding or prosecution under the act, any copy so certified shall be prima facie evidence of the contents of the entry or document certified.

(9) The director in his or her discretion may honor requests from interested persons for interpretative opinions.

Sec. 7. The Department of Economic Development shall submit an annual report to the Legislature no later than March 15th of each year. The report shall list (a) the applications funded during the previous calendar year, (b) the applications funded in previous years, (c) the identity of the organizations receiving funds, (d) the location of each project, (e) the amount of funding provided to the project, (f) the amount of funding leveraged as a result of the project, (g) the number of units of housing created by the project and the occupancy rate, (h) the expected cost of rent or monthly payment of those units, (i) the projected number of new employees and community investment as a result of the project, and (j) the amount of revenue deposited into the Affordable Housing Trust Fund pursuant to sections 8-1120 and 76-903. The report shall contain no information that is protected by state or federal confidentiality laws.

Sec. 8. Section 58-701, Revised Statutes Supplement, 1996, is amended to read:

58-701. Sections 58-701 to 58-710 and section 7 of this act shall be known and may be cited as the Nebraska Affordable Housing Act.

Sec. 9. Section 58-703, Revised Statutes Supplement, 1996, is amended to read:

58-703. The Affordable Housing Trust Fund is created. The fund shall receive money pursuant to sections 8-1120 and 76-903 and may include revenue from sources recommended by the housing advisory committee established in section 58-704, appropriations from the Legislature, grants, private contributions, repayment of loans, and all other sources, except that before appropriations from the General Fund may be used as a revenue source for the Affordable Housing Trust Fund or for administrative costs of the Department of Economic Development in administering the fund, such use must be specifically authorized by a separate legislative bill passed in a legislative session subsequent to the Ninety-fourth Legislature, Second Session, 1996. Any initial appropriation from the General Fund which is used as a revenue source for the Affordable Housing Trust Fund or for administrative costs shall be in an appropriations bill which does not contain appropriations for other programs. The department as part of its comprehensive housing affordability strategy shall administer the Affordable Housing Trust Fund.

Sec. 10. Section 58-707, Revised Statutes Supplement, 1996, is amended to read:

58-707. Organizations which may receive assistance under the Nebraska Affordable Housing Act are governmental subdivisions, local housing authorities, community action agencies, community-based or neighborhood-based or reservation-based nonprofit organizations, and for-profit entities working in conjunction with one of the other eligible organizations and shall be required to provide, or cause to be provided, matching funds for the eligible activity in an amount determined by the Department of Economic Development, which amount shall be at least equal to ten percent of the amount of assistance provided by the Affordable Housing Trust Fund. Nothing in the act shall be construed to allow individuals to receive direct loans from the Affordable Housing Trust Fund.

Sec. 16. Section 76-903, Reissue Revised Statutes of Nebraska, is amended to read:

76-903. The Tax Commissioner shall design such stamps in such denominations as in his or her judgment will be the most advantageous to all persons concerned. When any deed subject to the tax imposed by section 76-901 is offered for recordation, the register of deeds shall ascertain and compute the amount of the tax due thereon and shall collect such amount as a prerequisite to acceptance of the deed for recordation. If a dispute shall arise concerning the taxability of the transfer, the register of deeds shall not record the deed until the disputed tax is paid. If a disputed tax has been paid, the taxpayer may file for a refund pursuant to section 76-908. The taxpayer may also seek a declaratory ruling pursuant to rules and regulations adopted and promulgated by the Department of Revenue. From each one dollar and seventy-five cents of tax collected pursuant to section 76-901, the register of deeds shall retain fifty cents to be placed in the county general fund and shall remit the balance to the State Treasurer who shall credit (1) prior to January 1, 1998, one dollar of such amount to the state General Fund, and twenty-five cents of such amount to the Homeless Shelter Assistance Trust Fund, (2) on and after January 1, 1998, and prior to January 1, 2003, one dollar of such amount to the Affordable Housing Trust Fund and twenty-five cents of such amount to the Homeless Shelter Assistance Trust Fund, and (3) on and after January 1, 2003, one dollar of such amount to the state General Fund and twenty-five cents of such amount to the Homeless Shelter Assistance Trust Fund.

Sec. 19. Original section 76-903, Reissue Revised Statutes of Nebraska, and sections 8-1120, 58-701, 58-703, and 58-707, Revised Statutes Supplement, 1996, are repealed.".

2. On page 16, line 5, strike "7" and insert "12".

3. On page 22, line 27, strike "Section" through "its" and insert "Sections 1, 6 to 10, 16 to 18, and 21 become operative on their".

4. Renumber the remaining sections accordingly.

Mr. Wesely filed the following amendment to LB 864:
AM1600

1. Insert the following new sections:

"Section 1. Section 9-812, Revised Statutes Supplement, 1996, is amended to read:

9-812. (1) All money received from the operation of lottery games conducted pursuant to the State Lottery Act in

Nebraska shall be deposited in the State Lottery Operation Trust Fund, which fund is hereby created. On or before June 12, 1997, the State Treasurer shall transfer four million dollars from the State Lottery Operation Trust Fund to the Affordable Housing Trust Fund. All payments of expenses of the operation of the lottery games shall be made from the State Lottery Operation Cash Fund. In accordance with legislative appropriations, money for payments for expenses of the division shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Operation Cash Fund, which fund is hereby created. All money necessary for the payment of lottery prizes shall be transferred from the State Lottery Operation Trust Fund to the State Lottery Prize Trust Fund, which fund is hereby created. The amount used for the payment of lottery prizes shall not be less than forty percent of the dollar amount of the lottery tickets which have been sold. At least twenty-five percent of the dollar amount of the lottery tickets which have been sold on an annualized basis shall be transferred from the State Lottery Operation Trust Fund to the Education Innovation Fund, the Solid Waste Landfill Closure Assistance Fund, the Nebraska Environmental Trust Fund, and the Compulsive Gamblers Assistance Fund. Forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Education Innovation Fund. Beginning on July 15, 1993, and continuing through July 1, 1997, twenty-four and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Solid Waste Landfill Closure Assistance Fund and twenty-five percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. After July 1, 1997, forty-nine and one-half percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Nebraska Environmental Trust Fund to be used as provided in the Nebraska Environmental Trust Act. One percent of the money remaining after the payment of prizes and operating expenses shall be transferred to the Compulsive Gamblers Assistance Fund to be used as provided in sections 83-162.01 to 83-162.04.

(2) The Education Innovation Fund is hereby created. Each fiscal year beginning with fiscal year 1994-95, at least seventy-five percent of the lottery proceeds allocated to the Education Innovation Fund shall be available for disbursement. The Education Innovation Fund shall be allocated by the Governor through incentive grants to encourage the development of strategic school improvement plans by school districts for accomplishing high performance learning and to encourage schools to establish innovations in programs or practices that result in restructuring of school organization, school management, and instructional programs which bring about improvement in the quality of education. Such grants are intended to provide selected school districts,

teachers or groups of teachers, nonprofit educational organizations, educational service units, or cooperatives funding for the allowable costs of implementing pilot projects and model programs.

Minigrants shall be available to school districts to support the development of strategic school improvement plans which shall include statements of purposes and goals for the districts. The plans shall also include the specific statements of improvement or strategic initiatives designed to improve quality learning for every student.

Major competitive grants shall be available to support innovative programs which are directly related to the strategic school improvement plans. The development of a strategic school improvement plan by a school district shall be required before a grant is awarded. Annual reports shall be made by program recipients documenting the effectiveness of the program in improving the quality of education as designed in the strategic school improvement plans. Special consideration shall be given to plans which contain public or private matching funds and cooperative agreements, including agreements for in-kind services. Purposes for which incentives would be offered shall include:

(a) Professional staff development programs to provide funds for teacher and administrator training and continuing education to upgrade teaching and administrative skills;

(b) The development of strategic school improvement plans by school districts;

(c) Educational technology assistance to public schools for the purchase and operation of computers, telecommunications equipment and services, and other forms of technological innovation which may enhance classroom teaching, instructional management, and districtwide administration pursuant to the state's goal of ensuring that all kindergarten through grade twelve public school districts or affiliated school systems have a direct connection to a statewide public computer information network by June 30, 2000. The telecomputing equipment and services needed to meet this goal may be funded under this subsection, sections 79-1233 and 79-1310, or any combination of such subsection and sections. Such telecommunications equipment, services, and forms of technical innovation shall be approved by the State Department of Education in consultation with the Department of Administrative Services to insure compatibility of technologies and compliance with statewide priorities;

(d) An educational accountability program to develop an educational indicators system to measure the performance and outcomes of public schools and to ensure efficiency in operations;

(e) Alternative programs for students, including underrepresented groups, at-risk students, and dropouts;

(f) Programs that demonstrate improvement of student performance against valid national and international achievement standards;

(g) Early childhood and parent education which emphasizes child development;

(h) Programs using decisionmaking models that increase involvement of parents, teachers, and students in school management;

(i) Increased involvement of the community in order to achieve increased confidence in and satisfaction with its schools;

(j) Development of magnet or model programs designed to facilitate desegregation;

(k) Programs that address family and social issues impairing the learning productivity of students;

(l) Programs enhancing critical and higher-order thinking capabilities;

(m) Programs which produce the quality of education necessary to guarantee a competitive work force;

(n) Programs designed to increase productivity of staff and students through innovative use of time;

(o) Training programs designed to benefit teachers at all levels of education by increasing their ability to work with educational technology in the classroom; and

(p) Approved programs or services under sections 79-1106 to 79-1109.

The Governor shall establish the Excellence in Education Council. The Governor shall appoint eleven members to the council including representatives of educational organizations, postsecondary educational institutions, the business community, and the general public, members of school boards and parent education associations, school administrators, and at least four teachers who are engaged in classroom teaching. The State Department of Education shall provide staff support for the council. The council shall have the following powers and duties:

(i) In consultation with the State Department of Education, develop and publish criteria for the awarding of grants for programs pursuant to this subsection;

(ii) Provide recommendations to the Governor regarding the selection of projects to be funded and the distribution and duration of project funding;

(iii) Establish standards, formats, procedures, and timelines for the successful implementation of approved programs funded by the Education Innovation Fund;

(iv) Assist school districts in determining the effectiveness of the innovations in programs and practices and measure the subsequent degree of improvement in the quality of education;

(v) Consider the reasonable distribution of funds across the state and all classes of school districts; and

(vi) Provide annual reports to the Governor concerning programs funded by the fund. Each report shall include the number of applicants and approved applicants, an overview of the various programs, objectives, and anticipated outcomes, and detailed reports of the cost of each program.

To assist the council in carrying out its duties, the State Board of Education shall, in consultation with the council, adopt and promulgate rules and regulations establishing criteria, standards, and procedures regarding the selection and administration of programs funded from the Education Innovation Fund.

(3) Recipients of grants from the Education Innovation Fund shall be required to provide, upon request, such data relating to the funded programs and initiatives as the Governor deems necessary.

(4) Any money in the State Lottery Operation Trust Fund, the State Lottery Operation Cash Fund, the State Lottery Prize Trust Fund, or the Education Innovation Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(5) Unclaimed prize money on a winning lottery ticket shall be retained for a period of time prescribed by rules and regulations. If no claim is made within such period, the prize money shall be used at the discretion of the Tax Commissioner for any of the purposes prescribed in this section.

Sec. 7. Section 58-703, Revised Statutes Supplement, 1996, is amended to read:

58-703. The Affordable Housing Trust Fund is created. The fund shall receive money pursuant to section 9-812 and may include revenue from sources recommended by the housing advisory committee established in section 58-704, appropriations from the Legislature, grants, private contributions, repayment of loans, and all other sources, except that before appropriations from the General Fund may be used as a revenue source for the Affordable Housing Trust Fund or for administrative costs of the Department of Economic Development in administering the fund, such use must be specifically authorized by a separate legislative bill passed in a legislative session subsequent to the Ninety-fourth Legislature, Second Session, 1996. Any initial appropriation from the General Fund which is used as a revenue source for the Affordable Housing Trust Fund or for administrative costs shall be in an appropriations bill which does not contain appropriations for other programs. The department as part of its comprehensive housing affordability strategy shall administer the Affordable Housing Trust Fund.

Sec. 17. Original sections 9-812 and 58-703, Revised Statutes Supplement, 1996, are repealed.".

2. On page 16, line 5, strike "7" and insert "9".

3. On page 22, line 27, strike "Section" through "its" and insert "Sections 1, 6, 7, 13, 14, and 17 become operative on

their".

4. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 76 fifth grade students and teachers from Calvert Elementary, Lincoln; 83 fourth grade students and teachers from Pawnee Elementary, Omaha; Virginia and Marvin Setlik from Ord; and Gus Heimann from West Point.

The Doctor of the Day was Dr. Veskrna from Lincoln.

ADJOURNMENT

At 4:46 p.m., on a motion by Mrs. Hudkins, the Legislature adjourned until 9:00 a.m., Thursday, April 17, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTIETH DAY - APRIL 17, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SIXTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, April 17, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Father James Dawson, Cathedral of the Risen Christ, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Robak and Mr. Warner who were excused; and Mmes. Bohlke, Brown, Kiel, McKenzie, Messrs. Bromm, Coordsen, Cudaback, Hilgert, Jensen, Kristensen, Landis, Lynch, Schmitt, Vrtiska, Wehrbein, Wickersham, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 422:

(1)

AM1578

(Amendments to Second Final Reading copy)

1. On page 3, strike lines 4 through 7 and show the old matter as stricken; in line 8 strike "(b)", show as stricken, and insert "(a)"; in line 11 strike "(c)", show as stricken, and insert "(b)"; in line 14 strike "(d)", show as stricken, and insert "(c)"; in line 17 strike "(e)", show as stricken, and insert "(d)"; in line 19 strike "(f)", show as stricken, and insert "(e)"; in line 21 strike "(g)", show as stricken, and insert "(f)"; and in line 26 strike "(h)", show as stricken, and insert "(g)".

2. On page 4, line 1, strike "(i)" and insert "(h)".

(2)

AM1579

(Amendments to Second Final Reading copy)

1. On page 3, strike lines 8 through 10 and show the old matter as stricken; in line 11 strike "(c)", show as stricken, and insert "(b)"; in line 14 strike "(d)", show as stricken, and insert "(c)"; in line 17 strike "(e)", show as stricken, and insert "(d)"; in line 19 strike "(f)", show as stricken, and insert "(e)"; in line 21 strike "(g)", show as stricken, and insert "(f)"; and in line 26 strike "(h)", show as stricken, and insert "(g)".

2. On page 4, line 1, strike "(i)" and insert "(h)".

(3)

AM1580

(Amendments to Second Final Reading copy)

1. On page 3, strike lines 11 through 13 and show as stricken; in line 14 strike "(d)", show as stricken, and insert "(c)"; in line 17 strike "(e)", show as stricken, and insert "(d)"; in line 19 strike "(f)", show as stricken, and insert "(e)"; in line 21 strike "(g)", show as stricken, and insert "(f)"; and in line 26 strike "(h)", show as stricken, and insert "(g)".

2. On page 4, line 1, strike "(i)" and insert "(h)".

(4)

AM1581

(Amendments to Second Final Reading copy)

1. On page 3, strike lines 14 through 16 and show as stricken; in line 17 strike "(e)", show as stricken, and insert "(d)"; in line 19 strike "(f)", show as stricken, and insert "(e)"; in line 21 strike "(g)", show as stricken, and insert "(f)"; and in line 26 strike "(h)", show as stricken, and insert "(g)".

2. On page 4, line 1, strike "(i)" and insert "(h)".

(5)

AM1582

(Amendments to Second Final Reading copy)

1. On page 3, strike lines 17 through 18 and show as stricken; in line 19 strike "(f)", show as stricken, and insert "(e)"; in line 21 strike "(g)", show as stricken, and insert "(f)"; and in line 26 strike "(h)", show as stricken, and insert "(g)".

2. On page 4, line 1, strike "(i)" and insert "(h)".

(6)

AM1583

(Amendments to Second Final Reading copy)

1. On page 3, strike lines 19 through 20 and show as

stricken; in line 21 strike "(g)", show as stricken, and insert "(f)"; and in line 26 strike "(h)", show as stricken, and insert "(g)".

2. On page 4, line 1, strike "(i)" and insert "(h)".

(7)

AM1584

(Amendments to Second Final Reading copy)

1. On page 3, strike lines 21 through 25 and show the old matter as stricken; and in line 26 strike "(h)", show as stricken, and insert "(g)".

2. On page 4, line 1, strike "(i)" and insert "(h)".

(8)

AM1585

(Amendments to Second Final Reading copy)

1. On page 3, line 25, after the semicolon insert "or" and strike lines 26 through 28 and show the old matter as stricken.

2. On page 4, line 1, strike "(i)" and insert "(h)".

(9)

AM1586

(Amendments to Second Final Reading copy)

1. On page 3, line 25, after the semicolon insert "or"; and in line 28 strike "; or" and insert an underscored period.

2. On page 4, strike lines 1 through 4 and show the old matter as stricken.

(10)

FA180

Strike enacting clause.

MOTIONS - Print in Journal

Mr. Chambers filed the following motion to LB 422:
Return to Judiciary Committee for a public hearing.

Mr. Chambers filed the following motion to LB 422:
Bracket until January 15, 1998.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 422:

(13)

AM1587

(Amendments to Second Final Reading copy)

1. On page 3, line 5, strike "or threat" and show as stricken.

(14)

AM1588

(Amendments to Second Final Reading copy)

1. On page 3, line 14, strike "heinous," and show as stricken.

(15)

AM1589

(Amendments to Second Final Reading copy)

1. On page 3, line 14, strike "atrocious," and show as stricken.

(16)

AM1590

(Amendments to Second Final Reading copy)

1. On page 3, line 14, strike "cruel," and show as stricken.

(17)

AM1591

(Amendments to Second Final Reading copy)

1. On page 3, line 16, strike "morality and" and show as stricken.

(18)

AM1592

(Amendments to Second Final Reading copy)

1. On page 4, line 7, after "Circumstances" insert "include, but are not limited to".

(19)

AM1593

(Amendments to Second Final Reading copy)

1. On page 3, line 19, after "great" insert "and substantial".

(20)

AM1594

(Amendments to Second Final Reading copy)

1. On page 3, line 7, after "activity" insert ", and such history must be based upon criminal convictions lawfully procured".

(21)

AM1595

(Amendments to Second Final Reading copy)

1. On page 3, line 16, after "intelligence" insert ". This provision is limited to cases in which torture, sadism, or the

imposition of extreme suffering exists".

(22)

AM1596

(Amendments to Second Final Reading copy)

1. On page 3, strike beginning with "in" in line 22 through "duties" in line 25 and insert "in the lawful performance of his or her official duties and the offender knew or should have known, from the objective circumstances existing at the time and place that the murder was committed, that the victim was a public servant performing his or her official duties".

(23)

AM1597

(Amendments to Second Final Reading copy)

1. On page 4, line 4, strike "that" through "officer" and insert "from the objective circumstances existing at the time and place that the murder was committed, that the victim was a law enforcement officer engaged in the lawful performance of his or her duties as a law enforcement officer".

(24)

AM1598

(Amendments to Second Final Reading copy)

1. On page 4, line 4, after "officer" insert "engaged in the lawful performance of his or her duties as a law enforcement officer".

(25)

AM1599

(Amendments to Second Final Reading copy)

1. Insert the following new section:

"Sec. 3. The Legislature declares that the purpose of subdivision (1)(i) of section 29-2523 is to provide for the safety of law enforcement officers. Because the weapon used to kill law enforcement officers in the vast majority of cases is a handgun, the Legislature declares its opposition to the routine carrying of concealed weapons by the public at large. Such opposition embodies and expresses the Legislature's concern for the safety of law enforcement officers throughout this state.".

MOTION - Print in Journal

Mr. Chambers filed the following motion to LB 422:
Bracket LB 422.

AMENDMENTS - Print in Journal

Mr. Will filed the following amendment to LB 422:

AM1559

(Amendments to Second Final Reading copy)

1. On page 3, line 7, after "activity" insert ". For purposes of this subdivision, serious assaultive or terrorizing criminal activity means behavior which causes physical or mental harm to another person and involves the use of physical force"; and in line 10 after "crime" insert "who has a substantial prior history of serious assaultive or terrorizing criminal activity as defined in subdivision (1)(a) of this section,".

Mr. Will filed the following amendment to LB 422:
AM1558

(Amendments to Second Final Reading copy)

1. On page 3, line 7, after "activity" insert ". For purposes of this subdivision, serious assaultive or terrorizing criminal activity means behavior which causes physical or mental harm to another person and involves the use of physical force".

Mr. Hilgert filed the following amendment to LB 422:
FA174

On page 2, line 13, strike "seventy" and show as stricken, and insert "seventy-five."

Mr. Hilgert filed the following amendment to LB 422:
FA175

On page 2, line 13, strike "seventy" and show as stricken, and insert "sixty-five".

Ms. Schimek filed the following amendment to LB 422:
FA182

On page 4, line 24, following "intoxication", insert:
"Through mind altering drugs, including, but not limited to, LSD, PCP, heroin or marijuana."

Ms. Schimek filed the following amendment to LB 422:
AM1564

(Amendments to Second Final Reading copy)

1. On page 3, line 28, strike "the", show as stricken, and after "laws" insert "or ordinances".

Mr. Lynch filed the following amendment to LB 422:
AM1563

(Amendments to Second Final Reading copy)

1. On page 3, line 20, strike "several", show as stricken, and insert "three".

Mr. Lynch filed the following amendment to LB 422:
AM1560

(Amendments to Second Final Reading copy)

1. On page 3, line 7, after "activity" insert "for which he or she has been convicted in a court of law in any state or territory of the United States or any foreign court of law".

Mr. Hilgert filed the following amendment to LB 422:
FA177

On page 2, line 19, following the first period, insert:

"Such hearing shall be heard within 90 days of the Court's receipt of a defense request for ruling pursuant to subsection 2 of this section."

Mrs. Kiel filed the following amendment to LB 422:
FA178

On page 2, line 26, following "significance" insert:

"The defendant shall have the Right to appeal the judge's Ruling to the Nebraska Court of Appeals, and no sentence shall be handed down prior to Resolution of such appeal."

Mrs. Kiel filed the following amendment to LB 422:
FA179

Strike the enacting clause.

Mr. Matzke filed the following amendment to LB 422:
AM1529

(Amendments to Second Final Reading copy)

1. Strike section 1.

2. On page 1, strike beginning with "sentencing" in line 1 through the semicolon in line 4 and insert "criminal procedure; to amend section 29-2523, Reissue Revised Statutes of Nebraska;"; and in line 6 strike "sections" and insert "section".

3. On page 3, line 24 after "servant" insert an underscored semicolon; and strike line 25.

4. On page 4, line 25, strike "sections 28-105.01 and" and insert "section"; and in line 26 strike "are" and insert "is".

5. Renumber the remaining sections accordingly.

Mr. Schrock filed the following amendment to LB 806:
AM1502

(Amendments to Standing Committee amendments, AM1205)

1. On page 38, strike beginning with "or" in line 16 through line 27 and insert an underscored period.

2. On page 39, strike beginning with "majority" in line 1 through "(9)" in line 15 and insert "(6)"; in line 25 strike "(10)" and insert "(7)"; and in line 27 strike "(11)" and insert "(8)".

3. On page 40, line 8, strike "(12)" and insert "(9)"; and in line 13 strike "(13)" and insert "(10)".

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 16, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Jindra, Timothy A. - Raymond; Class I's United
Lindsay, John - Lincoln; Nebraska Association of Ambulatory Surgical Centers
Pappas, James E. - Lincoln; John Goc
Peffer, Jr., Walter - Omaha; City of Elkhorn

RESOLUTIONS

LEGISLATIVE RESOLUTION 114. Read. Considered.

LEGISLATIVE RESOLUTION 115. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 114 and 115 were adopted with 29 ayes, 0 nays, 6 present and not voting, and 14 excused and not voting.

MOTION - Approve Appointments

Mr. Brashear moved the adoption of the report of the Judiciary Committee for the following appointments found on page 1428: Phyllis Anstine and Darrell Johnson - Crime Victims Reparation Committee and Bob Boozer and Jean Lovell - Board of Parole.

Voting in the affirmative, 25:

Abboud
Brashear
Bruning
Chambers
Crosby
Dierks
Engel
Hartnett
Hillman
Hudkins
Janssen
Kiel
Lynch
Matzke
Pederson, D.
Peterson, C.
Preister
Robinson
Schellpeper
Schimek
Suttle
Tyson
Vrtiska
Wesely
Witek

Voting in the negative, 0.

Present and not voting, 10:

Beutler
Brown
Cudaback
Elmer
Jones
Maurstad
Pedersen, Dw.
Schrock
Stuhr
Withem

Excused and not voting, 14:

Bohlke
Bromm
Coordsen
Hilgert
Jensen
Kristensen
Landis
McKenzie
Robak
Schmitt
Warner
Wehrbein
Wickersham
Will

The appointments were confirmed with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

UNANIMOUS CONSENT - Members Excused

Messrs. Dierks and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 882. Mrs. C. Peterson renewed her pending motion, found on page 1480, to bracket until April 24, 1997.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mrs. C. Peterson requested a record vote on her motion to bracket.

Voting in the affirmative, 5:

Chambers
Kristensen
Landis
Peterson, C.
Suttle

Voting in the negative, 20:

Abboud
Bromm
Bruning
Crosby
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Pedersen, Dw.
Pederson, D.
Robinson
Schmitt
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham

Present and not voting, 16:

Beutler
Brashear
Brown
Cudaback
Hilgert
Jones
Kiel
Lynch
Matzke
Maurstad
Preister
Schellpeper
Schimek
Schrock
Witek
Withem

Excused and not voting, 8:

Bohlke
Coordsen
Dierks
Jensen
McKenzie
Robak
Warner
Will

The C. Peterson motion to bracket failed with 5 ayes, 20 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 861A. Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 861, Ninety-fifth Legislature, First Session, 1997.

NOTICE OF COMMITTEE HEARING
Natural Resources

LR 110 Tuesday, April 29, 1997 8:00 a.m.

Tuesday, April 29, 1997 8:00 a.m.
Nebraska Environmental Trust Board
Gail Yanney
Dick Mercer

(Signed) Chris Beutler, Chairperson

AMENDMENT - Print in Journal

Mr. Schellpeper filed the following amendment to LB 518:
AM1556

(Amendments to Standing Committee amendments, AM0403)

1. Strike sections 16 and 24.

2. Renumber section 18 as section 14.

3. On page 1, line 3, strike "13" and insert "14"; and in line 19 strike "as".

4. On page 5, line 13, strike "replacement" and insert "repayment"; in line 18 after "appropriations" insert "and the earnings on such appropriations"; in line 21 strike "department" and insert "director"; and in line 24 after "Water" insert "Administration".

5. On page 8, line 12, strike "publicly".

6. On page 11, line 27, strike "Drinking Water Facilities" and insert "fund from which the loan was made.".

7. On page 12, strike line 1; and in lines 8 and 9 reinstate "Regulation and Licensure" and strike "environmental Quality".

8. On page 15, line 22; and page 16, lines 2 and 10 and 11, strike the new matter and reinstate the stricken matter.

9. On page 17, strike beginning with "The" in line 5 through "(6)" in line 20; and in line 20 strike "Environmental Quality Council" and insert "director".

10. On page 21, strike lines 15 through 27.

11. On page 22, strike lines 1 through 4; and strike lines 22 through 27.

12. On page 23, strike lines 1 through 13; in line 14 strike "Environmental" through "Council" and insert "director"; and in line 15 strike "assure the" and insert "determine demonstration requirements for".

13. On page 24, lines 14 and 15, strike "Nebraska" through "Water" and insert "Drinking Water State Revolving Fund"; in line 18 strike the first "act" and insert "Drinking Water State Revolving Fund Act" and strike the second "act" and insert "Nebraska Safe Drinking Water Act"; and in line 27 strike "16 and".

14. On page 25, line 1, strike "22" and insert "21".

15. On page 49, strike lines 12 and 13 and insert the following new subsection:

"(22) The Environmental Quality Council shall adopt and promulgate rules and regulations no more stringent than the provisions of section 1453 et seq. of the federal Safe Drinking Water Act for public water supply system source water assessment programs.

The Environmental Quality Council may adopt and promulgate rules and regulations to implement a source water petition program no more stringent than section 1454 et seq. of the federal Safe Drinking Water Act."; and strike beginning with the second "and" in line 15 through the last comma in line 16.

16. Renumber the remaining sections and correct internal references accordingly.

REPORTS

The following reports were received by the Legislature:

Health and Human Services System
Office of the System Advocate Report

Roads, Department of
Highway Cash Fund and Roads Operation Cash Fund for March 1997

SELECT FILE

LEGISLATIVE BILL 882. Mr. Beutler renewed his pending amendment, FA153, found on page 1422 and considered on page 1480.

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 114 and 115.

SELECT FILE

LEGISLATIVE BILL 882. The Beutler pending amendment, FA153, found on page 1422 and considered on page 1480 and in this day's Journal, was renewed.

The Beutler amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Dw. Pedersen renewed his pending amendment, AM1373, found on page 1464.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a ruling of the Chair on whether the Dw. Pedersen amendment is germane to the bill.

The Chair ruled the Dw. Pedersen amendment is germane to the bill.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Messrs. Hilgert and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a record vote on his motion to overrule the Chair.

Voting in the affirmative, 11:

Beutler
Chambers
Hartnett
Hilgert
Kiel
Kristensen
Landis
Maurstad
Peterson, C.
Tyson
Will

Voting in the negative, 21:

Abboud
Brashear
Bromm
Bruning
Crosby
Elmer
Engel
Hillman
Jensen
Matzke

Pedersen, Dw.
Pederson, D.
Preister
Schmitt
Schrock
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Witek

Present and not voting, 9:

Brown
Coordsen
Cudaback
Hudkins
Janssen
Robinson
Schimek
Vrtiska
Withem

Excused and not voting, 8:

Bohlke
Dierks
Jones
Lynch
McKenzie
Robak
Schellpeper
Warner

The Chambers motion to overrule the Chair failed with 11 ayes, 21 nays, 9 present and not voting, and 8 excused and not voting.

The Chair was sustained.

Pending.

The Chair declared the call raised.

AMENDMENT - Print in Journal

Mr. Vrtiska filed the following amendment to LB 59:
AM1604

1. Insert the following new section:

"Sec. 4. (1) The Property Tax Replacement Fund is created. Money from the General Fund shall be appropriated to the Property Tax Replacement Fund for the use set out in subsection (2) of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) If any land which constitutes a part of the State of Nebraska is ceded to another state, any political subdivision suffering a loss of property tax revenue as a result of such cession shall be compensated annually from the fund for such loss for ten years after the date of such cession. The annual amount of such lost property tax revenue shall be based upon the average property tax revenue collected on the ceded land for the five years immediately preceding such cession.

(3) The Property Tax Administrator shall determine the amount to be distributed pursuant to subsection (2) of this section proportionately to each political subdivision affected and certify such amounts by voucher to the Director of Administrative Services. The director shall, on the last business day of each year, draw warrants against funds appropriated. The proceeds of the payments

received by the treasurer of the political subdivision shall be credited to the general fund of the political subdivision.".

2. Renumber the remaining section accordingly.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Crowley, Jack M. - Nebraska Liquor Control Commission - General Affairs
Lindau, Sheryl - Board of Trustees of Nebraska State Colleges - Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 878A. Introduced by Brown, 6.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 878, Ninety-fifth Legislature, First Session, 1997.

UNANIMOUS CONSENT - Members Excused

Mrs. Kiel, Messrs. Landis, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 882. The Dw. Pedersen pending amendment, AM1373, found on page 1464 and considered in this day's Journal, was renewed.

Mr. Chambers offered the following amendment to the Dw. Pedersen pending amendment:
FA183
Amend AM1373
P. 1, line 8, after "treatment", insert "only"

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

MR. WESELY PRESIDING

Messrs. Tyson and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Chambers amendment was adopted with 32 ayes, 0 nays, 5 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Messrs. Robinson, Abboud, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Chambers and Dw. Pedersen offered the following amendment to the Dw. Pedersen pending amendment:
FA185
Amend AM1373
P. 1, line 10, strike "the Office of Juvenile Services or".

The Chambers-Dw. Pedersen amendment was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

The Dw. Pedersen amendment, AM1373, as amended, was adopted with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

Mr. D. Pederson renewed his pending amendment, AM1405, found on page 1481.

Mmes. Brown and Suttle asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. D. Pederson withdrew his amendment.

Mr. D. Pederson renewed his pending amendment, AM1404, found on page 1481.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. D. Pederson moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The D. Pederson amendment lost with 10 ayes, 9 nays, 16 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vrtiska asked unanimous consent to be excused. No objections. So ordered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 766A. Introduced by Brashear, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 766, Ninety-fifth Legislature, First Session, 1997.

AMENDMENTS - Print in Journal

Mrs. Stuhr filed the following amendment to LB 806:
FA184

Amend (SCA1205) as follows:

1. On page 64, beginning with the comma in line 24, delete the new language ", including full-day kindergarten,".

Mr. Wickersham filed the following amendments to LB 806:

(1)

AM1509

(Amendments to Standing Committee amendments, AM1205)

1. On page 65, line 20, after "programs" insert "or living in households having one or more children at home and an annual adjusted gross income of twenty thousand dollars or less for the preceding calendar year, whichever is greater,"; and in lines 22 and 23 and 25 and 26 strike beginning with "formula" through "milk" and insert "qualified formula students".

2. On page 66, lines 1 and 2, 5 and 6, and 9 and 10, strike beginning with "formula" through "milk" and insert "qualified formula students".

(2)

AM1486

(Amendments to Standing Committee amendments, AM1205)

1. On page 65, strike lines 22 through 27 and insert

"(i) 0 for the formula students qualified for free lunches or free milk comprising the first five percent of the formula students in the local system;

(ii) 0.05 for the formula students qualified for free lunches or free milk comprising more than five percent and not more than ten percent of the formula students in the local system;

(iii) 0.10 for the formula students qualified for free lunches or free milk comprising more than ten percent and not more than fifteen percent of the formula students in the local system;

(iv) 0.15 for the formula students qualified for free lunches or free milk comprising more than fifteen percent and not more than twenty percent of the formula students in the local system;

(v) 0.20 for the formula students qualified for free lunches or free milk comprising more than twenty percent and not more than twenty-five percent of the formula students in the local system;

(vi) 0.25 for the formula students qualified for free lunches or free milk comprising more than twenty-five percent and not more than thirty percent of the formula students in the local system; and

(vii) 0.30 for the formula students qualified for free lunches or free milk comprising more than thirty percent of the formula students in the local system.".

2. On page 66, strike lines 1 through 11.

(3)

AM1531

(Amendments to Standing Committee amendments, AM1205)

1. On page 67, line 15, after "(2)" insert "The department shall calculate the small district adjustment factor for each district having an average daily membership of fewer than nine hundred weighted formula students for the most recently available complete data year. The small district adjustment factor shall be calculated as follows:

(a) The maximum cost per weighted formula student shall be determined. Maximum cost per weighted formula student is equal to the total estimated general fund operating expenditures per weighted formula student for all local systems in the state having nine hundred or more weighted formula students;

(b) The minimum cost per weighted formula student shall be determined. Minimum cost per weighted formula student is equal to the total estimated general fund operating expenditures per weighted formula student for all local systems in the state having two hundred fifty or more but not more than three hundred fifty weighted formula students; and

(c) Minimum cost per weighted formula student shall be divided by maximum cost per weighted formula student, and one shall be subtracted from the result. The number obtained by such calculation shall be divided by six hundred to calculate the small district adjustment factor. The small district adjustment factor shall not exceed one and two-tenths. Local systems in the sparse or very sparse cost groupings shall receive the benefit of either the small district adjustment factor or the sparse or very sparse cost grouping, whichever provides the greater benefit.

(3)"; and on page 68, line 14, strike "(3)" and insert "(4)".

(4)

AM1532

(Amendments to Standing Committee amendments, AM1205)

1. On page 67, line 7, strike "and" and insert "or"; and in line 9 after the semicolon insert "and".

(5)

AM1533

(Amendments to Standing Committee amendments, AM1205)

1. On page 38, line 13, after the underscored period insert "Assets belonging to the Class I school district immediately before the effective date of the merger under this section shall remain the property of the subdistrict on and after the effective date of the merger.".

(6)

AM1534

(Amendments to Standing Committee amendments, AM1205)

1. On page 38, lines 14 and 23, strike "Prior" and insert "Except as provided in subsection (9) of this section, prior".

2. On page 39, line 3, strike "Beginning" and insert "Except as provided in subsection (9) of this section, beginning"; in line 15 after "(9)" insert "Following a merger under this section, the board of the high school district shall take no action adversely affecting a subdistrict until an election has been held in which residents of the subdistrict have the opportunity to vote on members of the board of the high school district. For purposes of this subsection, action adversely affecting a subdistrict does not include distribution of state aid, regardless of whether the amount of state aid received by the subdistrict is greater or less than the amount received by the Class I district in the school fiscal year immediately preceding the merger under this section.

(10)"; in line 25 strike "(10)" and insert "(11)"; and in line 27 strike "(11)" and insert "(12)".

3. On page 40, line 8, strike "(12)" and insert "(13)"; and in line 13 strike "(13)" and insert "(14)".

Mr. Janssen filed the following amendment to LB 310:

AM1576

1. Strike original section 8.

2. On page 19, line 18, strike "71-1913,".

3. Renumber the remaining sections and correct internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 882. Mr. Dw. Pedersen renewed his pending amendment, AM1422, found on page 1481.

Mrs. Witek and Mr. Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Dw. Pedersen amendment:
FA186
Amend AM1422
line 4, strike "issue" and insert "authorize the issuance of"
line 3, after "authority", insert "only"

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Wesely moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The Dw. Pedersen amendment was adopted with 26 ayes, 2 nays, 3 present and not voting, and 18 excused and not voting.

The Chair declared the call raised.

Mrs. C. Peterson offered the following amendment:
AM1418
(Amendments to E & R amendments, AM7125)

1. Strike sections 1 to 8 and insert the following sections:

"Section 1. For purposes of sections 1 to 7 of this act, juvenile means a person under nineteen years of age.

Sec. 2. The Office of Juvenile Services shall develop and implement an incarceration work camp, to be completed no later than January 1, 2005, for juvenile offenders to be placed in as a condition of a sentence of probation. It is the intent of the Legislature that the incarceration work camp serve the interests of society by promoting the rehabilitation of juvenile offenders and by deterring juvenile offenders from engaging in further criminal activity. To accomplish these goals, the incarceration work camp shall provide regimented, structured, disciplined programming, including all of the following: Work programs; vocational training; behavior management and modification; money management; substance abuse awareness, counseling, and treatment; and education, programming needs, and aftercare planning, which will increase the offender's abilities to lead a law-abiding, productive, and fulfilling life as a contributing member of a free society.

Sec. 3. (1) It is the intent of the Legislature that the court target the felony juvenile offender (a) who is experiencing his or her first prison sentence, (b) for whom the court finds that other conditions of a sentence of probation, in and of themselves, are not suitable, and (c) who, without the existence of an incarceration work camp, would, in all likelihood, be sentenced to prison. It is the further intent of the Legislature that prior juvenile offenders who were incarcerated for minor nonviolent offenses are not automatically ineligible to be placed in an incarceration work camp as a condition of a sentence of probation.

(2) When the court is of the opinion that imprisonment may be appropriate, but that a brief and intensive period of incarceration may better serve the interests of society, the court may place a juvenile offender in an incarceration work camp for a period not to exceed one hundred eighty days as a condition of a sentence of probation. The court may consider such placement if the juvenile offender (a) is a male or female juvenile offender, (b) is determined to be medically and mentally fit to participate, with allowances given for reasonable accommodation, (c) has not previously been incarcerated for a violent felony crime, and (d) has not demonstrated chronic violent behavior. Juvenile offenders convicted of a crime under sections 28-319 to 28-321 or of any capital crime are not eligible to be placed in an incarceration work camp.

Sec. 4. Upon successful completion of the incarceration work camp program, as determined by the Office of Juvenile Services, the sentencing court may modify the juvenile offender's conditions of his or her sentence of probation, place the juvenile offender in an aftercare program, or discharge the juvenile offender.

Sec. 5. If the juvenile offender for any reason fails to successfully complete the incarceration work camp program, the sentencing court may impose any other sentence that the court may have originally imposed. Credit shall be given for time actually served in the incarceration work camp program.

Sec. 6. All costs incurred during the period the juvenile offender is committed to an incarceration work camp shall be the responsibility of the state, and the counties shall be liable only for the cost of returning the offender to the appropriate court for reimposition of sentence or such other disposition as the court may then deem appropriate.

Sec. 7. An annual progress report shall be provided to the Legislature ensuring that all programmatic objectives are being met. The report shall include an evaluation of the impact of the multi-treatment programs, including program costs, educational achievement, inmate disciplinary activity, probation release decision-making, and community reintegration on November 1 of the year following implementation.

Sec. 8. Section 29-2262, Reissue Revised Statutes of Nebraska, is amended to read:

29-2262. (1) When a court sentences an offender to probation, it shall attach such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law-abiding life. No offender shall be sentenced to probation if he or she is deemed to be an habitual criminal pursuant to section 29-2221.

(2) The court may, as a condition of a sentence of probation, require the offender:

(a) To refrain from unlawful conduct;

(b) To be confined periodically in the county jail or to return to custody after specified hours but not to exceed (i) for misdemeanors, the lesser of ninety days or the maximum jail term provided by law for the offense and (ii) for felonies, one hundred eighty days;

(c) To meet his or her family responsibilities;

(d) To devote himself or herself to a specific employment or occupation;

(e) To undergo medical or psychiatric treatment and to enter and remain in a specified institution for such purpose;

(f) To pursue a prescribed secular course of study or vocational training;

(g) To attend or reside in a facility established for the instruction, recreation, or residence of persons on probation;

(h) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(i) To have in his or her possession no firearm or other dangerous weapon unless granted written permission;

(j) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his or her address or his or her employment;

(k) To report as directed to the court or a probation officer and to permit the officer to visit his or her home;

(l) To pay a fine in one or more payments as ordered;

(m) To work, in lieu of or in addition to any fine, on public streets, parks, or other public property for a period not exceeding twenty working days. Such work shall be under the supervision of the probation officer or a law enforcement officer in the jurisdiction in which the work is performed;

(n) To pay for tests to determine the presence of drugs or alcohol, psychological evaluations, and rehabilitative services required in the identification, evaluation, and treatment of offenders if such offender has the financial ability to pay for such services;

(o) To perform community service as defined in section 29-2277;

(p) To be monitored by an electronic surveillance device or system and to pay the cost of such device or system if the offender has the financial ability;

(q) To participate in a community correctional facility or program as provided in section 47-610; ~~or~~

(r) To successfully complete an incarceration work camp program as provided by sections 1 to 7 of this act, if the offender is under nineteen years of age; or

~~(r)~~ (s) To satisfy any other conditions reasonably related to the rehabilitation of the offender.

(3) In all cases in which the offender is guilty of assault or battery and the victim is the offender's spouse, a condition of probation shall be mandatory counseling as provided by the Protection from Domestic Abuse Act.

(4) In all cases in which the offender is guilty of violating section 28-416, a condition of probation shall be mandatory treatment and counseling as provided by such section.

Sec. 9. Section 29-2270, Reissue Revised Statutes of Nebraska, is amended to read:

29-2270. Any individual who is less than nineteen years of age and who is subject to the supervision of a juvenile probation officer or an adult probation officer pursuant to an order of the district court, county court, or juvenile court:

(1) Shall, ~~shall,~~ as a condition of probation, be required to:

~~(1)~~ (a) Attend school to obtain vocational training or to achieve an appropriate educational level as prescribed by the probation officer after consultation with the school the individual attends or pursuant to section 29-2272. If the individual fails to attend school regularly, maintain appropriate school behavior, or make satisfactory progress as determined by the probation officer after consultation with the school and the individual does not meet the requirements of subdivision (2) of this section, the district court, county court, or juvenile court shall take appropriate action to enforce, modify, or revoke its order granting probation; or

~~(2)~~ (b) Attend an on-the-job training program or secure and maintain employment. If the individual fails to attend the program or maintain employment and does not meet the requirements of subdivision (1) of this section, the district court, county court, or juvenile court shall take appropriate action to enforce, modify, or revoke its order granting probation; and

(2) May, as a condition of probation, be required to successfully complete an incarceration work camp program as provided in sections 1 to 7 of this act.

Sec. 10. Section 43-286, Revised Statutes Supplement, 1996, is amended to read:

43-286. Notwithstanding the provisions of sections 43-251 and 43-253 to 43-257, no juvenile shall be confined in any jail as a disposition of the court. When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247:

(1) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged when the same is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(a) Place the juvenile on probation subject to the supervision of a probation officer or may, as a condition of probation, require the juvenile to successfully complete an incarceration work camp program as provided in sections 1 to 7 of this act;

(b) Permit the juvenile to remain in his or her own home, subject to the supervision of the probation officer; or

(c) Cause the juvenile to be placed in a suitable family home or institution, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.

Under subdivision (1)(a), (1)(b), or (1)(c) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, and maintenance of the juvenile to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the juvenile without such payment;

(2) Except as provided in section 43-287, the court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be committed to the Youth Rehabilitation and Treatment Center-Geneva or to the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter;

(3) When a juvenile is placed on probation or under the supervision of the court and it is alleged that the juvenile is again a juvenile as defined by subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications; or

(4) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the

juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(a) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(b) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations set forth pursuant to subdivision (4)(a) of this section. At such hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(c) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversary criminal trial;

(d) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with subdivisions (4)(b) and (4)(c) of this section;

(e) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of disposition that could have been made at the time the original order of probation was entered or, in the case of the juvenile adjudicated to be within the definitions of subdivision (3)(b) of section 43-247, the court, after considering the dispositions available, may in addition commit such juvenile to the Office of Juvenile Services under section 43-287; and

(f) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 11. Original sections 29-2262 and 29-2270, Reissue Revised Statutes of Nebraska, and section 43-286, Revised Statutes Supplement, are repealed.

Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mrs. C. Peterson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mrs. C. Peterson requested a record vote on her amendment.

Voting in the affirmative, 6:

Chambers
Hartnett
Peterson, C.
Schimek
Suttle
Withem

Voting in the negative, 17:

Bromm
Bruning
Coordsen
Crosby
Cudaback
Engel
Hillman
Hudkins
Janssen
Pederson, D.
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wesely
Wickersham

Present and not voting, 10:

Brashear
Dierks
Elmer
Jensen
Jones
Lynch
Maurstad
Pedersen, Dw.
Preister
Witek

Excused and not voting, 16:

Abboud
Beutler
Bohlke
Brown
Hilgert
Kiel
Kristensen
Landis
Matzke
McKenzie
Robak
Robinson
Schellpeper
Vrtiska
Warner
Will

The C. Peterson amendment lost with 6 ayes, 17 nays, 10 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mr. Chambers offered the following amendment:
FA187
Amend AM7125
In line 3, after "authority", insert "only"

The Chambers amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mrs. Stuhr filed the following amendment to LB 806:
AM1626

(Amendments to Standing Committee amendments, AM1205)

1. On page 59, lines 8, 12 and 13, and 19; page 60, lines 1 and 2, 11 and 12, and 25 and 26; page 61, lines 25 and 26; page 62, lines 1, 6, and 12; page 63, lines 14 and 15, 21, and 25; and page 83, line 7; and page 94, line 11, strike "including full-day kindergarten," and show as stricken.

Mr. Jones filed the following amendment to LB 806:
AM1574

(Amendments to Standing Committee amendments, AM1205)

1. On page 38, strike beginning with "Prior" in line 14 through the underscored comma in line 24 and insert "The".
2. On page 39, strike lines 3 through 8; in line 9 strike "(8)" and insert "(6)" and after "to" insert "this subsection or"; in line 10 strike ", (6), (7), or (8)"; in line 15 strike "(9)" and insert "(7)"; in line 25 strike "(10)" and insert "(8)"; and in line 27 strike "(11)" and insert "(9)".
3. On page 40, line 8, strike "(12)" and insert "(10)"; and in line 13 strike "(13)" and insert "(11)".

Mr. Beutler filed the following amendment to LB 374:
(Amendment, AM1611, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Beutler filed the following amendment to LB 864:
FA181
amend the Wesely amendment AM1600
On Page 1, line 8 strike the word "million"

Mr. Cudaback filed the following amendment to LB 806:
AM1617

(Amendments to Standing Committee amendments, AM1205)

1. On page 38, lines 14 and 23; and page 39, line 3, strike "2003" and insert "2008".

Mr. Cudaback filed the following amendment to LB 806:
AM1618

(Amendments to Standing Committee amendments, AM1205)

1. On page 39, line 6, after "district" insert "and a majority of the members of the subdistrict board"; and strike beginning with "Consent" in line 7 through line 8.

VISITORS

Visitors to the Chamber were 7 high school students and teacher from

Arnold; former Senator Dan Fisher from Grand Island; 29 fourth grade students and teacher from Grant Elementary School, Norfolk; 48 fifth grade students and teacher from Howard Elementary School, Fremont; 21 fourth grade students and teachers from York; fifth grade students and teachers from Belmont School, Lincoln; 53 fourth through sixth grade students, principal, and teachers from Wilcox; Rawnda Pierce from Gering; 24 fourth grade students and teacher from Red Cloud; and 25 fourth grade students and teacher from York.

The Doctor of the Day was Leon Books from Broken Bow.

ADJOURNMENT

At 2:11 p.m., on a motion by Mr. Engel, the Legislature adjourned until 9:00 a.m., Monday, April 21, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FIRST DAY – APRIL 21, 1997

LEGISLATIVE JOURNAL

SIXTY-FIRST DAY – APRIL 21, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

SIXTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 21, 1997

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Robak presiding.

MOMENT OF SILENCE

A moment of silence was observed in memory of Senator Jerome Warner who passed away Sunday, April 20, 1997.

PRAYER

The prayer was offered by Vicar Clint Poppe, Good Shepard Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Lynch, Wehrbein, Mmes. Hudkins, McKenzie, and Robak who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixtieth day was approved.

GENERAL FILE

LEGISLATIVE BILL 307A. Title read. Considered.

Mr. Wesely renewed his pending amendment, AM1392, found on page 1467.

The Wesely amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 32 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 523A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 852A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 853A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 861A. Title read. Considered.

Advanced to E & R for review with 32 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 875A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 590. Title read. Considered.

Standing Committee amendment, AM1198, printed separately and referred to on page 1324, was considered.

MR. WILL PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem requested, as the introducer of LB 590, that his amendments to the Standing Committee amendment be taken up prior to other amendments, pursuant to Rule 6, Section 3(b).

The Chair ruled the amendments, to the Standing Committee amendments, would be taken up in the order they were filed.

Mr. Bromm renewed his pending amendment, AM1324, printed separately and referred to on page 1500, to the Standing Committee amendments.

Mr. Withem requested a division of the question on the Bromm amendment.

Mr. Withem withdrew his request for a division of the question.

Mr. Bromm withdrew his amendment, AM1324.

Mr. Coordsen renewed his pending amendment, FA164, found on page 1500, to the Standing Committee amendment.

Messrs. Landis and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

The Coordsen amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 138. Placed on Select File as amended.
E & R amendment to LB 138:
AM7137

1. In the Wickersham amendment, AM1382:

a. Renumber sections 58 and 59 as sections 56 and 57;

b. On page 2, lines 24 and 25, reinstate the stricken matter; and in lines 25 and 26 strike the new matter;

c. On page 4, lines 23 and 24, strike "this legislative bill" and insert "section 1, Legislative Bill 166, Ninety-fifth Legislature, First Session, 1997"; and in line 25 strike "2" and insert "3";

d. On page 5, line 12, after "curricula" insert an underscored comma; and in line 13 after "appendices" insert an underscored comma; and

e. On page 6, strike beginning with "pursuant" in line 10 through "board" in line 11; and in line 21 strike "service" and insert "services".

2. In the Standing Committee amendments, AM0380:

a. On page 1, line 9, after "for" insert "regulating"; in lines 18 and 21 strike "medical"; and in line 19 strike the second "of";

b. On page 2, line 12, strike "care";

c. On page 3, line 4, strike "or rescue service unit"; and in line 7 strike the first "for";

d. On page 4, lines 2 and 19, strike the comma;

e. On page 5, lines 15, 17, and 20, strike the semicolon and insert an underscored comma;

f. On page 6, line 4, strike "pursuant to this section";

g. On page 6, line 13; and page 7, lines 3 and 24, strike "Board of Emergency Medical Services" and insert "board";

h. On page 9, line 12, strike "care"; and in line 14 strike "medical";

i. On page 10, line 2, strike "curriculums" and insert "curricula"; in line 8 strike "the"; and in line 16 strike the last comma;

j. On page 11, line 14, strike "(9)" and insert "(10)"; and in line 16 strike "emergency medical services";

k. On page 12, line 3, strike the comma; in line 4 after "following" insert "methods"; in line 11 after "certification" insert "for which"; in line 12 strike "for"; and in line 17 after "the" insert "certification";

l. On page 14, line 8, strike "approved" and insert "licensed"; in line 9 strike "to offer services"; in line 10 after "and" insert "which" and strike "service"; in line 23 strike "in (1)" and insert "(1) in"; and in line 27 after "data" insert an underscored comma;

m. On page 15, line 20, strike ", if such driver" and insert "who"; strike beginning with the comma in line 21 through the comma in line 22; in line 23 after "vehicles" insert "when responding to an emergency call or while transporting a patient"; and in line 25 strike the second "it";

n. On page 16, line 5, strike "(1)";

o. On page 18, line 7, strike "act" and insert "Emergency Medical Services Act"; in lines 18 and 23 strike "service" and insert "care"; and in line 22 strike the comma;

p. On page 19, lines 7 and 20, strike the comma; and in line 24 after "person" insert an underscored comma;

q. On page 20, line 6, strike "the provisions of"; and in line 7 strike "of";

r. On page 33, lines 18 and 24; and page 34, lines 3, 5, and 10, strike "medical";

s. On page 39, line 17, strike the first "for"; and in line 20 strike ", but shall" and insert "but does";

t. On page 51, line 10; and page 52, line 4, strike "(4), show as stricken, and insert "(5)"; and

u. On page 56, line 7, strike "53, 55, and 56" and insert "54, 56, and 57".

3. On page 1, strike lines 2 through 4 and insert "sections 28-907, 60-337, 60-6,270, 71-168, 71-168.02, 71-1,198, 71-1,339, 71-507 to 71-512, 71-514.02, 71-7102, and 81-15,102.03, Reissue Revised Statutes of Nebraska, and sections 13-303, 13-1801, 23-1821, 23-3547, 23-3594, 35-514.02, 48-115, and 48-126.01, Revised Statutes"; in line 10 after the second semicolon insert "to provide operative dates;"; in line 12 after the first "to" insert "71-5107, 71-5108.01 to"; and in line 14 after "Nebraska" insert ", and section 71-5108, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 166, Ninety-fifth

Legislature, First Session, 1997".

LEGISLATIVE BILL 875. Placed on Select File as amended.
(E & R amendment, AM7136, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 588. Placed on Select File.
LEGISLATIVE BILL 588A. Placed on Select File.

LEGISLATIVE BILL 798. Placed on Select File as amended.
E & R amendment to LB 798:
AM7138

1. In the Witek amendment, AM1353:

a. On page 2, line 10, strike the second "hospital" and insert "department"; in line 16 after the second "care" insert "beds"; in line 17 strike "Swing" and insert "For purposes of this section, swing"; and in line 20 before "Census" insert "the";

b. On page 7, line 24, strike "that" and insert ", which project";

c. On page 10, line 25, strike beginning with "sections" through "25-21,164", show as stricken, and insert "the Uniform Declaratory Judgments Act"; and

d. On page 19, line 5, strike "71-5859,".

2. On page 1, strike beginning with "section" in line 1 through the last semicolon in line 4 and insert "sections 71-5801, 71-5803, 71-5806, 71-5808, 71-5809.01, 71-5809.02, 71-5810, 71-5816, 71-5818.02, 71-5818.03, 71-5819, 71-5822, 71-5823, 71-5824, 71-5830.01, 71-5836, 71-5836.01, 71-5836.02, 71-5837, 71-5838, 71-5848.01, 71-5849, 71-5853, 71-5855, 71-5868, 71-5869, and 71-5870, Reissue Revised Statutes of Nebraska; to add, change, and eliminate provisions relating to health care certificates of need; to repeal the original sections; to outright repeal sections 71-5802, 71-5804, 71-5805, 71-5805.01, 71-5807, 71-5809, 71-5811, 71-5812, 71-5813, 71-5814, 71-5815, 71-5817, 71-5818, 71-5818.01, 71-5820, 71-5821, 71-5821.01, 71-5825, 71-5826, 71-5828, 71-5829, 71-5830, 71-5831, 71-5832, 71-5832.01, 71-5833, 71-5834, and 71-5835, Reissue Revised Statutes of Nebraska;".

LEGISLATIVE BILL 865. Placed on Select File as amended.
E & R amendment to LB 865:
AM7139

1. In the Standing Committee amendments, AM1042:

a. On page 14, line 21, strike "year", show as stricken, and insert "years";

b. On page 16, line 17, after "the" insert "Division of Rehabilitation Services of the"; in line 18 strike "Education's" through "Rehabilitation" and insert "Education"; in line 20 after "the" insert "Office of Special Populations of the"; and in line 21 strike "Education's" through "Populations" and insert "Education"; and

c. On page 18, line 23, after "sections" insert "79-241,".

2. On page 1, lines 1 and 2, strike "79-215, 79-1003" and insert "79-241"; and in line 7 after the second semicolon insert "to provide for an assistive technology device registry;".

(Signed) Jon C. Bruning, Chairperson

AMENDMENT - Print in Journal

Mrs. Hudkins filed the following amendment to LB 485:
AM1515

(Amendments to E & R amendments, AM7121)

1. On page 1, line 5, before "If" insert "(1)".

2. On page 2, line 4, before "Within" insert paragraphing and "(2)"; strike beginning with "or" in line 7 through "trial" in line 9; in line 10 after "determine" insert "(a) whether the accused is competent to stand trial or (b)"; in line 12 before "If" insert paragraphing and "(3)"; in line 14 strike "(1)" and insert "(a)"; and in line 17 strike "(2)" and insert "(b)" and after the period insert "If during the period of time between the six-month review hearings set forth in subsection (2) of this section it is the opinion of the Department of Health and Human Services that the accused is competent to stand trial, the department shall file a report outlining its opinion with the court, and within twenty-one days after such report being filed, the court shall hold a hearing to determine whether or not the accused is competent to stand trial.".

GENERAL FILE

LEGISLATIVE BILL 590. Mr. Bromm renewed his pending amendment, AM1465, found on page 1510, to the Standing Committee amendment.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

Mr. Bromm moved for a call of the house. The motion prevailed with 28 ayes, 0 nays, and 20 not voting.

Mr. Kristensen requested a roll call vote, in reverse order, on the Bromm amendment.

Voting in the affirmative, 15:

Abboud
Bromm
Chambers
Coordsen
Dierks
Engel
Hudkins
Jensen
Jones
Matzke

Preister
Robinson
Stuhr
Tyson
Witek

Voting in the negative, 17:

Brashear
Brown
Bruning
Crosby
Hilgert
Hillman
Kiel
Kristensen
Landis
Lynch
Pederson, D.
Peterson, C.
Schimek
Wesely
Wickersham
Will
Withem

Present and not voting, 15:

Beutler
Bohlke
Cudaback
Elmer
Hartnett
Janssen
Maurstad
McKenzie
Pedersen, Dw.
Schellpeper
Schmitt
Schrock
Suttle
Vrtiska
Wehrbein

Excused and not voting, 1:

Robak

The Bromm amendment lost with 15 ayes, 17 nays, 15 present and not voting, and 1 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 37 twelfth grade students and teacher from Cambridge; C. R. Druse from Cambridge; 17 fourth grade students and teacher from Nemaha Valley Elementary, Talmage; 13 students and teacher from Villa Marie School, Waverly; 31 fourth grade students and teachers from Northern Hill Elementary, Norfolk; 39 fourth grade students and teachers from West Point; and Senator Dierks' wife, Gloria, his daughter-in-law and grandchildren, Suzanne, Nathan, Alex, and Brady Dierks.

RECESS

At 12:01 p.m., on a motion by Mr. Beutler, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mr. Tyson who was excused; and Mmes. Bohlke, Brown, Hillman, Kiel, McKenzie, Robak, Stuhr, Messrs. Coordsen, Janssen, Landis, Lynch, Matzke, Schmitt, Schrock, Wesely, Wickersham, and Will who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 590. Mr. Bromm renewed his pending amendment, AM1466, found on page 1511, to the Standing Committee amendment.

Mr. Bromm withdrew his amendment.

Mr. Withem renewed his pending amendment, AM1460, found on page 1511, to the Standing Committee amendment.

MR. WILL PRESIDING

Mr. Withem asked unanimous consent to replace his pending amendment, AM1460, found on page 1511, with a substitute amendment. No objections. So ordered.

Mr. Withem withdrew his amendment, AM1460, found on page 1511.

Mr. Withem offered the following substitute amendment to the Standing Committee amendment:
FA188
Amend AM1198 as follows:
1. On page 11, line 19, after "code" insert "and section 7 of this act."

The Withem amendment was adopted with 27 ayes, 0 nays, 8 present and not voting, and 13 excused and not voting.

Mr. Withem renewed his pending amendment, AM1461, found on page 1511, to the Standing Committee amendment.

Mr. Withem withdrew his amendment.

Mr. Withem renewed his pending amendment, AM1440, found on page 1511, to the Standing Committee amendment.

The Withem amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Withem renewed his pending amendment, AM1462, found on page 1511, to the Standing Committee amendment.

The Withem amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Withem renewed his pending amendment, AM1439, found on page 1512, to the Standing Committee amendment.

Mrs. Brown moved the previous question. The question is, “Shall the debate now close?” The motion failed with 14 ayes, 2 nays, and 32 not voting.

Messrs. Brashear and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mrs. Witek requested a record vote on the Withem amendment.

Voting in the affirmative, 13:

Abboud
Beutler
Brown
Crosby
Cudaback
Hillman
Kiel
Kristensen
Peterson, C.
Robak
Wehrbein
Will
Withem

Voting in the negative, 12:

Bromm
Bruning
Coordsen
Engel
Hudkins
Jones
Landis
Matzke
Robinson
Schellpeper
Schmitt
Witek

Present and not voting, 16:

Dierks
Elmer
Hartnett
Hilgert
Janssen
Jensen
Maurstad
Pedersen, Dw.
Pederson, D.
Preister
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wickersham

Excused and not voting, 7:

Bohlke
Brashear
Chambers
Lynch
McKenzie
Tyson
Wesely

The Withem amendment lost with 13 ayes, 12 nays, 16 present and not voting, and 7 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 117. Introduced by Hartnett, 45; Withem, 14; Lynch, 13; Brown, 6; Suttle, 10; Coordsen, 32; Abboud, 12; Landis, 46; Bruning, 3; Brashear, 4; Will, 8.

PURPOSE: The purpose of this study is to review our current sales and use tax statutes, and the applicable rules and regulations, as such statutes, rules, and regulations apply to sales involving wireless telecommunications equipment and the sales and service of wireless telecommunications equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 118. Introduced by Schrock, 38.

WHEREAS, the city of Franklin has hosted an annual canoe race for the past twenty years; and

WHEREAS, the event has steadily grown in reputation and attendance since its inception; and

WHEREAS, the event is designed to promote not only the sport of canoe racing, but also the beauty of the Republican River and the many attractions of Nebraska; and

WHEREAS, more than 100 canoe racing enthusiasts from all over the United States and other nations have participated in this event annually; and

WHEREAS, we should recognize the ingenuity and diligent work of our communities in sponsoring such events which promote the good life we share in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the city of Franklin be declared the Canoe Racing Capital of Nebraska.

2. That a copy of this resolution be sent to Douglas Marsh, Mayor of the city of Franklin, and to Kim L. Naden, President of the Franklin Canoe Association.

Laid over.

AMENDMENTS - Print in Journal

Mr. Hartnett filed the following amendment to LB 874:
AM1607

1. Insert the following new section: "Sec. 11. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mrs. Robak filed the following amendment to LB 660:
AM1650

(Amendments to AM1051)

1. On page 2, strike beginning with the comma in line 3 through the period in line 13, show the old matter as stricken, and insert an underscored period.

Mr. Bromm filed the following amendment to LB 806:
AM1652

(Amendments to Standing Committee amendments, AM1205)

1. Strike sections 2, 22, and 23 and insert the following new section:

"Section 1. Section 77-1601.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-1601.02. The preliminary levy certified in section 77-1601.01 shall be the final levy unless the governing body of a political subdivision passes by a majority vote a resolution or ordinance setting the levy at a different amount. School systems with multiple school districts shall hold a hearing to approve or modify the preliminary systemwide levies on or before September 15. For a school system with multiple districts, the school board of the Class VI school district or kindergarten through grade twelve district shall have the authority to set the tax rate for the school system. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the political subdivision at least five days prior to the hearing. Any resolution setting a tax levy under this section shall be forwarded to the county clerk and certified. The budget total for each Class I school district shall be approved by the high school district having the largest amount of the Class I district's assessed valuation. Such high school district must approve a budget total for each Class I district which is not less than the average cost per student for the district as a whole in the grade ranges served by the Class I district as reported on the annual financial report and multiplied the preceding school year's fall membership for the Class I district in the corresponding grade ranges. Each high school district with which a Class I district is affiliated or of which the Class I district is a part shall distribute levy proceeds to the Class I district based on the approved budget total and on the percentage of the Class I district's assessed valuation which is affiliated with or part of the high school district. For purposes of this section, high school district means a school district providing instruction in at least grades nine through twelve.".

2. On page 53, lines 4 and 5, strike "and" through "district".

3. On page 74, line 14; page 75, lines 6 and 7 and 24; and page 80, line 24, strike all occurrences of "or subdistrict".

4. On page 74, line 27, strike the second "or the".

5. On page 75, line 1, strike "subdistrict's"; and in line 9 strike "or subdistrict's".

6. On page 92, line 24, after "each" insert "local system and"; and in lines 24 and 25 reinstate the stricken matter and strike the new matter.

7. Amend the repealer section, renumber the remaining

sections, and correct internal references accordingly.

Mr. Wickersham filed the following amendment to LB 806:
AM1663

(Amendments to Standing Committee amendments, AM1205)

1. On page 66, line 22; and page 67, line 5, after "(i)" insert "(A)".

2. On page 66, line 24, strike ", (ii)" and insert "or (B)"; and in line 25 strike the comma; and in line 26 strike "(iii)" and insert "(ii)".

3. On page 67, line 7, strike "and" and insert "or"; in line 8 strike "(ii)" and insert "(B)"; in line 9 after the semicolon insert "and"; and in line 10 strike "(iii)" and insert "(ii)".

Mr. Jones filed the following amendment to LB 806:
AM1610

(Amendments to Standing Committee amendments, AM1205)

1. On page 67, line 5, after "(i)" insert "(A)"; in line 7 strike "and" and insert "(B) less"; in line 8 strike the paragraphing and "(ii) Less"; in line 9 after the semicolon insert "and (C) more"; in line 10 strike the paragraphing and "(iii) More"; and in line 12 after the semicolon insert "or

(ii) The district includes ninety-five percent or more of a county;".

Mr. Wickersham filed the following amendments to LB 806:

(1)

AM1667

(Amendments to Standing Committee amendments, AM1205)

1. On page 36, line 25, strike "legal voter" and insert "registered voter who lives within the affected Class I district" and after "for" insert "no more than".

(2)

AM1668

(Amendments to Standing Committee amendments, AM1205)

1. On page 47, line 24; and page 96, line 10, strike "local" and insert "other".

(3)

AM1669

(Amendments to Standing Committee amendments, AM1205)

1. On page 53, line 6, after "system" insert ", until August 1, 1998,"; and in line 13 after "district" insert ". On and after August 1, 1998, local system means a Class VI district and the Class I districts which are a part of it or a Class II, III,

IV, or V school district and the Class I subdistricts which are a part of it".

(4)

AM1647

(Amendments to Standing Committee amendments, AM1205)

1. On page 38, strike lines 17 through 19 and insert "if, considering all costs included or avoided as a result of such boundary change or closing, including, but not limited to, per-pupil cost differences, capital improvements, transportation, and all other costs necessary to determine the cost of such boundary change or closing, such boundary change or closing will cost more than leaving the boundaries unchanged or the attendance center open, if".

(5)

AM1649

(Amendments to Standing Committee amendments, AM1205)

1. Insert the following new sections:

"Sec. 26. Section 79-850, Reissue Revised Statutes of Nebraska, is amended to read:

79-850. For purposes of sections 79-850 to 79-852, unless the context otherwise requires, reorganized school district means:

(1) Any expanded or altered school district or any subdistrict as described in section 22 of this act, organized or altered by any of the means provided by Nebraska law including, but not limited to, the methods provided by the Reorganization of School Districts Act, section 79-407, 79-413, 79-456, 79-463, or 79-473, or sections 79-415 to 79-417 or 79-452 to 79-455; or

(2) Any school district to be formed in the future if the petition or plan for such reorganized school district has been approved pursuant to any of the methods set forth in subdivision (1) of this section when the effective date of such reorganization is prospective. For purposes of this subdivision, a petition or plan shall be deemed approved when the last legal action has been taken, as prescribed in section 79-413, 79-450, or 79-455, necessary to effect the changes in boundaries as set forth in the petition or plan.

Sec. 27. Section 79-854, Reissue Revised Statutes of Nebraska, is amended to read:

79-854. (1) If the reorganization of two or more school districts will involve a reduction in force, all certificated employees from the district or ~~districts~~ subdistrict involved in or resulting from the reorganization shall have, except as limited by subsection (2) of this section, the option to: (a) Retire under the Retirement Incentive Plan pursuant to section 79-855; (b) terminate employment and receive Staff Development Assistance pursuant to section 79-856; or (c) remain employed by the district subject to personnel policies and staffing requirements of the reorganized district or ~~districts~~ subdistrict. Each certificated employee shall be notified in writing of the proposed reorganization, the number of employees which will be reduced, and the availability of the Retirement Incentive Plan and Staff Development Assistance prior to such reorganization. If the reorganization will involve a reduction in force prior to the effective date of the reorganization, the notification shall be made by March 15 of the school year in effect; otherwise, the notification shall be made at least thirty calendar days prior to the effective date of the reorganization but in no event later than March 15 of the calendar year in which action on the reduction in force will occur. The employee election to retire under the Retirement Incentive Plan or to terminate employment and receive Staff Development Assistance shall be made within fifteen calendar days after receiving the notification, or those options are waived.

(2) For each reorganization, the number of certificated employees which receive either the Retirement Incentive Plan or Staff Development Assistance shall be limited to the number of certificated employees which are reduced due to the reorganization. If the number of employees electing participation in the Retirement Incentive Plan or Staff Development Assistance exceed the number of employees which will be reduced, selection for participation shall be determined by the date and time of receipt of the employee election. Employee elections which are received first shall be selected, and all certificated employees in all districts or subdistricts involved in or resulting from the reorganization shall be treated equally in determining such selection.

Sec. 28. Section 79-855, Reissue Revised Statutes of Nebraska, is amended to read:

79-855. (1) Except as limited by subsection (2) of section 79-854, all certificated employees from a district or subdistrict involved in or resulting from a reorganization who are at least fifty-five years of age on the date of reorganization shall be eligible to participate in the Retirement Incentive Plan pursuant to this section if, within fifteen calendar days after receiving notification, the employee signs an agreement to retire effective on or prior to the effective date of the reorganization. To receive a benefit under the Retirement Incentive Plan, a certificated employee must have completed five years of creditable service prior to the effective date of retirement.

(2) A qualified certificated employee who elects retirement under the Retirement Incentive Plan shall receive a benefit in the form of a lump-sum amount, payable in one or two payments. Such payments shall not be included in the determination of final average compensation pursuant to the School Employees Retirement Act. The payments to the certificated employee shall equal seven hundred dollars for each year of service with the district and shall not exceed twenty-four thousand five hundred

dollars for each certificated employee receiving benefits under this section.

(3) The Retirement Incentive Plan shall be available to employees only prior to allocation of staff pursuant to section 79-857.

(4) Costs of the Retirement Incentive Plan, prior to the allocation of staff, shall be allocated among the reorganized districts or subdistricts based upon the proportion of valuation each district or subdistrict receives. Such costs shall not be included in general fund operating expenditures as defined in section 79-1003, for that fiscal year. Costs associated with agreements beyond the scope of the Retirement Incentive Plan shall be the sole responsibility of the reorganized district or subdistrict involved in or resulting from the agreement.

(5) Payments made to employees pursuant to the Retirement Incentive Plan shall be made according to the reorganization plan and, if not specified in the plan, by the reorganized district receiving the largest valuation.

(6) Participation in an early retirement program, other than the Retirement Incentive Plan, shall not be available to transferring staff for a period of one year after the date of reorganization.

Sec. 29. Section 79-856, Reissue Revised Statutes of Nebraska, is amended to read:

79-856. (1) Except as limited by subsection (2) of section 79-854, all certificated employees from a district or subdistrict involved in or resulting from a reorganization who, within fifteen calendar days after receiving notification of the availability of Staff Development Assistance pursuant to section 79-854, terminate employment voluntarily, contract to waive any reduction-in-force rights pursuant to sections 79-846 to 79-849, and sign a Staff Development Assistance agreement, shall receive one year of Staff Development Assistance. Staff Development Assistance shall be available to employees only prior to allocation of staff pursuant to section 79-857.

(2) Staff Development Assistance shall not be included in the determination of final average compensation pursuant to the School Employees Retirement Act.

(3) The Staff Development Assistance agreement shall specify that:

(a) A stipend equal to fifty percent of annual salary shall be contingent upon enrollment and attendance at a Nebraska state college or the University of Nebraska; or a stipend equal to twenty-five percent of annual salary shall be provided if not enrolled nor in attendance at a Nebraska state college or the University of Nebraska;

(b) The stipend will cease upon attainment of employment of twenty or more hours per week;

(c) The stipend will be paid in the same manner as contract payments for the most recent contract year;

(d) Tuition for two semesters, if applicable, will be paid directly to the Nebraska state college or the University of Nebraska and shall equal resident tuition charges plus fees of such school and will not include costs of books or other instructional materials; and

(e) All reduction-in-force rights pursuant to sections 79-846 to 79-849, are waived by signing the agreement.

(4) Costs of Staff Development Assistance, prior to the allocation of staff, shall be allocated among the reorganized districts or subdistricts based upon the proportion of valuation each district or subdistrict receives. Such costs shall not be included in general fund operating expenditures as defined in section 79-1003, for that fiscal year. Costs associated with agreements beyond the scope of Staff Development Assistance shall be the sole responsibility of the reorganized district or subdistrict involved in or resulting from the agreement.

(5) Payments made to employees pursuant to Staff Development Assistance shall be made according to the reorganization plan and, if not specified in the plan, by the reorganized district receiving the largest valuation.

Sec. 30. Section 79-857, Reissue Revised Statutes of Nebraska, is amended to read:

79-857. For reorganizations involving consolidation of school districts into one or more reorganized districts or subdistricts, staff not electing retirement pursuant to section 79-855 or Staff Development Assistance pursuant to section 79-856 shall be allocated prior to the effective date of reorganization as follows:

(1) All districts or subdistricts involved may enter into an agreement on the allocation of all certificated employees to one or more of the reorganized districts or subdistricts. No certificated employee shall be allocated to more than one district or subdistrict. Such agreement shall be signed by all the districts and subdistricts involved;

(2) All certificated employees from the district or ~~districts~~ subdistricts who have not been allocated pursuant to subdivision (1) of this section shall be totaled and allocated among the reorganized districts or subdistricts based upon the proportion of students transferring to the reorganized district or subdistricts;

(3) All certificated employees from the district or subdistricts shall be treated equally in the allocation regardless of seniority. Staff shall not be given the option to choose the reorganized district or subdistricts in which to relocate. Random selection shall be utilized to allocate individual employees among all reorganized districts and subdistricts; and

(4) Once the selection and allocation is completed, employees from the district or ~~districts~~ subdistricts shall retain

years of service from the previous district for purposes of seniority. Within each reorganized district or subdistrict, employees from the receiving district or subdistrict shall not have priority over transferring employees. All reduction-in-force laws and policies shall apply.

Sec. 31. Section 79-858, Reissue Revised Statutes of Nebraska, is amended to read:

79-858. Any agreements other than the Retirement Incentive Plan pursuant to section 79-855 or Staff Development Assistance pursuant to section 79-856 shall be the sole responsibility of the reorganized district or subdistrict.".

2. Amend the repealer section, renumber the remaining sections, and correct internal references accordingly.

(6)

AM1646

(Amendments to Standing committee amendments, AM1205)

1. On page 54, line 3, strike "(8) and (18)" and insert "(9) and (19)".

2. On page 91, line 4, after "receipts" insert ";

(8) Fifty percent of private contributions" and strike "not"; in line 5 after "receipts" insert "of cash and tangible property"; in line 6 after "organizations" insert ", except receipts from any single fund raising event that generates less than five thousand dollars are not included"; in line 7 strike "(8)" and insert "(9)"; in line 8 strike "(9)" and insert "(10)"; in line 10 strike "(10)" and insert "(11)"; in line 11 strike "(11)" and insert "(12)"; in line 15 strike "(12)" and insert "(13)"; in line 16 strike "(13)" and insert "(14)"; in line 20 strike "(14)" and insert "(15)"; in line 22 strike "(15)" and insert "(16)"; in line 25 strike "(16)" and insert "(17)"; and in line 26 strike "(17)" and insert "(18)".

3. On page 92, line 1, strike "(18)" and insert "(19)".

(7)

AM1679

(Amendments to Standing Committee amendments, AM1205)

1. Strike section 22 and insert the following new section:

"Sec. 22. Beginning with the 1998-99 school year, only high school districts shall have the authority to levy property taxes and receive state aid under the Tax Equity and Educational Opportunities Support Act, except that Class I subdistricts and Class I districts may directly receive net option funding pursuant to section 79-1009 or consolidation incentives pursuant to section 79-1010.

(1) Class I districts and Class I subdistricts shall receive funding from the high school district, as required by this section, beginning August 1, 1998.

(2) Class I districts which have voted to become part of a single high school district shall become a part of the high school district effective August 1, 1998.

(3) At the statewide primary election in 1998, all Class I districts which are affiliated with or are part of multiple high school districts will vote on which high school district the Class I district will become a part of. All high school districts which the Class I district is affiliated with or part of will be listed on the ballot. Each registered voter who lives within the affected Class I district shall vote for no more than one of the high school districts. The Class I district will become a part of the high school district receiving the largest percentage of votes cast, if there is a single high school district that receives at least twenty-five percent of the votes cast. Effective August 1, 1998, if a single high school district does not receive at least twenty-five percent of the votes cast, the Class I district will be dissolved and the territory shall become a part of one or more high school districts as determined by the county superintendent no later than August 1, 1998. The county superintendent shall publish a plan of dissolution for any district being dissolved and conduct a public hearing on that plan on or before June 15, 1998. The county superintendent, after consultation with the county committee for the reorganization of school districts or joint committee provided for in section 79-441, shall issue the final order by June 20, 1998. One or more residents of the Class I district may appeal the final order to the State Committee for the Reorganization of School Districts on or before July 1, 1998. The state committee shall hear appeals on or before July 20, 1998. The state committee shall uphold or amend order of the county superintendent appealed pursuant to this subsection on or before July 25, 1998. Such order shall become effective August 1, 1998. A district dissolved pursuant to this subsection shall not form a Class I subdistrict pursuant to subsection (4) of this section.

(4) Each Class I district that becomes a part of a high school district shall constitute a Class I subdistrict of the high school district. The residents of each Class I subdistrict shall continue to elect a board for the Class I subdistrict in the same manner that Class I district school boards were elected immediately before the effective date of this act, and the residents of the Class I subdistrict shall also be legal voters of the high school district. The board of the Class I subdistrict shall have all powers and duties available to a Class I district school board, except as otherwise provided in this section and except that a Class I subdistrict may not reorganize into another district without the approval of the high school district school board.

(5) Prior to August 1, 2003, the school board of the high school district may change the boundaries or close the attendance center of a Class I subdistrict that has less than ten resident students or that has a higher cost per student than is average for

the grade ranges in the district as a whole for the grade ranges served by the Class I subdistrict as reported on the annual financial report if two-thirds of the members of the school board of the high school district vote in favor of the action after a public hearing on the matter. Consent from the Class I subdistrict board is not required.

(6) The school board of the high school district may change the boundaries of a Class I subdistrict or close the attendance center if a majority of the members of the school board of the high school district and a majority of the members of the Class I subdistrict board vote in favor of the action after a public hearing on the matter.

(7) Beginning August 1, 2003, the high school board may change the boundaries or close the attendance center of a Class I subdistrict if two-thirds of the members of the school board of the high school district vote in favor of the action after a public hearing on the matter. Consent from the Class I subdistrict board is not required.

(8) When an attendance center closes pursuant to subsection (5), (6), or (7) of this section, the Class I subdistrict operating such attendance center is dissolved by operation of law without further action on the part of the high school district or the county superintendent and all assets and liabilities of the Class I subdistrict shall become assets and liabilities of the high school district.

(9) Residents of any high school district may vote at a primary or general election to create subdistricts with the powers and duties described in subsection (4) of this section for any elementary attendance center in the district. The issue shall be placed on the ballot at the next general or primary election at least sixty days following the receipt by the school board of a petition signed by sixty-five percent of the legal voters of the school district. The boundaries of the proposed subdistricts shall be described in the petition. Elementary attendance centers shall include at least grades kindergarten through four.

(10) Dissolutions pursuant to this section do not qualify for incentive payments under section 79-1010.

(11) For purposes of this section, high school district means a school district providing instruction in at least grades nine through twelve and includes all subdistricts or Class I subdistricts within the district. This section does not prevent any Class I district from dissolving or otherwise becoming a part of a high school district under other sections of law if the effective date of the action is on or before August 1, 1998.

(12) The costs attributable to the Class I districts for elections pursuant to this section shall be paid by the state. Claims for reimbursement to the counties shall be filed with the State Claims Board for action pursuant to the State Miscellaneous Claims Act.

(13) Affiliation agreements shall cease to be effective on July 31, 1998.".

2. On page 40, line 19, strike "21" and insert "22".

3. On page 53, line 5, after "all" insert "Class I".

4. On page 74, line 14; page 75, lines 6, 9, and 24; and page 80, line 24, after all occurrences of "or" insert "Class I".

5. On page 75, line 1, before "subdistrict's" insert "Class I".

6. On page 92, line 25, after "and" insert "Class I".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 90A. Introduced by Robak, 22.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, Ninety-fifth Legislature, First Session, 1997.

GENERAL FILE

LEGISLATIVE BILL 590. Mr. Withem renewed his pending amendment, AM1464, found on page 1512, to the Standing Committee amendment.

The Withem amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Bromm renewed his pending amendment, AM1468, found on page 1513, to the Standing Committee amendment.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 22 not voting.

Mr. Bromm moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mr. Kristensen requested a roll call vote, in reverse order, on the Bromm amendment.

Voting in the affirmative, 20:

Abboud
Bromm
Bruning
Coordsen
Cudaback
Dierks
Elmer
Engel
Hudkins
Janssen
Jensen
Jones
Matzke
Preister
Robinson
Schellpeper
Schmitt
Stuhr
Vrtiska
Witek

Voting in the negative, 22:

Beutler
Brown
Crosby
Hartnett
Hilgert
Hillman
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schimek
Schrock
Suttle
Wesely
Wickersham
Will
Withem

Present and not voting, 2:

Robak
Wehrbein

Excused and not voting, 4:

Bohlke
Brashear
Chambers
Tyson

The Bromm amendment lost with 20 ayes, 22 nays, 2 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 356:
AM1661

1. Insert the following new sections:

"Sec. 2. (1) There is hereby imposed a trail development fee of two dollars on each sale in this state, not including lease or rental, of a bicycle. The fee shall be in addition to the sales and use tax imposed by the Nebraska Revenue Act of 1967 and shall be interpreted, collected, remitted, and enforced by the Tax Commissioner in the same manner as the sales and use tax. Returns shall be filed quarterly, no fees shall be charged for any permits, and no collection fees shall be allowed any retailer.

(2) The fees collected by the Tax Commissioner pursuant to this section shall be remitted to the State Treasurer for credit to the Recreational Trails Fund.

(3) For purposes of this section:

(a) Bicycle means a device propelled solely by human power upon which a person may ride which has two tandem wheels, either of which is more than fourteen inches in diameter; and

(b) The definitions found in sections 77-2702.04 to 77-2702.23 apply.

Sec. 3. Section 81-815.56, Reissue Revised Statutes of Nebraska, is amended to read:

81-815.56. (1) There is hereby created a fund to be known as the Recreational Trails Fund.

(2) Federal funds advanced to the State of Nebraska through grants-in-aid under the provisions of Public Law 102-240,

102nd Congress, for approved projects shall be remitted to the State Treasurer for credit to the fund. The ~~money in the fund~~ federal funds shall be used by the Game and Parks Commission for the purposes of establishing recreational trails and trail-related projects pursuant to such public law.

(3) Any other money in the fund, including the proceeds of the fee imposed pursuant to section 2 of this act, shall be used for development, operation, and maintenance of recreational trails and trail-related projects. Such money shall not be used for acquisition of recreational trails or for trail-related projects. The commission shall distribute at least one-half of such money to political subdivisions in the state other than sanitary and improvement districts for the purposes described in this subsection. The money shall be distributed to such political subdivisions on the basis of the number of miles of recreational trails owned by and located within the boundaries of each political subdivision compared to the number of miles of recreational trails located within the state, but not including any recreational trails located within state parks. Any money remaining after distributions to political subdivisions shall be used by the commission for the purposes described in this subsection.

(4) The commission shall adopt and promulgate rules and regulations to carry out this section.

Sec. 4. Section 2 of this act becomes operative on October 1, 1997. The other sections of this act become operative on their effective date.".

2. On page 2, line 5, strike "section 37-1501" and insert "sections 37-1501 and 81-815.56"; and in line 6 strike "is" and insert "are".

3. Renumber the remaining sections accordingly.

Mr. Abboud filed the following amendment to LB 138:
AM1524

1. Insert the following new sections:

"Sec. 31. Original section 3, Legislative Bill 589, Ninety-fifth Legislature, First Session, 1997, is amended to read:

Sec. 3. ~~No siren or other similar device whose primary purpose is to warn the public of a natural or manmade emergency or disaster shall be used to notify volunteer firefighters of a fire or to summon volunteer firefighters to a fire.~~ It shall be unlawful for a person, corporation, or political subdivision to operate an outdoor siren or other similar device for any purpose except civil defense, notification of the public of natural or manmade disaster situations, or as authorized under section 60-6,285. Specifically, outdoor sirens or other similar devices shall not be used for the purpose of notifying or summoning volunteer firefighters or other individuals to emergency situations requiring the dispatching of ambulances, rescue service units, fire trucks, or other fire equipment. This section applies only to cities of the first class located within a county which contains a city of the metropolitan class and which share a boundary with a city of the metropolitan class.

Sec. 59. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Correct the operative date and repealer sections so that only the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections accordingly.

Mr. Maurstad filed the following amendment to LB 401:
AM1645

(Amendments to Standing Committee amendments, AM1315)

1. Strike section 1 and insert the following new sections:

"Section 1. Section 77-2715.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,000, $30,000, and $46,750, for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,000, $15,000, and $23,375, for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be ~~.708, .986, 1.415, and 1.89~~ .673, .938, 1.351, and 1.797;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to hundredths of one percent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be eight times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemption credit and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 3. This act is operative for all taxable years beginning or deemed to begin on or after January 1, 1997, under the Internal Revenue Code of 1986, as amended.".

2. Renumber the remaining section accordingly.

Mr. Abboud filed the following amendment to LB 138:
AM1681

1. Insert the following new sections:

"Sec. 31. Sections 31 to 36 of this act shall be known and may be cited as the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.

Sec. 32. The Legislature recognizes that volunteer firefighters and rescue squad personnel have provided fire suppression and emergency response services to their local communities for over a century at only a fraction of the cost to taxpayers when compared to the cost that would have resulted from the implementation of a paid fire department or paid rescue squad. Many cities, villages, and rural areas could not afford the cost of their current level of service without the presence of a local pool of committed and dedicated volunteer firefighters and volunteer rescue squad personnel. Such volunteer public safety programs should be encouraged in communities which choose to have such programs.

The Legislature finds that the duties and responsibilities of volunteer fire departments and rescue squads in the State of Nebraska have become increasingly complex and that the needs of the various departments and squads across the state are dramatically different.

The Legislature recognizes that volunteer fire departments and rescue squads must encourage a high level of training and professionalism among their volunteer personnel in order to respond to their increasingly complex and hazardous responsibilities.

The Legislature further finds that cities of the first and second classes, villages, and rural and suburban fire protection districts should be permitted to analyze the needs of their local communities, specifically the recruiting, training, and retention of fire safety and rescue squad volunteers to serve such local communities, and should be granted the authority to design local option incentive programs specifically tailored to the needs of that community.

Sec. 33. The governing body of any city of the first or second class or village or of any fire protection district may establish incentive programs by ordinance or resolution for active volunteer members of a volunteer fire department or rescue squad. The incentive programs may include, but shall not be limited to: Payment of deferred annuities which reward length of service and active participation; health, disability, and life insurance; reimbursement of costs incurred by volunteers while in the line of duty; and other similar financial incentives for volunteer members.

Sec. 34. Any incentive program which may be established pursuant to sections 31 to 36 of this act shall be wholly funded by the city, village, or fire protection district adopting such program.

Sec 35. No city with a paid fire department shall implement any incentive programs for volunteer fire department or rescue squad personnel if the city maintains a retirement plan for paid firefighters and such city's ratio of assets to the valuation of the unfunded accrued liabilities in its pension program, as determined by an evaluation by a member of the American Academy of Actuaries, is equal to or more than eighty percent. Such city may implement an incentive plan for its volunteer firefighters or volunteer rescue squad personnel when the ratio of assets to the unfunded accrued liabilities in its paid firefighters pension plan is less than eighty percent.

Sec. 36. Any incentive program created by sections 31 to 36 of this act shall apply only to persons who are active members of a volunteer fire department or rescue squad on or after the adoption of the program by the governing body.

Sec. 43. Section 35-508, Revised Statutes Supplement, 1996, is amended to read:

35-508. The board of directors shall have the following general powers:

(1) To determine a general fire protection and rescue program for the district;

(2) To make an annual estimate of the probable expense for carrying out such program;

(3) To annually certify such estimate to the county clerk in the manner provided by section 35-509;

(4) To manage and conduct the business affairs of the district;

(5) To make and execute contracts in the name of and on behalf of the district;

(6) To buy real estate when needed for the district and to sell real estate of the district when the district has no further use for it;

(7) To purchase or lease such firefighting and rescue equipment, supplies, and other real or personal property as necessary and proper to carry out the general fire protection and rescue program of the district;

(8) To incur indebtedness on behalf of the district;

(9) To authorize the issuance of evidences of the indebtedness permitted under subdivision (8) of this section and to pledge any real or personal property owned or acquired by the district as security for the same;

(10) To organize, establish, equip, maintain, and supervise a paid, volunteer, or combination paid and volunteer fire department or company to serve the district and to establish an incentive program for volunteers pursuant to the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act;

(11) To employ and compensate such personnel as necessary to carry out the general fire protection and rescue program of the district;

(12) To authorize the execution of a contract with the Game and Parks Commission or a public power district for fire protection of property of the commission or public power district located in or adjacent to the rural or suburban fire protection district;

(13) To levy a tax not to exceed ten and one-half cents on each one hundred dollars in any one year upon the taxable value of all taxable property within such district subject to section 77-3443, in addition to the amount of tax which may be annually levied to defray the general and incidental expenses of such district, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of district buildings to house equipment or personal belongings of a fire department, for the purchase of firefighting and rescue equipment or apparatus, for the acquisition of any land incidental to such purposes, or for payment of principal and interest on any evidence of indebtedness issued pursuant to subdivisions (8) and (9) of this section. For purposes of section 77-3443, the county board of each county in which the district is situated shall approve the levy;

(14) To adopt and enforce fire codes and establish penalties at annual meetings, except that the code must be

available prior to annual meetings and notice shall so provide; and

(15) Generally to perform all acts necessary to fully carry out the purposes of sections 35-501 to 35-517.

Sec. 44. Section 35-513, Reissue Revised Statutes of Nebraska, is amended to read:

35-513. (1) Any rural or suburban fire protection district may elect to enter into a contract with another rural or suburban fire protection district to consolidate or cooperate for mutual fire protection and prevention purposes, or may enter into a contract with an incorporated city or village for fire protection service or fire protection cooperation, upon terms suitable to all concerned, and power to make such contracts is hereby conferred upon such city or village in addition to such other powers as have been heretofore provided by law.

(2) A rural or suburban fire protection district may establish an incentive program for its volunteers pursuant to the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act and may make payments for the costs of any such incentive program for volunteer members of a fire department or rescue squad of a city of the first or second class or village with which the district has a contract for fire protection services or fire protection cooperation.

Sec. 66. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Correct the repealer and operative date so that the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Dierks filed the following amendment to LB 806:
AM1680

(Amendments to Standing Committee amendments, AM1205)

1. On page 73, line 2, strike "the difference of"; and strike beginning with "minus" in line 3 through "77-3444" in line 9.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 865A. Introduced by McKenzie, 34.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 865, Ninety-fifth Legislature, First Session, 1997.

AMENDMENTS - Print in Journal

Mr. Tyson filed the following amendment to LB 590:
AM1651

(Amendments to Standing Committee amendments, AM1198)

1. Insert the following new section:

"Sec. 8. The board shall establish a technical advisory committee to assist it in the performance of its duties. The committee shall consist of individuals who have technical experience and expertise in electronic access and information technology. The committee shall have three members. The members shall include a representative from a state agency that is responsible for providing public records, a representative from the central data processing division of the Department of Administrative Services, and a representative from the computer services group of the Legislative Council.".

2. Renumber the remaining sections and correct internal references accordingly.

Messrs. Kristensen and Bromm filed the following amendment to LB 590:
AM1675

(Amendments to Standing Committee amendments, AM1198)

1. Insert the following new section:

"Sec. 9. By September 15, 1997, the board shall submit for public bidding any contract made by a state agency prior to the effective date of this act for providing electronic access to public information for a fee through a gateway. Any such contract in existence on the effective date of this act shall be terminated on January 31, 1998, unless sooner voided or terminated by order of a court of competent jurisdiction.".

2. On page 8, line 27, after "act" insert "and submit contracts for public bidding pursuant to section 9 of this act".

3. On page 12, line 26, strike "8" and insert "9".

4. On page 13, line 2, strike "9" and insert "10".

5. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 75 fourth grade students and teachers from Trinity Christian School, Omaha; and 20 fourth grade students and teachers from Howells Community Catholic School.

ADJOURNMENT

At 4:28 p.m., on a motion by Mr. Bromm, the Legislature adjourned until 9:00 a.m., Tuesday, April 22, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SECOND DAY - APRIL 22, 1997

LEGISLATIVE JOURNAL

SIXTY-SECOND DAY – APRIL 22, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

SIXTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 22, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Hartnett, Dw. Pedersen, Schmitt, Vrtiska, Wesely, Will, Mmes. Bohlke, Kiel, McKenzie, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-first day was approved.

MESSAGES FROM THE GOVERNOR

April 21, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 10, 10A, 86, 86A, 641, 635, and 635A were received in my office on April 16, 1997.

These bills were signed by me on April 21, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

April 21, 1997

Madam President, Mr. Speaker
And Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 641A to you with a line item reduction and explanation.

The following reductions of $28,598 in FY1997-98 and $2,820 in FY1998-99 were made in LB 641A are due to a downward revision in estimated costs of implementing LB 641. The cost of a Secretary 1 position has been postponed and other operating costs have been reduced accordingly.

I urge members of the Legislature to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

AMENDMENT - Print in Journal

Mr. Abboud filed the following amendment to LB 138:
AM1682

1. Insert the following new sections:

"Sec. 41. Section 60-6,233, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,233. (1)(a) A rotating or flashing red light or lights or such light or lights in combination with a blue light or lights and siren may be ~~displayed~~ used on any motor vehicle operated by any volunteer firefighter or peace officer anywhere in this state while actually en route to the scene of a fire or other emergency requiring his or her services as a volunteer firefighter or peace officer but only after ~~its~~ their use has been authorized in writing by the county sheriff.

(b) Application for a permit to ~~display~~ use such light and siren shall be made in writing to the sheriff on forms to be prescribed and furnished by the Superintendent of Law Enforcement and Public Safety. The application shall be accompanied by a statement that the applicant is a volunteer firefighter or peace officer and is requesting issuance of the permit. The statement shall be signed by the applicant's superior.

(c) The permit shall be carried at all times in the vehicle named in the permit. Each such permit shall expire on December 31 of each year and shall be renewed in the same manner as it was originally issued.

(d) The sheriff may at any time revoke such permit upon a showing of abuse thereof or upon receipt of notice from the applicant's superior that the holder thereof is no longer an active volunteer firefighter or peace officer. Any person whose permit has been so revoked shall upon demand surrender it to the sheriff or his or her authorized agent.

(2) A rotating or flashing red light or lights or such light or lights in combination with a blue light or lights and siren may be ~~displayed~~ used on any motor vehicle being used by rescue squads actually en route to, at, or returning from any emergency requiring their services, or by any privately owned wrecker when engaged in emergency services at the scene of an accident, or at a disabled vehicle, located outside the city limits of a city of the metropolitan or primary class, but only after ~~its~~ their use has been authorized in writing by the county sheriff. Applications shall be made and may be revoked in the same manner as for volunteer firefighters as provided in subsection (1) of this section.

Sec. 42. Section 60-6,234, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,234. Any person who violates any provision of sections 60-6,230 to 60-6,233 shall be guilty of a Class III misdemeanor and shall also be ordered to remove from any vehicle or equipment any light or siren found to be in violation of such sections.

Sec. 44. Section 60-6,285, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,285. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. Except as otherwise provided in this section and section 60-6,233, it shall be unlawful for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression, or spark plug whistle or for any person at any time to use a horn, otherwise than as a reasonable warning, or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. Every police and fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren, or exhaust whistle.

Sec. 61. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Correct the repealer and operative date so that the sections added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 590. Mr. Bromm asked unanimous consent to replace his pending amendment, AM1491, found on page 1529, with a substitute amendment. No objections. So ordered.

Mr. Bromm withdrew his amendment, AM1491, found on page 1529.

Mr. Bromm offered the following substitute amendment to the Standing Committee amendment:
AM1691

(Amendments to Standing Committee amendments, AM1198)

1. On page 11, strike beginning with "by" in line 24 through "percent" in line 25 and insert ". If no fee for public information is specified by law, the board, in establishing a fee for access to the public information, shall base the fee on the reasonable cost to the state agency of making the public information available. Notwithstanding the provisions of this section, if the request is such as to require significantly greater use of information technology resources or significantly greater clerical or supervisory assistance by personnel of the state agency involved, then the state agency may charge, in addition to the actual cost of reproduction, a special service charge which shall be reasonable and shall not exceed the actual cost incurred for the significantly greater use of information technology resources or the labor costs of the personnel providing the services or both".

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mr. Bromm moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 30 not voting.

Mr. Bromm requested a roll call vote on his amendment.

Voting in the affirmative, 22:

Beutler
Bromm
Chambers
Coordsen
Cudaback
Dierks
Engel
Hudkins
Janssen
Jensen
Jones
Landis
Matzke
Peterson, C.
Preister
Robinson
Schellpeper
Schmitt
Stuhr
Tyson
Vrtiska
Witek

Voting in the negative, 17:

Brashear
Brown
Bruning
Hilgert
Hillman
Kiel
Kristensen
Lynch
Maurstad
Pederson, D.
Robak
Schrock
Suttle
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 5:

Crosby	Elmer	Hartnett	Pedersen, Dw.	Schimek

Excused and not voting, 4:

Abboud	Bohlke	McKenzie	Will

The Bromm amendment lost with 22 ayes, 17 nays, 5 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mrs. Hillman and Mr. Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Landis renewed his pending amendment, AM1322, found on page 1530, to the Standing Committee amendment.

Messrs. Beutler and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

The Landis amendment was adopted with 26 ayes, 6 nays, 8 present and not voting, and 8 excused and not voting.

Mr. Tyson renewed his pending amendment, AM1651, found on page 1631, to the Standing Committee amendment.

The Tyson amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Messrs. Kristensen and Bromm renewed their pending amendment, AM1675, found on page 1631, to the Standing Committee amendment.

The Kristensen-Bromm amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Bromm offered the following amendment to the Standing Committee amendment:
AM1693

(Amendments to Standing Committee amendments, AM1198)

1. Insert the following new section:
"Sec. 8. No request to a state agency for a copy of public information in any medium commonly utilized by such agency shall be denied on the ground the custodian prefers to make the public information available in another medium.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Bromm withdrew his amendment.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA194
Amend Committee Amendments (AM1324)
P. 8, line 14, add, "(g) The Head Coach of the University of Nebraska at Lincoln Football Team."

Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 31 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 6:

Chambers
Crosby
Pedersen, Dw.
Robak
Robinson
Suttle

Voting in the negative, 35:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Matzke
McKenzie
Pederson, D.
Peterson, C.
Preister
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wesely
Wickersham
Witek
Withem

Present and not voting, 2:

Cudaback
Wehrbein

Excused and not voting, 5:

Abboud
Jensen
Lynch
Maurstad
Will

The Chambers amendment lost with 6 ayes, 35 nays, 2 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen offered the following amendment to the Standing Committee amendment:
AM1700
(Amendments to Standing Committee amendments, AM1198)
1. Insert the following new section:
"Sec. 10. Agencies shall make available to any person any public information maintained by the agency. Any person, upon

payment of any applicable fee, shall be able to obtain multiple copies of any public information from any agency, not to exceed ten specific items of public information per day.".

2. On page 13, line 2, strike "9" and insert "10".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Kristensen withdrew his amendment.

The Standing Committee amendment, as amended, was adopted with 31 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 29 ayes, 1 nay, 14 present and not voting, and 4 excused and not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 660. Placed on Select File as amended.
E & R amendment to LB 660:
AM7140

1. In the Standing Committee amendment, AM1051:

a. On page 9, line 17, after "transmission" insert an underscored comma;

b. On page 10, line 6, strike the underscored comma;

c. On page 16, line 17, strike the comma; and in line 27 strike the first comma; and

d. On page 21, line 11, strike "79-609.01" and insert "75-609.01".

2. On page 1, strike lines 2 through 7 and insert "70-625, 75-109, 75-604, 75-609.01, 86-801 to 86-803, 86-806, 86-808, 86-809, and 86-811, Reissue Revised Statutes of Nebraska; to eliminate a restriction on public power districts; to define and redefine terms; to change provisions relating to telecommunication service rates and regulation, local competition, and universal service; to authorize and enforce a federal act; to provide powers and duties; to harmonize provisions; to provide severability; and to repeal the original sections.".

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Messrs. Schellpeper, Wickersham, Coordsen, Landis, Hartnett, and Kristensen filed the following amendment to LB 306:
AM1427

(Amendments to Standing Committee amendments, AM1256)

1. On page 1, line 10, strike "exclusively through" and insert "primarily through grants, matching funds, or"; and in line 24 after the period insert "In the case of a public building commission created pursuant to sections 13-1301 to 13-1312, the total general fund expenditures means the total general fund expenditures of all cities and counties which are involved with the commission divided by the number of cities and counties involved.".

2. On page 3, lines 4 and 5, strike "the state building division of".

3. On page 4, line 1, after "of" insert "a", and in line 2 strike "facilities" and insert "project subject to sections 1 to 8 of this act".

4. On page 7, line 2, after "project" insert "subject to sections 1 to 8 of this act".

Messrs. Hartnett, Wickersham, Coordsen, Landis, Schellpeper, and Kristensen filed the following amendment to LB 269:
AM1426

1. Insert the following new sections:

"Sec. 2. Section 2-203.01, Revised Statutes Supplement, 1996, as amended by section 8, Legislative Bill 469, Ninety-fifth Legislature, First Session, 1996, is amended to read:

~~2-203.01.~~ (1) The county board may, at the time other levies and assessments for taxation are made and subject to section 77-3443, levy a tax upon all of the taxable property within the county for the operation of the county agricultural society. The tax shall be assessed, levied, and collected as other county taxes. The proceeds of such tax shall be paid by the county treasurer to the treasurer of the board of directors of such county agricultural society.

(2) The county agricultural society may act to exceed the allocation provided by the county board under section 77-3444, but if the county agricultural society acts to exceed the allocation, the total levy shall not exceed three and one-half cents per one hundred dollars of valuation.

Sec. 6. Section 13-318, Revised Statutes Supplement, 1996, is amended to read:

13-318. (1) Any county and any municipalities and fire protection districts within the county may provide for the joint financing and operation of public safety services pursuant to an agreement under the Interlocal Cooperation Act. ~~The joint~~

(2) Joint public safety services shall be operated by a public safety commission consisting of at least three members who

represent the county and the participating municipalities and fire protection districts as provided in the agreement. ~~Elected~~ Only elected officials are eligible to serve on the commission. In counties with more than one hundred thousand inhabitants, the county and municipalities and fire protection districts participating in the agreement may appoint a separate fire protection and emergency services commission of at least three members to operate or coordinate fire protection or emergency services in the county and participating municipalities and fire protection districts. If the public safety services to be provided include fire protection, at least one representative of each fire protection district shall be a member of the commission. ~~(2)~~ The commission may employ officers and other employees necessary to carry out its duties and responsibilities for public safety services or fire protection or emergency services and may enter into contracts, acquire and dispose of property, and receive funds appropriated to it by the county and any participating municipality, granted or appropriated to it by the state or federal government or an agency thereof, given to it by any individual, or collected from the sales and use tax authorized by section 13-319. If fire protection services or emergency services are to be provided, the commission shall appoint an individual trained in fire protection or emergency services with at least five years of experience in providing such services who shall coordinate fire protection and financing of the services in the county. The individual shall serve at the pleasure of the commission. The commission shall have other powers as are granted to the county and any of the participating municipalities acting independently except as limited by the agreement.".

2. On page 56, line 14, after the period insert "The county may allocate to one or more other political subdivisions subject to allocation of property tax authority by the county under subsection (1) of section 77-3443 some or all of the county's five cents per one hundred dollars of valuation authorized for support of an interlocal agreement to be levied by the political subdivision for the purpose of supporting that political subdivision's share of revenue required under an agreement executed pursuant to the Interlocal Cooperation Act.".

3. On page 57, line 22, strike ", but the county board shall not", show as stricken, and insert "and may".

4. On page 58, line 23, strike "but shall not" and insert "and may".

5. Correct the operative date and repealer sections so that section 6 added by this amendment becomes operative on its effective date and section 2 added by this amendment becomes operative on July 1, 1998.

6. Renumber the remaining sections and correct internal references accordingly.

Messrs. Preister, Hilgert, Lynch, and Mrs. Kiel filed the following amendment to LB 182:
AM1621

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 6. Section 77-3512, Reissue Revised Statutes of Nebraska, as amended by section 27, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997, is amended to read:

77-3512. It shall be the duty of each owner who applies for the homestead exemption provided in sections 77-3507 to 77-3509 to file an application therefor with the county assessor of the county in which the homestead is located after January 1, 1997, and April 1 in subsequent years and on or before June 30 of each year. Failure to do so shall constitute a waiver of the exemption for that year, except that the county board of the county in which the homestead is located may~~, by majority vote,~~ extend the deadline ~~to on or before July 20 of each year~~ (1) by a majority vote of all board members, to on or before September 1, 1997, for applications for exemption for tax year 1996, (2) by a majority vote of all board members, to on or before July 20 for applications for exemption for tax years subsequent to tax year 1996, or (3) by a two-thirds vote of all board members, to on or before March 31 of the calendar year immediately following the tax year for which the exemption is sought. An extension shall not be granted to an applicant who received an extension in the immediately preceding year.".

2. On page 1, line 3, after "Nebraska" insert ", and section 77-3512, Reissue Revised Statutes of Nebraska, as amended by section 27, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997"; and in line 4 after the second semicolon insert "to change provisions relating to filing deadlines;".

3. On page 12, line 22, after the second comma insert "and section 77-3512, Reissue Revised Statutes of Nebraska, as amended by section 27, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997,".

4. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 806. Title read. Considered.

Standing Committee amendment, AM1205, printed separately and referred to on page 1444, was considered.

Mr. Wickersham requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA189
(Sections 2-3 and 22-23 -- which changes the status of Class I School Districts.)

SPEAKER WITHEM PRESIDING

Mr. Hilgert renewed his pending amendment, AM1482, found on page 1560, to the first Standing Committee amendment.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mrs. Witek filed the following amendment to LB 622:
AM1672

1. Insert the following new section:

"Sec. 43. (1) Six human services regions are created as of July 1, 1998, and the regions shall replace the mental health regions established in section 71-5002, the aging services planning-and-service areas established under section 81-2213, the developmental disability regions established in section 83-1,143.06, the community health care regions established in 71-7516, the public health regions established in section 71-7524, and the service area boundaries previously established by the Department of Social Services. Any health or human services delivery system established on or after the operative date of this act shall use the human services regions.

(2) The agencies, regional governing boards, and other governing bodies responsible for the regions and areas described in subsection (1) of this section within each human services region shall cooperatively prepare and file a single plan with the Legislature and the Governor before December 1, 1997, detailing the development of a single governing and administrative structure for the human services regions. The plan shall include county board members on a single governing board and consider how to involve the general public on advisory committees and shall reduce administrative costs, coordinate services, and provide easy access to services for the public by co-locating offices and merging administrative personnel and functions. The plan shall also include a proposal as to the human services regions' role in working with the Department of Health and Human Services and with the communities in the regions. The plan shall also include any recommendations as to the counties included in each region.

(3) The six human services regions created by this section shall be designated as follows:

(a) Region I consists of Sioux, Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner, Kimball, Cheyenne, and Deuel counties;

(b) Region II consists of Grant, Hooker, Thomas, Arthur, McPherson, Logan, Keith, Lincoln, Perkins, Chase, Hayes, Frontier, Dawson, Gosper, Dundy, Hitchcock, and Red Willow counties;

(c) Region III consists of Blaine, Loup, Garfield, Wheeler, Custer, Valley, Greeley, Sherman, Howard, Buffalo, Hall, Phelps, Kearney, Adams, Clay, Furnas, Harlan, Hamilton, Merrick, Franklin, Webster, and Nuckolls counties;

(d) Region IV consists of Cherry, Keya Paha, Boyd, Brown, Rock, Holt, Knox, Cedar, Dixon, Dakota, Thurston, Wayne, Pierce, Antelope, Boone, Nance, Madison, Stanton, Cuming, Burt, Colfax, and Platte counties;

(e) Region V consists of Polk, Butler, Saunders, Seward, Lancaster, Otoe, Fillmore, Saline, Thayer, Jefferson, Gage, Johnson, Nemaha, Pawnee, York, and Richardson counties; and

(f) Region VI consists of Dodge, Washington, Douglas, Sarpy, and Cass counties.

(4) The Department of Health and Human Services shall report to the Legislature by December 1, 1997, as to the status of pilot programs for community partnerships the department has undertaken under the Nebraska Partnership Act. The department shall not enter into any new commitment for managed care mental health programs or any new contracts for managed care mental health programs.".

2. In the Standing Committee amendments, AM0426, on page 1, line 2, strike "42, 45, and 46" and insert "43, 46, and 47".

3. Renumber the remaining sections accordingly.

Mr. Wickersham filed the following amendment to LB 806:
AM1695

(Amendments to Standing Committee amendments, AM1205)

1. On page 38, strike lines 17 through 19 and insert "if, considering all costs included or avoided as a result of such boundary change or closing, including, but not limited to, per-pupil cost differences, capital improvements, transportation, and all other costs necessary to determine the cost of such boundary change or closing, such boundary change or closing will cost less than leaving the boundaries unchanged or the attendance center open, if".

Mr. Wickersham filed the following amendment to LB 806:
AM1694

(Amendments to Standing Committee amendments, AM1205)

1. Strike section 56.

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Cudaback filed the following amendment to LB 806:
AM1698

(Amendments to Standing Committee amendments, AM1205)

1. On page 36, line 8, after "except" insert "as provided in subdivision (9) of this section and except".

2. On page 39, line 15, after "(9)" insert "When a high school district proposes to close an attendance center of a subdistrict pursuant to subdivision (5), (6), (7), or (8) of this section, such closing shall not take place until the legal voters of such subdistrict have had the opportunity to vote at a special election on the question of levying a tax in an amount not to exceed the difference between the amount equal to the formula need for the system divided by the number of formula students in the system allotted per pupil and the amount of additional money needed to pay the cost of keeping the attendance center open. The special election shall be held within the subdistrict and shall be conducted pursuant to the Election Act. If the question of levying such a tax is approved by a majority of the legal voters within the subdistrict voting on the question, the board of the high school district shall provide funds to the subdistrict per pupil equal to the amount allotted per pupil by the board of the high school district to similar grades within the district. If a majority of the legal voters of the subdistrict voting on the question vote to levy such a tax, the tax shall be levied and collected on the taxable valuation of all taxable property within the subdistrict as provided for taxes levied by the high school district and the proceeds of the tax levied by the subdistrict shall be distributed by the county treasurer directly to the subdistrict. The proceeds of such tax shall be used only for the purposes provided in this subdivision.

(10)"; in line 25 strike "(10)" and insert "(11)"; and in line 27 strike "(11)" and insert "(12)".

3. On page 40, line 8, strike "(12)" and insert "(13)"; and in line 13 strike "(13)" and insert "(14)".

MOTIONS - Print in Journal

Mr. Withem filed the following motion to LB 806:
To vote on the adoption of the committee amendment (FA189) to LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem filed the following motion to LB 806:
To vote on the adoption of the committee amendment (FA190) to LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem filed the following motion to LB 806:
To vote on the adoption of the committee amendment (FA191) to LB 806,

pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem filed the following motion to LB 806:
To vote on the adoption of the committee amendment (FA192) to LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem filed the following motion to LB 806:
To vote on the adoption of the committee amendment (FA193) to LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem filed the following motion to LB 806:
To vote on the advancement of LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Witek asked unanimous consent to have her name added as cointroducer to LB 798. No objections. So ordered.

VISITORS

Visitors to the Chamber were Elizabeth Startzer and Julie Skluzacek from Platteview High School; Leslie Kahihikolo; 20 fourth grade students and teacher from Emmanuel Lutheran School, York; 25 fourth grade students and teacher from Shoemaker Elementary School, Grand Island; Russ Leavitt from Omaha; and 40 fourth grade students and teachers from Catlin Elementary School, Omaha.

RECESS

At 12:00 noon, on a motion by Mrs. Bohlke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Wesely presiding.

ROLL CALL

The roll was called and all members were present except Mr. Jensen who was excused; and Messrs. Abboud, Landis, Schellpeper, Will, and Mrs. Robak who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 806. The Hilgert pending amendment, AM1482, found on page 1560 and considered on page 1642, to the first Standing Committee amendment, was renewed.

Messrs. Tyson and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 273 and 422.

Correctly Engrossed

The following bills were correctly engrossed: LBs 70, 270, 270A, 278, 278A, 372, 517, and 788.

Enrollment and Review Change to LB 270

The following changes, required to be reported for publication in the Journal, have been made:
ER9042
1. For purposes of correlation with LB 713, in the E & R amendments, AM7097:
a. On page 4, line 24; and page 7, line 15, "and section 3, Legislative Bill 713, Ninety-fifth Legislature, First Session, 1997," has been inserted after the last comma;
b. On page 6, line 3, "30" has been struck and "1" inserted; and
c. On page 12, line 3, "sections 77-112 and 79-1016" has been struck and "section 77-112" inserted; in line 4 "sections 1 and 4, respectively" has been struck and "section 1" inserted; in line 5 "and" has been struck; and in line 9 ", and section 79-1016, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 342, Ninety-fifth Legislature, First Session, 1997, and section 3, Legislative Bill 713, Ninety-fifth Legislature, First Session, 1997" has been inserted after "1997".
2. In the Warner-Kristensen amendment, AM1173, on page 4, line 2, "subsection (1) of" has been struck and shown as stricken.
3. In the E & R amendments, AM7097:
a. On page 3, line 18, "98" has been struck and "101" inserted;
b. On page 4, line 13, "54" has been struck and "55" inserted;
c. On page 8, line 1, "77-1233.02," has been inserted before "77-1236" and "77-1363," has been inserted after the third comma; in line 2 "and 77-1617" has been struck and "77-1617, and 79-1036" inserted; in line 5 "section 77-425" has been struck and "sections 77-425 and 77-1311" inserted; and in line 6 "section 7" has been struck and "sections 7 and 13, respectively" inserted;

d. On page 10, line 18, "and any money in the Property Assessment Education and Improvement Fund" has been inserted after "Fund"; and in line 27 "67" has been struck and "69" inserted;

e. On page 11, line 22, "77-1233.02," has been inserted after the fifth comma; in line 26 "77-1362" has been struck and "77-1363" inserted; and

f. On page 12, line 1, "and 77-1706" has been stricken and "77-1706, and 79-1036" inserted; in line 5 "77-1311," has been inserted after the last comma; and in line 7 "13," has been inserted after the second comma.

4. In the Standing Committee amendment, AM0485:

a. Section 101 and all amendments thereto have been struck and the following new section inserted:

"Sec. 105. Sections 1, 22, 26, 27, 34, 35, 40 to 44, 57, 59, 60, 62, 75, 100, 101, 103, and 106 of this act become operative on July 1, 1997. Sections 3, 5 to 7, 15, 51 , 53 to 55, 63, 65, 68 to 73, 77, 79, 80, 82 to 91, 102, and 107 of this act become operative on January 1, 1998. Sections 64, 66, 74, 76, 78, 93, 98, 99, 105, 108, and 111 of this act become operative on their effective date. The other sections of this act become operative three calendar months after adjournment of this legislative session."; and

b. On page 53, line 13, "54" has been stricken and "55" inserted.

Enrollment and Review Change to LB 278

The following changes, required to be reported for publication in the Journal, have been made:
ER9045

1. The Chambers amendments, FA138, FA158, and FA159, have been incorporated into the E & R amendments, AM7120.

2. In the Chambers amendment, FA158, on page 1, "a" has been inserted after "means" and "the Patrol" has been struck and "the Nebraska State Patrol" inserted.

3. In the E & R amendment, AM7120, on page 3, line 2, "this" has been inserted after "in"; and in line 3 "(6) of this section" has been struck.

Enrollment and Review Change to LB 372

The following changes, required to be reported for publication in the Journal, have been made:
ER9041

1. In the Landis amendment, AM1285:

a. On page 2, line 3, an underscored comma has been inserted after "execution";

b. On page 3, line 4, the first comma has been struck and "or" inserted.

2. On page 1, the matter beginning with "homesteads" in line 1 through line 5 has been struck and "exemptions; to amend sections 25-1552, 25-1556, 25-1557, 40-101, and 40-103, Reissue Revised Statutes of Nebraska; to change execution and homestead exemption provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency." inserted.

Enrollment and Review Change to LB 422
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9039

1. The Chambers amendment, AM1254, has been incorporated into the Final Reading copy.
2. On page 1, line 1, "criminal procedure" has been struck and "sentencing" inserted and "section" has been struck and "sections 28-105.01 and" inserted; in line 2 "to prohibit the imposition of the death penalty on persons who are mentally retarded as prescribed;" has been inserted after the semicolon; and in line 4 "section" has been struck and "sections" inserted.
3. On page 3, line 18, "or her" has been inserted after "his".

Enrollment and Review Change to LB 517

The following changes, required to be reported for publication in the Journal, have been made:
ER9040

1. In the E & R amendments, AM7091, on page 1, line 3, "section" has been struck and "sections 66-1510 and" inserted; in line 4 "to redefine a term;" has been inserted after the first semicolon; and in line 5 "section" has been struck and "sections" inserted.
2. In the Beutler amendment, AM0835, amendment 2 has been struck.
3. On page 8, line 26, "66-1509" has been struck and "66-1510" inserted; and the matter beginning with "and" in line 27 through the second comma in line 28 has been struck.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mr. Robinson filed the following amendment to LB 211:
AM1577

1. On page 3, line 2, after "include" insert "(a)"; and in line 6 after "otherwise" insert ", and (b) agricultural land acquired or leased by a corporation, limited partnership, limited liability partnership, or trust in a general partnership for immediate or potential use for nonfarming or nonranching purposes which is held pending the development of such agricultural land for nonfarm or nonranch purposes not to exceed a period of five years".

Mr. Wickersham filed the following amendment to LB 138:
AM1705

1. Insert the following new sections:

"Sec. 46. Section 71-507, Reissue Revised Statutes of Nebraska, is amended to read:

71-507. For purposes of sections 71-507 to 71-513:

(1) Alternate facility means a facility other than a health care facility that receives a patient transported to the facility by an emergency services provider;

(2) Department ~~shall mean~~ means the Department of Health and Human Services Regulation and Licensure;

~~(2)~~ (3) Designated physician ~~shall mean~~ means the physician representing the emergency ~~medical~~ services provider as identified by name, address, and telephone number on the significant exposure report form. The designated physician shall serve as the contact for notification in the event an emergency services provider believes he or she has had significant exposure to an infectious disease or condition. Each emergency service provider shall designate a physician as provided in subsection (2) of section 71-509;

~~(3)~~ (4) Emergency ~~medical~~ services provider ~~shall mean a person certified to provide emergency medical services pursuant to sections 71-5101 to 71-5164, a person certified to provide emergency medical care pursuant to the Emergency Medical Technician-Paramedic Act, a first responder certified to provide prehospital care pursuant to the First Responders Emergency Rescue~~ means an out-of-hospital emergency care provider certified pursuant to the Emergency Medical Services Act, a sheriff, a deputy sheriff, a police officer, a state highway patrol officer, a funeral director, and a firefighter;

~~(4)~~ (5) Funeral director means a person licensed under section 71-1302 or employee of such a person with responsibility for transport or handling of a deceased human;

(6) Funeral establishment means a business licensed under section 71-1327;

(7) Health care facility ~~shall have~~ has the meaning found in subdivisions (2), (10), (11), and (21) of section 71-2017.01 or any facility that receives patients of emergencies who are transported to the facility by emergency services providers;

~~(5)~~ (8) Infectious disease or condition ~~shall mean~~ means hepatitis B, meningococcal meningitis, active pulmonary tuberculosis, human immunodeficiency virus, diphtheria, plague, hemorrhagic fevers, rabies, and such other diseases as the department may ~~from time to time~~ by rule and regulation specify;

~~(6)~~ (9) Patient ~~shall mean~~ means an individual who is sick, injured, wounded, deceased, or otherwise helpless or incapacitated;

~~(7)~~ (10) Patient's attending physician ~~shall mean~~ means the physician having the primary responsibility for the patient as indicated on the records of ~~the~~ a health care facility;

~~(8)~~ (11) Provider agency ~~shall mean~~ means any law enforcement agency, fire department, ~~ambulance~~ emergency medical service, funeral establishment, or other entity which ~~is in the business of providing emergency response services~~ employs or directs emergency services providers;

(12) Responsible person means an individual who has been designated by an alternate facility to carry out the facility's responsibilities under sections 71-507 to 71-513. A responsible person may be designated on a case-by-case basis;

~~(9)~~ (13) Significant exposure ~~shall mean~~ means a situation in which the body fluids, ~~such as~~ including blood, saliva, urine, respiratory secretions, or feces, of a patient have entered the body of an emergency ~~medical~~ services provider through a body opening ~~such as~~ including the mouth or nose, a mucous membrane, or a break in skin from cuts or abrasions, from a contaminated needlestick or scalpel, from intimate respiratory contact, or through any other situation when the patient's body fluids may have entered the emergency ~~medical~~ services provider's body or when an airborne pathogen may have been transmitted from the patient to the emergency services provider; and

~~(10)~~ (14) Significant exposure report form ~~shall mean~~ means the form used by the emergency ~~medical~~ services provider to document information necessary for notification of significant exposure to an infectious disease or condition.

Sec. 47. Section 71-508, Reissue Revised Statutes of Nebraska, is amended to read:

71-508. The department shall prescribe a form for use by the emergency ~~medical~~ services provider to notify the health care facility or alternate facility and the designated physician that the provider believes he or she has had a significant exposure to an infectious disease or condition. The form shall include identifying information for the emergency ~~medical~~ services provider, the provider agency, the designated physician, the patient, the patient's attending physician, and the receiving health care facility or alternate facility, a description of the exposure, a description of the protective measures and equipment used by the provider to minimize exposure hazard, and such other information as is necessary to protect the public health and safety and to implement sections 71-507 to 71-513.

Sec. 48. Section 71-509, Reissue Revised Statutes of Nebraska, is amended to read:

71-509. (1) If a health care facility or alternate facility determines that a patient treated or transported by an emergency services provider may have an infectious disease, the health care facility or alternate facility shall notify each emergency service provider who transported or treated the patient as soon as practical but not later than forty-eight hours after the determination has been made.

(2) Whenever an emergency services provider believes he or she has had a significant exposure ~~in the process of caring for a patient~~ while acting as an emergency services provider, he or she may complete a significant exposure report form. A copy of the completed form shall be given by the emergency ~~medical~~ services

provider to the health care facility or alternate facility, to the emergency services provider's supervisor, and to the designated physician.

~~(2)~~ (3) Upon receipt of the significant exposure form, if a patient has been diagnosed during the normal course of treatment as having an infectious disease or condition or information is received from which it may be concluded that a patient has an infectious disease or condition, the health care facility or alternate facility receiving the form shall notify the designated physician pursuant to subsection ~~(4)~~ (5) of this section. If the patient has not been diagnosed as having an infectious disease or condition and upon the request of the designated physician, the health care facility ~~where the patient is hospitalized~~ or alternate facility shall request the patient's attending physician or other responsible person to order the necessary diagnostic testing of the patient to determine the presence of an infectious disease or condition. Upon such request, the patient's attending physician or other responsible person shall order the necessary diagnostic testing subject to section 71-510. Each health care facility shall develop a policy or protocol to administer such testing and assure confidentiality of such testing.

~~(3)~~ (4) Results of tests conducted under this section and section 71-510 shall be reported by the health care facility or alternate facility that conducted the test to the designated physician and to the patient's attending physician, if any.

~~(4)~~ (5) Notification of the patient's diagnosis of infectious disease or condition, including the results of any tests, shall be made orally to the designated physician within forty-eight hours of confirmed diagnosis. A written report shall be forwarded to the designated physician within seventy-two hours of confirmed diagnosis.

~~(5)~~ (6) Upon receipt of notification under subsection ~~(4)~~ (5) of this section, the designated physician shall notify the emergency ~~medical~~ services provider of the exposure to infectious disease or condition and the results of any tests conducted under this section and section 71-510.

~~(6)~~ (7) The notification to the emergency ~~medical~~ services provider shall include the name of the infectious disease or condition diagnosed but shall not contain the patient's name or any other identifying information. Any person receiving such notification shall treat the information received as confidential and shall not disclose the information except as provided in sections 71-507 to 71-513.

~~(7)~~ (8) The provider agency shall be responsible for the costs of diagnostic testing required under this section and section 71-510.

~~(8)~~ (9) The patient's attending physician shall inform the patient of test results for all tests conducted under such sections.

Sec. 49. Section 71-510, Reissue Revised Statutes of Nebraska, is amended to read:

71-510. (1) The patient shall be informed that he or she has the right to consent to the test for presence of an infectious disease or condition and that if the patient refuses the test, such refusal will be communicated to the emergency ~~medical~~ services provider.

(2) If the patient is unconscious or incapable of signing an informed consent form, the consent may be obtained from the patient's next of kin or legal guardian.

(3) If an emergency ~~medical~~ services provider has a significant exposure which, in the opinion of the designated physician, could involve the transmission of hepatitis B or human immunodeficiency virus, the patient's attending physician shall initiate the necessary diagnostic blood tests of the patient. If the patient or patient's representative refuses to grant consent for such test and a sample of the patient's blood is available, the blood shall be tested for hepatitis B or human immunodeficiency virus. If the patient or patient's guardian refuses to grant consent and a sample of the patient's blood is not available, the patient's refusal shall be communicated to the designated physician who shall inform the emergency ~~medical~~ services provider. The emergency ~~medical~~ services provider may petition the district court for an order mandating that the test be performed.

(4) If a patient ~~dies without the opportunity to consent to blood testing, testing for hepatitis B or human immunodeficiency virus shall be conducted~~ is deceased, no consent shall be required to test for the presence of an infectious disease or condition.

Sec. 50. Section 71-511, Reissue Revised Statutes of Nebraska, is amended to read:

71-511. (1) Information concerning any patient or test results obtained under sections 71-507 to 71-513 shall be maintained as confidential by the health care facility or alternate facility that received or tested the patient, the designated physician, the patient's attending physician, the emergency services ~~medical service~~ provider, and the provider agency except as provided by such sections and sections 71-503.01 and 71-2017 and the rules and regulations adopted and promulgated pursuant to such sections. Such information shall not be made public upon subpoena, search warrant, discovery proceedings, or otherwise except as provided by such sections.

(2) The information described in subsection (1) of this section may be released with the written consent of the patient or, if the patient is deceased or incapable of giving informed consent, with the written consent of his or her next of kin, legal guardian, or personal representative of his or her estate.

Sec. 51. Section 71-512, Reissue Revised Statutes of Nebraska, is amended to read:

71-512. All health care facilities and provider agencies subject to sections 71-507 to 71-513 shall adopt written procedures regarding infectious diseases or conditions which address preexposure safeguards, notification procedures, and postexposure risk-reduction methods.".

2. In the Wickersham amendment, AM1382, strike sections 46, 50, and 51 and all amendments thereto.

3. In the Standing Committee amendments, AM0380, strike sections 48 to 50 and all amendments thereto.

4. Correct the operative date section so that sections 46 to 51 added by this amendment become operative on July 1, 1998.

Mr. Withem filed the following amendment to LB 590:
AM1640

(Amendments to Standing Committee amendments, AM1198)

1. On page 4, after line 12 insert the following new paragraph:

"The director may enter into an agreement with any person to provide the person information regarding adjudicated traffic citations or administrative actions from the records produced for or developed by the department for purposes related to maintenance of the driver record information data base. The agreement may determine the periodic basis, cost, and media on which the information will be provided.".

GENERAL FILE

LEGISLATIVE BILL 806. The Hilgert pending amendment, AM1482, found on page 1560 and considered in this day's Journal, to the first Standing Committee amendment, was renewed.

Mr. Schrock moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek requested a record vote on the Hilgert amendment.

Voting in the affirmative, 15:

Abboud
Brown
Bruning
Crosby
Hartnett
Hilgert
Kiel
Lynch
Pedersen, Dw.
Pederson, D.
Robinson
Schimek
Suttle
Wesely
Withem

Voting in the negative, 19:

Bohlke
Bromm
Dierks
Engel
Hillman
Hudkins
Janssen
Jones
Kristensen
Matzke
Maurstad
Peterson, C.
Schellpeper
Schmitt
Schrock

Stuhr
Wehrbein
Wickersham
Witek

Present and not voting, 7:

Beutler
Brashear
Coordsen
Elmer
McKenzie
Preister
Vrtiska

Excused and not voting, 7:

Chambers
Cudaback
Jensen
Landis
Robak
Tyson
Will

The Hilgert amendment lost with 15 ayes, 19 nays, 7 present and not voting, and 7 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Schrock renewed his pending amendment, AM1502, found on page 1583, to the first Standing Committee amendment.

PRESIDENT ROBAK PRESIDING

Messrs. Wehrbein and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion failed with 15 ayes, 10 nays, and 23 not voting.

Mr. Schrock withdrew his amendment.

Mr. Wickersham renewed his pending amendment, AM1533, found on page 1594, to the first Standing Committee amendment.

Messrs. Withem, Brashear, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham amendment was adopted with 25 ayes, 4 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM1534, found on page 1594, to the first Standing Committee amendment.

Mrs. Witek and Mr. Will asked unanimous consent to be excused until they return. No objections. So ordered.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 138:
AM1499

(Amendments to AM0380)

1. Insert the following new sections:

"Sec. 58. The following section is outright repealed: Section 3, Legislative Bill 589, Ninety-fifth Legislature, First Session, 1997.

Sec. 59. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Correct the operative date section so that only the sections added by this amendment become operative on their effective date with the emergency clause.

Mr. Jones filed the following amendment to LB 806:
AM1706

(Amendments to FA189)

1. In the Standing Committee amendments, AM1205:

a. On page 36, strike lines 19 through 27 and insert:

"(3) On or before May 1, 1998, every owner of real property in a Class I school district which is affiliated with or is part of multiple high school districts shall notify the county assessor in that county which high school district such owner's property will be affiliated with. All high school districts which the Class I district is affiliated with or part of will be the choices for the owner.

On or before May 1, 1998, every Class I school district board shall choose, by a majority vote, a high school district to merge with from among the high school districts the Class I district is affiliated with."; and

b. On page 37, strike lines 1 through 25.

Mr. Elmer filed the following amendment to LB 297:
AM1417

(Amendments to Standing Committee amendments, AM0792)

1. Insert the following new sections:

"Sec. 3. Section 66-1333, Reissue Revised Statutes of Nebraska, is amended to read:

66-1333. For purposes of the Ethanol Development Act, unless the context otherwise requires:

(1) Agricultural production facility or ethanol facility means a plant or facility related to the processing, marketing, or distribution of any products derived from grain components, coproducts, or byproducts;

(2) ~~Board means the Nebraska Ethanol Board;~~

~~(3)~~ Commercial channels means the sale of corn or grain sorghum for any use, to any commercial buyer, dealer, processor, cooperative, or person, public or private, who resells any corn or grain sorghum or product produced from corn or grain sorghum;

~~(4)~~ (3) Corn means corn as defined in section 2-3610;

~~(5)~~ (4) Delivered or delivery means receiving corn or grain sorghum for any use other than storage;

(5) Department means the Department of Agriculture;

(6) First purchaser means any person, public or private corporation, association, partnership, or limited liability company buying, accepting for shipment, or otherwise acquiring corn or grain sorghum in Nebraska, and includes a mortgagee, pledgee, lienor, or other person, public or private, having a claim against the grower, when the actual or constructive possession of the corn or grain sorghum is taken as part payment or in satisfaction of such mortgage, pledge, lien, or claim;

(7) Grain means wheat, corn, and grain sorghum;

(8) Grower means any landowner personally engaged in growing corn or grain sorghum, a tenant of the landowner personally engaged in growing corn or grain sorghum, and both the owner and tenant jointly and includes a person, partnership, limited liability company, association, corporation, cooperative, trust, sharecropper, and other business unit, device, and arrangement;

(9) Name plate design capacity means the original designed capacity of an agricultural production facility. Capacity may be specified as bushels of grain ground or gallons of ethanol produced per year; and

(10) Sale includes any pledge or mortgage of corn or grain sorghum after harvest to any person, public or private.

Sec. 4. Section 66-1334, Reissue Revised Statutes of Nebraska, is amended to read:

66-1334. (1) The Agricultural Alcohol Fuel Tax Fund is hereby created. No part of the funds collected under section 66-4,134 or of federal funds or other funds solicited in conjunction with research or demonstration programs shall lapse to the General Fund. In addition to such unexpended balance appropriation, there is hereby appropriated such amounts as are deposited in the Agricultural Alcohol Fuel Tax Fund pursuant to such section in each year. ~~The fund shall be administered by the board.~~ Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The fund shall be used by the department solely for the promotion of ethanol blended fuel in Nebraska, in cooperation with private industries and organizations. Money in the fund may not be used for salaries of state employees. ~~for the following purposes:~~

~~(a) Establishment, with cooperation of private industry, of procedures and processes necessary to the manufacture and marketing of fuel containing agricultural ethyl alcohol;~~

~~(b) Establishment of procedures for entering blended fuel into the marketplace by private enterprise;~~

~~(c) Analysis of the marketing process and testing of marketing procedures to assure acceptance in the private marketplace of blended fuel and byproducts resulting from the manufacturing process;~~

~~(d) Cooperation with private industry to establish privately owned agricultural ethyl alcohol manufacturing plants in Nebraska to supply demand for blended fuel;~~

~~(e) Sponsoring research and development of industrial and commercial uses for agricultural ethyl alcohol and for byproducts resulting from the manufacturing process;~~

~~(f) Promotion of state and national air quality improvement programs and influencing federal legislation that requires or encourages the use of fuels oxygenated by the inclusion of agricultural ethyl alcohol or its derivatives;~~

~~(g) Promotion of the use of renewable agricultural ethyl alcohol as a partial replacement for imported oil and for the energy and economic security of the nation;~~

~~(h) Participation in development and passage of national legislation dealing with research, development, and promotion of United States production of fuels oxygenated by the inclusion of agricultural ethyl alcohol or its derivatives, access to potential markets, tax incentives, imports of foreign-produced fuel, and related concerns that may develop in the future; and~~

~~(i) As the board may otherwise direct to fulfill the goals set forth under the Ethanol Development Act, including monitoring contracts for existing ethanol program commitments consummated pursuant to the law in existence prior to September 1, 1993, and solicitation of federal funds.~~

Sec. 5. Section 66-1339, Reissue Revised Statutes of Nebraska, is amended to read:

66-1339. The ~~board~~ department is encouraged to solicit and authorized to expend any federally distributed funds from the Energy Settlement Fund, account number 6071, or any other federal funds which may become available ~~to the board~~ for ethanol ~~development~~ promotion. Funds collected pursuant to this section shall be remitted to the State Treasurer for credit to the Agricultural Alcohol Fuel Tax Fund.

Sec. 6. Section 66-1340, Reissue Revised Statutes of Nebraska, is amended to read:

66-1340. The ~~board~~ department may accept gifts, donations, money, and services, including in-kind resources for ethanol promotion. ~~such as grain owned by the Commodity Credit Corporation and the United States Department of Agriculture. The board may take title to the Commodity Credit Corporation's inventories and use such commodities to carry out the Ethanol Development Act. The board may accept commodities in connection with section 1024 of the Food Security Act of 1985 or in connection~~

~~with any other section of state or federal law.~~

Sec. 7. Section 66-1343, Reissue Revised Statutes of Nebraska, is amended to read:

66-1343. The ~~board~~ department shall adopt and promulgate rules and regulations to carry out the Ethanol Development Act.

Sec. 8. Section 66-1345, Reissue Revised Statutes of Nebraska, is amended to read:

66-1345. (1) There is hereby created the Ethanol Production Incentive Cash Fund which shall be used ~~by the board~~ to pay the credits created in section 66-1344 to the extent provided in this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. The State Treasurer shall transfer to the Ethanol Production Incentive Cash Fund such money as shall be (a) appropriated to the Ethanol Production Incentive Cash Fund by the Legislature, (b) given as gifts, bequests, grants, or other contributions to the Ethanol Production Incentive Cash Fund from public or private sources, (c) made available due to failure to fulfill conditional requirements pursuant to investment agreements entered into prior to April 30, 1992, (d) received as return on investment of the Ethanol Authority and Development Cash Fund, (e) credited to the Ethanol Production Incentive Cash Fund from the fertilizer fee pursuant to section 77-4401, (f) credited to the Ethanol Production Incentive Cash Fund from the excise taxes imposed by section 66-1345.01, and (g) credited to the Ethanol Production Incentive Cash Fund pursuant to section 66-1345.04.

(2) The Department of Revenue shall, at the end of each calendar quarter, notify the State Treasurer of the amount of motor fuel tax that was not collected in the preceding calendar quarter due to the credits provided in section 66-1344. The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Highway Trust Fund an amount equal to such credits less the following amounts:

(a) For 1993, 1994, and 1995, the amount generated during the calendar quarter by a one-cent tax on motor fuel pursuant to sections 66-489, 66-668, and 66-6,107;

(b) For 1996, the amount generated during the calendar quarter by a three-quarters-cent tax on motor fuel pursuant to such sections;

(c) For 1997, the amount generated during the calendar quarter by a one-half-cent tax on motor fuel pursuant to such sections; and

(d) For 1998, 1999, and 2000, no reduction.

The amounts shall be transferred through December 31, 2000. For 1993 through 1997, if the amount generated pursuant to subdivisions (a), (b), and (c) of this subsection and the amount transferred pursuant to subsection (1) of this section are not sufficient to fund the credits provided in section 66-1344, then the credits shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund. For 1998, 1999, and 2000, the credits provided in such section shall be funded through the Ethanol Production Incentive Cash Fund but shall not be funded through either the Highway Cash Fund or the Highway Trust Fund.

(3) The State Treasurer shall transfer from the Ethanol Production Incentive Cash Fund to the Management Services Expense Revolving Fund the amount reported under subsection (4) of section 66-1345.02 for each calendar quarter of the fiscal year as provided in such subsection.

(4) On February 15, 2001, the State Treasurer shall transfer any unexpended and unobligated funds from the Ethanol Production Incentive Cash Fund to the Nebraska Corn Development, Utilization, and Marketing Fund and Grain Sorghum Development, Utilization, and Marketing Fund in the same proportion as funds were collected pursuant to section 66-1345.01 from corn and grain sorghum.

Sec. 9. Section 66-1347, Reissue Revised Statutes of Nebraska, is amended to read:

66-1347. (1) The Tax Commissioner~~, the administrator of the board,~~ and the producer eligible to receive credit under section 66-1344 shall enter into a written agreement. The producer shall agree to produce ethanol at the designated facility and any expansion thereof. The Tax Commissioner, ~~and administrator,~~ on behalf of the State of Nebraska, shall agree to furnish the producer the tax credits as provided by and limited in such section in effect on the date of the agreement. The agreement to produce ethanol in return for the credit shall be sufficient consideration, and the agreement shall be binding upon the state. No credit shall be given to any producer of ethanol which fails to produce ethanol in Nebraska in compliance with the agreement. The agreement shall include:

(a) The name of the producer;

(b) The address of the ethanol facility;

(c) The date of the initial eligibility of the ethanol facility to receive such credits;

(d) The name plate design capacity of the ethanol facility as of the date of its initial eligibility to receive such credits; and

(e) The name plate design capacity which the facility is intended to have after the completion of any proposed expansion. If no expansion is contemplated at the time of the initial agreement, the agreement may be amended to include any proposed expansion.

(2) The ~~board and the~~ Department of Revenue shall prepare quarterly projections on the use of the Ethanol Production Incentive Cash Fund. The projections shall include the number of gallons for which each eligible producer has claimed credit, the

amount of credit furnished to each eligible producer by the Tax Commissioner, and the amount of future credits each eligible producer may receive under section 66-1344. ~~In addition to the report required by section 66-1336, the board~~ The Tax Commissioner shall submit a report to the Legislature by December 1 of each year summarizing the use of the fund and detailing the forecasted use of the fund. The report shall also include all the information provided in agreements entered into pursuant to this section and the projections which are to be prepared. ~~The department shall furnish all the pertinent facts and data to the board for purposes of fulfilling its obligations pursuant to this section.~~

Sec. 10. Section 66-1348, Reissue Revised Statutes of Nebraska, is amended to read:

66-1348. (1) Nothing in the Ethanol Development Act shall be construed to extend or affect the terms of any investment agreement entered into by the Ethanol Authority and Development Board prior to April 30, 1992.

(2) Nothing in the Ethanol Development Act shall be construed to extend or effect the terms of any investment agreement entered into by the Nebraska Ethanol Board prior to the operative date of this section.

Sec. 12. Original sections 66-1333, 66-1334, 66-1339, 66-1340, 66-1343, 66-1345, 66-1347, and 66-1348, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 14. The following sections are outright repealed: Sections 66-1335 to 66-1338 and 66-1341, Reissue Revised Statutes of Nebraska.".

2. On page 3, line 7, strike "Nebraska Ethanol Board" and insert "Department of Agriculture"; strike beginning with "developed" in line 9 through "be" in line 10; in line 12 strike "board" and insert "department"; and in line 15 strike "This act becomes" and insert "Sections 1, 2, and 13 of this act become" and after the period insert "The other sections of this act become operative on their effective date.".

3. Renumber the remaining sections accordingly.

Mr. Wickersham filed the following amendment to LB 806:
AM1722

(Amendments to FA189)

1. Insert the following new section:

"Sec. 26. For purposes of sections 79-854 to 79-858, certificated employees employed at an attendance center in a subdistrict formed pursuant to section 22 of this act which is closed pursuant to such section shall be considered employees of a reorganized district and shall be eligible for the options and benefits contained in sections 79-854 to 79-858. Any agreements other than the Retirement Incentive Plan pursuant to section 79-855 or Staff Development Assistance pursuant to section 79-856 shall be the sole responsibility of the reorganized district.".

2. Renumber the remaining sections and correct internal references accordingly.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 594. Placed on General File as amended.
Standing Committee amendment to LB 594:
AM1530

1. On page 11, line 26; and page 12, lines 1 and 5, strike "one hundred" and insert "two hundred fifty".
2. On page 11, strike lines 11 through 14; in line 15 strike "(d)" and insert "(c)"; in line 19 strike "capital"; in line 20 strike "(e)" and insert "(d)"; in line 24 strike "(f)" and insert "(e)"; and in line 28 strike "(g)" and insert "(f)".
3. On page 12, line 4, strike "(h)" and insert "(g)"; in line 26 after "to" insert "properly"; and in line 27 before "The" insert "No disbursements may be made under this section for scrap tire processing related to tire-derived fuel.".
4. On page 13, line 10, after "necessary" insert "or desirable".

(Signed) Chris Beutler, Chairperson

VISITORS

Visitors to the Chamber were 76 fourth grade students and teachers from Tara Heights School, Papillion; Mr. Byong Kon Yoo from Korea; 29 fourth grade students and teachers from Battlecreek; 15 students from Sumner-Eddyville-Miller School; and 40 fifth and sixth grade students and teachers from Kenesaw.

The Doctor of the Day was Bob Rauner from Lincoln.

ADJOURNMENT

At 4:28 p.m., on a motion by Mr. Jones, the Legislature adjourned until 8:30 a.m., Wednesday, April 23, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-THIRD DAY – APRIL 23, 1997

LEGISLATIVE JOURNAL

SIXTY-THIRD DAY - APRIL 23, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 23, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Chambers, Cudaback, Hilgert, Dw. Pedersen, Schellpeper, Schrock, Will, Withem, Mmes. Bohlke, Hillman, Kiel, McKenzie, Robak, Witek, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 49, 66, 173, 173A, 193, 197, 274, 424, 476, 523, 643, 740, 851, 856, and 873.

Enrollment and Review Change to LB 49

The following changes, required to be reported for publication in the Journal, have been made:
ER9049
1. In the Withem amendment, AM1478:
a. Sections 5, 6, 7, 8, 9, 11, 12, and 13 have been renumbered as sections 4, 5, 6, 7, 8, 10, 11, and 12, respectively;
b. On page 1, lines 5 and 6, "8 and 9" has been struck and "7 and 8"

inserted;

c. On page 2, line 22, "8" has been struck and "7" inserted; and

d. On page 9, line 22, "49-1405," has been struck.

2. On page 1, the matter beginning with "campaign" in line 1 through line 4 has been struck and "the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1402, 49-1403, 49-1413, 49-1416, 49-1478, and 49-14,124, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1419, and 49-1446.01, Revised Statutes Supplement, 1996; to define and redefine terms; to restate intent; to provide filing requirements for major out-of-state contributors; to authorize expenditures from campaign funds for conference fees; to change expenditure requirements; to harmonize provisions; and to repeal the original sections." inserted.

3. Original section 1 has been renumbered as section 9.

Enrollment and Review Change to LB 66

The following changes, required to be reported for publication in the Journal, have been made:

ER9047

1. On page 1, the matter beginning with "licensed" in line 1 through line 4 has been struck and "nurses; to amend sections 71-1,132.30 and 71-1774, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nurse Practice Act and the Licensed Practical Nurse-Certified Act; and to repeal the original sections." inserted.

2. On page 3, line 3, the comma has been struck.

Enrollment and Review Change to LB 173

The following changes, required to be reported for publication in the Journal, have been made:

ER9046

1. On page 1, line 2, "and" has been struck; and in line 3 ", and section 37-215.03, Revised Statutes Supplement, 1996, as amended by section 3, Legislative Bill 107, Ninety-fifth Legislature, First Session, 1997" has been inserted after "1996".

Enrollment and Review Change to LB 274

The following changes, required to be reported for publication in the Journal, have been made:

ER9052

1. On page 2, line 14, "such section" has been struck, shown as stricken, and "section 28-416" inserted

Enrollment and Review Change to LB 851

The following changes, required to be reported for publication in the Journal, have been made:

ER9048

1. In the Crosby amendment, AM1516:

a. On page 3, line 6, "commission" has been struck and "Commission for the Deaf and Hard of Hearing" inserted;

b. On page 4, line 3, the comma has been struck; and in line 14 the comma has been struck, shown as stricken, and "and" inserted;

c. On page 7, line 21, "executive" has been inserted before "director"; and

d. On page 9, line 10, the comma has been struck.

2. On page 1, the matter beginning with the first "the" in line 1 through line 9 has been struck and "deaf and hard of hearing persons; to amend sections 20-150 to 20-159, 25-2402, 71-4720, 71-4721, 71-4724 to 71-4726, 71-4728 to 71-4729, 71-4731 to 71-4733, and 86-1307, Reissue Revised Statutes of Nebraska, and sections 83-101.14 and 86-1306, Revised Statutes Supplement, 1996; to change provisions related to interpreters; to provide for auxiliary devices; to define, redefine, and eliminate terms; to provide powers and duties for the Commission for the Hearing Impaired and the State Department of Education; to change the name, membership, and duties of the commission; to rename a fund; to harmonize provisions; and to repeal the original sections." inserted.

3. On page 4, line 7, "this section and" has been inserted after "of" and "and" has been struck; and in line 8 "section 4 of this act" has been struck.

4. On page 9, line 23, "persons" has been inserted after "hearing".

5. On page 10, lines 6, 19, and 25 "or" has been struck and "and" inserted; in line 13 "on the effective date of this act" has been inserted after "Fund"; in lines 14 and 15 "on the effective date of this act" has been struck; and in line 18 "Nebraska" has been struck and shown as stricken.

6. On page 13, line 5,"20-151, 20-156" has been struck and "20-150 to 20-159, 25-2402" inserted.

(Signed) Jon C. Bruning, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 22, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Fotis, James J. - Falls Church, VA; Law Enforcement Alliance of America
Johnson, Roy - Omaha; Family Housing Advisory Services, Inc. (FHAS) (Withdrawn 03/31/97)

COMMUNICATION

Received a copy of House Joint Resolution 26 from the State of Montana urging Congress to submit to the states for ratification a balanced budget amendment to the U. S. Constitution.

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)
State Revolving Fund Revenue Bond Quarterly Report - Series 1996
State Revolving Fund Revenue Bond Final Report - Series 1994
Community Development Loan Notes Quarterly Report - Series A and B

Policy Research Office, Governor's
Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Report

Revenue, Department of
Charitable Gaming Division Annual Report

Roads, Department of
Board of Public Roads Classifications and Standards Minutes of March 1997

GENERAL FILE

LEGISLATIVE BILL 314. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 5 present and not voting, and 17 excused and not voting.

LEGISLATIVE BILL 608. Title read. Considered.

Standing Committee amendment, AM0841, found on page 1082, was considered.

Mrs. Brown withdrew her amendment, AM1357, found on page 1429.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 8 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 658. Title read. Considered.

Standing Committee amendment, AM0960, found on page 1084, was adopted with 25 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

MR. WESELY PRESIDING

LEGISLATIVE BILL 702. Title read. Considered.

Mr. Beutler withdrew his amendment, FA154, found on page 1431.

Mr. Beutler offered the following amendment:
AM1725

1. On page 2, line 13, after the period insert "The authority of such officer shall be limited to enforcement of the Game Law, provisions of section 81-805, or rules and regulations adopted and promulgated by the commission in accordance with such laws".

The Beutler amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

LEGISLATIVE BILL 724. Title read. Considered.

Standing Committee amendment, AM1093, found on page 1143, was adopted with 32 ayes, 0 nays, 7 present and not voting, and 9 excused and not voting.

MR. COORDSEN PRESIDING

Advanced to E & R for review with 36 ayes, 0 nays, 4 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 356. Title read. Considered.

Mr. Beutler renewed his pending amendment, AM1661, found on page 1624.

Mrs. Hudkins offered the following amendment to the Beutler pending amendment:
FA195
Amend AM1661
page 1 line 4 after "bicycle" by adding "or in-line skates."

Mr. Dierks and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

The Hudkins amendment lost with 9 ayes, 8 nays, 23 present and not voting, and 8 excused and not voting.

Pending.

LEGISLATIVE BILL 806. Mr. Jones renewed his pending amendment, AM1574, found on page 1602, to the first Standing Committee amendment, FA189, found on page 1642.

MRS. CROSBY PRESIDING

Messrs. Wesely, Lynch, Kristensen, Brashear, Coordsen, and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Bohlke moved the previous question. The question is, "Shall the debate now close?" The motion failed with 13 ayes, 16 nays, and 19 not voting.

Messrs. Dierks and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 19 not voting.

Mr. Jones moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 26 not voting.

Mr. Jones requested a roll call vote on his amendment.

Voting in the affirmative, 21:

Bromm
Coordsen
Cudaback
Dierks
Hudkins
Jones
Landis
Matzke
Maurstad
Peterson, C.
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wickersham
Witek

Voting in the negative, 15:

Abboud
Beutler
Bohlke
Brown
Bruning
Hartnett
Hilgert
Hillman
Kiel
Kristensen
McKenzie
Pedersen, Dw.
Schimek
Suttle
Wesely

Present and not voting, 8:

Chambers
Crosby
Elmer
Engel
Jensen
Pederson, D.
Preister
Withem

Excused and not voting, 4:

Brashear
Janssen
Lynch
Will

The Jones amendment lost with 21 ayes, 15 nays, 8 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 314:
AM1365

1. Insert the following new section:

"Section 1. (1) The Department of Administrative Services shall establish an annual performance evaluation process for the administrative head of each state agency that is not created by the Constitution of Nebraska and that has an administrative head who is not appointed by the Governor and who has an annual base salary in excess of thirty thousand dollars. The first evaluation of an administrative head pursuant to this section shall not occur prior to the completion of one year of service by the administrative head. The results of the evaluation shall be provided to the governing body which appoints the administrative head unless the evaluation is waived under subsection (3) of this section.

(2) The department shall establish and maintain a pool of individuals who are qualified to conduct performance evaluations of administrative heads and shall schedule annual performance evaluations for each administrative head who is subject to evaluation. The pool shall consist of not less than twenty qualified individuals. Each evaluation shall be conducted by a panel of not less than three and not more than five individuals as determined by the Director of Administrative Services and selected at random from the pool by the director or his or her designee. Each member of the panel shall be paid a daily or hourly fee set by the department at a level necessary to keep qualified individuals in the pool. The panel shall also be reimbursed for actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The department shall provide staff support and model procedures and processes for the evaluations. After conducting an evaluation, the panel shall recommend one of the following to the governing body: (a) Retain; (b) no comments; (c) retain with qualifications; or (d) discharge. The rest of the evaluation shall be kept confidential, except that the governing body may discuss the evaluation with the panel in executive session and the administrative head may make any part of the evaluation results public. Evaluation work product and results shall not be deemed public records and may be withheld from the public pursuant to section 84-712.05. Each agency shall pay for the cost of the annual performance evaluation of its administrative head. If a governing body conducts an annual performance evaluation of the administrative head using procedures which meet the approval of the department, the annual performance evaluation under this section may be waived by the director.".

2. Renumber the remaining sections accordingly.

Mr. Bromm and Mrs. Robak filed the following amendment to LB 806:

AM1715

(Amendments to FA192)

1. On page 44, line 6, after "merge" insert "on or after January 1, 1997,".

Mr. Bromm filed the following amendment to LB 806:

AM1716

(Amendments to FA192)

1. On page 67, line 15, after "(2)" insert "The department shall calculate a tiered cost per student for systems in the standard cost grouping. Each local system with general fund operating expenditures in the standard cost grouping shall be placed into a tier based on the following schedule:

Tier	Tier Midpoint	Adjusted Weighted Formula Students
1	150	.01 - 300
2	450	300.01 - 600
3	750	600.01 - 900
4	Median adjusted weighted formula students	900.01 and over

The standard cost grouping average general fund operating expenditures per student shall be calculated for each tier by adding the total general fund operating expenditures for all systems in the tier and dividing such sum by the total adjusted weighted formula students for all systems in the tier. For a system with adjusted weighted formula students which are less than the tier midpoint of tier 1, the tiered cost per student for such system shall equal the average general fund operating expenditures per student in tier 1. For a system with adjusted weighted formula students which are greater than the tier midpoint of tier 4, the tiered cost per student for such system shall equal the average general fund operating expenditures per student for tier 4. For a system with adjusted weighted formula students which fall on or between the tier midpoints of any two tiers, the tiered cost per student for such system shall be calculated by means of a linear interpolation between the average general fund operating expenditures per student of the two tiers between whose tier midpoints the system's average adjusted weighted formula students for such system falls.

For purposes of this subsection, linear interpolation means to estimate values of a function between two known values.

(3)"; and in line 16 strike "each cost grouping" and insert "the sparse and very sparse cost groupings".

2. On page 68, line 14, strike "(3)" and insert "(4)".

Mr. Dierks filed the following amendment to LB 875:

AM1676

(Amendments to E & R amendments, AM7136)

1. Insert the following new section:

"Section 1. Section 17-405.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-405.01. (1) Except as provided in subsection (2) of this section, the ~~The~~ mayor and council of any city of the second class or the ~~chairman~~ chairperson and members of the board of trustees of any village may by ordinance, except as provided in sections 13-1111 to 13-1118, ~~and amendments thereto,~~ at any time, include within the corporate limits of such city or village any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character, and in such direction as may be deemed proper. Such grant of power shall not be construed as conferring power to extend the limits of any municipality over any agricultural lands which are rural in character.

(2) The mayor and city council of any city of the second class or the chairperson and members of the board of trustees of any village may, by ordinance, annex any lands, lots, tracts, streets, or highways which constitute a redevelopment project area so designated by the city or village or its community redevelopment authority in accordance with the provisions of the Community Development Law and sections 18-2145 to 18-2154 when such annexation is for the purpose of implementing a lawfully adopted redevelopment plan containing a provision dividing ad valorem taxes as provided in subsection (1) of section 18-2147 notwithstanding that such lands, lots, tracts, streets, or highways are not contiguous or adjacent or are not urban or suburban in character. Such annexation shall comply with all other provisions of law relating to annexation generally for cities of the second class and villages. The city or village shall not, in consequence of the annexation under this subsection of any noncontiguous land, exercise the authority granted to it by statute to extend its jurisdiction beyond its corporate boundaries for purposes of planning, zoning, or subdivision development without the agreement of any other city, village, or county currently exercising such jurisdiction over the area surrounding the annexed redevelopment project area. The annexation of any noncontiguous land undertaken pursuant to this subsection shall not result in any change in the service area of any electric utility without the express agreement of the electric utility serving the annexed noncontiguous area at the time of annexation, except that at such time following the annexation of the noncontiguous area as the city or village lawfully annexes sufficient intervening territory so as to directly connect the noncontiguous area to the main body of the city or village, such noncontiguous area shall, solely for the purposes of section 70-1008, be treated as if it had been annexed by the city or village on the date upon which the connecting intervening territory had been formally annexed.".

2. On page 25, line 2, after "sections" insert "17-405.01,".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Hilgert filed the following amendment to LB 229:
AM1674

(Amendments to Final Reading copy)

1. On page 37, line 2, strike "January" and insert "October"; and in line 7 strike "January" and insert "October".

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Monday, May 19, 1997 1:00 p.m.
Nebraska State Board of Health
Dr. Jerry Vaughan, O.D.

Commission for the Hearing Impaired
Janet Haun
Esther M. Seanor
Leonard Smith
Tricia Tighe

(Signed) Don Wesely, Chairperson

Education

Friday, May 16, 1997 8:30 a.m.
Board of Trustees of the Nebraska State Colleges
Sheryl Lindau

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 806. Mr. Cudaback renewed his pending amendment, AM1617, found on page 1602, to the first Standing Committee amendment.

Pending.

VISITORS

Visitors to the Chamber were 11 seniors and sponsor from Ralston High School; 68 fifth grade students and teachers from St. Michael's Elementary School, Hastings; 42 fourth grade students and teacher from Alcott Elementary School, Hastings; 70 fourth grade students and teachers from Hillrise Elementary School, Elkhorn; 25 third through sixth grade students and teachers from Jackson; Ibs Young from Sidney; and a group from Seward, York, and Polk Counties for Senior Citizens' Day.

RECESS

At 11:57 a.m., on a motion by Mrs. Witek, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Brown, Kiel, C. Peterson, Robak, Suttle, Witek, Messrs. Dierks, Kristensen, Landis, Matzke, Robinson, Wehrbein, Wesely, Wickersham, Will, and Withem who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 806. The Cudaback pending amendment, AM1617, found on page 1602 and considered in this day's Journal, to the first Standing Committee amendment, was renewed.

PRESIDENT ROBAK PRESIDING

Messrs. Coordsen and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 21 not voting.

The Cudaback amendment lost with 8 ayes, 18 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Cudaback renewed his pending amendment, AM1618, found on page 1602, to the first Standing Committee amendment.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Cudaback withdrew his amendment.

Mr. Bromm renewed his pending amendment, AM1652, found on page 1614, to the first Standing Committee amendment.

Pending.

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 590:

FA196

On page 11, line 21, strike the word "may" and insert the word "shall"

On page 11, line 22 after the word "charge" insert the word "commercially"

On page 11, line 23, after the word "may" strike the word "not"

Messrs. Brashear and Beutler filed the following amendment to LB 364:
AM1723

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 2. Section 8-143.01, Revised Statutes Supplement, 1996, is amended to read:

8-143.01. (1) No bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons in an amount that, when aggregated with the amount of all other extensions of credit by the bank to that person and to all related interests of that person, exceeds the higher of twenty-five thousand dollars or five percent of the bank's unimpaired capital and unimpaired surplus unless (a) the extension of credit has been approved in advance by a majority vote of the entire board of directors of the bank, a record of which shall be made and kept as a part of the records of such bank, and (b) the interested party has abstained from participating directly or indirectly in such vote.

(2) No bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons in an amount that, when aggregated with the amount of all other extensions of credit by the bank to that person and to all related interests of that person, exceeds five hundred thousand dollars except by complying with the requirements of subdivisions (1)(a) and (b) of this section.

(3) No bank shall extend credit to any of its executive officers licensed pursuant to section 8-139, and no such executive officer shall borrow from or otherwise become indebted to his or her bank, except in the amounts and for the purposes set forth in subsection (4) of this section.

(4) A bank shall be authorized to extend credit to any of its executive officers licensed pursuant to section 8-139:

(a) In any amount to finance the education of such executive officer's children;

(b)(i) In any amount to finance or refinance the purchase, construction, maintenance, or improvement of a residence of such executive officer if the extension of credit is secured by a first lien on the residence and the residence is owned or is expected to be owned after the extension of credit by the executive officer and (ii) in the case of a refinancing, only the amount of the refinancing used to repay the original extension of credit, together with the closing costs of the refinancing, and any additional amount thereof used for any of the purposes enumerated in this subdivision are included within this category of credit;

(c) In any amount if the extension of credit is (i) secured by a perfected security interest in bonds, notes, certificates of indebtedness, or Treasury Bills of the United States or in other such obligations fully guaranteed as to principal and interest by the United States, (ii) secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States, or (iii) secured by a perfected security interest in a segregated deposit account in the lending bank; or

~~(c)~~ (d) For any other purpose not specified in subdivisions (a), ~~and~~ (b), and (c) of this subsection if the aggregate amount of such other extensions of credit to such executive officer does not exceed, at any one time, the greater of two and one-half percent of the bank's unimpaired capital and unimpaired surplus or twenty-five thousand dollars, but in no event greater than one hundred thousand dollars or the amount of the bank's lending limit as prescribed in section 8-141, whichever is less.

(5) Any executive officer licensed pursuant to section 8-139 who becomes indebted to any other financial institution or institutions shall, by the next regularly scheduled meeting of the board of directors, make a written report to the board of directors of the bank of which he or she is an executive officer stating the date and amount of such loan or indebtedness, the security therefor, and the purpose for which the proceeds have been or are to be used.

(6) No bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons in an amount that, when aggregated with the amount of all other extensions of credit by the bank to that person and to all related interests of that person, exceeds the lending limit of the bank as prescribed in section 8-141 or 12 U.S.C. 84, whichever is less.

(7)(a) Except as provided in subdivision (b) of this subsection, no bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons unless the extension of credit (i) is made on substantially the same terms, including interest rates and collateral, as, and following credit-underwriting procedures that are not less stringent than, those prevailing at the time for comparable transactions by the bank with other persons that are not covered by this section and who are not employed by the bank and (ii) does not involve more than the normal risk of repayment or present other unfavorable features.

(b) Nothing in subdivision (a) of this subsection shall prohibit any extension of credit made by a bank pursuant to a benefit or compensation program under the provisions of 12 C.F.R.

215.4(a)(2).

(8) For purposes of this section:

(a) Executive officer shall mean a person who participates or has authority to participate, other than in the capacity of director, in the major policymaking functions of the bank, whether or not the officer has an official title, the title designates such officer as an assistant, or such officer is serving without salary or other compensation. Executive officer shall include the chairperson of the board of directors, the president, all vice presidents, the cashier, the corporate secretary, and the treasurer, unless the executive officer is excluded by a resolution of the board of directors or by the bylaws of the bank from participating, other than in the capacity of director, in the major policymaking functions of the bank, and the executive officer does not actually participate in such functions. A manager or assistant manager of a branch of a bank shall not be considered to be an executive officer unless such individual participates or is authorized to participate in the major policymaking functions of the bank; and

(b) Unimpaired capital and unimpaired surplus shall mean the sum of:

(i) The total equity capital of the bank reported on its most recent consolidated report of condition filed under section 8-166;

(ii) Any subordinated notes and debentures approved as an addition to the bank's capital structure by the appropriate federal banking agency; and

(iii) Any valuation reserves created by charges to the bank's income reported on its most recent consolidated report of condition filed under section 8-166.

~~(8)~~ (9) Any executive officer, director, or principal shareholder of a bank or any other person who intentionally violates this section or who aids, abets, or assists in a violation of this section shall be guilty of a Class IV felony.

~~(9)~~ (10) The Director of Banking and Finance shall have authority to adopt and promulgate rules and regulations to implement this section, including rules or regulations defining or further defining terms used in this section, consistent with the provisions of 12 U.S.C. 84 and implementing Regulation O.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 1, after "8-126" insert ", 8-143.01,"; in line 3 after "qualifications" insert "and loans to bank executive officers, directors, or principal shareholders"; in line 5 strike "and" and after "sections" insert "; and to declare an emergency".

3. On page 3, line 6, after "8-126" insert ", 8-143.01,".

4. Renumber the remaining sections accordingly.

Messrs. Brashear and Beutler filed the following amendment to LB 137:
AM1724

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 3. Section 8-126, Revised Statutes Supplement, 1996, is amended to read:

8-126. A majority of the members of the board of directors of any bank transacting business under sections 8-101 to 8-1,121 shall have their residences in this state or within twenty-five miles of the main office of the bank. Reasonable efforts shall be made to acquire members of such board of directors from the county in which such bank is located. ~~Each director shall be the owner in his or her own name and right of at least one share of the paid-up capital stock of the bank of which he or she is a director or of its holding company, if any.~~ Directors of banks shall be persons of good moral character, known integrity, business experience, and responsibility. No person shall act as a member of the board of directors of any bank until such bank applies for and obtains approval from the Department of Banking and Finance.

If the department, upon investigation, determines that any director of a bank is conducting the business of the bank in an unsafe or unauthorized manner or is endangering the interests of the stockholders or depositors, the department shall have authority, following notice and opportunity for hearing, to revoke such approval to act as a member of the board of directors. The department may adopt and promulgate rules and regulations and prescribe forms to carry out this section.

Sec. 4. Section 8-143.01, Revised Statutes Supplement, 1996, is amended to read:

8-143.01. (1) No bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons in an amount that, when aggregated with the amount of all other extensions of credit by the bank to that person and to all related interests of that person, exceeds the higher of twenty-five thousand dollars or five percent of the bank's unimpaired capital and unimpaired surplus unless (a) the extension of credit has been approved in advance by a majority vote of the entire board of directors of the bank, a record of which shall be made and kept as a part of the records of such bank, and (b) the interested party has abstained from participating directly or indirectly in such vote.

(2) No bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons in an amount that, when aggregated with the amount of all other extensions of credit by the bank to that person and to all related interests of that person, exceeds five hundred thousand dollars except by complying with the requirements of subdivisions (1)(a) and (b) of this section.

(3) No bank shall extend credit to any of its executive

officers licensed pursuant to section 8-139, and no such executive officer shall borrow from or otherwise become indebted to his or her bank, except in the amounts and for the purposes set forth in subsection (4) of this section.

(4) A bank shall be authorized to extend credit to any of its executive officers licensed pursuant to section 8-139:

(a) In any amount to finance the education of such executive officer's children;

(b)(i) In any amount to finance or refinance the purchase, construction, maintenance, or improvement of a residence of such executive officer if the extension of credit is secured by a first lien on the residence and the residence is owned or is expected to be owned after the extension of credit by the executive officer and (ii) in the case of a refinancing, only the amount of the refinancing used to repay the original extension of credit, together with the closing costs of the refinancing, and any additional amount thereof used for any of the purposes enumerated in this subdivision are included within this category of credit;

(c) In any amount if the extension of credit is (i) secured by a perfected security interest in bonds, notes, certificates of indebtedness, or Treasury Bills of the United States or in other such obligations fully guaranteed as to principal and interest by the United States, (ii) secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States, or (iii) secured by a perfected security interest in a segregated deposit account in the lending bank; or

~~(c)~~ (d) For any other purpose not specified in subdivisions (a), ~~and~~ (b), and (c) of this subsection if the aggregate amount of such other extensions of credit to such executive officer does not exceed, at any one time, the greater of two and one-half percent of the bank's unimpaired capital and unimpaired surplus or twenty-five thousand dollars, but in no event greater than one hundred thousand dollars or the amount of the bank's lending limit as prescribed in section 8-141, whichever is less.

(5) Any executive officer licensed pursuant to section 8-139 who becomes indebted to any other financial institution or institutions shall, by the next regularly scheduled meeting of the board of directors, make a written report to the board of directors of the bank of which he or she is an executive officer stating the date and amount of such loan or indebtedness, the security therefor, and the purpose for which the proceeds have been or are to be used.

(6) No bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons in an amount that, when aggregated with the amount of all other extensions of credit by the bank to that

person and to all related interests of that person, exceeds the lending limit of the bank as prescribed in section 8-141 or 12 U.S.C. 84, whichever is less.

(7)(a) Except as provided in subdivision (b) of this subsection, no bank shall extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of such persons unless the extension of credit (i) is made on substantially the same terms, including interest rates and collateral, as, and following credit-underwriting procedures that are not less stringent than, those prevailing at the time for comparable transactions by the bank with other persons that are not covered by this section and who are not employed by the bank and (ii) does not involve more than the normal risk of repayment or present other unfavorable features.

(b) Nothing in subdivision (a) of this subsection shall prohibit any extension of credit made by a bank pursuant to a benefit or compensation program under the provisions of 12 C.F.R. 215.4(a)(2).

(8) For purposes of this section:

(a) Executive officer shall mean a person who participates or has authority to participate, other than in the capacity of director, in the major policymaking functions of the bank, whether or not the officer has an official title, the title designates such officer as an assistant, or such officer is serving without salary or other compensation. Executive officer shall include the chairperson of the board of directors, the president, all vice presidents, the cashier, the corporate secretary, and the treasurer, unless the executive officer is excluded by a resolution of the board of directors or by the bylaws of the bank from participating, other than in the capacity of director, in the major policymaking functions of the bank, and the executive officer does not actually participate in such functions. A manager or assistant manager of a branch of a bank shall not be considered to be an executive officer unless such individual participates or is authorized to participate in the major policymaking functions of the bank; and

(b) Unimpaired capital and unimpaired surplus shall mean the sum of:

(i) The total equity capital of the bank reported on its most recent consolidated report of condition filed under section 8-166;

(ii) Any subordinated notes and debentures approved as an addition to the bank's capital structure by the appropriate federal banking agency; and

(iii) Any valuation reserves created by charges to the bank's income reported on its most recent consolidated report of condition filed under section 8-166.

~~(8)~~ (9) Any executive officer, director, or principal shareholder of a bank or any other person who intentionally violates this section or who aids, abets, or assists in a violation of this section shall be guilty of a Class IV felony.

~~(9)~~ (10) The Director of Banking and Finance shall have authority to adopt and promulgate rules and regulations to implement this section, including rules or regulations defining or further defining terms used in this section, consistent with the provisions of 12 U.S.C. 84 and implementing Regulation O.

Sec. 9. Section 8-224, Revised Statutes Supplement, 1996, is amended to read:

8-224. The reports required by section 8-223 shall be verified by one of the managing officers, and a summary of the annual report, in a form prescribed by the Department of Banking and Finance, shall, within thirty days after the filing of the statement with the department, be published in a newspaper of general circulation in the county where the trust company is chartered. The publication required by this section shall not apply to reports of the trust department of a bank.

Sec. 24. Sections 3, 4, 9, 24, 26, and 27 of this act become operative on their effective date. The other sections of this act become operative three calendar months after adjournment of this legislative session.

Sec. 26. Original sections 8-126, 8-143.01, and 8-224, Revised Statutes Supplement, 1996, are repealed.

Sec. 27. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 4, after "8-112," insert "8-126, 8-143.01," and after "8-1,134," insert "8-224,"; in line 7 after the comma insert "bank director qualifications, loans to certain bank officials and shareholders, bank trust departments,"; in line 15 strike "and" and insert "to provide operative dates;" and after "sections" insert "; and to declare an emergency".

3. Renumber the remaining sections accordingly.

Mr. Wickersham filed the following amendment to LB 806:
AM1735

(Amendments to FA192)

1. On page 67, line 15, after "(2)" insert "The department shall calculate the size adjustment factor for each local system having fewer than nine hundred adjusted formula students for the most recently available complete data year. The size adjustment factor shall be calculated as follows:

(a) The minimum cost per adjusted formula student shall be determined. Minimum cost per adjusted formula student is equal to the total estimated general fund operating expenditures per adjusted formula student for all local systems in the state having nine hundred or more adjusted formula students divided by the total number of adjusted formula students for all such systems;

(b) The maximum cost per adjusted formula student shall be determined. Maximum cost per adjusted formula student is equal to the total estimated general fund operating expenditures per adjusted formula student for all local systems in the state having two hundred fifty or more but not more than three hundred fifty adjusted formula students divided by the total number of adjusted formula students for all such systems; and

(c) Maximum cost per adjusted formula student shall be divided by minimum cost per adjusted formula student, the result of which shall be the highest allowable cost factor.

The straight-line adjustment shall be calculated by subtracting one from the highest allowable cost factor and dividing the sum by six hundred. The straight-line adjustment factor shall be multiplied by the number of weighted formula students in the affected local system subtracted from nine hundred, and the resulting number shall be added to one to obtain the affected local system's size adjustment factor, which factor shall not exceed the highest allowable cost factor.

(d) For each local system in the state having fewer than nine hundred adjusted formula students, the average formula cost per student for the standard cost grouping shall be multiplied by the size adjustment factor calculated pursuant to this subsection and the resulting sum shall be the adjusted average formula cost per student for that local system and shall for all purposes replace the average formula cost per student for such local system, except as provided in subdivision (2)(e) of this section.

(e) For local systems which qualify for the sparse or very sparse cost grouping, the average cost per formula student shall be calculated both by the method used in this subsection and by the method used in subsection (3) of this section, and such systems' average formula cost per student shall be the greater of the two results.

(3)"; and on page 68, line 14, strike "(3)" and insert "(4)".

GENERAL FILE

LEGISLATIVE BILL 806. The Bromm pending amendment, AM1652, found on page 1614 and considered in this day's Journal, to the first Standing Committee amendment, was renewed.

SPEAKER WITHEM PRESIDING

PRESIDENT ROBAK PRESIDING

Mrs. McKenzie moved the previous question. The question is, “Shall the debate now close?” The motion failed with 12 ayes, 14 nays, and 22 not voting.

Messrs. Abboud, Will, Lynch, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion failed with 3 ayes, 17 nays, and 28 not voting.

Pending.

AMENDMENT - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 138:
AM1685

(Amendments to AM1524)

1. Strike amendment 1 and insert the following new amendment:

"1. Insert the following new sections:

'Sec. 58. The following section is outright repealed: Section 3, Legislative Bill 589, Ninety-fifth Legislature, First Session, 1997.

Sec. 59. Since an emergency exists, this act takes effect when passed and approved according to law.'.".

MOTIONS - Print in Journal

Mr. Withem filed the following motion to LB 806:
To suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the adoption of FA189 to LB 806, without further amendment, motion or debate.

Mr. Withem filed the following motion to LB 806:
To suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the adoption of FA190 to LB 806, without further amendment, motion or debate.

Mr. Withem filed the following motion to LB 806:
To suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the adoption of FA191 to LB 806, without further amendment, motion or debate.

Mr. Withem filed the following motion to LB 806:
To suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the adoption of FA192 to LB 806, without further amendment, motion or debate.

Mr. Withem filed the following motion to LB 806:
To suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the adoption of FA193 to LB 806, without further amendment, motion or debate.

Mr. Withem filed the following motion to LB 806:

To suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 806, without further amendment, motion or debate.

AMENDMENT - Print in Journal

Mr. Will filed the following amendment to LB 269:

AM1741

1. On page 55, line 21, after "levy" insert "(a)"; and in line 24 after "Act" insert "and (b) and if the city has a transit authority created pursuant to section 14-1803, the city shall authorize an additional levy of six cents per one hundred dollars of taxable valuation to be levied by the transit authority".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 119, 279, 352, 396, 396A, 437, 452, 495, 546, 551, 577, 577A, 636, 770, 814, 837, 861, and 886.

Enrollment and Review Change to LB 437

The following changes, required to be reported for publication in the Journal, have been made:

ER9054

1. On page 2, line 3, "district judges association" has been struck and "Nebraska District Court Judges Association" inserted.

Enrollment and Review Change to LB 495

The following changes, required to be reported for publication in the Journal, have been made:

ER9050

1. In the Beutler amendment, AM1526:

a. On page 10, line 4, "shall" has been struck, shown as stricken, and "does" inserted;

b. On page 19, line 2, "and" has been inserted after the semicolon; in line 24 "or" has been inserted after the comma; and in line 25 ", or (e)" has been struck and "or" inserted; and

c. On page 20, line 7, "to" has been struck and "of" inserted.

2. On page 1, the matter beginning with "the" in line 1 through line 4 has been struck and "solid waste; to amend sections 28-523, 81-15,158.01, 81-15,159.01, 81-15,159.02, 81-15,160, 81-15,161, 81-15,162.02, and 81-15,162.07, Reissue Revised Statutes of Nebraska, and sections

13-2020, 13-2042, 39-310, 39-311, and 81-15,161.01, Revised Statutes Supplement, 1996; to change provisions relating to rates and charges and provide for disbursements under the Integrated Solid Waste Management Act; to change littering and solid waste penalties; to change and eliminate provisions relating to scrap tires; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-15,162.03 to 81-15,162.06, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

(Signed) Jon C. Bruning, Chairperson

VISITORS

Visitors to the Chamber were 26 fourth grade students and teacher from Anderson Grove, Omaha; 93 high school students and teacher from Gretna; 14 kindergarten through third grade students and teacher from Cass County District 96, Manley; members of the Nebraska Federation of Republican Women; Dr. and Mrs. Dale Mills from Kearney; Dr. Jorg Nehter, Mayor of Bad Sedeberg, Germany and former Secretary of State Allen Beermann from Lincoln; and Janice and Richard Hunt and Joy Neihardt from Tekamah.

ADJOURNMENT

At 4:29 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Monday, April 28, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-FOURTH DAY – APRIL 28, 1997

LEGISLATIVE JOURNAL

SIXTY-FOURTH DAY - APRIL 28, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, April 28, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor William Dressen, Faith Lutheran Church, Talmage, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Matzke who was excused; and Messrs. Abboud, Brashear, Dierks, Kristensen, Landis, Lynch, D. Pederson, Robinson, Schmitt, Wesely, Wickersham, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-third day was approved.

GENERAL FILE

LEGISLATIVE BILL 806. The second Standing Committee amendment is as follows:
FA190
(Section 4-19 & 21 -- which provides the procedures for certain school district consolidations.)

Mr. Withem withdrew his motion, found on page 1644, to vote on the adoption of the committee amendment (FA190) to LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem withdrew his motion, found on page 1681, to suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the adoption of FA190 to LB 806, without further amendment, motion or debate.

The second Standing Committee amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 686. Placed on Select File as amended.
E & R amendment to LB 686:
AM7141

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Sections 1 to 9 of this act shall be known and may be cited as the Nebraska Telecommunications Universal Service Fund Act.

Sec. 2. The purpose of the Nebraska Telecommunications Universal Service Fund Act is to authorize the commission to establish a funding mechanism which supplements federal universal service support mechanisms and ensures that all Nebraskans, without regard to their location, have comparable accessibility to telecommunications services at affordable prices.

Sec. 3. For purposes of the Nebraska Telecommunications Universal Service Fund Act:

(1) Commission means the Public Service Commission;

(2) Fund means the Nebraska Telecommunications Universal Service Fund;

(3) Telecommunications Act of 1996 means the federal telecommunications legislation codified at 47 U.S.C. 609; and

(4) Telecommunications company means any person, firm, partnership, limited liability company, corporation, or association offering telecommunications services to the public for hire in Nebraska intrastate commerce.

Sec. 4. The Legislature declares that it is the policy of the state to preserve and advance universal service based on the following principles:

(1) Quality telecommunications and information services should be available at just, reasonable, and affordable rates;

(2) Access to advanced telecommunications and information services should be provided in all regions of the state;

(3) Consumers in all regions of the state, including low-income consumers and those in rural and high-cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas;

(4) All providers of telecommunications services should

make an equitable and nondiscriminatory contribution to the preservation and advancement of universal service;

(5) There should be specific, predictable, sufficient, and competitively neutral mechanisms to preserve and advance universal service. Funds for the support of high-cost service areas will be available only to the designated eligible telecommunications companies providing service to such areas. Funds for the support of low-income customers, schools, libraries, and providers of health care to rural areas will be available to any entity providing telecommunications services, maintenance, and upgrading of facilities. The distribution of universal service funds should encourage the continued development and maintenance of telecommunications infrastructure;

(6) Elementary and secondary schools, libraries, and providers of health care to rural areas should have access to advanced telecommunications services as described in the Telecommunications Act of 1996. To promote the efficient use of facilities in rural areas, universal service rules should not preclude the sharing of facilities supported by universal service funds with other local users, if such ineligible users pay appropriate retail usage rates to the telecommunications company;

(7) The implicit support mechanisms in intrastate access rates throughout the state may be replaced while ensuring that local service rates in all areas of the state remain affordable; and

(8) The costs of administration of the Nebraska Telecommunications Universal Service Fund should be kept to a minimum.

Sec. 5. The Nebraska Telecommunications Universal Service Fund is hereby created. The fund shall provide the assistance necessary to make universal access to telecommunications services available to all persons in the state consistent with the policies set forth in the Nebraska Telecommunication Universal Service Fund Act. Only eligible telecommunications companies designated by the commission pursuant to 47 U.S.C. 214(e) shall be eligible to receive support to serve high-cost areas from the fund. A telecommunications company that receives such support shall use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. Any such support should be explicit and sufficient to achieve the purpose of the Nebraska Telecommunications Universal Service Fund Act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 6. The commission shall determine the standards and procedures reasonably necessary, adopt and promulgate rules and regulations as reasonably required, and enter into such contracts with other agencies or private organizations or entities as may be reasonably necessary to efficiently develop, implement, and operate the fund.

Sec. 7. The fund may be administered by a neutral third-party administrator. The commission shall oversee the preparation and selection process of the administrator through a request for proposal process established by the commission. The administrator shall: Gather the necessary data to estimate fund obligations; notify telecommunications companies of their obligations to the fund; collect and distribute money from the fund in accordance with the Nebraska Telecommunications Universal Service Fund Act and the rules and regulations established by the commission; and notify the commission of any violations of the act and rules and regulations by telecommunications companies with respect to the fund. The commission shall audit the administrator to ensure the duties are being performed in accordance with the act and its rules and regulations. Any telecommunications company not meeting its obligation to the fund shall not be eligible to receive payments from the fund, shall be subject to administrative penalties to be determined by the commission, and shall be subject to the revocation of any certificate issued pursuant to section 75-604 or any predecessor statute.

Sec. 8. The commission shall oversee and the administrator shall administer the fund with the advice of an advisory board appointed by the commission. The number of members on such advisory board shall be not less than nine nor more than fifteen members. The composition of the membership of the advisory board shall be determined by the commission and shall include the following representatives: One member shall represent the commission; one member shall represent elementary and secondary schools; one member shall represent libraries; one member shall represent rural health care providers; four members, but not more than eight members, shall represent telecommunications companies; and one member, but not more than three members, shall represent the public. The advisory board shall provide recommendations to the commission at the public hearing held pursuant to section 84-1408. The advisory board shall also, on an annual basis, recommend the services to be supported by the fund.

Sec. 9. (1) Annually the commission shall hold a public hearing to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act. The commission shall publish notice of the hearing in at least one newspaper of general circulation in the state at least once each week for two consecutive weeks before the hearing. After the hearing, the commission shall determine the amount of the fund for the following year, including a reasonable reserve. In the initial year of the fund's operation, the commission shall determine the amount of the fund to be equivalent to the amount which, in the commission's judgment, after careful analysis is necessary to keep approximately ninety-six percent of Nebraska households subscribed to local telecommunications service.

(2) In an emergency as determined by the commission, the commission may adjust the level of the fund, but only after a public hearing for such purpose.

Sec. 10. Section 86-804, Reissue Revised Statutes of Nebraska, is amended to read:

86-804. The commission shall provide the Legislature with an annual report on or before September 30 of each year on the status of the Nebraska telecommunications industry. The report shall describe: (1) The quality of telecommunications services being provided to the citizens of Nebraska; (2) the availability of diverse and affordable telecommunications services to all of the people of Nebraska; ~~and~~ (3) the level of rates of local exchange companies and interexchange telecommunications companies; and (4) the level of the Nebraska Telecommunications Universal Service Fund as determined by section 9 of this act. The report also shall address the question of the need for further legislation to achieve the purposes of sections 86-801 to 86-811.

Sec. 11. Original section 86-804, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, line 1, after the semicolon insert "to amend section 86-804, Reissue Revised Statutes of Nebraska;"; and in line 2 after "Act" insert "; to harmonize provisions; and to repeal the original section".

LEGISLATIVE BILL 307A. Placed on Select File.
LEGISLATIVE BILL 523A. Placed on Select File.
LEGISLATIVE BILL 852A. Placed on Select File.
LEGISLATIVE BILL 853A. Placed on Select File.
LEGISLATIVE BILL 861A. Placed on Select File.
LEGISLATIVE BILL 875A. Placed on Select File.

Correctly Engrossed

The following bills were correctly engrossed: LBs 136, 335, 527, 543, 558, 595, 727, 741, 771, 772, 802, and 852.

Enrollment and Review Change to LB 136

The following changes, required to be reported for publication in the Journal, have been made:

ER9056

1. For purposes of correlation with LB 56 and LB 351, section 1 and all amendments thereto have been struck and the following new section inserted:

"Section 1. Section 8-157, Revised Statutes Supplement, 1996, as amended by section 1, Legislative Bill 56, Ninety-fifth Legislature, First Session, 1997, and section 9, Legislative Bill 351, Ninety-fifth Legislature, First Session, 1997, is amended to read:

8-157. (1) Except as provided in subsections (2) through (10) of this section, section 8-122.01, and section 4 of this act, the general business of every bank shall be transacted at the place of business specified in its charter.

(2)(a) With the approval of the director, any bank may maintain an attached branch bank if such branch bank is physically connected by a pneumatic tube or tubes or a walkway, a tunnel, or any other electronic, mechanical, or structural connection or attachment for the public use of the bank and is within two hundred feet of the building containing the premises specified as its place of business in its charter or any adjacent connected building housing a continuation of the operations of the bank's main office.

(b) With the approval of the director, any bank located in a Class I or Class III county may establish and maintain in Class I and Class III counties an unlimited number of detached branch banks at which all banking transactions allowed by law may be made.

(c)(i) With the approval of the director, any bank located in a Class II county may establish and maintain not more than the number of detached branch banks permitted under subdivision (2)(c)(ii) of this section at which all banking transactions allowed by law may be made.

(ii)(A) If the bank is located within the corporate limits of a city, such bank may establish and maintain not more than twelve such detached branch banks and such detached branch banks shall be within the corporate limits of the city.

(B) If the bank is located within the zoning jurisdiction of a city of the primary class or is located within an unincorporated city or unincorporated area in a county which contains a city of the primary class, such bank may establish and maintain not more than nine such detached branch banks and such detached branch banks may also be within the corporate limits of such city if the bank was in existence at such location prior to April 4, 1996.

(d) With the approval of the director, any bank located in a Class IV county may establish and maintain not more than six detached branch banks at which all banking transactions allowed by law may be made. Such detached branch banks shall be within the corporate limits of the city in which such bank is located.

(e) Any detached branch bank established and maintained by a bank pursuant to an acquisition or merger under sections 8-1506 to 8-1510 or an acquisition under section 8-1515 shall not count against the number of locations of detached branch banks permitted under this subsection.

(f) With the approval of the director, any bank or any detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank may establish and maintain a mobile branch bank at which all banking transactions allowed by law may be made. Such mobile branch bank may consist of one or more vehicles which may transact business only within the corporate limits of the city in which such bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank is located, except that (i) a mobile branch bank of a bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank located in a Class I or Class III county, may transact business anywhere in Class I and III counties and (ii) a mobile branch bank of a bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank located in a Class II county and within the zoning jurisdiction of a city of the primary class or within an unincorporated city or unincorporated area in a county which contains a city of the primary class may transact business within the corporate limits of such city if the bank or detached branch bank which was chartered as a financial institution prior to being converted to a detached branch bank was in existence at such location prior to April 4, 1996.

(g) For purposes of this section:

(i) Class I county ~~shall~~ ~~mean~~ means a county in this state with a population of three hundred thousand or more as determined by the most recent federal decennial census;

(ii) Class II county ~~shall~~ ~~mean~~ means a county in this state with a population of at least two hundred thousand and less than three hundred thousand as determined by the most recent federal decennial census;

(iii) Class III county ~~shall~~ ~~mean~~ means a county in this state with a population of at least one hundred thousand and less than two hundred thousand as determined by the most recent federal decennial census; and

(iv) Class IV county ~~shall~~ ~~mean~~ means a county in this state with a population of less than one hundred thousand as determined by the most recent federal decennial census.

(3) With the approval of the director, a bank may acquire another financial institution in Nebraska as the result of a purchase or merger pursuant to section 8-1516. Any detached branch banks established and maintained by a bank pursuant to a purchase or merger under section 8-1516 shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. If the acquired institution is in a Class I county or in a Class III county, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain a mobile branch bank and detached branches to the same extent that the acquired institution could have established and maintained a mobile branch bank and detached branches as provided in ~~subdivision~~ subdivisions (2)(b) and (2)(f) of this section or section 8-345.02 if the purchase or merger had not occurred. If the acquired institution is in a Class II county and it has not established a mobile branch bank and twelve or nine detached branches as permitted by subdivision (2)(c)(ii)(A) or (2)(c)(ii)(B) of this section, respectively, and subdivision (2)(f) of this section or section 8-345.02, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain a mobile branch bank and detached branch banks to the same extent that the acquired institution could have established and maintained a mobile branch bank and detached branches as provided in ~~subdivision~~ subdivisions (2)(c) and (2)(f) of this section or section 8-345.02 if the purchase or merger had not occurred. If the acquired institution is in a Class IV county and it has not established a mobile branch bank and six detached branches as permitted by ~~subdivision~~ subdivisions (2)(d) and (2)(f) of this section or section 8-345.02, following a purchase or merger pursuant to this subsection the acquiring bank may establish and maintain a mobile branch bank and detached branches to the same extent that the acquired

institution could have established and maintained a mobile branch bank and detached branches as provided in ~~subdivision~~ subdivisions (2)(d) and (2)(f) of this section or section 8-345.02 if the purchase or merger had not occurred. Regardless of the date of acquisition of such financial institution or whether the acquired financial institution was state-chartered or federally chartered, the acquired institution shall be deemed for purposes of this subsection to have been permitted to establish and maintain a mobile branch bank and detached branches solely to the extent permitted to state-chartered financial institutions under subsection (2) of this section or under section 8-345.02 at the time of establishment of a new mobile branch bank or detached branch. For purposes of this subsection, financial institution or institution means a bank, savings bank, building and loan association, or savings and loan association organized under the laws of this state or organized under the laws of the United States to do business in this state.

(4) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached branch of another financial institution in Nebraska if:

(a) The acquired detached branch has been established, maintained, and operated for more than eighteen months; and

(b) The acquired detached branch is converted to a detached branch bank of the acquiring bank.

All banking transactions allowed by law may be made at a detached branch acquired pursuant to this subsection. Such detached branches shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section. The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate the mobile branch bank and all of the detached branch banks of the acquired bank as a mobile branch bank and detached branch banks of the acquiring bank.

For purposes of this subsection, financial institution means a bank, savings bank, building and loan association, or savings and loan association organized under the laws of this state or organized under the laws of the United States to do business in this state.

(5) With the approval of the director, a bank may acquire the assets and assume the deposits of a detached branch bank of another bank in Nebraska or acquire the assets and assume the deposits of an eligible savings association acquired by another bank in Nebraska pursuant to section 8-1515 if:

(a) The acquired detached branch bank or eligible savings association is converted to a detached branch bank of the acquiring bank; and

(b) The detached branch bank or the eligible savings association to be acquired was operated, established, and maintained as an eligible savings association at its existing location prior to August 9, 1989, and was maintained at such location on such date.

All banking transactions allowed by law may be made at a detached branch bank acquired pursuant to this subsection. Such detached branch banks shall not count against the number of locations of detached branch banks permitted under subdivisions (2)(c) and (2)(d) of this section.

The restrictions contained in this subsection shall not limit the authority of a bank to acquire another bank and to continue to operate the mobile branch bank and all of the detached branch banks of the acquired bank as a mobile branch bank and detached branch banks of the acquiring bank. The detached branch bank or eligible savings association acquired as a detached branch bank under this subsection and section 8-1515 shall continue to be entitled to establish and maintain such branches as it could have established and maintained if such acquisition had not occurred. Regardless of the date of acquisition of such detached branch bank or eligible savings association or whether the acquired detached branch bank or eligible savings association was state-chartered or federally chartered, the acquired detached branch bank or eligible savings association shall be deemed for purposes of this subsection to have been permitted to establish and maintain a mobile branch bank and detached branches solely to the extent permitted to state-chartered financial institutions under subsection (2) of this section or under section 8-345.02 at the time of establishment of a new mobile branch bank or detached branch.

(6) With the approval of the director, a bank may acquire a branch of a savings association which is a successor to an eligible savings association if such acquisition occurs within ninety days of the date the successor savings association acquired the eligible savings association and the branch is converted to a detached branch bank of the acquiring bank. The detached branch of an eligible savings association acquired as a detached branch bank under this subsection and section 8-1515 shall continue to be entitled to establish and maintain a mobile branch bank and such branches as it could have established and maintained if such acquisition had not occurred. Regardless of the date of acquisition of such detached branch of an eligible savings association or whether the acquired detached branch of an eligible savings association was state-chartered or federally chartered, the acquired detached branch of an eligible savings association shall be deemed for purposes of this subsection to have been permitted to establish and maintain a mobile branch bank and detached branches solely to the extent permitted to state-chartered financial institutions under section 8-345.02 at the time of establishment of a new mobile branch bank or detached branch.

(7) With the approval of the director and subject to the limitations specified in this subsection, a single bank may establish one detached branch bank within the corporate limits of any municipality in which a financial institution has closed and ceased doing business within the preceding two years if no other financial institution operates an office within such municipality. If thirty days or less have elapsed since the financial institution ceased operation, the director shall only approve the establishment of a detached branch bank by a bank which has its place of business, as specified in its charter, in the same county as or in a contiguous county to the county in which such municipality is located. If more than thirty days have elapsed since the financial institution ceased operation, the director may approve the establishment of a detached branch bank by any bank located within Nebraska.

For purposes of this subsection:

(a) An unattended automatic teller machine shall not be deemed to be an office operated by a financial institution; and

(b) Financial institution ~~shall mean~~ means a bank, savings bank, building and loan association, savings and loan association, industrial loan and investment company, credit union, or other institution offering automatic teller machine transactions.

(8) The name given to any detached branch bank established and maintained pursuant to this section shall not be substantially similar to the name of any existing bank or branch bank which is unaffiliated with the newly created detached branch bank and is located in the same municipality. The name of such newly created detached branch bank shall be approved by the director.

(9) A bank which has a main chartered office or an approved branch bank located in the State of Nebraska may, through any of its executive officers, including executive officers licensed as such pursuant to section 8-139, or designated agents, conduct a loan closing at a location other than the place of business specified in the bank's charter or any detached branch thereof. The director may adopt and promulgate rules and regulations to implement the provisions of this section.

(10) A bank which has a main chartered office or approved branch office located in the State of Nebraska may, upon notification to the department, establish savings account programs at any elementary or secondary school, whether public or private, located in the same city or village as the main chartered office or branch office of the bank, or, if the main office of the bank is located in an unincorporated area of a county, at any school located in the same unincorporated area. The savings account programs shall be limited to the establishment of individual student accounts and the receipt of deposits for such accounts.".

2. On page 1, line 2; and page 10, line 4, ", as amended by section 1, Legislative Bill 56, Ninety-fifth Legislature, First Session, 1997, and section 9, Legislative Bill 351, Ninety-fifth Legislature, First Session, 1997" has been inserted after "1996".

Enrollment and Review Change to LB 771

The following changes, required to be reported for publication in the Journal, have been made:
ER9055

1. On page 1, line 3, "payments and" has been struck.

Enrollment and Review Change to LB 772

The following changes, required to be reported for publication in the Journal, have been made:
ER9053

1. On page 3, line 25, the underscored period has been struck.

Enrollment and Review Change to LB 802

The following changes, required to be reported for publication in the Journal, have been made:
ER9058
1. In the Standing Committee amendments, AM0842, on page 7, line 16, "cost" has been struck and "costs" inserted.

Enrollment and Review Change to LB 852

The following changes, required to be reported for publication in the Journal, have been made:
ER9057
1. In the Standing Committee amendment, AM0798, on page 1, line 13, "who" has been struck and "which" inserted.
2. On page 1, line 3, "background" has been struck and "history record information" inserted.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 864:
FA197

Page 14, line 11, after "43-512," add the following:

in the food stamp assistance program administered by the State of Nebraska pursuant to the federal Food Stamp Act,

Page 14, line 24, after "law." add the following new section:

(2) Individuals eligible for food stamp assistance under this section shall receive a state voucher which can be used only for food products authorized under the federal Food Stamp Act, in the amount of the food stamp benefit for which this individual was otherwise eligible but for the citizenship provisions of Pub.L. No. 104-193, 110 Stat. 2105 (1996)

Mrs. Robak filed the following amendment to LB 401:
AM1727

(Amendments to Standing Committee amendments, AM1315)

1. Insert the following new sections:

"Sec. 2. Section 77-2716, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, estate, or trust, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual, estate, or trust or for a partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code of 1986, as amended, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income, or, for a fiduciary, federal taxable income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code of 1986, as amended or from a limited liability company organized pursuant to the Limited Liability Company Act that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code of 1986, as amended.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986, as amended, that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code of 1986, as amended; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code of 1986, as amended.

(8) Federal adjusted gross income shall be modified to exclude the amount received by an individual as a qualified federal governmental pension. This modification shall be limited to the maximum excludable social security benefits, reduced by the social security benefits, as defined in section 86(d) of the Internal Revenue Code of 1986, as amended, and any amount of a qualified federal governmental pension which were excluded from gross income. The exclusion shall not be applicable until the year the federal annuitant or survivor is sixty-five years of age on the first day of the calendar year.

For purposes of this subsection:

(a) Applicable maximum benefit amount means (i) for an unmarried individual, including one filing as a head of household, the maximum individual social security benefit, (ii) for a married individual filing a joint return, one hundred fifty percent of the maximum individual social security benefit, or (iii) for a married individual filing a separate return, seventy-five percent of the maximum individual social security benefit;

(b) Maximum excludable social security benefit means an amount which would be excluded from gross income if the applicable maximum benefit amount were treated as social security, as defined in section 86(d) of the Internal Revenue Code of 1986, as amended, received during the taxable year;

(c) Maximum individual social security benefit means the maximum total amount, as certified by the Secretary of Health and Human Services, which could be paid for all months in the calendar year ending in the taxable year of old-age insurance under 42 U.S.C. 402(a), without regard to any reduction, deduction, or offset under 42 U.S.C. 402(k) or 403, to any individual who has attained sixty-five years of age and filed application for the benefit, on the first day of the calendar year; and

(d) Qualified federal governmental pension means any pension or annuity received under federal civil service or military retirement systems to the extent the pension or annuity is not attributable to service which constitutes employment for purposes of the Federal Insurance Contributions Act or which is covered by an agreement made pursuant to 42 U.S.C. 418.

Sec. 4. This act is operative for all taxable years beginning or deemed to begin on or after January 1, 1997, under the Internal Revenue Code of 1986, as amended.".

2. On page 5, line 6, after "77-2715.02" insert ", 77-2716,".

3. Renumber the remaining sections accordingly.

ANNOUNCEMENT

Mr. Beutler announced the Natural Resources Committee will hold a public hearing and executive session Tuesday, April 29, 1997, at 8:00 a.m., in Room 1517.

GENERAL FILE

LEGISLATIVE BILL 806. The third Standing Committee amendment is as follows:
FA191
(Section 20 -- which addresses the process of considering petitions with respect to freeholdings in the school district.)

Mr. Bromm renewed his pending amendment, AM1527, found on page 1565, to the third Standing Committee amendment.

Mr. Bromm asked unanimous consent to replace his pending amendment, AM1527, found on page 1565, with a substitute amendment. No objections. So ordered.

Mr. Bromm withdrew his amendment, AM1527, found on page 1565.

Messrs. Bromm, Wickersham, Mmes. Bohlke, and McKenzie offered the following substitute amendment to the third Standing Committee amendment:
AM1755

(Amendments to FA191)

1. On page 30, line 27, after "twelve" insert "for two consecutive years".

2. On page 31, lines 1 to 3, strike the new matter and insert "and (b) the district has voted to exceed the maximum levy established pursuant to subdivision (2)(a) of section 77-3442 for any fiscal year beginning on or after fiscal year 1998-99"; and strike beginning with the underscored period in line 18 through "district" in line 22.

3. On page 32, lines 7 to 9, strike the new matter and insert "and the district has voted to exceed the maximum levy established pursuant to subdivision (2)(a) of section 77-3442 for any fiscal year beginning on or after fiscal year 1998-99".

Ms. Schimek and Mr. Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

The Bromm et al. amendment was adopted with 30 ayes, 1 nay, 12 present and not voting, and 5 excused and not voting.

Mr. Withem withdrew his motion, found on page 1644, to vote on the adoption of the committee amendment (FA191) to LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem withdrew his motion, found on page 1681, to suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the adoption of FA191 to LB 806, without further amendment, motion or debate.

Mrs. Bohlke offered the following amendment to the third Standing Committee amendment:
FA198

Amend FA191:

In Section 20, line 27, strike "twenty-five" and insert "seventy-five" before the word "pupils"

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Bohlke withdrew her amendment.

The third Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Wesely and Mrs. C. Peterson filed the following amendment to LB 798:
AM1612

(Amendments to AM1353)

1. Insert the following new section:

"Sec. 10. Section 71-5818.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-5818.01. Rehabilitation facility ~~shall mean~~ means an inpatient facility which is operated for the primary purpose of assisting in the rehabilitation of disabled persons through an integrated program of medical and other services which are provided under professional supervision.".

2. On page 3, line 1, strike "and"; in line 2 strike the underscored period, reinstate the first stricken comma, and after the reinstated comma insert "and"; in line 4 reinstate "rehabilitation facilities" and after the reinstated matter insert an underscored period.

3. On page 19, line 2, after "71-5816," insert "71-5818.01,"; and in line 10 strike "71-5818.01,".

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Wesely and Mrs. C. Peterson filed the following amendment to LB 798:
AM1613

(Amendments to AM1353)

1. Insert the following new section:

"Sec. 3. Section 71-5804, Reissue Revised Statutes of Nebraska, is amended to read:

71-5804. Ambulatory surgical center ~~shall have the definition found~~ has the same meaning as in section 71-2017.01.".

2. On page 1, line 12, reinstate "71-5804 to" and strike

"71-5806 to".

3. On page 3, line 1, strike "and"; and in line 2 strike the underscored period, reinstate ", ambulatory surgical centers", after the reinstated comma insert "and", and after the reinstated "centers" insert an underscored period.

4. On page 19, line 1, after the second comma insert "71-5804,"; and in line 8 strike "71-5804,".

5. Renumber the remaining sections and correct internal references accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 119. Introduced by Tyson, 19.

WHEREAS, Mari Bonner has won the State Arbor Day Poster Contest; and

WHEREAS, Mari Bonner is the daughter of Kelvin and Sandra Bonner of rural Madison; and

WHEREAS, Mari's poster celebrates Arbor Day's 125th Anniversary with the theme, "Trees are Terrific and Arbor Day's 125th Anniversary is Too."; and

WHEREAS, Mari has won a $50 savings bond and her poster will compete on the national level, representing the State of Nebraska; and

WHEREAS, Mari is a fifth grade student of District 97 in Madison County; and

WHEREAS, District 97 is a Class I School District with six fifth grade students; and

WHEREAS, in celebration of Mari's win the students of her class have planted a Prairie Fire Crab Tree in the school yard.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations, appreciation, and best wishes to Mari Bonner.
2. That a copy of this resolution be sent to Mari Bonner.

Laid over.

LEGISLATIVE RESOLUTION 120. Introduced by Tyson, 19.

WHEREAS, Staci Bonner has been chosen the Nebraska State Winner in the Zanner-Bloser National Handwriting Contest; and

WHEREAS, the national contest had over 180,000 contestants; and

WHEREAS, Staci Bonner will now compete with other state winners at the national level; and

WHEREAS, Staci Bonner has won a fountain pen in recognition of her achievement; and

WHEREAS, Staci Bonner is the daughter of Kevin and Marcia Bonner of rural Madison; and

WHEREAS, Staci Bonner is a fifth grade student of District 97 in

Madison County; and

WHEREAS, District 97 is a Class I school district taught by Ms. Janet Petersen, with six 5th graders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations, appreciation, and best wishes to Staci Bonner.
2. That a copy of this resolution be sent to Staci Bonner.

Laid over.

VISITORS

Visitors to the Chamber were 60 fourth grade students and teachers from St. Gerald's School, Ralston; Nicole Pepperl, Libby and Mollie Fischer from Lincoln; 9 4-H members and sponsor from across Nebraska; 52 fourth grade students and teachers from Centennial Elementary School, Utica; former Senator Cliff Foster from Kearney; Julie and Tom Evnen, Bert and Fred Gay, Gwyn Evans, Tom Kooch, and Alex Levitov from Lincoln; 34 fourth grade students and teachers from Westmont Elementary School, Omaha; and Jeanne Williams, Roger Nygaard, and Bob Rye from Grand Island.

RECESS

At 11:46 a.m., on a motion by Mrs. Bohlke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:34 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mr. Matzke who was excused; and Messrs. Abboud, Dierks, Kristensen, Landis, Maurstad, D. Pederson, Robinson, Wehrbein, Wesely, Will, and Mrs. Witek who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 806. The first Standing Committee amendment, FA189, found on page 1641 and considered later, was renewed.

Mr. Bromm asked unanimous consent to replace his pending amendment, AM1652, found on page 1614, with a substitute amendment. No objections. So ordered.

Mr. Bromm withdrew his amendment, AM1652, found on page 1614.

Mrs. Bohlke, Messrs. Bromm, and Wickersham offered the following substitute amendment to the first Standing Committee amendment:
AM1754

(Amendments to FA189)

1. Strike sections 2, 22, and 23 and insert the following new sections:

"Section 1. Section 77-3444, Reissue Revised Statutes of Nebraska, is amended to read:

77-3444. (1) A political subdivision, other than a Class I school district, may exceed the limits provided in section 77-3442 by an amount approved by a majority of registered voters voting in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits provided in section 77-3442 must be approved prior to September 30 of the fiscal year which is to be the first to exceed the limits. The governing body of the political subdivision may call for the submission of the issue to the voters (a) by passing a resolution calling for exceeding the limits by a vote of at least two-thirds of the members of the governing body and delivering a copy of the resolution to the county clerk or election commissioner of every county which contains all or part of the political subdivision or (b) upon receipt of a petition by the county clerk or election commissioner of every county containing all or part of the political subdivision requesting an election signed by at least five percent of the registered voters residing in the political subdivision. The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in section 77-3442 and the duration of the excess levy. The excess levy shall not have a duration greater than five years. The county clerk or election commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least thirty days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act. Any excess levy approved under this section shall terminate pursuant to its terms, on a vote of the governing body of the political subdivision to terminate the authority to levy more than the limits, or at the end of the fourth fiscal year following the first year in which the levy exceeded the limit, whichever is earliest.

(2) In lieu of the election procedures in subsection (1) of this section, any political subdivision, other than a Class I school district, subject to section 77-3443 and villages may approve a levy in excess of the limits in section 77-3442 or the allocation provided by the county board in section 77-3443 for a period of one year at a meeting of the residents of the political subdivision or village, called after notice is published in a newspaper of general circulation in the political subdivision or village at least twenty days prior to the meeting. At least ten percent of the registered voters residing in the political subdivision or village shall constitute a quorum for purposes of

taking action to exceed the limits. If a majority of those casting votes at the meeting vote in favor of exceeding the limits, a copy of the record of that action shall be forwarded to the county board prior to September 30 and the county board shall authorize a levy as approved by the residents for the year.

(3) For purposes of this section, when the political subdivision is a sanitary and improvement district, registered voter means a person qualified to vote as provided in section 31-735. Any election conducted under this section for a sanitary and improvement district shall be conducted and counted as provided in sections 31-735 to 31-735.06.

Sec. 23. Beginning with the 1998-99 school year, each Class I school district shall have designated for it a primary high school district. The primary high school district shall be the one Class II, III, IV, V, or VI school district with which the greatest share of the Class I district's assessed valuation is affiliated or a part of as of December 1, 1997.

Sec. 24. Beginning with the 1998-99 school year, general fund budgets in Class I school districts shall be prepared and adopted as follows:

(1) If the primary high school district is a Class VI district, the Class I district's budget shall be prepared and adopted by the school board of such Class VI district in accordance with the Nebraska Budget Act and other laws;

(2) If the primary high school district is not a Class VI district, the Class I district's budget shall be prepared and certified as follows:

(a) The State Department of Education shall calculate the total general fund budget of expenditures for each such Class I school district as follows:

(i) The general fund budget of expenditures for the Class I district in the year immediately preceding the year for which the budget is prepared shall be divided by the formula students in the Class I district, as determined pursuant to section 79-1003, and the result shall be increased by the applicable allowable growth rate for the Class I district for the ensuing school year calculated pursuant to section 79-1026;

(ii) The kindergarten through grade eight portion of the general fund budget of expenditures from the primary high school district in the year immediately preceding the year for which the budget is prepared shall be determined by application of the grade weighting factors contained in subsection (1) of section 33 of this act, using the formula students as calculated pursuant to section 79-1003 in the primary high school district, and the result shall be divided by the kindergarten through grade eight formula students as calculated pursuant to section 79-1003 in the primary high school district. The result shall be increased by the applicable allowable growth rate for the primary high school district for the ensuing school year calculated pursuant to section 79-1026;

(iii) The amounts calculated in subdivisions (2)(a)(i) and (2)(a)(ii) of this section shall be summed and the result divided by two to arrive at the budget per pupil for the Class I district; and

(iv) The budget per pupil for the Class I district shall be multiplied by the formula students for the Class I district calculated pursuant to section 79-1003 as used by the department for certification of the ensuing school year's state aid, and the result shall be the general fund budget of expenditures for the Class I school district for the ensuing school year;

(b) The school board of the Class I district may, prior to July 1 of each year beginning in 1998, submit a request to all the school boards of the high school district or districts with which it is affiliated or of which it is a part. The budget shall be approved by high school districts whose combined territory comprises at least two-thirds of the assessed valuation of the Class I district. The high school district including the largest percentage of the Class I district's valuation shall be one of the high school districts which approves the Class I district's budget. Such request shall be for authorizing a general fund budget for the Class I district greater than that calculated in subdivision (2)(a) of this section. Such request shall specify the total general fund budget of expenditures for which the Class I board of education seeks authority. If the school boards of all the high school districts specified in this subdivision agree, through adoption of resolutions in each such high school district certified to the primary high school district and to the department not later than September 1, the requested Class I general fund budget of expenditures shall be the general fund budget of expenditures for the Class I school district for the ensuing school year;

(3) The Class I budget of expenditures prepared pursuant to subdivision (2)(a) or (2)(b) of this section shall be the official general fund budget of the Class I district by operation of law without further action on the part of the primary high school district or of the Class I district;

(4) Except as specified in this subdivision, nothing in this section shall be construed to limit the authority of Class I districts to budget special building funds pursuant to section 79-1098, hazardous materials abatement or accessibility barrier elimination funds pursuant to section 79-10,110, property tax reimbursement funds pursuant to section 13-504, or bond retirement funds pursuant to Chapter 10 as follows:

(a) Beginning with the 1998-99 school year, the special building fund for Class I districts authorized in section 79-1098 is limited to one-half of the maximum tax levy established by law for the special building fund of high school districts as specified in section 79-10,120; and

(b) Beginning with the 1998-99 school year, the hazardous materials abatement or accessibility barrier removal fund for Class

I districts authorized in section 79-10,110 is limited to one-half of the maximum tax levy established by law for such fund in high school districts as specified in section 79-10,110; and

(5) The Class I district general fund budget of expenditures calculated pursuant to this section shall be certified by the department to the board secretary of the Class I district, the board secretary of the primary high school district, the county superintendent of the county or counties in which the Class I district and primary high school district are headquartered, and the county clerk of the county or counties in which the Class I district and primary high school district are headquartered. Such certification shall be made on or before December 1 of 1997 for the 1998-99 school year and on or before each December 1 thereafter.

Sec. 25. Notwithstanding any other provision of law, beginning September 1, 1998, Class I districts shall receive all of their general fund revenue as follows:

(1) All funds, from whatever source, including, but not limited to, transfers from other funds in the Class I district which would otherwise be receipted into the general fund of a Class I district, shall be paid to the primary high school district of the Class I district. Such primary high school district shall receipt such funds into the Class I district support fund, which fund is hereby authorized;

(2) Except as provided in this subdivision, the primary high school district shall, on or before the last business day of each month beginning with September of 1998, distribute from its Class I support fund to each Class I district for which such district is the primary high school district, an amount equal to one-twelfth of the total general fund budget of expenditures for such Class I district for that fiscal year as follows:

(a) The total funds distributed to each Class I district from the Class I support fund each fiscal year shall be reduced by the total fund balance of the Class I general fund on August 31 of the school fiscal year preceding the one in which the funds are distributed; and

(b) During any time that the Class I district is having funds withheld pursuant to sections 79-528, 79-1035, 79-1089, or another law, the primary high school districts shall make no distributions to the Class I district from the Class I district support fund; and

(3) The primary high school district shall transfer funds from its general fund into the Class I support fund as necessary to maintain the payments required by this section. Such transfers shall not be considered general fund expenditures in the primary high school district for purposes of the Nebraska Budget Act or for purposes of the Tax Equity and Educational Opportunities Fund.".

2. On page 53, lines 4 and 5, strike "and" through "district".

3. On page 74, line 14; page 75, lines 6 and 7 and 24;

and page 80, line 24, strike all occurrences of "or subdistrict".

4. On page 74, line 27, strike the second "or the".

5. On page 75, line 1, strike "subdistrict's"; and in line 9 strike "or subdistrict's".

6. On page 92, line 24, after "each" insert "local systems and"; and in lines 24 and 25 reinstate the stricken matter and strike the new matter.

7. Amend the repealer section, renumber the remaining sections, and correct internal references accordingly.

Messrs. Vrtiska, Hartnett, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, “Shall the debate now close?” The motion failed with 9 ayes, 10 nays, and 29 not voting.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Bohlke et al. amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 590. Placed on Select File as amended.
(E & R amendment, AM7146, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 314. Placed on Select File as amended.
E & R amendment to LB 314:
AM7144

1. Because of the passage of LB 5, on page 1, lines 9 and 10, and page 12, line 24, strike "81-8,106, 81-8,107, 81-1308, 81-1309, 81-1310,".

2. On page 8, line 12, after "government" insert "that"; in line 15 after "agencies" insert "that"; and in line 24 after "state" insert "that".

LEGISLATIVE BILL 608. Placed on Select File as amended.
E & R amendment to LB 608:

AM7147

1. On page 1, line 4, after the second comma insert "71-2411,"; and in line 10 after the first semicolon insert "to redefine institution in the Emergency Box Drug Act;".

2. On page 16, line 9, strike "shall", show as stricken, and insert "does"; and in lines 9 and 10 strike "be construed to" and show as stricken.

3. On page 18, line 21; and page 26, line 11, strike "shall", show as stricken, and insert "does".

4. On page 31, line 21, strike "and regulations" and insert ", regulations, and standards".

5. On page 44, line 15, strike "30-2628" and insert "30-2627".

LEGISLATIVE BILL 658. Placed on Select File as amended.
E & R amendment to LB 658:
AM7142

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 71-3505, Reissue Revised Statutes of Nebraska, is amended to read:

71-3505. Matters relative to radiation as they relate to occupational and public health and safety and the environment shall be a responsibility of the department. The ~~Department of Health and Human Services Regulation and Licensure~~ department shall:

(1) Develop comprehensive policies and programs for the evaluation and determination of undesirable radiation associated with the production, use, storage, or disposal of radiation sources and formulate, adopt, promulgate, and repeal rules and regulations which may provide (a) for registration or licensure under section 71-3507 or 71-3509 and (b) for registration or licensure of (i) any other source of radiation, (ii) persons providing services for collection, detection, measurement, or monitoring of sources of radiation, including, but not limited to, radon and its decay products, (iii) persons providing services to reduce the effects of sources of radiation, and (iv) persons practicing medical radiography, as specified by rule or regulation so as to reasonably protect occupational and public health and safety and the environment in a manner compatible with regulatory programs of the federal government. The department for identical purposes may also adopt and promulgate rules and regulations for the issuance of licenses, either general or specific, to persons for the purpose of using, manufacturing, producing, transporting, transferring, receiving, acquiring, owning, or possessing any radioactive material. Such rules and regulations may prohibit the use of radiation for uses found by the department to be detrimental to occupational and public health or safety or the environment and shall carry out the purposes and policies set out in sections 71-3501 and 71-3502. Such rules and regulations shall not prohibit

or limit the kind or amount of radiation purposely prescribed for or administered to a patient by doctors of medicine and surgery, dentistry, osteopathic medicine, chiropractic, podiatry, and veterinary medicine, while engaged in the lawful practice of such profession, or administered by other professional personnel, such as allied health personnel, medical radiographers, limited radiographers, nurses, and laboratory workers, acting under the supervision of a licensed practitioner. Violation of rules and regulations adopted and promulgated by the department pursuant to the Radiation Control Act shall be due cause for the suspension, revocation, or limitation of a license issued by the department. Any licensee may request a hearing before the department on the issue of such suspension, revocation, or limitation. Procedures for notice and opportunity for a hearing before the department shall be pursuant to the Administrative Procedure Act. The decision of the department may be appealed, and the appeal shall be in accordance with the Administrative Procedure Act;

(2) Inform the council of any such rules and regulations at least thirty days prior to their adoption and consider any recommendations of the council;

(3) Have the authority to accept and administer loans, grants, or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the federal government and from other sources, public or private;

(4) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to the control of sources of radiation;

(5) Collect and disseminate health education information relating to radiation protection;

(6) Make its facilities available so that any person or any agency may request the department to review and comment on plans and specifications of installations submitted by the person or agency with respect to matters of protection and safety for the control of undesirable radiation;

(7) Be empowered to inspect radiation sources and their shieldings and surroundings for the determination of any possible undesirable radiation or violations of rules and regulations adopted and promulgated by the department and provide the owner, user, or operator with a report of any known or suspected deficiencies; and

(8) Collect a fee for emergency response or environmental surveillance, or both, offsite from each nuclear power plant equal to the cost of completing the emergency response or environmental surveillance and any associated report. In no event shall the fee for any nuclear power plant exceed the lesser of the actual ~~annual~~ costs of such activities or fifty-three thousand dollars per annum. Commencing July 1, 1997, the accounting division of the Department of Administrative Services shall recommend an inflationary adjustment equivalent which shall be based upon the Consumer Price

Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics, and shall not exceed five percent per annum. Such adjustment shall be applied to the annual fee for nuclear power plants. ~~thirty-six thousand dollars.~~ The fee collected shall be credited to the Department of Health and Human Services Regulation and Licensure Cash Fund. This fee ~~and~~ shall be used solely for the purpose of defraying the direct costs of the emergency response and environmental surveillance at Cooper Nuclear Station and Fort Calhoun Station conducted by the department. The department may charge additional fees when mutually agreed upon for services, training, or equipment that are a part of or in addition to matters in this section.

Sec. 2. Original section 71-3505, Reissue Revised Statutes of Nebraska, is repealed.".

LEGISLATIVE BILL 702. Placed on Select File as amended.
E & R amendment to LB 702:
AM7143

1. In the Beutler amendment, AM1725, on page 1, line 3, after the first comma insert "the"; and in line 5 after "laws" insert an underscored period.

2. On page 2, lines 26 and 27, reinstate the stricken comma.

LEGISLATIVE BILL 724. Placed on Select File as amended.
E & R amendment to LB 724:
AM7145

1. On page 2, strike beginning with "School" in line 11 through "Nebraska" in line 12 and insert "retirement system"; and in line 15 strike the comma.

(Signed) Jon C. Bruning, Chairperson

GENERAL FILE

LEGISLATIVE BILL 806. Mr. Wickersham withdrew his amendments, AM1667, AM1647, AM1649, AM1679, AM1695, and AM1722, found on pages 1615, 1616, 1620, 1643, and 1660.

Mr. Cudaback withdrew his amendment, AM1698, found on page 1644.

Mr. Withem withdrew his motion, found on page 1644, to vote on the adoption of the committee amendment (FA189) to LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem withdrew his motion, found on page 1681, to suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the adoption of FA189 to LB 806, without further amendment, motion or debate.

Mr. Jones withdrew his amendment, AM1706, found on page 1655.

The first Standing Committee amendment, FA189, as amended, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

The fourth Standing Committee amendment is as follows:
FA192
(Sections 1, 24 - 50, and 59 - 61 -- which changes the Tax Equity and Educational Opportunities Act.)

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

MR. BRASHEAR PRESIDING

Mrs. Robak renewed her pending amendment, AM1380, found on page 1460, to the fourth Standing Committee amendment.

Messrs. Bruning, Abboud, and Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Robak moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 28 not voting.

Mrs. Robak requested a roll call vote on her amendment.

Voting in the affirmative, 14:

Bromm
Coordsen
Dierks
Hudkins
Janssen
Jones
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska

Voting in the negative, 26:

Beutler
Bohlke
Brashear
Brown
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Jensen
Kiel
Kristensen
Landis
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schimek
Suttle
Wehrbein
Wesely
Wickersham
Witek
Withem

Present and not voting, 1:

Lynch

Absent and not voting, 1:

Chambers

Excused and not voting, 6:

Abboud
Matzke
Maurstad
Preister
Will
Bruning

The Robak amendment lost with 14 ayes, 26 nays, 1 present and not voting, 1 absent and not voting, and 6 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Dierks filed the following amendment to LB 806:
AM1761

(Amendments to FA192)

1. On page 72, line 19, strike "subdivision (2)" and insert "subdivisions (2), (3), and (4)".

2. On page 73, line 2, strike "the difference of"; and strike beginning with "minus" in line 3 through "77-3444" in line 9; and after line 9 insert the following new subdivisions:

"(3) No system may receive state aid for school year 1998-99 which, when added to a levy of one dollar multiplied by the system's adjusted valuation divided by one hundred, would result in total system revenue from state aid and taxes which exceeds one hundred percent of the total of state aid and taxes received by the system during the previous school year. This subdivision shall not apply to any system whose total state aid for school year 1998-99 is less than the amount of state aid certified to the system for the previous school year.

(4) No system may receive state aid for school year 1999-2000 and each school year thereafter which, when added to a levy of one dollar multiplied by the system's adjusted valuation, would result in total system revenue from state aid and taxes which exceeds one hundred percent plus the applicable allowable growth rate for the system calculated pursuant to section 79-1026 of the total of state aid and taxes received by the system during the previous school year. This subdivision does not apply to any system whose total state aid for school year 1999-2000 and each school year thereafter is less than the amount of state aid certified to the system for the previous school year.".

Mrs. Stuhr filed the following amendment to LB 806:
AM1771

(Amendments to FA192)

1. On page 65, line 12, after the semicolon insert

"and"; and strike beginning with the semicolon in line 17 through line 27 and insert an underscored period.

2. On page 66, strike lines 1 through 11.

Mr. Bromm and Mrs. McKenzie filed the following amendment to LB 851:
AM1678

(Amendments to Final Reading copy)

1. Strike section 5.

2. On page 1, line 10, strike "and the State Department of Education".

3. On page 2, lines 14 and 20; and page 8, lines 2, 15, and 25, strike "5, 8, 10, and 11" and insert "7, 9, and 10".

4. On page 2, lines 18 and 19, strike the new matter.

5. On page 3, strike beginning with "Qualified" in line 20 through "(7)" in line 28.

6. On page 4, line 12, strike "(8)" and insert "(7)".

7. On page 7, strike beginning with "(1)" in line 4 through "(3)" in line 27; and in line 27 strike "commission" and insert "Commission for the Deaf and Hard of Hearing".

8. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 94, 94A, 624, 659, and 758.

Enrollment and Review Change to LB 624

The following changes, required to be reported for publication in the Journal, have been made:
ER9051

1. In the Wickersham amendment, AM1452, section 32 has been renumbered as section 31.
2. In the E & R amendments, AM7131:
   a. On page 10, line 23, "and" has been struck and shown as stricken;
   b. On page 21, line 9, "24-708," has been inserted after "sections"; and in line 10 "79-978," has been struck; and
   c. On page 22, line 8, "79-978," has been struck.
3. On page 1, line 12, "death benefits," has been inserted after "benefits,".
4. On page 4, line 21, the new matter has been struck and an underscored semicolon inserted; and in line 22 the semicolon has been struck and shown as stricken.
5. On page 22, line 6, "and" has been struck and shown as stricken;
6. On page 71, line 17, "(3)" has been struck and "(4)" inserted.
7. On page 77, line 27, "shall be" has been inserted before "completed".

(Signed) Jon C. Bruning, Chairperson

VISITORS

Visitors to the Chamber were 88 fourth grade students and teachers from Willowdale Elementary School, Omaha; 65 kindergarten through sixth grade students and teachers from Riverview District #5 School, District #4-M School, Richland District #14 School, Garfield County; and 50 fourth grade students and teachers from Belair Elementary School, Norfolk.

ADJOURNMENT

At 6:06 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, April 29, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

OF THE

STATE OF NEBRASKA

Volume 2

NINETY-FIFTH LEGISLATURE
FIRST SESSION

1997

Convened January 8, 1997 Adjourned June 12, 1997

LINCOLN, NEBRASKA

Compiled

Under the Authority of the Legislature

by

PATRICK J. O'DONNELL, CLERK

SIXTY-FIFTH DAY – APRIL 29, 1997

LEGISLATIVE JOURNAL

SIXTY-FIFTH DAY - APRIL 29, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, April 29, 1997

Pursuant to adjournment, the Legislature met at 9:01 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor John Harrington, New Covenant Community Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Coordsen, Hilgert, Kristensen, Dw. Pedersen, Schrock, Wehrbein, Wesely, Will, Withem, and Mrs. Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fourth day was approved.

GENERAL FILE

LEGISLATIVE BILL 806. Mrs. Robak moved to bracket until May 19, 1997.

Mrs. Robak withdrew her motion to bracket.

The fourth Standing Committee amendment, FA192, found on page 1710, was renewed.

Mr. Withem withdrew his amendment, AM1389, found on page 1463.

Mr. Dierks renewed his pending amendment, AM1458, found on page 1510, to the fourth Standing Committee amendment.

Messrs. Coordsen, Dw. Pedersen, Robinson, Landis, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dierks withdrew his amendment.

Pending.

MOTIONS - Print in Journal

Mr. Beutler filed the following motion to LB 620:
Pursuant to Rule 3, Section 19(b) that LB 620 be placed on General File.

Mr. Beutler filed the following motion to LB 621:
Pursuant to Rule 3, Section 19(b) that LB 621 be placed on General File.

Mr. Beutler filed the following motion to LB 678:
Pursuant to Rule 3, Section 19(b) that LB 678 be placed on General File.

AMENDMENTS - Print in Journal

Mr. Robinson filed the following amendment to LB 269:
AM1746

(Amendments to Standing Committee amendments, AM1243)

1. Strike amendment 7 and insert the following new amendment:

"7. On page 63, line 5, strike 'and the director', show as stricken, and insert ', in consultation with the affected veterans service committees,'.".

Mr. Wickersham filed the following amendment to LB 806:
AM1772

(Amendments to FA192)

1. On page 67, strike beginning with "The" in line 15 through the period in line 19 and insert "(a) The department shall calculate the adjusted average formula cost per student in each cost grouping using the following calculations:

(i) The department shall first calculate an unadjusted average formula cost per student in each cost grouping by dividing the total estimated general fund expenditures for all local systems in the cost grouping by the total weighted formula students, prior to adjustment for the demographic factors listed in subdivision (3) of section 32 of this act, for all local systems in the cost grouping;

(ii) The department shall next determine the total number of students added to the cost grouping by the demographic factors listed in subdivision (3) of such section for all local systems in the cost grouping, to arrive at the number of additional demographic-factor students. The number of demographic-factor students shall be multiplied by .25, and the resulting product shall be multiplied by the unadjusted average formula cost per student for the cost grouping to obtain the total added cost factor;

(iii) The total added cost factor shall be subtracted from the total estimated general fund expenditures for all local systems in the cost grouping, and the resulting amount shall be divided by the total weighted formula students, prior to adjustment for the demographic factors listed in subdivision (3) of section 32 of this act, for all local systems in the cost groupings, to obtain the adjusted average formula cost per student in each cost grouping.

(b)"; and in line 23 strike "(a)" and insert "(i)" and strike "(b)" and insert "(2)".

2. On page 68, line 3, strike "(c)" and insert "(iii)"; in line 5 strike "(d)" and insert "(iv)"; in line 8 strike "(e)" and insert "(v)"; in line 10 strike "(f)" and insert "(vi)"; and in line 17 after "the" insert "adjusted".

Mr. Wickersham filed the following amendment to LB 806:
AM1689

(Amendments to Standing Committee amendments, AM1205)

1. Insert the following new section:

"Sec. 43. In calculating total adjusted valuation of all taxable property in the system under the Tax Equity and Educational Opportunities Support Act:

(1) The department shall calculate the mean statewide income per formula student;

(2) For any system in which system income per formula student varies by ten percent or more above or below the mean calculated pursuant to subdivision (1) of this section, the department, with the assistance of the Department of Revenue, shall determine for each such system the sources of income within the system and the uses of taxable property within the system. Income and adjusted valuation of taxable property within the system shall be categorized as commercial-industrial, agricultural, or other, and the percentage of income attributable to each category shall be calculated. For such systems, the percentage of adjusted valuation of taxable property in the system attributable to each such category shall be calculated; and

(3) If one such category of taxable property contains fifty percent or more of the total taxable property in the system and income in that category is ten percent or more below the statewide mean income per formula student, the department shall modify such system's system total adjusted valuation of all taxable property by multiplying the system's system total adjusted valuation of all taxable property by the quotient obtained by dividing system wealth per formula student by state wealth per formula student for such system. Such calculation shall be the system's system total adjusted valuation of all taxable property.".

2. On page 1, lines 21 and 22 and 23, strike "high

school district", show the old matter as stricken and insert "school system".

3. On page 46, line 19, strike "45" through "49" and insert "43, 46, and 48".

4. On page 53, line 19, after "(27)" insert "Net income means (a) all taxable and tax-exempt income as reflected in the taxpayer's federal income tax return for the tax year in question less (b) income from the sale of assets, payments for alimony, federal and state taxes, and one-half of self-employment taxes, as reflected in the taxpayer's federal income tax return for the tax year in question. If the taxpayer's income was negative, income shall be considered zero for purposes of the act;

(28)"; in line 22 strike "(28)" and insert "(29)"; and in line 25 strike "(29)" and insert "(30)".

5. On page 54, line 1, strike "(30)" and insert "(31)"; in line 4 strike "(31)" and insert "(32)"; in line 9 strike "(32)" and insert "(33)"; in line 10 strike "(33)" and insert "(34)"; and in line 13 strike "(34)" and insert

"(35) Statewide net income per formula student means the total obtained by adding together system net income per formula student for each system in the state;

(36) Statewide wealth per formula student means the total obtained by adding together system wealth per formula student for each system in the state;

(37) System net income per formula student means total net income for the system divided by the number of formula students in the system;

(38) System wealth per formula student means the total net income for the system plus the dollar amount of assessed valuation of taxable property in the system, divided by the number of formula students in the system;

(39)".

6. On page 55, line 5, strike "(35)" and insert "(40)".

7. Renumber the remaining sections and correct internal references accordingly.

Messrs. Kristensen, Coordsen, Landis, Hartnett, and Schellpeper filed the following amendment to LB 269:
AM1763

(Amendments to Standing Committee amendments, AM1243)

1. Insert the following new sections:

"Sec. 29. When a transfer of the assessment function has been made pursuant to section 77-1340, the county shall maintain, at no additional cost to the state, office and service facilities used for the office of the county assessor and assessment functions as such facilities existed at the time of the county board resolution authorizing a transfer. All furniture, computers, and equipment used by the county to perform the assessment function prior to the transfer shall remain the property of the county. All books, files, and similar records shall be transferred to the Property Tax Administrator.

Sec. 30. (1) On the date of employment transfer, all transferred employees shall immediately have the right to participate in the State Employees Retirement System of the State of Nebraska and shall have any retirement funds transferred from the retirement system of the county for which they work to the State Employees Retirement System as follows:

(a) For transferred employees who are transferring from a county which participates in the Retirement System for Nebraska Counties under the County Employees Retirement Act and who participate in such system, the amount transferred shall equal the employee and employer accounts of the transferring employee plus earnings during the period of employment with the county; and

(b) For transferred employees who are transferring from a county which has established a separate retirement system pursuant to section 23-1118, the amount transferred shall be calculated as follows:

(i) If the retirement system of the county is a defined benefit system, a benefit transfer value of the employee's accrued benefit shall be determined by calculating the present value of the employee's retirement benefit based on the employee's years of service as of the date of transfer and the other actuarial assumptions of the retirement system of the county so that the effect on the retirement system of the county will be actuarially neutral; and

(ii) The amount transferred to the State Employees Retirement System shall equal one of the following: If the retirement system of the transferring county is a defined benefit system, an amount equal to the benefit transfer value; if the retirement system of the transferring county is a defined contribution system, the value of the employer and employee accounts of the employee plus earnings on those amounts during the period of employment with the county.

(2) Upon the completion of the transfer of funds pursuant to subsection (1) of this section, the transferred employee shall receive vesting credit for such employee's years of participation in the retirement system of the county from which the employee was transferred.

(3) For purposes of this section, employee means a county assessor and employees of the county assessor's office transferred to the state pursuant to section 77-1340.

Sec. 31. (1) A county shall transfer all accrued sick leave of a transferred employee up to the maximum number of accumulated hours for sick leave allowed by the State Personnel System. The county shall reimburse the state for twenty-five percent of the value of the accrued sick leave hours based on the straight-time rate of pay for each employee. For any accrued sick leave hours of an employee which are in excess of the amount that can be transferred, the county shall reimburse the employee for twenty-five percent of the value of the sick leave hours based on the straight-time rate of pay for the employee. A county assessor who becomes a state employee and who does not have any accrued sick leave shall be granted one hundred sixty hours of sick leave. The county shall reimburse the state for twenty-five percent of the value of the sick leave hours based on the straight-time rate of pay for the county assessor.

(2) The transferred employee may transfer the maximum amount of accrued annual leave earned as an employee of the county allowed by the State Personnel System. The county shall reimburse the state for one hundred percent of the value of the hours of accrued annual leave transferred. The county shall reimburse the transferred employee for one hundred percent of the hours of any accrued annual leave in excess of the amount which may be transferred based on the employee's straight-time rate of pay. A county assessor who becomes a state employee and who does not have any accrued annual leave shall be granted ninety-six hours of vacation leave. The county shall reimburse the state for one hundred percent of the value of the hours of annual leave based on the straight-time rate of pay for the county assessor.

(3) No transferred employee shall lose any accrual rate value of his or her sick leave and vacation leave as a result of becoming a state employee, and a transferred employee may credit years of service with the county toward the accrual rate for sick leave and vacation plans. When accrued sick leave and vacation leave for a transferred employee are at a greater rate value than allowed by the state's sick leave and vacation leave plans, the county shall pay the state the difference between the value of the benefits allowed by the county and the state based on, at the time of transfer, twenty-five percent of the employee's straight-time rate of pay for the sick leave and one hundred percent of the employee's straight-time rate of pay for vacation leave. A county shall reimburse the state not later than one year after the transfer is complete.

(4) The transferred employee shall not receive any additional accrual rate value for state benefits until the employee meets the qualifications for the increased accrual rates pursuant to the state's requirements.

(5) The transferred employee may participate in and be covered by the insurance program established by sections 84-1601 to 84-1615. The waiting period for medical insurance coverage of transferred employees shall be waived.

(6) For purposes of this section, employee means a county assessor and employees of the county assessor's office transferred to the state pursuant to section 77-1340.".

2. On page 5, line 10, after "function" insert "and all other duties and functions of the county assessor's office, including appraisal and reappraisal"; and in line 17 after the

period insert "At that time, the county assessor and the employees of the county assessor's office shall become state employees. No transferred county assessor or employee shall incur a loss of income or benefits as a result of becoming a state employee pursuant to this section.".

3. Correct the operative date section so that the sections added by this amendment become operative on July 1, 1998.

4. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 806. Mr. Dierks asked unanimous consent to replace his pending amendment, AM1457, found on page 1510, with a substitute amendment. No objections. So ordered.

Mr. Dierks withdrew his amendment, AM1457, found on page 1510.

Mr. Dierks renewed his pending substitute amendment, AM1761, found on page 1711, to the fourth Standing Committee amendment.

SPEAKER WITHEM PRESIDING

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks requested to pass over his amendment.

Mrs. Bohlke renewed her pending amendment, AM1503, found on page 1527, to the fourth Standing Committee amendment.

Mmes. C. Peterson and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 23 fourth grade students and teacher from Karen Western Elementary School, Omaha; 18 second, third, and fourth grade students and teacher from Goehner; 37 fourth, fifth, and sixth grade students and teachers from Giltner; 25 fourth grade students and teachers from St. Francis School, Humphrey; a group from the Senior Center at West Point; and Dr. Jane Hungate from Baltimore, Maryland.

RECESS

At 12:02 p.m., on a motion by Mrs. Witek, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Vrtiska presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Lynch, Matzke, Schrock, and Wesely who were excused until they arrive.

SPEAKER WITHEM PRESIDING

GENERAL FILE

LEGISLATIVE BILL 806. Mrs. Bohlke withdrew her amendment, AM1503, found on page 1527 and considered in this day's Journal.

Mr. Dierks reoffered his pending amendment, AM1761, found on page 1711 and considered in this day's Journal, to the fourth Standing Committee amendment.

Mr. Dierks withdrew his amendment.

Mrs. Brown asked unanimous consent to replace her pending amendment, AM1536, found on page 1565, with a substitute amendment. No objections. So ordered.

Mrs. Brown withdrew her amendment, AM1536, found on page 1565.

Mrs. Brown offered the following substitute amendment to the fourth Standing Committee amendment:
AM1776

(Amendments to FA192)

1. On page 73, lines 12 through 14 and 16 through 18, strike beginning with "ninety" through "77-3444" and insert "(1) for calculation of state aid for school fiscal year 1998-99, ninety-one percent of the local effort rate used in the prior year's certification of state aid and (2) for calculation of state aid for school fiscal year 1999-2000 and each school fiscal year thereafter, ninety-five percent of the local effort rate used in the prior year's certification of state aid".

MRS. CROSBY PRESIDING

Mrs. Brown withdrew her amendment.

Mrs. Stuhr renewed her pending amendment, FA184, found on page 1592, to the fourth Standing Committee amendment.

SPEAKER WITHEM PRESIDING

Mrs. Stuhr withdrew her amendment.

Pending.

COMMUNICATION

April 29, 1997

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell:

Please be advised that pursuant to Rule 1, Sec. 17, the Executive Board met today and approved the Speaker's designation of the following bills as major proposals: LB 401 and LB 752.

Sincerely,
(Signed) George Coordsen
Chairman, Executive Board

AMENDMENTS - Print in Journal

Mr. Wehrbein filed the following amendment to LB 806:
AM1782

(Amendments to FA192)

1. Insert the following new section:

"Sec. 52. It is the intent of the Legislature to appropriate one billion dollars to be distributed as state aid pursuant to the Tax Equity and Educational Opportunities Support Act.".

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Will filed the following amendment to LB 806:
AM1774

(Amendments to FA192)

1. Insert the following new sections:

"Section 1. Section 77-506, Reissue Revised Statutes of Nebraska, as amended by section 41, Legislative Bill 397, Ninety-Fifth Legislature, First Session, 1997, is amended to read:

~~77-506.~~ Pursuant to section 40 of this act, the commission shall have the power to increase or decrease the value of a class or subclass of real property of any county or tax district or real property valued by the state so that all classes or subclasses of real property in all counties fall within the acceptable range. ~~For agricultural land, the acceptable range~~

~~shall be from seventy-four percent to eighty percent of actual value of agricultural land; and for nonagricultural real property, the~~ The acceptable range shall be from ninety-two percent to one hundred percent of actual value of nonagricultural real property. Such increase or decrease shall be made by a percentage and shall result in an average level of assessment for the class or subclass adjusted at ~~seventy-seven percent of actual value for agricultural land and~~ ninety-six percent of actual value for nonagricultural real property.

Sec. 2. Section 77-1360.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-1360.01. The Legislature prescribes the method described in this section as an accurate and fair measure of the actual value of agricultural land and horticultural land for purposes of property taxation. The Property Tax Administrator shall collect market information of actual sales of agricultural land and horticultural land and shall collect information to determine net income per acre pursuant to section 77-1364. A market value as determined by the market information collected shall be divided into the net income per acre, which shall include price support programs, the Acreage Conservation Reserve Program, the Conserving Uses Program, wetlands and wildlife programs, and the Conservation Reserve Program, producing a market-derived capitalization rate. The department shall adjust the market-derived capitalization rates. The adjustment shall be an equal percentage across all categories of agricultural land and horticultural land. Beginning in tax year 1992, the adjustment shall be ~~one hundred twenty-five percent~~ such percentage of the market-derived capitalization rate so that the assessed value of agricultural land and horticultural land shall be ~~eighty~~ one hundred percent of market value. The actual value per acre shall be determined by taking the net income per acre and dividing it by the adjusted market-derived capitalization rate. The valuation of agricultural land and horticultural land shall be uniform and proportionate within the class of agricultural land and horticultural land.".

2. On page 87, line 5, after "property" insert an underscored comma and strike "other" through the comma and show as stricken; strike beginning with "For" in line 7 through "(c)" in line 9 and show as stricken; and in line 11 strike "(d)", show as stricken, and insert "(c)".

3. Amend the repealer section, renumber the remaining sections, and correct internal references accordingly.

Mr. Tyson filed the following amendment to LB 306:
FA199

Strike Sections One through Eight of the Committee Amendment & renumber

On page eight lines 10 through 18 strike in its entirety

On page 13, line 20, after the comma strike ", and which have been approved by the Government Efficiency Board

Mr. Cudaback filed the following amendment to LB 806:
AM1787

(Amendments to FA192)

1. On page 73, line 2, strike "eighty-five" and insert "ninety".

GENERAL FILE

LEGISLATIVE BILL 806. Mr. Wickersham asked unanimous consent to replace his pending amendment, AM1509, found on page 1592, with a substitute amendment. No objections. So ordered.

Mr. Wickersham withdrew his amendment, AM1509, found on page 1592.

Mr. Wickersham and Mrs. Bohlke offered the following substitute amendment to the fourth Standing Committee amendment:
AM1738

(Amendments to FA192)

1. On page 67, line 5, after "(i)" insert "(A)"; in line 7 strike "and"; in line 8 strike "(ii)" and insert "(B)"; in line 9 after the semicolon insert "and"; in line 10 strike "(iii)" and insert "(C)"; and in line 12 after the semicolon insert "or

(ii)(A) Less than one formula student per square mile in the local system; and

(B) More than twenty miles between the high school attendance center and the next closest high school attendance center on paved roads;".

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 6 nays, and 17 not voting.

The Wickersham-Bohlke amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM1486, found on page 1592, to the fourth Standing Committee amendment.

The Wickersham amendment was adopted with 26 ayes, 3 nays, 18 present and not voting, and 1 excused and not voting.

Mr. Wickersham asked unanimous consent to replace his pending amendment, AM1531, found on page 1593, with a substitute amendment. No objections. So ordered.

Mr. Wickersham withdrew his amendment, AM1531, found on page 1593.

Mr. Wickersham offered the following substitute amendment to the fourth Standing Committee amendment:
AM1792

(Amendments to FA192)

1. On page 65, line 20, after "programs" insert "or living in households having one or more children at home and an annual adjusted gross income of fifteen thousand dollars or less for the preceding calendar year, whichever is greater,"; and in lines 22 and 23 and 25 and 26 strike beginning with "formula" through "milk" and insert "qualified formula students".

2. On page 66, lines 1 and 2, 5 and 6, and 9 and 10, strike beginning with "formula" through "milk" and insert "qualified formula students".

Mrs. Hillman and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Cudaback filed the following amendment to LB 875:
AM1788

(Amendments to E & R amendments, AM7136)

1. Insert the following new section:

"Sec. 3. Section 18-2102.01, Reissue Revised Statutes of Nebraska, is amended to read:

18-2102.01. Cities of all classes and villages of this state are hereby granted power and authority to create community redevelopment authorities and limited community redevelopment authorities.

(1) Whenever an authority or limited authority is created it shall bear the name of the city creating it and shall be legally known as the Community Redevelopment Authority of the City (or Village) of .... (name of city or village) or the Limited Community Redevelopment Authority of the City (or Village) of .... (name of city or village).

(2) When it is determined by the governing body of any ~~such~~ city~~,~~ by ordinance in the exercise of its discretion~~,~~ that it is expedient to create a community redevelopment authority or limited community redevelopment authority, the mayor of ~~such~~ the city or, if the mayor shall fail to act within ninety days after the passage of the ordinance, ~~then~~ the president or other presiding officer other than the mayor of the governing body, with the approval of the governing body of ~~such~~ the city, shall appoint five persons who shall constitute the authority or the limited authority. In cities having the city manager form of government, the city manager shall appoint ~~such~~ the persons. The terms of office of the members of the authority initially appointed shall be

for one year, two years, three years, four years, and five years, as designated by the mayor, president, other presiding officer, or city manager in making the respective appointments. As the terms of the members of the authority expire in cities not having the city manager form of government, the mayor, with the approval of the governing body of the city, shall appoint or reappoint a member of the authority for a term of five years to succeed the member whose term expires. In cities having the city manager form of government, the city manager shall appoint or reappoint the members. The terms of office of the members of a limited community redevelopment authority shall be for the duration of only one single specific limited pilot project authorized in the ordinance creating ~~such~~ the limited community redevelopment authority, and the terms of the members of a limited community redevelopment authority shall expire upon the completion of the single specific limited pilot project authorized in the ordinance creating ~~such~~ the limited community redevelopment authority. A governing body may at its option submit ~~such~~ an ordinance which creates a community redevelopment authority or a limited community redevelopment authority to the electors of ~~such~~ the city for approval by a majority vote of the electors voting ~~thereon~~ on the ordinance. On submitting ~~such~~ the ordinance for approval, the governing body is authorized to call, by ~~such~~ the ordinance, a special or general election and to submit, ~~thereat,~~ after thirty days' notice of the time and place of holding ~~such~~ the election and according to the manner and method otherwise provided by law for the calling, conducting, canvassing, and certifying of the result of city elections on the submission of propositions to the electors, ~~thereof,~~ the proposition to be stated on the ballot as follows:

Shall the City (or Village) of .... (name of city or village) create a Community Redevelopment Authority of the City (or Village) of .... (name of city or village)?

... Yes

... No.

When the ordinance submitted to the electors for approval by a majority vote of the electors voting ~~thereon~~ on the ordinance is to create a limited community redevelopment authority the proposition shall be stated on the ballot as follows:

Shall the City (or Village) of .... (name of city or village) create a Limited Community Redevelopment Authority of the City (or Village) of .... (name of city or village)?

... Yes

... No.

Vacancies shall be filled for any unexpired term in the same manner as the original appointment. Members of the authority so appointed shall hold office until their successors have been appointed and qualified. Members of a limited authority shall hold office as provided in this section. All members of ~~such~~ the authority shall serve without compensation, but shall be entitled to be reimbursed for all necessary expenses incurred.

(3) Any authority established under ~~the provisions of~~ this section shall organize by electing one of its members chairperson and another vice-chairperson, shall have power to employ counsel, a director who shall be ex officio secretary of the authority, and such other officers and employees as may be desired, and shall fix the term of office, qualifications, and compensation of each. The holder of the office of community redevelopment administrator or coordinator of ~~such~~ the city may, but need not, be appointed ~~such~~ the director but at no additional compensation by the authority. Community redevelopment authorities of cities of the first and second class and villages may secure the services of a director, community redevelopment administrator, or coordinator, and ~~such~~ other officers and employees as may be desired through contract with the Department of Economic Development upon terms which are mutually agreeable. Any authority established under ~~the provisions of~~ this section may validly and effectively act on all matters requiring a resolution or other official action by a majority vote of its membership present at a meeting ~~thereof~~ of the authority if a quorum of four is present. Orders, requisitions, warrants, and other documents may be executed by the chairperson or vice-chairperson or by or with others designated in its bylaws.

(4) No member or employee of any authority established under ~~the provisions of~~ this section shall have any interest directly or indirectly in any contract for property, materials, or services to be required by such authority.

(5) The authority shall keep an accurate account of all its activities and of all receipts and disbursements and make an annual report ~~thereof~~ of such activities, receipts, and disbursements to the governing body of the city.

(6) The governing body of a city creating a community redevelopment authority or a limited community redevelopment authority is hereby authorized to appropriate and loan to ~~such~~ the authority a sum not exceeding ten thousand dollars for the purposes of paying expenses of organizing and supervising the work of ~~such~~ the authority at the beginning of its activities. ~~Such~~ The loan shall be authorized by resolution of the governing body which shall set forth the terms and time of the repayment ~~thereof~~ of the loan. ~~Such~~ The loan may be appropriated out of the general funds or any sinking fund.

(7) All income, revenue, profits, and other funds received by any authority established under ~~the provisions of~~ this section from whatever source derived, or appropriated by the city, or realized from tax receipts or comprised in the special revenue fund of the city designated for ~~such~~ the authority or from the proceeds of bonds, or otherwise, shall be deposited with the city treasurer as ex officio treasurer of ~~such~~ the authority without commingling ~~such~~ the money with any other money under his or her

control and disbursed by him or her by check, draft, or order only upon warrants, orders, or requisitions by the chairperson of ~~such~~ the authority or other person authorized by ~~such~~ the authority which shall state distinctly the purpose for which the same are drawn. A permanent record shall be kept by ~~such~~ the authority of all warrants, orders, or requisitions so drawn, showing the date, amount, consideration, and to whom payable. When paid, the same shall be canceled and kept on file by the city treasurer. The books of any authority established under ~~the~~ ~~provisions~~ ~~of~~ this section shall from time to time be audited upon the order of the governing body of the municipality in such manner as it may direct, and all ~~such~~ books and records of ~~such~~ the authority shall at all times be open to public inspection. ~~Such~~ The authority may contract with the holders of any of its bonds or notes as to collection, custody, securing investment, and payment of any money of ~~such~~ the authority or any money held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes. ~~Such~~ The authority may carry out ~~any~~ ~~such~~ the contract notwithstanding that such contract may be inconsistent with the previous provisions of this subdivision. All banks, capital stock financial institutions, and trust companies are hereby authorized to give security for ~~such~~ the deposits of money of any authority established under the provisions of this section as shall be required by law to secure the funds of cities. ~~The~~ ~~provisions~~ ~~of~~ ~~section~~ Section 77-2366 ~~shall~~ ~~apply~~ applies to deposits in capital stock financial institutions.".

2. On page 1, line 5, strike "10" and insert "11".

3. On page 25, line 2, after the second comma insert "18-2102.01,".

4. Renumber the remaining sections accordingly.

Messrs. Kristensen and Coordsen filed the following amendment to LB 269:
AM1790

(Amendments to Standing Committee amendments, AM1243)

1. Insert the following new sections:

"Sec. 29. When a transfer of the assessment function has been made pursuant to section 77-1340, the county shall maintain, at no additional cost to the state, office and service facilities used for the office of the county assessor and assessment functions as such facilities existed at the time of the county board resolution authorizing a transfer. All furniture, computers, and equipment used by the county to perform the assessment function prior to the transfer shall remain the property of the county. All books, files, and similar records shall be transferred to the Property Tax Administrator.

Sec. 30. (1) On the date of employment transfer, all transferred employees shall immediately have the right to participate in the State Employees Retirement System of the State of Nebraska and shall have any retirement funds transferred from the retirement system of the county for which they work to the State Employees Retirement System as follows:

(a) For transferred employees who are transferring from a county which participates in the Retirement System for Nebraska Counties under the County Employees Retirement Act and who participate in such system, the amount transferred shall equal the employee and employer accounts of the transferring employee plus earnings during the period of employment with the county; and

(b) For transferred employees who are transferring from a county which has established a separate retirement system pursuant to section 23-1118, the amount transferred shall be calculated as follows:

(i) If the retirement system of the county is a defined benefit system, a benefit transfer value of the employee's accrued benefit shall be determined by calculating the present value of the employee's retirement benefit based on the employee's years of service as of the date of transfer and the other actuarial assumptions of the retirement system of the county so that the effect on the retirement system of the county will be actuarially neutral; and

(ii) The amount transferred to the State Employees Retirement System shall equal one of the following: If the retirement system of the transferring county is a defined benefit system, an amount equal to the benefit transfer value; if the retirement system of the transferring county is a defined contribution system, the value of the employer and employee accounts of the employee plus earnings on those amounts during the period of employment with the county.

(2) Upon the completion of the transfer of funds pursuant to subsection (1) of this section, the transferred employee shall receive vesting credit for such employee's years of participation in the retirement system of the county from which the employee was transferred.

(3) For purposes of this section, employee means a county assessor and employees of the county assessor's office transferred to the state pursuant to section 77-1340.

Sec. 31. (1) A county shall transfer all accrued sick leave of a transferred employee up to the maximum number of accumulated hours for sick leave allowed by the State Personnel System. The county shall reimburse the state for twenty-five percent of the value of the accrued sick leave hours based on the straight-time rate of pay for each employee. A county assessor who becomes a state employee and who does not have any accrued sick leave shall be granted one hundred sixty hours of sick leave. The county shall reimburse the state for twenty-five percent of the value of the sick leave hours based on the straight-time rate of pay for the county assessor.

(2) The transferred employee may transfer the maximum amount of accrued annual leave earned as an employee of the county

allowed by the State Personnel System. The county shall reimburse the state for one hundred percent of the value of the hours of accrued annual leave transferred. A county assessor who becomes a state employee and who does not have any accrued annual leave shall be granted ninety-six hours of vacation leave. The county shall reimburse the state for one hundred percent of the value of the hours of annual leave based on the straight-time rate of pay for the county assessor.

(3) No transferred employee shall lose any accrual rate value of his or her sick leave and vacation leave as a result of becoming a state employee, and a transferred employee may credit years of service with the county toward the accrual rate for sick leave and vacation plans. When accrued sick leave and vacation leave for a transferred employee are at a greater rate value than allowed by the state's sick leave and vacation leave plans, the county shall pay the state the difference between the value of the benefits allowed by the county and the state based on, at the time of transfer, twenty-five percent of the employee's straight-time rate of pay for the sick leave and one hundred percent of the employee's straight-time rate of pay for vacation leave. A county shall reimburse the state not later than one year after the transfer is complete.

(4) The transferred employee shall not receive any additional accrual rate value for state benefits until the employee meets the qualifications for the increased accrual rates pursuant to the state's requirements.

(5) The transferred employee may participate in and be covered by the insurance program established by sections 84-1601 to 84-1615. The waiting period for medical insurance coverage of transferred employees shall be waived.

(6) For purposes of this section:

(a) Employee means a county assessor and employees of the county assessor's office transferred to the state pursuant to section 77-1340; and

(b) Straight-time rate of pay means the rate of pay in effect at the time of adoption of the resolution by the county board authorizing the transfer.".

2. On page 5, line 10, after "function" insert "and all other duties and functions of the county assessor's office, including appraisal and reappraisal"; and in line 17 after the period insert "At that time, the county assessor and the employees of the county assessor's office shall become state employees. No transferred county assessor or employee shall incur a loss of income or benefits as a result of becoming a state employee pursuant to this section.".

3. Correct the operative date section so that the sections added by this amendment become operative on July 1, 1998.

4. Renumber the remaining sections and correct internal references accordingly.

Messrs. Robinson and Kristensen filed the following amendment to LB 269:
AM1789

(Amendments to Standing Committee amendments, AM1243)

1. Strike amendment 7 and insert the following new amendment:

"7. On page 63, line 5, strike 'and the director', show as stricken, and insert ', after meeting with the affected veterans service committees.'.".

GENERAL FILE

LEGISLATIVE BILL 806. The Wickersham pending amendment, AM1792, found in this day's Journal, to the fourth Standing Committee amendment, was renewed.

MR. KRISTENSEN PRESIDING

Mrs. Crosby, Messrs. Maurstad, and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Kiel and Mr. Jensen asked unanimous consent to be excused. No objections. So ordered.

MRS. CROSBY PRESIDING

Pending.

AMENDMENT - Print in Journal

Mr. Wesely filed the following amendment to LB 798:
(Amendment, AM1736, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTION

LEGISLATIVE RESOLUTION 121. Introduced by Withem, 14; Landis, 46; Maurstad, 30; Beutler, 28; Crosby, 29; Schimek, 27; Hudkins, 21; Wesely, 26.

WHEREAS, Nathan Gold was born in Hampton, Iowa, on May 28, 1894, and later moved to Lincoln, Nebraska, with his family where he attended high school and joined the retail business started by his father; and

WHEREAS, Mr Gold enlisted in the armed forces and served as an overseas officer in World War I;

WHEREAS, in 1922 he married Evelyn Baum and settled in Lincoln where he lived until his death in 1970; and

WHEREAS, Mr. Gold worked in Gold and Company which operated in Lincoln from 1902 to 1964 and served as president of the company; and

WHEREAS, Nathan Gold was active in economic development for

Lincoln and for Nebraska and was appointed by Governor Frank Morrison as special counsel for the Nebraska Economic Development Division at a salary of one dollar per year; and

WHEREAS, Mr. Gold traveled the country telling of Nebraska's potential in economic development; and

WHEREAS, Mr Gold supported a number of civic organizations, including organizations which support Nebraska's young people such as 4-H, Future Farmers of America, and Future Homemakers of America.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That Nathan Gold be congratulated regarding his induction as the twenty-second inductee into the Nebraska Hall of Fame on May 2, 1997, in recognition of his contributions to the State of Nebraska.
2. That a copy of this resolution be presented to the family of Mr. Nathan Gold.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 806. The Wickersham pending amendment, AM1792, found in this day's Journal, to the fourth Standing Committee amendment, was renewed.

Ms. Schimek moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mr. Wickersham withdrew his amendment.

Mr. Wickersham withdrew his amendments, AM1532 and AM1663, found on pages 1594 and 1615.

Mrs. Stuhr withdrew her amendment, AM1626, found on page 1602.

Mr. Jones renewed his pending amendment, AM1610, found on page 1615, to the fourth Standing Committee amendment.

Mmes. Witek, Robak, and Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

The Jones amendment was adopted with 27 ayes, 2 nays, 10 present and not voting, and 9 excused and not voting.

Pending.

VISITORS

Visitors to the Chamber were 11 fourth through eighth grade students and teacher from St. John Lutheran School, Madison.

ADJOURNMENT

At 5:30 p.m., on a motion by Mr. Wickersham, the Legislature adjourned until 8:30 a.m., Wednesday, April 30, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SIXTH DAY – APRIL 30, 1997

LEGISLATIVE JOURNAL

SIXTY-SIXTH DAY - APRIL 30, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 30, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mr. Engel who was excused; and Messrs. Abboud, Chambers, Hilgert, Landis, Dw. Pedersen, Schellpeper, Schrock, Tyson, Wehrbein, Wesely, Wickersham, Will, Mmes. Bohlke, Hillman, McKenzie, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-fifth day was approved.

ANNOUNCEMENT

The Chair announced today is Senator Bruning's birthday.

GENERAL FILE

LEGISLATIVE BILL 269. Title read. Considered.

MRS. CROSBY PRESIDING

Standing Committee amendment, AM1243, printed separately and referred to on page 1304, was considered.

Mr. Robinson renewed his pending amendment, AM1328, found on page 1469, to the Standing Committee amendment.

Mr. Wickersham asked unanimous consent to be excused until he returns.

No objections. So ordered.

Mr. Robinson asked unanimous consent to replace his pending amendment, AM1328, found on page 1469, with a substitute amendment. No objections. So ordered.

Mr. Robinson withdrew his amendment, AM1328, found on page 1469.

Mr. Robinson offered the following substitute amendment to the Standing Committee amendment:
FA200
Amend AM1243
to outright repeal Sections 18-801, 18-802, 18-803, 18-804, 18-805, 18-806, and 18-807 RRS of Nebraska.

The Robinson amendment was adopted with 26 ayes, 0 nays, 12 present and not voting, and 10 excused and not voting.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Robinson asked unanimous consent to replace his pending amendment, AM1746, found on page 1715, with a substitute amendment. No objections. So ordered.

Mr. Robinson withdrew his amendment, AM1746, found on page 1715.

Messrs. Robinson and Kristensen renewed their pending substitute amendment, AM1789, found on page 1731, to the Standing Committee amendment.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Robinson moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 38 not voting.

The Robinson-Kristensen amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mmes. McKenzie and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen withdrew the Kristensen et al. amendment, AM1763, found on page 1717.

Messrs. Kristensen and Coordsen renewed their pending amendment, AM1790, found on page 1728, to the Standing Committee amendment.

Mr. Kristensen moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 35 not voting.

The Kristensen-Coordsen amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Kristensen, Landis, Coordsen, Will, Wickersham, Schellpeper, and Hartnett offered the following amendment to the Standing Committee amendment:
AM1733

(Amendments to Standing Committee amendments, AM1243)

1. On page 8, lines 12 and 13, strike "of forty percent"; in line 13 strike "forty percent from"; and in lines 13 and 14 strike "twenty percent from".

2. On page 22, line 26, after "bonds" insert "or for any obligation pursuant to section 85-1535 entered into prior to January 1, 1997".

3. On page 25, line 26, after "section" insert "and section 62 of this act".

4. On page 28, strike beginning with "to" in line 18 through "students" in line 26, show as stricken, and insert "pursuant to section 62 of this act".

5. On page 29, line 1, after "funds" insert "from subdivisions (1)(a) and (b) of this section"; in line 12 before "The" insert "(1)"; strike beginning with "It" in line 18 through the period in line 26 and insert

"(2) It is the intent of the Legislature to appropriate funds beginning with fiscal year 1998-99 to provide property tax relief to those areas that (a) have levied the maximum allowable property tax levy as described in subsection (1) of section 85-1517 and cannot generate forty percent of their operating revenue or (b) do not receive forty percent of their operating revenue from state aid pursuant to subdivisions (1)(a) and (b) of section 85-1536 and that levies the maximum property tax rates established in subsection (1) of section 85-1517 or the greater of a minimum levy of six and three-tenths cents per one hundred dollars of valuation for fiscal year 1998-99 and fiscal year 1999-2000 and five and three-tenths cents per one hundred dollars of valuation for fiscal year 2000-2001 and all subsequent fiscal years or a levy that raises forty percent of its operating revenue.

Each eligible community college area who qualifies pursuant to subdivision (2)(a) of this section shall receive funds equal to the difference between the property tax revenue raised and forty percent of their operating revenue. Each eligible community college area who qualifies pursuant to subdivision (2)(b) of this section shall receive funds equal to the difference between state aid pursuant to subdivisions (1)(a) and (b) of section 85-1536 and forty percent of its operating revenue, and any community college area which raises in excess of forty percent of its operating revenue from property tax shall have such excess serve as an offset to payments received from this program. Any community college area which qualifies under both subdivisions (2)(a) and (b) of this section shall receive funds as calculated for both subdivisions."; and in line 27 strike "expenditures" and insert "revenue".

6. On page 30, line 3, after "students" insert "eligible for state aid"; in line 4 after the period insert "Each community college area shall submit its levy and valuation certification to the Department of Administrative Services by September 20 each year."; in lines 7 and 8 strike "Department of Administrative Services" and insert "department"; and strike lines 13 and 14 and insert

"(3) The department shall distribute the total of such appropriated and allocated funds to the boards in nine as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in October of each year.'.".

SPEAKER WITHEM PRESIDING

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Elmer moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 1 nay, and 22 not voting.

The Kristensen et al. amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 28 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Messrs. Hartnett, Wickersham, Coordsen, Landis, Schellpeper, and Kristensen renewed their pending amendment, AM1426, found on page 1639.

The Hartnett et al. amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Will renewed his pending amendment, AM1741, found on page 1682.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will withdrew his amendment.

Advanced to E & R for review with 36 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORT
Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Dick Mercer - Nebraska Environmental Trust Board
Gail Yanney - Nebraska Environmental Trust Board

VOTE: Aye: Senators Beutler, Bruning, Elmer, Preister, and Schrock. Nay: None. Absent: Senators Bromm, Bohlke, and McKenzie.

(Signed) Chris Beutler, Chairperson

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 517:
(Amendment, AM1806, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Beutler filed the following amendment to LB 658:
AM1811

(Amendments to E & R amendments, AM7142)

1. Insert the following new sections:

"Sec. 2. Section 81-15,113.01, Revised Statutes Supplement, 1996, is amended to read:

81-15,113.01. (1) There is hereby created the Community Improvements Cash Fund which shall be under the direction of the department. The Central Interstate Low-Level Radioactive Waste Compact Commission shall annually through ~~1996~~ 1997 remit to the department the funds received from the states belonging to the Central Interstate Low-Level Radioactive Waste Compact as compensation paid to the host state. When the facility begins operation, the developer shall levy, collect, and remit to the department a surcharge on the rates charged to the users of the facility which is sufficient to raise two million dollars per year together with any adjustments made by the department pursuant to this section. The department shall remit such surcharge to the State Treasurer who shall credit it to the Community Improvements Cash Fund. On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director. There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The department shall distribute money from the fund as follows:

(a) Prior to final site selection, three hundred thousand dollars per year shall be allocated for public purposes to be divided among the communities that are under active consideration to host the facility as provided in subsection (3) of this section;

(b) After the final site has been selected and until the facility is operational, three hundred thousand dollars per year shall be allocated for public purposes as provided in subsection (3) of this section. Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process; and

(c) Once the facility is operational and during the operational life of the facility, the total amount in the fund shall be allocated each year for public purposes as provided in subsection (3) of this section.

(3) Money distributed pursuant to subdivisions (2)(a), (b), and (c) of this section shall be allocated as follows:

(a) Fifty percent of such money shall be distributed to incorporated municipalities which lie totally or partially within ten kilometers of the facility or the proposed facility based on the ratio of the population of the particular incorporated municipality to the total population of all such incorporated municipalities as determined by the latest federal census; and

(b) Fifty percent of such money shall be distributed to the county treasurer of the county where the facility is located or proposed to be located to be distributed to each political subdivision which levied property taxes on the property where the facility is located or proposed to be located. The money shall be distributed on the basis of the ratio of the total amount of taxes levied by each political subdivision to the total amount of property taxes levied by all such political subdivisions on such property based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Property Tax Administrator pursuant to section 77-1613.01.

(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 4, line 17, strike "is" and insert "and section 81-15,113.01, Revised Statutes Supplement, 1996, are".

3. Renumber the remaining section accordingly.

Mrs. Robak filed the following amendment to LB 269:
AM1813

1. On page 55, line 21, after "levy" insert "(a)"; and in line 24 after "Act" insert "and (b) plus an additional two cents per one hundred dollars of taxable valuation for a city airport authority established under the Cities Airport Authority Act".

Mr. Janssen filed the following amendment to LB 269:
AM1807

(Amendments to Standing Committee amendments, AM1243)

1. Insert the following new section:

"Sec. 63. (1) The Local Option Tax Study Committee is created. The committee shall be composed of the Lieutenant Governor, the Tax Commissioner, the Property Tax Administrator, the Speaker of the Legislature, the Chairperson of the Education Committee of the Legislature, the Chairperson of the Revenue Committee of the Legislature, a representative of the State Department of Education appointed by the Commissioner of Education, a member of a county board, a county assessor, and three members of the general public who have knowledge of education matters or finance appointed by the Governor. The Lieutenant Governor shall be the chairperson of the committee.

(2) The committee shall analyze the impact of permitting school districts to locally implement and authorize a local income tax to finance a portion of the operating expenses of the school district. The committee shall study the impact of permitting school districts to enact a countywide local option sales tax, the proceeds of which will be distributed to schools on a per student basis or in some other manner. Specifically the committee should make recommendations on:

(a) Whether or not receipts from a local option income tax or local option sales tax for school purposes should be treated as accountable receipts for a school district;

(b) If there should be a maximum percentage of the school district budget which may be funded by a local option income tax or local option sales tax for school purposes, and if so, what the limit should be; and

(c) If there should be a limit on the length of time a local option income tax or local option sales tax for school purposes can be imposed without another vote of the registered voters of the school district extending the tax, and if so, how long the limit should be.

(3) For purposes of its consideration of the issues and to aid in the developing its recommendations, the committee shall assume that a school district may authorize a local option income

tax or local option sales tax to fund a portion of the operation of the school district, that the tax may only be imposed after approval by a majority of those voting in a general or special election, and that the tax may only be implemented to provide for a reduction in property tax receipts utilized by the school district.

(4) The committee shall also analyze the impact of a county income tax for purposes of property tax relief. Specifically the committee should make recommendations on:

(a) Whether it is practical to credit county income taxes paid against property taxes due;

(b) Whether any county income tax should be limited in amount or duration and, if so, how; and

(c) Whether a county income tax with a credit against property taxes will provide sufficient revenue to provide public services in areas which currently have above-average property taxes.

(5) The committee shall also study the possible impact of restricting the availability of property tax exemptions both for government property and property for religious, educational, cemetery, and charitable use. Specifically, the committee should make recommendations on:

(a) The possibility of levying ad valorem taxes on the value of a leasehold interest in public property by a commercial enterprise as if it were owned in fee;

(b) The possibility of requiring or allowing local governments to require in lieu of tax payments on governments owning tax-exempt property to recover the costs of other local governments in providing property related services such as law enforcement, fire protection, and street construction and maintenance;

(c) The possibility of narrowing the eligibility for property tax exemptions for religious, educational, cemetery, or charitable use such as by requiring a certain level of charitable donation of goods or services to individuals worthy of charity; and

(d) The possibility of requiring or allowing local governments to require in lieu of tax payments by entities with property tax exemptions to recover the costs of providing property related services such as law enforcement, fire protection, and street construction and maintenance.

(6) The Department of Revenue shall provide necessary staff and assistance to the committee.

(7) The committee shall make a report to the Governor and Legislature on its findings on or before December 1, 1997.".

2. Correct the operative date section so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 798:

AM1814

(Amendments to Am1353)

1. Strike section 32 and insert the following section:

"Sec. 30. This act becomes operative on July 1, 1998.".

2. Renumber the remaining sections accordingly.

VISITORS

Visitors to the Chamber were 29 high school students and teacher from Sterling; 37 seventh and eighth grade students and teacher from District #9 School, Columbus; 63 fourth grade students and teachers from Parkview Heights School, LaVista; 21 fourth grade students and teachers from Prescott Elementary School, Lincoln; and Senator Vrtiska's wife, Doris, from Table Rock, his son, daughter-in-law, and granddaughter, Kris, Kim, and Baylee Vrtiska, from Tecumseh, and his daughter, son-in-law, and grandson, Lori, Bryan, and Trey Seibel, from Lincoln.

RECESS

At 11:54 a.m., on a motion by Mrs. Suttle, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Coordsen presiding.

ROLL CALL

The roll was called and all members were present except Mr. Engel who was excused; and Messrs. Abboud, Lynch, Robinson, and Will who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

GENERAL FILE

LEGISLATIVE BILL 806. Mr. Withem renewed his pending motion, found on page 1682, to suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 806 without further amendment, motion or debate.

Mr. Chambers moved to bracket LB 806 until 2:30 p.m., 4-30-97.

Mr. Chambers withdrew his motion to bracket.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 4 nays, and 18 not voting.

Mr. Withem moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 8 not voting.

Mr. Chambers requested a roll call vote on the Withem motion to suspend the rules.

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Cudaback
Elmer
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 6:

Chambers
Dierks
Hudkins
Robak
Tyson
Witek

Excused and not voting, 2:

Coordsen
Engel

The Withem motion to suspend the rules prevailed with 40 ayes, 6 nays, and 2 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Cudaback
Elmer
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schimek
Suttle
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 7:

Chambers
Dierks
Hudkins
Robak
Schellpeper
Schmitt
Tyson

Present and not voting, 4:

Matzke	Schrock	Stuhr	Vrtiska

Excused and not voting, 2:

Coordsen	Engel

Advanced to E & R for review with 35 ayes, 7 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendments to LB 798:

(1)

AM1798

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 71-5831, Reissue Revised Statutes of Nebraska, is amended to read:

71-5831. (1) The Nebraska Health Care Certificate of Need Act shall not apply to an office or clinic used solely by a practitioner or group of practitioners in the practice of medicine, dentistry, or podiatry, except for acquisitions of clinical equipment as described in subsection (3) of this section.

(2) ~~The act shall not apply, through June 30, 1995, to ambulatory surgical centers performing only ophthalmic surgeries not requiring general anesthesia except for acquisitions of clinical equipment as described in subsection (3) of this section or capital expenditures incurred, other than for clinical equipment, in excess of the capital expenditure minimum.~~ The act shall not apply, before September 1, 1998, to the establishment of a full service cardiology program including open heart surgery, exclusive of heart transplant surgery in hospitals in cities of the primary class.

(3) No person shall engage in the purchase, acquisition, or lease of clinical equipment in excess of a base amount of nine hundred thousand dollars as adjusted under this section, if purchased, and which would be located in the State of Nebraska, without having first applied for and received the necessary certificate of need. On October 1 of each year, the department shall adjust the base amount by an amount equal to the percentage change in the Department of Commerce Composite Construction Cost Index from October 1, 1989, through the period most recently reported.

Sec. 2. The Health and Human Services Committee of the

Legislature shall conduct a study as to ways to address health care costs in Nebraska. The study shall include innovations from other states, including the role of certificate of need, in addressing health care costs. The study shall be concluded by December 1, 1997, and shall include recommendations to the Legislature.

Sec. 3. Original section 71-5831, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

(2)

AM1800

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 71-5830.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-5830.01. Notwithstanding any other provisions of the Nebraska Health Care Certificate of Need Act, a certificate of need shall not be required for:

(1) The acquisition of clinical equipment to be used solely for research or the obligation of a capital expenditure to be made solely for research if the person proposing such activity notifies the department in writing of the use to be made of such equipment or capital expenditure prior to such activity. A certificate of need shall be required if such notice is not given or if the department finds within sixty days of receipt of such notice that the equipment or expenditure will not be solely for research. For purposes of this section, the term solely for research shall mean that the activity does not (a) affect charges for the provision of medical and other patient care services other than the services which are included in the research, (b) substantially change the bed capacity of a health care facility, or (c) substantially change the medical or other patient care services of a facility which were offered before the acquisition, offering, or obligation. The term solely for research shall include patient care provided on an occasional and irregular basis and not as part of a research program;

(2) The closing of a hospital;

(3) A change in classification of a facility from intermediate care to skilled nursing care or from skilled nursing care to intermediate care;

(4) The acquisition of computer equipment or software for use other than diagnostic or therapeutic purposes; ~~or~~

(5) A project of a county in which is located a city of the metropolitan class for which bonds have been approved by the electorate of such county on or after January 1, 1994; or

~~(5)~~ (6) The sale of a health maintenance organization.

Sec. 2. Original section 71-5830.01, Reissue Revised Statutes of Nebraska, is repealed.".

(3)

AM1801

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 71-5830.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-5830.01. Notwithstanding any other provisions of the Nebraska Health Care Certificate of Need Act, a certificate of need shall not be required for:

(1) The acquisition of clinical equipment to be used solely for research or the obligation of a capital expenditure to be made solely for research if the person proposing such activity notifies the department in writing of the use to be made of such equipment or capital expenditure prior to such activity. A certificate of need shall be required if such notice is not given or if the department finds within sixty days of receipt of such notice that the equipment or expenditure will not be solely for research. For purposes of this section, the term solely for research shall mean that the activity does not (a) affect charges for the provision of medical and other patient care services other than the services which are included in the research, (b) substantially change the bed capacity of a health care facility, or (c) substantially change the medical or other patient care services of a facility which were offered before the acquisition, offering, or obligation. The term solely for research shall include patient care provided on an occasional and irregular basis and not as part of a research program;

(2) ~~The closing of a hospital;~~

~~(3)~~ A change in classification of a facility from intermediate care to skilled nursing care or from skilled nursing care to intermediate care;

~~(4)~~ (3) The acquisition of computer equipment or software for use other than diagnostic or therapeutic purposes; ~~or~~

(4) A project of a county in which is located a city of the metropolitan class for which bonds have been approved by the electorate of such county on or after January 1, 1994; or

(5) The sale of a health maintenance organization.

Sec. 2. Original section 71-5830.01, Reissue Revised Statutes of Nebraska, is repealed.".

(4)

AM1802

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section. 1. Section 71-5830.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-5830.01. Notwithstanding any other provisions of the Nebraska Health Care Certificate of Need Act, a certificate of need shall not be required for:

(1) The acquisition of clinical equipment to be used solely for research or the obligation of a capital expenditure to be made solely for research if the person proposing such activity notifies the department in writing of the use to be made of such equipment or capital expenditure prior to such activity. A certificate of need shall be required if such notice is not given or if the department finds within sixty days of receipt of such notice that the equipment or expenditure will not be solely for research. For purposes of this section, the term solely for research shall mean that the activity does not (a) affect charges for the provision of medical and other patient care services other than the services which are included in the research, (b) substantially change the bed capacity of a health care facility, or (c) substantially change the medical or other patient care services of a facility which were offered before the acquisition, offering, or obligation. The term solely for research shall include patient care provided on an occasional and irregular basis and not as part of a research program;

(2) ~~The closing of a hospital;~~

~~(3)~~ A change in classification of a facility from intermediate care to skilled nursing care or from skilled nursing care to intermediate care;

~~(4)~~ (3) The acquisition of computer equipment or software for use other than diagnostic or therapeutic purposes; or

(4) A project of a county in which is located a city of the metropolitan class for which bonds have been approved by the electorate of such county on or after January 1, 1994.

~~(5) The sale of a health maintenance organization.~~

Sec. 2. Section 71-5831, Reissue Revised Statutes of Nebraska, is amended to read:

71-5831. (1) The Nebraska Health Care Certificate of Need Act shall not apply to an office or clinic used solely by a practitioner or group of practitioners in the practice of medicine, dentistry, or podiatry, except for acquisitions of clinical equipment as described in subsection (3) of this section.

(2) ~~The act shall not apply, through June 30, 1995, to ambulatory surgical centers performing only ophthalmic surgeries not requiring general anesthesia except for acquisitions of clinical equipment as described in subsection (3) of this section or capital expenditures incurred, other than for clinical equipment, in excess of the capital expenditure minimum.~~ The act shall not apply, before September 1, 1998, to the establishment of a full service cardiology program including open heart surgery, exclusive of heart transplant surgery in hospitals in cities of the primary class.

(3) No person shall engage in the purchase, acquisition, or lease of clinical equipment in excess of a base amount of nine hundred thousand dollars as adjusted under this section, if purchased, and which would be located in the State of Nebraska,

without having first applied for and received the necessary certificate of need. On October 1 of each year, the department shall adjust the base amount by an amount equal to the percentage change in the Department of Commerce Composite Construction Cost Index from October 1, 1989, through the period most recently reported.

Sec. 3. Original sections 71-5830.01 and 71-5831, Reissue Revised Statutes of Nebraska, are repealed.".

(5)

AM1805

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. After the operative date of this act, a legislative bill which makes the necessary harmonizing changes in the statutes required by the repeal of the Nebraska Health Care Certificate of Need Act shall be introduced by the Health and Human Services Committee of the Legislature.

Sec. 2. This act becomes operative on September 1, 1999.

Sec. 3. The following sections are outright repealed: Sections 71-5801 to 71-5826, 71-5828 to 71-5832.01, 71-5833 to 71-5838, 71-5840, 71-5841, 71-5846, 71-5848 to 71-5849, 71-5851 to 71-5855, 71-5857, 71-5859 to 71-5859.04, 71-5865, 71-5866, and 71-5868 to 71-5870, Reissue Revised Statutes of Nebraska.".

(6)

AM1804

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. After the operative date of this act, a legislative bill which makes the necessary harmonizing changes in the statutes required by the repeal of the Nebraska Health Care Certificate of Need Act shall be introduced by the Health and Human Services Committee of the Legislature.

Sec. 2. This act becomes operative on July 1, 1998.

Sec. 3. The following sections are outright repealed: Sections 71-5801 to 71-5826, 71-5828 to 71-5832.01, 71-5833 to 71-5838, 71-5840, 71-5841, 71-5846, 71-5848 to 71-5849, 71-5851 to 71-5855, 71-5857, 71-5859 to 71-5859.04, 71-5865, 71-5866, and 71-5868 to 71-5870, Reissue Revised Statutes of Nebraska.".

(7)

AM1799

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 71-5831, Reissue Revised Statutes of Nebraska, is amended to read:

71-5831. (1) ~~The~~ Until September 1, 1998, the Nebraska Health Care Certificate of Need Act shall not apply to an office or clinic used solely by a practitioner or group of practitioners in the practice of medicine, dentistry, or podiatry, except for acquisitions of clinical equipment as described in subsection (3) of this section.

(2) ~~The act shall not apply, through June 30, 1995, to ambulatory surgical centers performing only ophthalmic surgeries not requiring general anesthesia except for acquisitions of clinical equipment as described in subsection (3) of this section or capital expenditures incurred, other than for clinical equipment, in excess of the capital expenditure minimum.~~ The act shall not apply, before September 1, 1998, to the establishment of a full service cardiology program including open heart surgery, exclusive of heart transplant surgery in hospitals in cities of the primary class.

(3) No person shall engage in the purchase, acquisition, or lease of clinical equipment in excess of a base amount of nine hundred thousand dollars as adjusted under this section, if purchased, and which would be located in the State of Nebraska, without having first applied for and received the necessary certificate of need. On October 1 of each year, the department shall adjust the base amount by an amount equal to the percentage change in the Department of Commerce Composite Construction Cost Index from October 1, 1989, through the period most recently reported.

Sec. 2. Original section 71-5831, Reissue Revised Statutes of Nebraska, is repealed.".

GENERAL FILE

LEGISLATIVE BILL 306. Title read. Considered.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Standing Committee amendment, AM1256, printed separately and referred to on page 1304, was considered.

Mr. Hilgert renewed his pending amendment, AM1450, found on page 1513, to the Standing Committee amendment.

Mr. Hilgert withdrew his amendment.

Mr. Schellpeper withdrew the Schellpeper et al. amendment, AM1427, found on page 1639.

Messrs. Schellpeper, Coordsen, Wickersham, Landis, Hartnett, and Will offered the following amendment to the Standing Committee amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1808.)

Messrs. Wickersham, Wesely, Dw. Pedersen, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad requested a division of the question on the Schellpeper et al. amendment to the Standing Committee amendment.

The Chair sustained the division of the question.

The first Schellpeper et al. amendment to the Standing Committee amendment is as follows:
FA204

Sec. 10. Section 13-2304, Revised Statutes Supplement, 1996, is amended to read:

13-2304. The Nebraska Commission on Local Government Innovation and Restructuring shall have the following powers and duties:

(1) To fund outstanding local government projects in government innovation, restructuring, and cooperative services provision. Funds shall be available for planning and evaluating such projects. Funds shall be provided on a matching fund basis;

(2) To conduct research and publish evaluations of efforts to develop public services innovation, restructuring, and cooperation efforts;

(3) To sponsor educational activities which provide information and training for citizens and government officials on the topic of government services innovation;

(4) To identify intergovernmental mandates which affect the ability of federal, state, and local governments to deliver services in an effective manner and to recommend changes to increase effectiveness in accomplishing public purposes and delivering public services;

(5) To identify issues, guidelines, and incentives for collaborative or joint use of facilities and capital equipment by local governments; ~~and~~

(6) To accept and receive funds or donations from public and private funding sources;

(7) To examine and issue a report by January 1, 1998, on the current structure and restructuring possibilities for the provision of public safety services, including an analysis and examination of the following services typically provided by local governments:

(a) 911 emergency services;

(b) Fire protection services; and

(c) Law enforcement services; and

(8) To examine the possibility of local level review of facility needs as an alternative to full review by the Capital Construction Review Commission. The examination shall include the scope and purposes of projects which should have approval by a

review panel before going forward, the possible makeup of a local review panel, the standards for multiple use of facilities, and the appropriate level of state review of local decisions.

Sec. 11. Section 13-2305, Revised Statutes Supplement, 1996, is amended to read:

13-2305. The Nebraska Local Government Innovation and Restructuring Fund is hereby created. The fund shall be used to carry out the purposes of sections 13-2301 to 13-2306. The fund shall be administered by the Department of Administrative Services and shall receive funds pursuant to ~~section~~ sections 77-912 and 77-913. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 12. Section 13-2307, Revised Statutes Supplement, 1996, is amended to read:

13-2307. Sections 13-2301 to ~~13-2306~~ 13-2307 terminate on July 1, 2000.

Sec. 13. Section 77-913, Reissue Revised Statutes of Nebraska, is amended to read:

77-913. The Insurance Tax Fund is created. The State Treasurer shall receive the funds paid pursuant to Chapter 77, article 9, and except as provided in sections 77-912 and 77-918 shall keep all money received in the Insurance Tax Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Prior to June 1 of each year, the State Treasurer shall disburse or allocate all of the funds in the Insurance Tax Fund on May 1 of each year as follows:

(1) Ten percent of the total less one hundred thousand dollars for fiscal years 1997-98 through 1999-2000 shall be allocated to the counties proportionately in the proportion that the population of each county bears to the entire state, as shown by the last ~~United States Government~~ federal decennial census. The one hundred thousand dollars shall be allocated to the Nebraska Local Government Innovation and Restructuring Fund;

(2)(a) Until July 1, 1998, thirty percent of the total shall be allocated to incorporated municipalities proportionately in the proportion that the population of each incorporated municipality bears to the total population of all incorporated municipalities, as determined by the last federal decennial census; and

(b) On and after July 1, 1998, thirty ~~Thirty~~ percent of the total shall be allocated to the Municipal Equalization Fund; and

(3) Sixty percent of the total shall be allocated to the State Department of Education for distribution to school districts as equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act as follows: The Commissioner of Education

shall (a) include the amount certified by the State Treasurer pursuant to this section with the amount appropriated to the Tax Equity and Educational Opportunities Fund for distribution in the ensuing school fiscal year, (b) include such amounts in the state aid certified to each school district pursuant to section 79-1022, and (c) distribute such funds as equalization aid under the provisions of the act during the ensuing fiscal year.

Sec. 14. Section 77-27,139.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,139.02. For purposes of sections 77-27,139.01 to 77-27,139.04:

(1) Average per capita property tax levy means the total property taxes levied by all incorporated municipalities in each population group for the immediately preceding fiscal year, except for the amount of property tax levies committed to provide for principal and interest payments on the indebtedness of all incorporated municipalities, divided by the current population of all incorporated municipalities as determined by the Department of Revenue pursuant to section 77-27,137.01. The average per capita property tax levy shall be calculated separately for each population group;

(2) Average property tax levy means the total property taxes levied by all incorporated municipalities for the prior year, except for the amount of property tax levies committed to provide for principal and interest payments on the indebtedness of all incorporated municipalities, divided by the total amount of valuation subject to property tax in all incorporated municipalities for the immediately preceding fiscal year;

(3) Population means the population of a municipality as determined in section 77-3,119; and

(4) Population group means one of three groupings of municipalities for which the aid established by sections 77-27,139.01 to 77-27,139.04 is calculated based on the average per capita property tax levy calculated separately for each group. The three population groups shall be (a) municipalities with a population of five thousand inhabitants or more, (b) municipalities with a population between eight hundred and five thousand inhabitants, and (c) municipalities with a population of eight hundred inhabitants or less. ~~Qualifying municipality means any municipality whose property tax levy for operational purposes in the immediately preceding fiscal year was greater than or equal to the statewide average property tax levy for the immediately preceding fiscal year.~~

Sec. 15. Section 77-27,139.03, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,139.03. (1) State aid provided to municipalities pursuant to sections 77-27,139.01 to 77-27,139.04 shall be calculated by determining the average property tax levy for operational purposes other than for principal and interest payments on the indebtedness of all incorporated municipalities.

(2) Each ~~qualifying~~ municipality shall receive state aid from the Municipal Equalization Fund equal to (a) the product of the average per capita property tax levy of the appropriate population group multiplied by the current population of the municipality minus (b) the product of the average property tax levy multiplied by the certified valuation within the incorporated municipality, except that a municipality shall not receive any aid under this section if the calculation results in a negative number.

(3) If a municipal tax levy for operational purposes was less than forty cents per one hundred dollars of valuation in the immediately preceding fiscal year, the state aid provided to such municipality shall be reduced by twenty percent for each one-cent increment the levy was below forty cents.

(4) If the amount of money in the Municipal Equalization Fund is less than the total amount of state aid for all ~~qualifying~~ municipalities as required by the allocation formula in subsection (2) of this section, the money in the fund shall be allocated on a prorated basis to such municipalities.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

Mr. Schellpeper moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 30 not voting.

The first Schellpeper et al. amendment was adopted with 25 ayes, 6 nays, 10 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Jeffrey J. Elliott - Department of Health and Human Services - Finance and Support
Linda Lazure, Ph.D. - Nebraska State Board of Health
Julie Cervantes-Salomons - Child Abuse Prevention Fund Board
John Jelkin - Child Abuse Prevention Fund Board

Susan Koenig-Cramer - Child Abuse Prevention Fund Board
Jesse Sharp - Child Abuse Prevention Fund Board

VOTE: Aye: Senators Wesely, Matzke, Dierks, Jensen, C. Peterson, Suttle, and Witek. Nay: None. Absent: None.

(Signed) Don Wesely, Chairperson

AMENDMENTS - Print in Journal

Mr. Will filed the following amendment to LB 846:
AM1393

(Amendments to Standing Committee amendments, AM0921)

1. On page 1, strike beginning with "or" in line 1 through "committed" in line 3 and insert "or a finding by the commission by a preponderance of the evidence is made that the licensee committed".

Messrs. Hartnett and D. Pederson filed the following amendment to LB 875:
AM1677

(Amendments to E & R amendments, AM7136)

1. Insert the following new section:

"Sec. 14. (1) In any suit, action, or proceeding involving the validity or enforceability of any bond of a city, village, or authority or the security therefor brought after the lapse of thirty days after the issuance of such bonds has been authorized, any such bond reciting in substance that it has been authorized by the city, village, or authority to aid in financing a redevelopment project shall be conclusively deemed to have been authorized for such purpose and such redevelopment project shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of the Community Development Law and sections 18-2145 to 18-2154.

(2) In any suit, action, or proceeding involving the validity or enforceability of any agreement of a city, village, or authority brought after the lapse of thirty days after the agreement has been formally entered into, any such agreement reciting in substance that it has been entered into by the city, village, or authority to provide financing for an approved redevelopment project shall be conclusively deemed to have been entered into for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of the Community Development Law and sections 18-2145 to 18-2154.".

2. On page 17, strike lines 19 through 27 and insert the following new subsection:

"(2) The authority shall conduct a cost-benefit analysis for each redevelopment project (a) which is proposed or pending approval by the governing body on or after July 1, 1998, and (b) whose redevelopment plan includes the use of funds authorized by section 18-2147. In conducting the cost-benefit analysis, the authority shall use a cost-benefit model developed for use by local projects pursuant to the guidelines for cost-benefit analysis found in section 77-5104. One or more models for such use shall be developed by the Review Incentives Program Committee created in section 77-5102.".

3. On page 21, line 14, after the semicolon insert "and"; strike beginning with the semicolon in line 18 through "authority" in line 22; and in line 26 after the period insert "The report may include any recommendations of the Property Tax Administrator as to what other information should be included in the report from the cities so as to facilitate analysis of the uses, purposes, and effectiveness of tax-increment financing and the process for its implementation or to streamline the reporting process provided for in this section to eliminate unnecessary paperwork.".

Mr. Withem filed the following amendment to LB 798:
AM1815

(Amendments to AM1353)

1. Strike section 32.

ATTORNEY GENERAL'S OPINIONS

Opinion No. 97026

DATE: April 29, 1997

SUBJECT: Constitutionality of Legislative Bill 532 Providing for Adjusted Supplemental Retirement Benefits

REQUESTED BY: Senators LaVon Crosby and Elaine Stuhr
Nebraska State Legislature

WRITTEN BY: Don Stenberg, Attorney General
Fredrick F. Neid, Assistant Attorney General

You have requested that the Attorney General address two issues relating to the constitutionality of Legislative Bill 532. The provisions of LB 532, for the most part, establish a supplemental retirement benefit for certain retired members of the School Retirement System and the Retirement System for Class V School Districts based on years of creditable service.

It is FIRST inquired:

[D]oes LB 532 as written violate Article III, Section 18 of the Nebraska

> Constitution, i.e. whether it violates the prohibition against special legislation.

In summary, the provisions of LB 532 establish minimum levels of retirement benefits for retired members of the school retirement systems having twenty or more years of creditable service at the effective date of the legislative act. Section 2 of the Bill establishes a two hundred fifty dollar minimum for retirees with twenty years of service. The minimum benefit level is increased in fifty dollar increments for each year of additional service beyond twenty years to twenty-five years or more of creditable service. A retiree having twenty-five or more years of service would receive a minimal retirement benefit of five hundred dollars.

Neb. Const. art. III, § 18 provides in pertinent part:

> The Legislature shall not pass local or special laws in any of the following cases, that is to say: . . . . Granting to any corporation, association, or individual any special or exclusive privileges, immunity, or franchise whatever. . . . In all other cases where a general law can be made applicable, no special law shall be enacted.

A legislative act constitutes special legislation under art. III, § 18 if it (1) creates an arbitrary and unreasonable method of classification or (2) creates a permanently closed class. ***See, City of Ralston v. Balka***, 247 Neb. 773, 530 N.W.2d 594 (1995); ***Henry v.Rockey***, 246 Neb. 398, 518 N.W.2d 658 (1994). Thus, the first inquiry focuses on whether the provisions of the legislative act in question create an arbitrary and unreasonable method of classification. In viewing classification issues, the Nebraska Supreme Court has stated:

> A legislative classification, in order to be valid, must be based upon some reason of public policy, some substantial difference of situation or circumstance, that would naturally suggest the justice or expediency of diverse legislation with respect to objects to be classified. Classifications for the purpose of legislation must be real and not elusive. They cannot be based on distinctions without a substantial difference. . . .
>
> Classification is proper if the special class has some reasonable distinction from other subjects of like general character, which distinction bears some reasonable relationship to the legitimate objectives and purposes of the legislation The question is always whether the things or persons classified by the act form by themselves a proper and legitimate class with reference to the purpose of the act.

Haman v. March, 237 Neb. 699, 711, 467 N.W.2d 836, 846 (1991) (quoting ***State ex rel. Douglas v. Marsh***, 207 Neb. 598, 300 N.W.2d 181 (1980). (emphasis added).

Review of LB 532 reflects that the purpose of the act is to provide a supplemental pension benefit for the class of retirees with twenty or more years of creditable service if current benefit amounts are below certain dollar amounts. We believe the classification(s) is reasonable in view of the fact that the Legislature is accorded broad discretion as to conditions of public employment and as to the requirements, classifications, contributions to and benefits conferred by a retirement act. ***See Gossman v. State Employees Retirement System***, 177 Neb. 326, 129 N.W.2d 97 (1964).

The second inquiry is whether the legislative act creates a permanently closed class. We believe the classes of retirees established under section 2 of the Bill constitute permanent closed classes and therefore unconstitutional special legislation. The classes are closed in the sense that only retirees having twenty or more years of creditable service "as of the effective date of this act" comprise membership of the classification as of its effective date and leave no room for any increase in its membership. It has been long held by the Nebraska Supreme Court that:

> The rule appears to be settled by an almost unbroken line of decisions that a classification which limits the application of the law to a present condition, and leaves no room or opportunity for an increase in the numbers of the class by future growth or development, is special, and a violation of the constitution above quoted . . . .

Haman at 716, 467 N.W.2d at 848, [citing ***City of Scottsbluff v. Tiemann***, 185 Neb. 256, 262, 175 N.W.2d 74, 79 (1970) (quoting ***State v. Kelso***, 92 Neb. 628, 139 N.W.2d 226 (1912)].

Accordingly, it is our opinion that LB 532 is constitutionally suspect as special legislation in violation of Neb. Const. art. III, § 18.

The SECOND issue you present is:

> [D]oes LB 532 as written violate Article III, Section 19 of the Nebraska Constitution, i.e. whether it constitutes the granting of extra compensation to a public servant after the service has been rendered and is not in the form of a cost of living adjustment to a retirement benefit.

Generally, the granting of a retirement or pension benefit in instances where no part of the service was rendered subsequent to the enactment of the law is a gratuity in violation of Neb. Const. art. III, § 19. ***Retired City Civilian Employees Club v. City of Omaha Employees Ret. Sys.***, 199 Neb. 507, 260 N.W.2d 472 (1977); ***Gossman v. State Employees Retirement System***. However, adjustments to retirement benefits of public employees to reflect cost of living changes are permissible. Neb. Const. art. III, § 19 in relevant part states:

> The Legislature shall never grant any extra compensation to any public officer, agent or servant after the services have been rendered. . . except

> that retirement benefits of retired public officers and employees may be adjusted to reflect changes in the cost of living and wage levels that have occurred subsequent to the date of retirement, ...

(Emphasis supplied).

Due to this express exception, adjustments to retirement benefits are not violative of the constitutional provision to the extent the adjustments are based on changes in the cost of living and wage levels that have subsequently occurred. The difficulty with the adjustments provisions of the Bill is that it cannot be determined from its provisions whether the adjustments are based on widely accepted cost of living index or other indices. Section 1 of the Bill characterizes the adjustments "to reflect changes that have occurred subsequent to the date of retirement for each person who is retired." However, the provisions of the Bill do not define the term cost of living or expressly base adjustment amounts to a specific cost of living index. We have previously concluded that "the percentage of increase implemented would necessarily be based on a cost of living index." ***See*** Op. Att'y Gen. 93020 (1993).

A fundamental canon of statutory construction is that, unless otherwise defined, words will be interpreted as taking their plain, or ordinary and popular meaning. ***Southern Nebraska Rural Public Power Dist. v. Nebraska Elec. Generation and Transmission Co-op, Inc.***, 249 Neb. 913, 546 N.W.2d 315 (1996); ***Baker's Supermarkets, Inc. v. State Dept of Agriculture***, 248 Neb. 894, 540 N.W.2d 574 (1995).

In the absence of statutory definition or established common law meaning, the plain and ordinary meaning of "cost of living" is "the cost of purchasing those goods and services which are included in an accepted level of consumption." Webster's Third New International Dictionary 515. Based on this popular definition, federal courts have interpreted the phrase, cost of living, as having this ordinary meaning and that it is properly measured by the Consumer Price Index. ***Harris v. Sullivan***, 968 F.2d 263 (2nd Cir. 1992) (further citing other federal case authorities).

Section 2 of the Bill establishes minimum levels of retirement benefit amounts on a graduated scale from two hundred fifty dollars a month for retirees with twenty years of service to five hundred dollars each month for retirees with twenty-five or more years of service. It does not appear or at least cannot be readily determined whether the incremental increases are based on increases that have occurred in the cost of living and wage levels as measured by a consumer price index. The adjustment would be gratuitous in the absence of any showing that the adjustment amounts are tied to a cost of living index. For this reason, it is our opinion that the adjustment provisions of LB 532 are constitutionally suspect as violative of Neb. Const. art. III, § 19.

Since we have concluded that the cost of living adjustment provisions of

LB 532 are violative of art. III, § 19, it is not necessary to engage in a lengthy discussion of the related issue whether the specific authorization for cost of living adjustments of art. III § 19 supersedes the special laws prohibition of art. III, § 18. This issue arises because the cost of living adjustment provisions of art. III, § 19 were added by 1972 Neb. Laws, LB 1414, § 1 after adoption of the provisions of art. III, § 18. However, we point out that we do not perceive any conflict between these constitutional provisions. The provisions of §§ 18 and 19 are not conflictive since cost of living adjustments for retired public employees may be accomplished without the creation of permanent closed classes.

The Nebraska Supreme Court has opined:

> A state constitution is the supreme written will of the people of a state regarding the framework for their government and is subject only to the limitations found in the federal Constitution. (citation omitted). The state Constitution, as amended, must be read as a whole. (citation omitted). A constitutional amendment becomes an integral part of the instrument and must be construed and harmonized, if possible, with all other provisions so as to give effect to every section and clause as well as to the whole instrument. (citations omitted). If inconsistent, a constitutional amendment prevails over a provision in the original instrument; but a court will find distinct constitutional provisions repugnant to each other only when they relate to the same subject, are adopted for the same purpose, and are incapable of enforcement without substantial conflict.

Jaksha v. State, 241 Neb. 106, 110-11, 486 N.W.2d 858, 863 (1992) (quoting other authorities) (emphasis added).

The amendment of art. III, § 19 authorizing cost of living adjustments for retired public employees may be harmonized with the provisions of art. III, § 18 prohibiting special legislation. That is to say, provisions for cost of living adjustments for public employees may be legislatively enacted without the creation of permanent closed classes proscribed by art. III, § 18. Thus, the constitutional provisions may be applied without conflict.

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Fredrick F. Neid
Assistant Attorney General

cc: Patrick J. O'Donnell
Clerk of the Legislature

21-936-6.op

Opinion No. 97027

DATE:	April 30, 1997
SUBJECT:	Amendment FA125 to LB 280, Legitimization of Marriages Involving Underage Children Based Upon "Custom"
REQUESTED BY:	Senator Don Wesely Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Dale A. Comer, Assistant Attorney General

LB 280 is a bill dealing with recognition of certain marriages in Nebraska. The bill states that "[i]t is declared to be the strong public policy of this state to recognize as valid only those marriages from other states that are between one man and one woman." In light of this policy, the bill would amend Neb. Rev. Stat. § 42-103 (1993) to add marriages "when the parties are of the same sex" to a listing of types of marriages which are void under Nebraska law. The existing portions of § 42-103 currently void certain marriages where there is a previous spouse living at the time of the marriage, where one of the parties is mentally incompetent, or where the parties are related in certain respects. The bill would also amend Neb. Rev. Stat. § 42-117 (1993) to read:

> All marriages contracted in any other country, state, or territory, which would be valid by the laws of the country, state or territory in which the same were contracted shall be valid in all courts and places in this state unless the marriage would be void under section 42-103.

An amendment to LB 280 has now been proposed which would further alter the bill's effect upon § 42-117. Amendment No. FA125 would amend LB 280 to insert the words "or customs" into the bill, so that the proposed amendment to § 42-117 would read:

> All marriages contracted in any other country, state, or territory, which would be valid by the laws ***or customs*** of the country, state or territory in which the same were contracted shall be valid in all courts and places in this state unless the marriage would be void under section 42-103.

(language of Amendment No. FA125 emphasized). Your question goes to the additional language for LB 280 proposed in Amendment No. FA125.

In your opinion request letter, you note that there is a case currently pending in Lancaster County in which "Iraqi parents . . . forced their thirteen and fourteen year old daughters to marry Iraqi men, aged 28 and 34." You go on to state that, "[t]he Iraqi parents argued that such marriages were a custom in their country." You then ask, "[w]ould [Amendment No. FA125] . . . provide them [the Iraqi parents] protection to go forward with such a forced marriage based on the fact that they claim it to be a custom of their country?"

The word "customs" is not defined in either LB 280 or Amendment No. FA125; nor is it defined in the statute which contains general definitions for use with the Nebraska statutes. ***See*** Neb. Rev. Stat. § 49-801 (1993). Therefore, when the word "customs" is used in a statute, it must be given its plain and ordinary meaning. ***Application of City of Grand Island*** 247 Neb. 446, 527 N.W.2d 864 (1995). In that regard, a "custom" is generally defined as "a social convention carried on by tradition and enforced by social disapproval of any violation" or "such practices, collectively." WEBSTER'S NEW WORLD DICTIONARY 349 (2nd college ed. 1982). Under that definition, it seems to us that it would be possible to argue that a tradition or practice of arranged or contracted marriages of young girls for religious or other reasons in a particular country or culture would involve a "custom" of that country or culture for purposes of the proposed amendment to § 42-117 contained in FA125.

Neb. Rev. Stat. § 42-102 (1993) provides that individuals wishing to marry in Nebraska must be at least seventeen years of age. Since LB 280 and its proposed changes for § 42-117 apply only to marriages "contracted in any other country, state, or territory," we do not believe that the additional language proposed for § 42-117 by Amendment No. FA125 would abrogate that age requirement for a marriage arranged or contracted in Nebraska simply on the basis of "custom." On the other hand, if the parents of a young child contracted for his or her marriage in another "country, state or territory" where the tradition and practice was to arrange and contract for such marriages, the marriage under those circumstances might well be valid in spite of § 42-102.

We would note that the Nebraska criminal statute dealing with first degree sexual assault provides that:

> Any person who subjects another person to sexual penetration . . . (c) when the actor is nineteen years of age or older and the victim is less than sixteen years of age is guilty of sexual assault in the first degree.

There is nothing in that statute which creates an exception for sexual relations with a person under sixteen years of age when the relations occur within a "marriage." As a result, we believe that an older spouse in a marriage contracted out of this state which might be valid based upon "custom" would still be liable for potential prosecution for first degree sexual assault should he or she perpetrate sexual relations with his or her "spouse" under sixteen years of age.

We would also point out that, even if Amendment No. FA125 to LB 280 is passed, it would still be possible to argue that the forced marriage of underage children to older spouses is so against the strong policy of this state that such marriages are void. This argument would be based, in part, upon the criminal statute cited above, and also upon authority from other jurisdictions which holds that no state is bound by comity to give effect in its courts to the marriage laws of another state repugnant to its own laws and policy. ***Hager v. Hager***, 3 Va. App. 415, 349 S.E.2d 908 (1986); ***State v. Austin***, 234 S.E.2d 657 (1977).

Sincerely yours,
DON STENBERG
Attorney General
(Signed) Dale A. Comer
Assistant Attorney General

05-62-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

GENERAL FILE

LEGISLATIVE BILL 306. The second Schellpeper et al. amendment to the Standing Committee amendment is as follows:
FA206

(Amendments to Standing Committee amendments, AM1256)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. It is the policy of the Legislature to reduce property taxes through the use of levy limits. This policy requires political subdivisions to seek efficiencies which include cooperation with other agencies and political subdivisions in the use and construction of public buildings. In order to facilitate the policy of property tax reduction and consolidation or cooperation in the provision of public services, it is necessary for the state to exercise oversight over capital construction projects by political subdivisions through the Capital Construction Review Commission.

Sec. 2. For purposes of sections 1 to 9 of this act:

(1) Political subdivision means all school districts, cities, villages, counties, rural and suburban fire districts, public building commissions, and educational service units in this state; and

(2) Reviewable building project means any project for (a) the construction of a building or (b) any addition or renovation of any existing building which is proposed to have a cost equal to or greater than fifty percent of the original cost of the building for which the renovation or addition is proposed. A reviewable building project is a building project which has an estimated total cost of at least five hundred thousand dollars or ten percent of the total general fund expenditures of the political subdivision in the most current year available, whichever is greater, but does not include any capital construction project in support of a

proprietary function if the project is to be financed primarily through grants, matching funds, or user fees paid for the services of the proprietary function. Any such project shall be reviewable by the Capital Construction Review Commission regardless of whether it is financed through a bond issue, a sinking fund appropriation, the use of the special building fund authorized in subdivision (2)(a) of section 77-3442, or a long-term lease negotiated through a third party.

For purposes of this section, total general fund expenditures means all expenditures budgeted from all funds except (i) money transferred between funds shall only be considered as budgeted expenditures from the fund from which the money is actually expended and not transferred and (ii) expenditures of a proprietary function. In the case of a public building commission created pursuant to sections 13-1301 to 13-1312, total general fund expenditures means the total general fund expenditures of all cities and counties which are involved with the commission divided by the number of cities and counties involved.

For purposes of this section, proprietary function means a water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, a hospital, or a nursing home.

Sec. 3. No political subdivision shall commence a reviewable building project unless the project has been reviewed and approved by the Capital Construction Review Commission. This section shall not apply to any reviewable building project which has received approval under the Nebraska Health Care Certificate of Need Act.

Sec. 4. (1) There is hereby created the Capital Construction Review Commission consisting of the Commissioner of Education and six members appointed by the Governor, with expertise and experience in public or private sector finance, analysis, or management. One of the members to be appointed by the Governor shall be a mayor of a Nebraska municipality, one shall be a member of a public school board of education, and one shall be a member of a county board in Nebraska. Members other than the Commissioner of Education shall serve for terms of four years. As the terms of appointees expire, succeeding appointments shall be made in the same manner as the original appointments are made, and succeeding appointees shall have the same qualifications as their predecessors. An individual appointed to fill a vacancy, occurring other than by the expiration of a term of office, shall be appointed for the unexpired term of the member such individual succeeds. No individual may serve more than two consecutive terms.

(2) The commission shall be within the Department of Administrative Services. The commission shall elect a chairperson from its members. The commission shall meet from time to time as

directed by the chairperson, and members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The commission shall set standards for determining whether to approve or disapprove reviewable building projects proposed by a political subdivision. Such standards shall be as follows:

(a) Whether the political subdivision making the application and the political subdivisions in the geographical area contiguous to the applicant or having public buildings of the same type being proposed within fifteen miles of the proposed buildings have established strategic plans concerning the need for public buildings in that area, the feasible uses for such buildings, and the population to be served by such buildings;

(b) Whether the political subdivision has communicated with other political subdivisions contiguous to the applicant or having public buildings of the same type being proposed within fifteen miles of the proposed buildings concerning joint use of the project, if feasible;

(c) Whether the project will efficiently serve the residents of the geographical area;

(d) Whether the project allows multiple use by different governmental entities, not-for-profit entities, or the general public, if feasible;

(e) Whether there is a demonstrated need for the project, including the condition of current buildings and the population to be served by the project;

(f) Whether the project has a long-term benefit for the geographical area, based upon projections of population, economic conditions of the area, and the strategic plans for public buildings for the area; and

(g) Whether the political subdivision is able to demonstrate that the identified needs cannot be met by the use of alternative service delivery systems or technology which is currently in use or may be adapted to serve such needs.

(4) A member of the commission shall not participate in an application which would involve a conflict of interest.

(5) The commission shall adopt and promulgate rules and regulations to carry out sections 1 to 9 of this act.

Sec. 5. A political subdivision seeking approval of a reviewable building project shall submit an application for approval to the Capital Construction Review Commission. The application shall be on a form developed by the commission which requires the following documents and information to be attached:

(1) Copies of public notices of intent to construct the facility described in the application, including copies of any notices sent to other political subdivisions which have contiguous or overlapping boundaries to the boundaries of the applicant;

(2) Any formal written responses provided to the

applicant in response to the notices received prior to the filing of the application;

(3) Copies of any agreements for use or joint use of the facility which have been drafted and are pending at the time of the application, including agreements with other political subdivisions or private parties; and

(4) A report examining the need for the physical facility and the demand for public services which the facility will provide. The report shall:

(a) Provide information on the physical condition and current use of any existing facility which the proposed facility would replace. Reports from regulatory agencies regarding the physical condition of the building may be submitted;

(b) Describe any existing public facilities with similar uses which are located in political subdivisions with overlapping or contiguous boundaries. Supportive endorsements or proposals from such overlapping or contiguous political subdivisions may be submitted;

(c) Contain a description of any published or available alternative proposals from private or public sector groups proposing to serve the same public service needs proposed to be served using the facility; and

(d) Examine the potential for alternative service delivery systems or technology which is currently in use for serving public service needs or may be adapted to serve the same need for public services.

The applicant shall provide documentation of the amount and role of private, federal, state, and local funding in such project and any potential impact of the project on the type or amount of federal or state aid which the government may receive. The applicant shall also provide a copy of public documents describing any proposed or available debt or bond financing for the facility and any public reports provided by bond counsel or agent which are relevant to credit rating the applicant for debt financing purposes.

Sec. 6. In an application for approval of a reviewable building project, the political subdivision shall bear the burden of proving that the project meets the applicable criteria specified in section 4 of this act and rules and regulations of the Capital Construction Review Commission. Hearings shall be conducted in the manner prescribed in the Administrative Procedure Act and shall include time during which any interested person wishing to present oral or written evidence to the commission may do so. The political subdivision shall provide notice of the date and time of any hearing in a newspaper of general circulation in the political subdivision prior to the hearing. The applicant may file an amended application or a substitute application at the hearing or at any time before the decision.

Sec. 7. The decision of the Capital Construction Review

Commission shall be based upon the applicable standards for review of an application established pursuant to section 4 of this act. If the commission finds that standards in subsection (3) of section 4 of this act have been met by the political subdivision, it shall approve the project. If the commission finds that one or more standards have not been met, it may disapprove the project or make recommendations for further action by the political subdivision. The commission shall not make its decision subject to any condition not directly related to such standards, and any condition or modification shall bear a direct and rational relationship to the project under review.

The commission shall issue a written decision forty-five days after the date the hearing was requested unless the applicant consents to an extension of time. The findings, conclusions, and decisions resulting from the hearing shall constitute the determinations of the commission and shall be included in the written decision.

The applicant or any affected political subdivision who has intervened in the matter before the commission may seek judicial review in the manner provided in sections 84-917 to 84-919 by filing an appeal within thirty days after the final decision of the commission. The activities of the commission shall not otherwise be subject to the provisions of the Administrative Procedure Act.

Sec. 8. The Capital Construction Review Commission may, in accordance with the laws of the state governing injunctions and other process, maintain an action in the name of the state against any political subdivision undertaking a reviewable building project without first having approval of the commission.

Sec. 9. When a vote of the electorate is required before a bond may be issued for purposes of financing a capital construction project subject to sections 1 to 9 of this act, the issue may not be placed on the ballot prior to project approval by the Capital Construction Review Commission.

Messrs. Robinson, Dierks, Cudaback, Abboud, and Mrs. Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mrs. Crosby filed the following amendment to LB 852:
AM1812

(Amendments to Final Reading copy)

1. On page 3, line 11, strike "have" through "clients" and insert "work directly with clients receiving services".

Messrs. Tyson and Maurstad filed the following amendment to LB 306:
AM1816

(Amendments to Standing Committee amendments, AM1256)

1. Strike sections 1 to 8.

2. On page 8, line 8, after the semicolon insert "and"; strike beginning with the semicolon in line 9 through "decisions" in line 18.

3. On page 13, strike beginning with the comma in line 20 through "Commission" in line 21.

4. On page 25, line 3, strike "1 to 8, 13 to 20, and 24" and insert "5 to 12 and 16".

5. Renumber the remaining sections accordingly.

Mr. Maurstad filed the following amendment to LB 306:
AM1684

(Amendments to Standing Committee amendments, AM1256)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. For purposes of sections 1 to 8 of this act, capital construction project means a project for construction, renovation, expansion, or remodeling of public buildings which is financed through a bond issue, sinking fund appropriation, or long-term lease negotiated through a third party.

Sec. 2. No school district or multi-district school system shall levy for the sinking fund or special building fund under section 79-1081 or 79-10,120 unless all of the funds to be generated from the levy are for a project or projects which have been approved by the commission.".

2. On page 3, line 12; page 4, line 1; page 5, lines 21 and 22; and page 6, lines 1, 3, and 24, strike "political subdivision" and insert "school district or multi-district school system".

3. On page 3, line 15, strike "political subdivisions" and insert "school districts or multi-district school systems".

4. On page 8, strike beginning with "as" in line 11 through "1997" in line 13 and insert "and capital construction projects".

5. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 306:
FA201

Amend AM1256, page 1 to strike lines 8-11, lines 14-19.

Mr. Withem filed the following amendment to LB 306:
FA203

Amend the committee amendment as amended in AM1808, to strike on page 2, line 5, after greater through line 9 after "function".

Strike lines 25 through 27.

Page 3 strike lines 1-3.

Mr. Janssen filed the following amendment to LB 306:
AM1821

(Amendments to FA206)

1. Strike section 9.

2. On page 1, line 15; and page 5, line 13; strike "9" and insert "8".

3. On page 2, line 11, strike "a bond issue,".

4. Renumber the remaining sections and correct the operative date section accordingly.

Mr. Brashear filed the following amendment to LB 752:
AM1819

(Amendments to Standing Committee amendments, AM1359)

1. On page 10, line 26, strike "If" and insert "Except as provided in subsection (6) of this section as it pertains to a license holder who is a member of the Nebraska State Bar Association, if".

2. On page 11, line 11, after "(6)" insert "If the Director of Health and Human Services, county attorney, authorized attorney, or court of competent jurisdiction certifies a license holder who is a member of the Nebraska State Bar Association to the Counsel for Discipline of the Nebraska State Bar Association, the Nebraska Supreme Court may suspend the license holder's license to practice law. It is the intent of the Legislature to encourage all license holders to comply with their child support obligations. Therefor, the Legislature hereby requests that the Nebraska Supreme Court adopt amendments to the rules regulating the Nebraska State Bar Association, if necessary, which provide for the discipline of an attorney who is delinquent in the payment of or fails to pay his or her child support obligation.

(7)".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Bruning asked unanimous consent to have his name added as cointroducer to LB 401. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 806A. Introduced by Bohlke, 33; Abboud, 12; Beutler, 28; Chambers, 11; Crosby, 29; Cudaback, 36; Elmer, 44; Hilgert, 7; Hudkins, 21; McKenzie, 34; Dw. Pedersen, 39; Preister, 5; Robak, 22; Schimek, 27; Schrock, 38; Suttle, 10; Wehrbein, 2; Wesely, 26; Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 806, Ninety-fifth

Legislature, First Session, 1997.

VISITORS

Visitors to the Chamber were 18 fourth grade students and teacher from Shelby; Jennifer Cary from Lincoln; 25 fourth grade students and teacher from Prescott Elementary School, Lincoln; 31 fourth grade students and teachers from Plainview; and 22 seventh and eighth grade students and teacher from St. Mary's School, Ord.

The Doctor of the Day was Bruce Gfeller from Lincoln.

ADJOURNMENT

At 4:59 p.m., on a motion by Mr. Kristensen, the Legislature adjourned until 9:00 a.m., Thursday, May 1, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-SEVENTH DAY – MAY 1, 1997

LEGISLATIVE JOURNAL

SIXTY-SEVENTH DAY - MAY 1, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 1, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Cudaback, Dierks, Janssen, Landis, Robinson, Wesely, Wickersham, Will, Mmes. Bohlke, and Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1749, strike lines 41 and 42 and insert "(Amendment on file in the Clerk's Office - Room 2018 - AM1808.)"
The Journal for the sixty-sixth day was approved as corrected.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE RESOLUTION 110. Reported to the Legislature for further consideration.

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 306. The second Schellpeper et al. amendment, FA206, found on page 1762, to the Standing Committee amendment, was renewed.

Mr. Schellpeper requested to pass over LB 306.

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LB 306:
AM1827

(Amendments to Standing Committee amendments, AM1256)

1. Strike the original sections 1 to 8 and insert the following new sections:

"Section 1. It is the policy of the Legislature to reduce property taxes through the use of levy limits. This policy requires political subdivisions to seek efficiencies which include cooperation with other agencies and political subdivisions in the use and construction of public buildings. In order to facilitate the policy of property tax reduction and consolidation or cooperation in the provision of public services, it is necessary for the state to exercise oversight over certain capital construction projects by political subdivisions through the Capital Construction Review Commission.

Sec. 2. For purposes of sections 1 to 9 of this act:

(1) Political subdivision means all school districts and educational service units in this state; and

(2) Reviewable building project means any project for the construction of a building or any addition or renovation of any existing building which is proposed to have a cost equal to or greater than seven hundred fifty thousand dollars or ten percent of the total general fund expenditures of the political subdivision in the most current year available, whichever is greater, but does not include any capital construction project in support of a proprietary function if the project is to be financed primarily through grants, matching funds, or user fees paid for the services of the proprietary function. Any such project shall be reviewable by the Capital Construction Review Commission regardless of whether it is financed through a bond issue, a sinking fund appropriation, the use of the special building fund authorized in subdivision (2)(a) of section 77-3442, or a long-term lease negotiated through a third party.

For purposes of this section, total general fund expenditures means all expenditures budgeted from all funds except (i) money transferred between funds shall only be considered as budgeted expenditures from the fund from which the money is actually expended and not transferred and (ii) expenditures of a proprietary function.

For purposes of this section, proprietary function means a water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, a hospital, or a nursing home.

Sec. 3. No political subdivision shall commence a reviewable building project unless the project has been reviewed and approved by the Capital Construction Review Commission. This section shall not apply to any reviewable building project which has received approval under the Nebraska Health Care Certificate of Need Act.

Sec. 4. (1) There is hereby created the Capital Construction Review Commission consisting of the Commissioner of Education and six members appointed by the Governor, with expertise and experience in public or private sector finance, analysis, or management. Three of the members to be appointed by the Governor shall be members of public school boards of education in Nebraska. Members other than the Commissioner of Education shall serve for terms of four years. As the terms of appointees expire, succeeding appointments shall be made in the same manner as the original appointments are made, and succeeding appointees shall have the same qualifications as their predecessors. An individual appointed to fill a vacancy, occurring other than by the expiration of a term of office, shall be appointed for the unexpired term of the member such individual succeeds. No individual may serve more than two consecutive terms.

(2) The commission shall be within the Department of Administrative Services. The commission shall elect a chairperson from its members. The commission shall meet from time to time as directed by the chairperson, and members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3) The commission shall set standards for determining whether to approve or disapprove reviewable building projects proposed by a political subdivision. Such standards shall be as follows:

(a) Whether the political subdivision making the application and the political subdivisions in the geographical area contiguous to the applicant or having public buildings of the same type being proposed within fifteen miles of the proposed buildings have established strategic plans concerning the need for public buildings in that area, the feasible uses for such buildings, and the population to be served by such buildings;

(b) Whether the political subdivision has communicated with other political subdivisions contiguous to the applicant or having public buildings of the same type being proposed within fifteen miles of the proposed buildings concerning joint use of the project, if feasible;

(c) Whether the project will efficiently serve the residents of the geographical area;

(d) Whether the project allows multiple use by different governmental entities, not-for-profit entities, or the general public, if feasible;

(e) Whether there is a demonstrated need for the project, including the condition of current buildings and the population to be served by the project;

(f) Whether the project has a long-term benefit for the geographical area, based upon projections of population, economic conditions of the area, and the strategic plans for public buildings for the area; and

(g) Whether the political subdivision is able to demonstrate that the identified needs cannot be met by the use of alternative service delivery systems or technology which is currently in use or may be adapted to serve such needs.

(4) A member of the commission shall not participate in an application which would involve a conflict of interest.

(5) The commission shall adopt and promulgate rules and regulations to carry out sections 1 to 9 of this act.

Sec. 5. A political subdivision seeking approval of a reviewable building project shall submit an application for approval to the Capital Construction Review Commission. The application shall be on a form developed by the commission which requires the following documents and information to be attached:

(1) Copies of public notices of intent to construct the facility described in the application, including copies of any notices sent to other political subdivisions which have contiguous or overlapping boundaries to the boundaries of the applicant;

(2) Any formal written responses provided to the applicant in response to the notices received prior to the filing of the application;

(3) Copies of any agreements for use or joint use of the facility which have been drafted and are pending at the time of the application, including agreements with other political subdivisions or private parties; and

(4) A report examining the need for the physical facility and the demand for public services which the facility will provide. The report may:

(a) Provide information on the physical condition and current use of any existing facility which the proposed facility would replace. Reports from regulatory agencies regarding the physical condition of the building may be submitted;

(b) Describe any existing public facilities with similar uses which are located in political subdivisions with overlapping or contiguous boundaries. Supportive endorsements or proposals from such overlapping or contiguous political subdivisions may be submitted;

(c) Contain a description of any published or available alternative proposals from private or public sector groups proposing to serve the same public service needs proposed to be served using the facility; and

(d) Examine the potential for alternative service delivery systems or technology which is currently in use for serving public service needs or may be adapted to serve the same need for public services.

The applicant shall provide documentation of the amount and role of private, federal, state, and local funding in such project and any potential impact of the project on the type or amount of federal or state aid which the government may receive. The applicant shall also provide a copy of public documents describing any proposed or available debt or bond financing for the facility and any public reports provided by bond counsel or agent which are relevant to credit rating the applicant for debt financing purposes.

Sec. 6. In an application for approval of a reviewable building project, the political subdivision shall bear the burden of proving by a preponderance of the evidence that the project meets the applicable criteria specified in section 4 of this act and rules and regulations of the Capital Construction Review Commission. A hearing shall be conducted within thirty days of receipt of the application in the manner prescribed in the Administrative Procedure Act and shall include time during which any interested person wishing to present oral or written evidence to the commission may do so. The political subdivision shall provide notice of the date and time of any hearing in a newspaper of general circulation in the political subdivision at least ten days prior to the hearing. The applicant may file an amended application or a substitute application at the hearing or at any time before the decision.

Sec. 7. The decision of the Capital Construction Review Commission shall be based upon the applicable standards for review of an application established pursuant to section 4 of this act. If the commission finds that standards in subsection (3) of section 4 of this act have been substantially met by the political subdivision, it shall approve the project. Otherwise, it may disapprove the project or make recommendations for further action by the political subdivision. The commission shall not make its decision subject to any condition not directly related to such standards, and any condition or modification shall bear a direct and rational relationship to the project under review.

The commission shall issue a written decision thirty days after the date of the hearing unless the applicant consents to an extension of time. The findings, conclusions, and decisions resulting from the hearing shall constitute the determinations of the commission and shall be included in the written decision.

The applicant or any affected political subdivision who has intervened in the matter before the commission may seek judicial review in the manner provided in sections 84-917 to 84-919 by filing an appeal within thirty days after the final decision of the commission. The activities of the commission shall not otherwise be subject to the provisions of the Administrative Procedure Act.

Sec. 8. The Capital Construction Review Commission may, in accordance with the laws of the state governing injunctions and other process, maintain an action in the name of the state against any political subdivision undertaking a reviewable building project without first having approval of the commission.

Sec. 9. When a vote of the electorate is required before a bond may be issued for purposes of financing a capital construction project subject to sections 1 to 9 of this act, the issue may not be placed on the ballot prior to project approval by the Capital Construction Review Commission.

Sec. 10. Sections 1 to 9 of this act terminate on July 1, 2003.".

GENERAL FILE

LEGISLATIVE BILL 180. Title read. Considered.

Standing Committee amendment, AM1213, found on page 1381, was considered.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen renewed his pending amendment, AM1347, found on page 1404, to the Standing Committee amendment.

Mr. Coordsen withdrew his amendment.

Mmes. Witek and C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 23 not voting.

The Standing Committee amendment was adopted with 34 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 34 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 752. Mr. Chambers moved to indefinitely postpone the bill before the reading of the title, pursuant to Rule 6(3)(f).

Messrs. Wehrbein, Lynch, Maurstad, Coordsen, Will, Cudaback, Jones, Schmitt, Dw. Pedersen, Robinson, Mmes. Bohlke, Robak, and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Pending.

MOTIONS - Print in Journal

Mr. Chambers filed the following motion to LB 386:
To indefinitely postpone the bill before the reading of the title, pursuant to Rule 6(3)(f).

Mr. Chambers filed the following motion to LB 386:
Request that LB 386 be read section by section, pursuant to Rule 6(3)(a).

Mr. Chambers filed the following motion to LB 389:
To indefinitely postpone the bill before the reading of the title, pursuant to Rule 6(3)(f).

Mr. Chambers filed the following motion to LB 389:
Request that LB 389 be read section by section, pursuant to Rule 6(3)(a).

UNANIMOUS CONSENT - Add Cointroducer

Mrs. Stuhr asked unanimous consent to have her name added as cointroducer to LB 419. No objections. So ordered.

VISITORS

Visitors to the Chamber were 10 seventh and eighth grade students and teacher from Funk; 25 eighth grade students and teacher from Assumption School, Omaha; 31 second grade students and teacher from Norwood Park Elementary School, Lincoln; 54 fourth grade students and teachers from Montclair Elementary School, Omaha; Mrs. Bohlke's mother, Naomi Gidley, and Marcella Doak from Omaha, Victoria Moody, Jerry and Pat Main from Fremont, and Elizabeth Dowd from Lincoln; Meagan Rose Dunning-Ward, first grade students, and teacher from Morley School, Lincoln; 36 third through sixth grade students and teacher from Table Rock-Steinauer School, Table Rock; 21 ninth grade students and teacher from Friend; 10 students and teachers from Wymore Southern High School; 42 fourth grade students and teacher from Abraham Lincoln School, Hastings; and 60 fourth grade students and teachers from Engleman Elementary School, Grand Island.

RECESS

At 11:57 a.m., on a motion by Mrs. Bohlke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Cudaback, Landis, Matzke, Robinson, Wehrbein, Wickersham, Will, Mmes. Bohlke, Hillman, McKenzie, and Ms. Schimek who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 752. The Chambers pending motion, found in this day's Journal, to indefinitely postpone the bill before the reading of the title, pursuant to Rule 6(3)(f), was renewed.

Mrs. Witek, Messrs. Maurstad, Schmitt, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Crosby moved the previous question. The question is, "Shall the debate now close?"

Mrs. Crosby moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 31 not voting.

The motion to cease debate prevailed with 25 ayes, 2 nays, and 21 not voting.

The Chair declared the call raised.

Mr. Chambers moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 16 not voting.

Mr. Chambers requested a roll call vote on his motion to indefinitely postpone.

Voting in the affirmative, 5:

Chambers
Dierks
Kristensen
McKenzie
Tyson

Voting in the negative, 29:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Pederson, D.
Peterson, C.
Preister
Schimek
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 5:

Pedersen, Dw.
Robak
Schellpeper
Schrock
Vrtiska

Excused and not voting, 9:

Bohlke	Lynch	Maurstad	Schmitt	Witek
Cudaback	Matzke	Robinson	Will	

The Chambers motion to indefinitely postpone failed with 5 ayes, 29 nays, 5 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers requested that LB 752 be read section by section, pursuant to Rule 6(3)(a).

Read. Considered.

Messrs. Hartnett, Coordsen, Schellpeper, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Elmer asked unanimous consent to be excused. No objections. So ordered.

Standing Committee amendment, AM1359, printed separately and referred to on page 1497, was considered.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler requested a division of the question on the Standing Committee amendment.

The Chair sustained the division of the question.

The first Standing Committee amendment is as follows:
FA207
(Sections 1-26, 70, 75-78, and 81-84 -- License Suspension and Miscellaneous Technical Provisions.)

Mr. Brashear renewed his pending amendment, AM1819, found on page 1768, to the first Standing Committee amendment.

SPEAKER WITHEM PRESIDING

Messrs. Tyson and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Brashear asked unanimous consent to be excused. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion failed with 10 ayes, 3 nays, and 35 not voting.

Messrs. Will and Abboud asked unanimous consent to be excused. No objections. So ordered.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 27 not voting.

Mr. Chambers requested a record vote on the Brashear amendment.

Voting in the affirmative, 29:

Beutler
Bromm
Brown
Bruning
Chambers
Crosby
Cudaback
Dierks
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Robinson
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wickersham
Withem

Voting in the negative, 1:

Schimek

Present and not voting, 4:

Bohlke
Preister
Robak
Wesely

Excused and not voting, 14:

Abboud
Brashear
Coordsen
Elmer
Janssen
Kristensen
Lynch
Maurstad
Peterson, C.
Schellpeper
Schmitt
Tyson
Will
Witek

The Brashear amendment was adopted with 29 ayes, 1 nay, 4 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA217
Amend FA207
P. 1, line 5, after "to", strike all language through "orders." in line 7 and insert, "require the use of techniques and procedures mandated by the federal government for the enforcement of support orders, under threat of the

withholding particular federal funds from the state."

Messrs. Dierks and Bromm asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mrs. Brown offered the following amendment to the first Standing Committee amendment:
FA219

2. On page 9, line 7, before the comma insert "and until the Game and Parks Commission has operative the electronic or other automated retrieval system necessary to suspend recreational licenses".

11. Correct the repealer and operative date provisions so that the section added by this amendment becomes operative on its effective date.

MRS. CROSBY PRESIDING

Mr. Withem and Mrs. Bohlke asked unanimous consent to be excused. No objections. So ordered.

Mrs. Brown moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 38 not voting.

The Brown amendment was adopted with 26 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Mr. Wesely asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers moved to reconsider the vote on the Brown amendment, FA219.

Mmes. Robak, McKenzie, Messrs. Cudaback, Robinson, Jones, and Preister asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 401:
AM1838

(Amendments to Standing Committee amendments, AM1315)

1. Insert the following new section:

"Sec. 3. Section 79-1031, Reissue Revised Statutes of Nebraska, is amended to read:

79-1031. The department shall annually, on or before December 1, provide data to the Governor to enable the Governor to prepare the necessary legislation to:

(1) Appropriate an amount which will provide financial support from all state sources, including the amounts transferred pursuant to sections 79-947.01 and 79-988.01, to districts equal to forty-five percent of the estimated statewide aggregate general fund operating expenditures for Nebraska elementary and secondary public education for the ensuing school year;

(2) Appropriate an amount of income tax revenue received to insure that ~~twenty~~ twenty-one and two hundredths percent of all income tax receipts are dedicated to the support of districts throughout the state;

(3) Appropriate an amount equal to any state aid funds which have been returned to the General Fund from an earlier appropriation due to the repayment of funds by districts; and

(4) Establish and implement a basic allowable growth rate and an allowable growth range for district budgets for the ensuing school year.

The Governor shall submit such legislation, along with any modifications made by the Governor as part of his or her annual budget request, to the Legislature.".

2. On page 5, line 6, strike "and" and insert a comma and after the last comma insert "and 79-1031,".

3. Renumber the remaining sections accordingly.

Messrs. Maurstad, Tyson, Jensen, Hilgert, Will, Dw. Pedersen, Bruning, Mmes. C. Peterson, Crosby, Robak, Brown, Suttle, and Witek filed the following amendment to LB 401:

AM1785

(Amendments to Standing Committee amendments, AM1315)

1. Strike amendment 1 and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. Section 77-2715.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,000, $30,000, and $46,750, for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,000, $15,000, and $23,375, for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be ~~.708, .986, 1.415, and 1.89~~ .673, .938, 1.351, and 1.797;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to hundredths of one percent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be eight times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemption credit and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 2. Section 77-2716.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716.01. (1) Every individual shall be allowed to subtract from his or her income tax liability an amount for personal exemptions. The amount allowed to be subtracted shall be the credit amount for the year as provided in this section multiplied by the number of exemptions allowed on the federal return. For tax year 1993, the credit amount shall be sixty-five dollars; for tax year 1994, the credit amount shall be sixty-nine dollars; for tax year 1995, the credit amount shall be sixty-nine dollars; for tax year 1996, the credit amount shall be seventy-two dollars; for tax year 1997, the credit amount shall be ~~seventy-six~~ ninety-six dollars; for tax year 1998, the credit amount shall be ~~seventy-eight~~ ninety-eight dollars; for tax year 1999, and each year thereafter, the credit amount shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. The sixty-five-dollar credit amount shall be adjusted for cumulative inflation since 1993. If any credit amount is not an even dollar amount, the amount shall be rounded to the nearest dollar. The amount allowed for each personal exemption shall be reduced, but not below zero, by five dollars for each five thousand dollars, or portion thereof, that federal adjusted gross income exceeds ninety thousand dollars for married filing joint returns, fifty-four thousand dollars for single returns, seventy-five thousand dollars for head-of-household returns, and for married filing separate returns, one-half the amount stated in this subsection for married filing joint returns. For nonresident individuals and partial-year resident individuals, the personal exemption credit shall be subtracted as specified in subsection (3) of section 77-2715. For tax year 1994 and each tax year thereafter, the income levels stated in this subsection shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. If any income level in this subsection is not a multiple of one thousand dollars, the amount shall be rounded to the next highest multiple of one thousand dollars.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return except as the amount is adjusted under section 77-2716.03.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or the amount before the federal disallowance of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid and the amount of any adjustment required under section 77-2716.03.

Sec. 3. Section 77-4602, Reissue Revised Statutes of Nebraska, is amended to read:

77-4602. (1) Within fifteen days after the end of each month, the Tax Commissioner shall provide a public statement of actual General Fund net receipts and a comparison of such actual net receipts to the monthly estimate certified pursuant to section 77-4601.

(2) Within fifteen days after the end of each fiscal year, the public statement shall also include a summary of actual

General Fund net receipts and estimated General Fund net receipts for the fiscal year.

(3) If the actual General Fund net receipts for the fiscal year as reported in subsection (2) of this section exceed estimated receipts for the fiscal year, the Tax Commissioner shall immediately certify to the director such excess amount. The State Treasurer shall immediately transfer an amount equal to such excess amount for fiscal year 1997-98 and for each fiscal year thereafter from the General Fund to the Cash Reserve Fund upon certification by the director of such excess amount.

Sec. 4. Section 79-1031, Reissue Revised Statutes of Nebraska, is amended to read:

79-1031. The department shall annually, on or before December 1, provide data to the Governor to enable the Governor to prepare the necessary legislation to:

(1) Appropriate an amount which will provide financial support from all state sources, including the amounts transferred pursuant to sections 79-947.01 and 79-988.01, to districts equal to forty-five percent of the estimated statewide aggregate general fund operating expenditures for Nebraska elementary and secondary public education for the ensuing school year;

(2) Appropriate an amount of income tax revenue received to insure that ~~twenty~~ twenty-one and two hundredths percent of all income tax receipts are dedicated to the support of districts throughout the state;

(3) Appropriate an amount equal to any state aid funds which have been returned to the General Fund from an earlier appropriation due to the repayment of funds by districts; and

(4) Establish and implement a basic allowable growth rate and an allowable growth range for district budgets for the ensuing school year.

The Governor shall submit such legislation, along with any modifications made by the Governor as part of his or her annual budget request, to the Legislature.

Sec. 5. Sections 1, 2, and 6 of this act are operative for all taxable years beginning or deemed to begin on or after January 1, 1997, under the Internal Revenue Code of 1986, as amended. Sections 4 and 8 of this act become operative on July 1, 1998. The other sections of this act become operative on their effective date.

Sec. 6. Original sections 77-2715.02 and 77-2716.01, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. Original section 77-4602, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 8. Original section 79-1031, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.'.".

Mr. Chambers filed the following amendment to LB 752:
FA218

Amend FA207

P. 1, line 13, strike "encourage" and insert "compel".

Mrs. Brown filed the following amendment to LB 752:
AM1855

(Amendments to FA209)

1. On page 19, line 18, strike "before December 1 of the year in" and insert "within sixty days after the date on".

2. On page 20, strike lines 10 through 16 and insert "information for each owner of an open account with the financial institution for accounts which are individual accounts. The records shall also list all other owners of each account as reflected on a signature card or other similar document on file with the financial institution. This section does not require a financial institution to disclose the account number assigned to the account of any individual. After the initial reporting, the financial institution shall submit a list of all new accounts held in one or more individuals' names opened in the"; in line 18 after "any" insert "such"; and in line 23 after the period insert "To maintain the confidentiality of records submitted by a financial institution under this section, the department shall implement appropriate security provisions for such records which are as stringent as those established under the federal Tax Information Security Guidelines for federal, state, and local agencies.".

3. On page 21, line 4, after the period insert "The listing from the department shall include the name, social security number or taxpayer identification number, and any other identifying information of each obligor to be used in matches within the financial institution's system."; in line 7 strike "open accounts and" and insert "accounts held in one or more individuals' names which are open accounts and such"; strike beginning with "any" in line 11 through the first "in" in line 12 and insert "all other owners of"; in line 16 after the period insert "The listing from the financial institution shall include the name, address, social security number or taxpayer identification number, and any other identifying information of each obligor matched."; in line 18 after the period insert "Nothing in this section shall serve to encumber the ownership interest of any person in or impact any right of setoff against an account."; in line 20 after "individual" insert "or to the department"; and in line 25 after the period insert "Sections 28 to 39 of this act shall not be construed to make a financial institution responsible, or liable to any extent, for assuring that the department maintains the confidentiality of information disclosed under section 30 of this act.".

4. On page 24, line 16, after "ownership" insert "interest"; and in line 17 after "five" insert "business".

5. On page 25, line 25, strike "first-class mail" and

insert "certified mail, return receipt requested".

6. On page 26, line 2, strike "ten" and insert "fifteen".

7. On page 27, line 5, after "individual" insert "or to the department"; and strike beginning with "A" in line 12 through line 16.

Mrs. Brown filed the following amendment to LB 752:
AM1853

(Amendments to FA212)

1. Insert the following new section:

"Sec. 71. Section 43-512.12, Revised Statutes Supplement, 1996, is amended to read:

43-512.12. Child support orders in cases in which a party has applied for services under Title IV-D of the federal Social Security Act, as amended, shall be reviewed by the Department of Health and Human Services Finance and Support to determine whether to refer such orders to the county attorney or authorized attorney for filing of an application for modification. An order shall be reviewed by the department upon its own initiative or at the request of either parent when such review is required by Title IV-D of the federal Social Security Act, as amended. After review the department shall refer an order to a county attorney or authorized attorney when the verifiable financial information available to the department indicates:

(1) The present child support obligation varies from the Supreme Court child support guidelines pursuant to section 42-364.16 by more than the percentage, amount, or other criteria established by Supreme Court rule, and the variation is due to financial circumstances which have lasted at least three months and can reasonably be expected to last for an additional six months; or

(2) Health insurance is available to the obligor as provided in subsection (2) of section 42-369 and the children are not covered by health insurance other than the medical assistance program under sections 68-1018 to 68-1025.

An order shall not be reviewed by the department if it has not been three years since the present child support obligation was ordered. An order shall not be reviewed by the department more than once every three years~~,~~ ~~except~~ ~~that~~ unless the requesting party demonstrates a substantial change in circumstances, and an order may be reviewed after one year if the department's determination after the previous review was not to refer to the county attorney or authorized attorney for filing of an application for modification because financial circumstances had not lasted or were not expected to last for the time periods established by subdivision (1) of this section.".

2. Correct the repealer and operative date provisions so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. Brown filed the following amendment to LB 752:
AM1856

(Amendments to FA216)

1. On page 295, strike beginning with "numbers" in line 24 through line 26 and insert "number of the applicant;".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 851A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 851, Ninety-fifth Legislature, First Session, 1997.

VISITORS

Visitors to the Chamber were Steve Cherry, Jessica, Shannon, and Thomas Bates from Osceola; 41 fourth grade students and teachers from Oakland-Craig School; 24 fourth grade students and teacher from Stolley Park Elementary School, Grand Island; 23 fifth grade students and teacher from Columbian Elementary, Omaha; and 40 fourth grade students and teachers from Emerson-Hubbard School, Emerson.

MOTION - Adjournment

Mr. Vrtiska moved to adjourn until 9:00 a.m., Friday, May 2, 1997.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a roll call vote on the Vrtiska motion to adjourn.

Voting in the affirmative, 20:

Beutler
Brown
Crosby
Dierks
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Kiel
Matzke
Pederson, D.
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wickersham
Witek

Voting in the negative, 8:

Chambers
Coordsen
Kristensen
Landis
Maurstad
Pedersen, Dw.
Peterson, C.
Tyson

Present and not voting, 1:

Wehrbein

Excused and not voting, 19:

Abboud
Bohlke
Brashear
Bromm
Bruning
Cudaback
Elmer
Janssen
Jones
Lynch
McKenzie
Preister
Robak
Robinson
Schellpeper
Schmitt
Wesely
Will
Withem

The Vrtiska motion to adjourn prevailed with 20 ayes, 8 nays, 1 present and not voting, and 19 excused and not voting, and at 5:59 p.m., the Legislature adjourned until 9:00 a.m., Friday, May 2, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SIXTY-EIGHTH DAY – MAY 2, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SIXTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 2, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Becky Killion, Miller Park Presbyterian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Bruning who was excused; and Messrs. Abboud, Bromm, Dierks, Engel, Matzke, D. Pederson, Robinson, Mmes. Bohlke, McKenzie, Robak, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-seventh day was approved.

MESSAGE FROM THE GOVERNOR

May 1, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Public Employees Retirement Board.

APPOINTEE: Melvin W. Jones, 3820 Dominion Ct., Lincoln, NE 68516

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

REPORTS

The following reports were received by the Legislature:

Agriculture, Department of
  U.S. Public Health Service Food and Drug Administration Food Code Recommendations for 1995

Labor, Department of
  State Labor Area Summary

Roads, Department of
  State Highway Commission Quarterly Report

RESOLUTIONS

LEGISLATIVE RESOLUTION 116. Read. Considered.

LEGISLATIVE RESOLUTION 118. Read. Considered.

LEGISLATIVE RESOLUTION 119. Read. Considered.

LEGISLATIVE RESOLUTION 120. Read. Considered.

LEGISLATIVE RESOLUTION 121. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 116, 118, 119, 120, and 121 were adopted with 27 ayes, 0 nays, 10 present and not voting, and 11 excused and not voting.

MOTION - Approve Appointments

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1087: Pamela D. Bataillon, Aaron D. Black, Sr., Dr. Stacie Bleicher, Elnora Carr, Connie J. Day, George Dillard, Charles Evans, Cydney Janssen, Dr. Rudi L. Mitchell, Kathy Bigsby Moore, Ella E. Ochoa, Judge Gerald Rouse, Bradley L. Sher, Michael Zgud - Health and Human Services Partnership Council.

Voting in the affirmative, 28:

Beutler	Brashear	Brown	Crosby	Cudaback

Engel
Hillman
Janssen
Jensen
Jones
Kiel
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robinson
Schimek
Schmitt
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 1:

Chambers

Present and not voting, 13:

Bromm
Coordsen
Elmer
Hartnett
Hilgert
Hudkins
Kristensen
Landis
Lynch
Schellpeper
Schrock
Witek
Withem

Excused and not voting, 6:

Abboud
Bohlke
Bruning
Dierks
Pederson, D.
Robak

The appointments were confirmed with 28 ayes, 1 nay, 13 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 752. Mr. Chambers withdrew his motion, found on page 1780, to reconsider the vote on the Brown amendment, FA219.

Mr. Chambers moved to bracket LB 752 until May 19, 1997.

Messrs. Lynch and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 116, 118, 119, 120, and 121.

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE BILL 154. Indefinitely postponed.
LEGISLATIVE BILL 471. Indefinitely postponed.
LEGISLATIVE BILL 541. Indefinitely postponed.
LEGISLATIVE BILL 657. Indefinitely postponed.

LEGISLATIVE BILL 733. Indefinitely postponed.
LEGISLATIVE BILL 735. Indefinitely postponed.
LEGISLATIVE BILL 747. Indefinitely postponed.
LEGISLATIVE BILL 749. Indefinitely postponed.

LEGISLATIVE RESOLUTION 48CA. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

AMENDMENT - Print in Journal

Mr. Wickersham filed the following amendment to LB 724:
AM1828

1. On page 2, line 5, strike "six" and insert "twelve".

GENERAL FILE

LEGISLATIVE BILL 752. The Chambers pending motion, found in this day's Journal, to bracket until May 19, 1997, was renewed.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on his motion to bracket.

Voting in the affirmative, 4:

Chambers
Dierks
Tyson
Will

Voting in the negative, 30:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Engel
Hillman
Hudkins
Janssen
Jensen
Kiel
Landis
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Schimek
Schrock
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Witek
Withem

Present and not voting, 10:

Hartnett
Hilgert
Jones
Kristensen
McKenzie
Robak
Robinson
Schellpeper
Schmitt
Vrtiska

Excused and not voting, 4:

Abboud
Bruning
Lynch
Maurstad

The Chambers motion to bracket failed with 4 ayes, 30 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers reoffered his amendment, FA217, found on page 1779, to the first Standing Committee amendment, FA207.

Messrs. Schellpeper, Elmer, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 39 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Abboud
Chambers
Coordsen
Dierks
Engel
Hilgert
Janssen
Kristensen
McKenzie
Pederson, D.
Peterson, C.
Robinson
Schimek
Schmitt
Schrock
Suttle
Tyson
Wesely
Will
Withem

Voting in the negative, 14:

Beutler
Brashear
Brown
Crosby
Hillman
Jensen
Kiel
Landis
Matzke
Maurstad
Pedersen, Dw.
Wehrbein
Wickersham
Witek

Present and not voting, 8:

Bohlke
Bromm
Cudaback
Hudkins
Jones
Preister
Stuhr
Vrtiska

Excused and not voting, 6:

Bruning
Elmer
Hartnett
Lynch
Robak
Schellpeper

The Chambers amendment lost with 20 ayes, 14 nays, 8 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, FA218, found on page 1785, to the first Standing Committee amendment.

Mrs. Bohlke, Messrs. Bromm, and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 38 not voting.

Mr. Will requested a roll call vote on the Chambers amendment.

Voting in the affirmative, 22:

Abboud
Bohlke
Chambers
Coordsen
Crosby
Cudaback
Dierks
Engel
Hartnett
Hilgert
Hudkins
Kiel
Kristensen
McKenzie
Pederson, D.
Peterson, C.
Schimek
Schrock
Stuhr
Tyson
Will
Withem

Voting in the negative, 13:

Beutler
Brashear
Brown
Hillman
Jensen
Landis
Matzke
Pedersen, Dw.
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Present and not voting, 5:

Bromm
Jones
Preister
Robinson
Suttle

Excused and not voting, 8:

Bruning
Elmer
Janssen
Lynch
Maurstad
Robak
Schellpeper
Schmitt

The Chambers amendment lost with 22 ayes, 13 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. Stuhr, Messrs. Coordsen, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the first Standing Committee amendment:
FA220
Amend FA207
Strike Section 2

Mmes. Witek and McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 32 not voting.

The Chambers amendment lost with 15 ayes, 20 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Beutler moved to invoke cloture on LB 752, pursuant to Rule 7, Section 10.

Mr. Chambers requested a record vote on the Beutler motion to invoke cloture.

Voting in the affirmative, 35:

Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 5:

Abboud
Bohlke
Chambers
Tyson
Will

Present and not voting, 4:

Cudaback
Dierks
Kristensen
Robak

Excused and not voting, 4:

Bruning
Lynch
Pedersen, Dw.
Schellpeper

The Beutler motion to invoke cloture prevailed with 35 ayes, 5 nays, 4 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, AM1359, was adopted with 26 ayes, 4 nays, 14 present and not voting, and 4 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 34:

Beutler
Bohlke
Brashear
Bromm
Brown

Coordsen
Crosby
Cudaback
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 8:

Abboud
Chambers
Dierks
Kristensen
Robak
Schmitt
Tyson
Will

Present and not voting, 3:

Elmer
Robinson
Schimek

Excused and not voting, 3:

Bruning
Lynch
Schellpeper

Advanced to E & R for review with 34 ayes, 8 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 1, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

DeCamp Legal Services, P.C.
  DeCamp, John - Lincoln; Nebraska Aviation Trades Association (Withdrawn 04/18/97)
Staritzky, Kim L. - Walthill; Center for Rural Affairs

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative appointment:

Jones, Melvin W. - Public Employees Retirement Board - Nebraska Retirement Systems

(Signed) George Coordsen, Chairperson

Legislative Council
Executive Board

AMENDMENTS - Print in Journal

Mr. Maurstad filed the following amendment to LB 269:
AM1860

1. Insert the following new sections:

"Sec. 13. Section 13-2304, Revised Statutes Supplement, 1996, is amended to read:

13-2304. The Nebraska Commission on Local Government Innovation and Restructuring shall have the following powers and duties:

(1) To fund outstanding local government projects in government innovation, restructuring, and cooperative services provision. Funds shall be available for planning and evaluating such projects. Funds shall be provided on a matching fund basis;

(2) To conduct research and publish evaluations of efforts to develop public services innovation, restructuring, and cooperation efforts;

(3) To sponsor educational activities which provide information and training for citizens and government officials on the topic of government services innovation;

(4) To identify intergovernmental mandates which affect the ability of federal, state, and local governments to deliver services in an effective manner and to recommend changes to increase effectiveness in accomplishing public purposes and delivering public services;

(5) To identify issues, guidelines, and incentives for collaborative or joint use of facilities and capital equipment by local governments; ~~and~~

(6) To accept and receive funds or donations from public and private funding sources;

(7) To examine and issue a report by January 1, 1998, on the current structure and restructuring possibilities for the provision of public safety services, including an analysis and examination of the following services typically provided by local governments:

(a) 911 emergency services;

(b) Fire protection services; and

(c) Law enforcement services; and

(8) To examine the possibility of local level review of facility needs. The examination shall include the scope and purposes of projects which should have approval by a review panel before going forward, the possible makeup of a local review panel, the standards for multiple use of facilities, and the appropriate level of state review of local decisions.

Sec. 14. Section 13-2305, Revised Statutes Supplement, 1996, is amended to read:

13-2305. The Nebraska Local Government Innovation and Restructuring Fund is hereby created. The fund shall be used to carry out the purposes of sections 13-2301 to 13-2306. The fund shall be administered by the Department of Administrative Services and shall receive funds pursuant to ~~section~~ sections 77-912 and 77-913. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 15. Section 13-2307, Revised Statutes Supplement, 1996, is amended to read:

13-2307. Sections 13-2301 to ~~13-2306~~ 13-2307 terminate on July 1, 2000.

Sec. 33. Section 77-913, Reissue Revised Statutes of Nebraska, is amended to read:

77-913. The Insurance Tax Fund is created. The State Treasurer shall receive the funds paid pursuant to Chapter 77, article 9, and except as provided in sections 77-912 and 77-918 shall keep all money received in the Insurance Tax Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Prior to June 1 of each year, the State Treasurer shall disburse or allocate all of the funds in the Insurance Tax Fund on May 1 of each year as follows:

(1) Ten percent of the total less one hundred thousand dollars for each of fiscal years 1997-98 through 1999-2000 shall be allocated to the counties proportionately in the proportion that the population of each county bears to the entire state, as shown by the last ~~United States Government~~ federal decennial census. The one hundred thousand dollars shall be allocated to the Nebraska Local Government Innovation and Restructuring Fund;

(2)(a) Until July 1, 1998, thirty percent of the total shall be allocated to incorporated municipalities proportionately in the proportion that the population of each incorporated municipality bears to the total population of all incorporated municipalities, as determined by the last federal decennial census; and

(b) On and after July 1, 1998, thirty ~~Thirty~~ percent of the total shall be allocated to the Municipal Equalization Fund; and

(3) Sixty percent of the total shall be allocated to the State Department of Education for distribution to school districts as equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act as follows: The Commissioner of Education shall (a) include the amount certified by the State Treasurer pursuant to this section with the amount appropriated to the Tax Equity and Educational Opportunities Fund for distribution in the ensuing school fiscal year, (b) include such amounts in the state aid certified to each school district pursuant to section 79-1022,

and (c) distribute such funds as equalization aid under the provisions of the act during the ensuing fiscal year.

Sec. 51. Section 77-27,139.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,139.02. For purposes of sections 77-27,139.01 to 77-27,139.04:

(1) Average per capita property tax levy means the total property taxes levied by all incorporated municipalities in each population group for the immediately preceding fiscal year, except for the amount of property tax levies committed to provide for principal and interest payments on the indebtedness of all incorporated municipalities, divided by the current population of all incorporated municipalities as determined by the Department of Revenue pursuant to section 77-27,137.01. The average per capita property tax levy shall be calculated separately for each population group;

(2) Average property tax levy means the total property taxes levied by all incorporated municipalities for the prior year, except for the amount of property tax levies committed to provide for principal and interest payments on the indebtedness of all incorporated municipalities, divided by the total amount of valuation subject to property tax in all incorporated municipalities for the immediately preceding fiscal year;

(3) Population means the population of a municipality as determined in section 77-3,119; and

(4) Population group means one of three groupings of municipalities for which the aid established by sections 77-27,139.01 to 77-27,139.04 is calculated based on the average per capita property tax levy calculated separately for each group. The three population groups shall be (a) municipalities with a population of five thousand inhabitants or more, (b) municipalities with a population between eight hundred and five thousand inhabitants, and (c) municipalities with a population of eight hundred inhabitants or less. ~~Qualifying municipality means any municipality whose property tax levy for operational purposes in the immediately preceding fiscal year was greater than or equal to the statewide average property tax levy for the immediately preceding fiscal year.~~

Sec. 52. Section 77-27,139.03, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,139.03. (1) State aid provided to municipalities pursuant to sections 77-27,139.01 to 77-27,139.04 shall be calculated by determining the average property tax levy for operational purposes other than for principal and interest payments on the indebtedness of all incorporated municipalities.

(2) Each ~~qualifying~~ municipality shall receive state aid from the Municipal Equalization Fund equal to (a) the product of the average per capita property tax levy of the appropriate population group multiplied by the current population of the

municipality minus (b) the product of the average property tax levy multiplied by the certified valuation within the incorporated municipality, except that a municipality shall not receive any aid under this section if the calculation results in a negative number.

(3) If a municipal tax levy for operational purposes was less than forty cents per one hundred dollars of valuation in the immediately preceding fiscal year, the state aid provided to such municipality shall be reduced by twenty percent for each one-cent increment the levy was below forty cents.

(4) If the amount of money in the Municipal Equalization Fund is less than the total amount of state aid for all ~~qualifying~~ municipalities as required by the allocation formula in subsection (2) of this section, the money in the fund shall be allocated on a prorated basis to such municipalities.".

2. Correct the operative date and repealer sections so that sections 51 and 52 added by this amendment become operative on July 1, 1998, and sections 13 to 15 and 33 added by this amendment become operative on their effective date with the emergency clause.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Chambers filed the following amendments to LB 752:

(1)

FA221
Amend FA207
Strike Sections 3-13

(2)

FA222
Amend FA207
Strike Section 14

(3)

FA223
Amend FA207
Strike Section 15

(4)

FA224
Amend FA207
Strike Section 16

(5)

FA225
Amend FA207
Strike Section 17

GENERAL FILE

LEGISLATIVE BILL 271. Mr. Chambers requested the bill be read section by section, pursuant to Rule 6, Section 3(a).

Read. Considered.

MR. WESELY PRESIDING

Mrs. Kiel, Messrs. Hartnett, Abboud, Maurstad, and Will asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM1255, printed separately and referred to on page 1304, was considered.

Mr. Kristensen offered the following amendment to the Standing Committee amendment:
AM1868

(Amendments to Standing Committee amendments, AM1255)

1. Insert the following new section:

"Sec. 8. (1) Upon the transfer of title ownership of any motor vehicle, upon a change in the tax situs of a motor vehicle to a location outside of this state, or whenever a type or class of motor vehicle previously taxed and registered is subsequently declared by legislative act or court decision to be illegal or ineligible to be operated on the public roads and no longer subject to registration fees and motor vehicle fees and taxes, the transferor, in the case of a transfer, the owner, in the case of a change in the tax situs, or the last registered owner, in the case of a legislative act or court decision, shall be credited with or refunded the fee and tax for the number of unexpired months remaining in the registration period from the date of transfer, date of registration in another state, effective date of the legislative act, or date the court decision is rendered, except that when the motor vehicle is transferred, the situs is changed, a legislative act is enacted, or a court decision is rendered within the same calendar month in which the vehicle is acquired, no credit or refund of the fee and tax shall be allowed for that month.

(2) If the transferor acquires another motor vehicle at the time of the transfer, the transferor shall have the credit provided for in this section applied toward payment of the motor vehicle fees and taxes then owing. Otherwise the transferor shall file a claim for refund with the county assessor upon a form prescribed by the Auditor of Public Accounts.

(3) The transferor, owner, or last registered owner shall make a claim for credit or refund of the fee and tax for the unexpired months in the registration period within sixty days from the date of transfer, date of registration in another state, effective date of the legislative act, or date the court decision

is rendered or shall be deemed to have forfeited his or her right to the refund.

(4) The county assessor shall certify to the county treasurer the amount of refund and the taxing unit where the motor vehicle is registered. The county treasurer shall refund the motor vehicle fee from motor vehicle fees which have not been transferred to the State Treasurer. The county treasurer shall make payment to the claimant from the undistributed motor vehicle taxes of the taxing unit where the tax money was originally distributed, but no refund of less than two dollars shall be paid.

(5) If a county board consolidates services under the office of a designated county official other than the county assessor pursuant to section 23-186, the claim for refund shall be filed with the designated county official.".

2. On page 1, line 3, strike "1" and insert "8"; in line 4 after "(1)" insert "Bus has the same meaning as in section 60-612.

(2)"; in line 7 strike "(2)" and insert "(3)"; in line 12 strike "(3)" and insert "(4)"; in line 14 strike "(4)" and insert "(5)"; in line 16 strike "(5)" and insert "(6)"; in line 17 strike "issuance of the" and after "registration" insert "pursuant to section 60-302"; and in line 19 strike "(6)" and insert "(7)".

3. On page 3, line 16, after "tax" insert "proceeds" and after "remaining" insert "motor vehicle tax".

4. On page 4, lines 2 and 5, strike "fee" and insert "tax"; and in line 10 after "The" insert "motor vehicle".

5. On page 5, line 1, after "$17,000" insert ", and all other motor vehicles not listed in subdivisions (3)(b) through (t) of this section".

6. On page 6, line 19, strike "as defined in section 60-331".

7. On page 7, line 22, strike "and model equipped with the" and insert "using the manufacturer's body type and model with"; in line 23 strike "features" and insert "equipment"; in line 24 strike "unit" and insert "official"; and in line 27 strike "unjust or" and insert "incorrect.".

8. On page 8, line 1, strike "inequitable." and insert

"(3) Any affected person may file an objection to the determination of the Property Tax Administrator not more than fifteen days before and not later than thirty days after the registration date. The objection must be filed in writing with the Property Tax Administrator and state why the determination is incorrect.

(4)"; in line 7 strike "Administrative Procedure" and insert "Tax Equalization and Review Commission"; and in line 27 after the period insert "For a newly acquired motor vehicle, an application for exemption must be made within thirty days after the purchase date.".

9. Insert the following new amendment:

"3. On page 23, line 25, before the period insert ', from the date of title of the motor vehicle or, if no transfer in ownership of the motor vehicle has occurred, from the expiration of the last registration period for which the motor vehicle was registered'.".

10. Renumber the remaining sections and correct internal references accordingly.

Mr. Coordsen moved the previous question. The question is, "Shall the debate now close?"

Mr. Coordsen moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 34 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 21 not voting.

The Kristensen amendment was adopted with 34 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 752:

(1)

AM1872

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 19.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(2)

AM1873

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 20.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(3)

AM1874

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 21.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(4)

AM1875

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 22.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(5)

AM1876

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 23.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(6)

AM1877

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 24.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(7)

AM1878

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 25.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(8)

AM1879

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 26.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(9)

AM1880

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 27.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(10)

AM1881

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 28.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(11)

AM1882

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 29.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(12)

AM1883

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 30.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(13)

AM1884

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 31.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

Mr. Hilgert filed the following amendment to LB 271:

AM1832

(Amendments to Standing Committee amendments, AM1255)

1. On page 12, line 10, after the underscored period insert:

"(12) An owner of a motor vehicle which is exempt from the imposition of a motor vehicle tax pursuant to subdivisions (1) through (6) of section 2 of this act shall also be exempt from the imposition of the motor vehicle fee imposed pursuant to this section.".

VISITORS

Visitors to the Chamber were 48 fourth grade students and teacher from Holy Cross School, Omaha; 23 fourth grade students and teacher from Winside Elementary School, Stanton; 75 eighth grade students from C. L. Jones Middle School, Minden; students and parents from Bradshaw; Senator Kiel's daughter, Raechel Achelpohl; 30 juniors, seniors, and teacher from Brownell-Talbot, Omaha; 19 fourth grade students, teacher, and parents from Coleridge Northeast School, Cedar County; 26 seventh and eighth grade students and teacher from Platte #84 School, Columbus; 13 eighth grade students, principal, and teacher from Blessed Sacrament Elementary School, Omaha; Michael, Jay, and Kary Keefauver from Milligan; 16 fourth grade students and sponsor from Southern Valley School, Beaver City; 125 fourth grade students and teachers from Neihardt Elementary School, Omaha; and 55 fifth grade students and teachers from Sacred Heart School, Norfolk.

ADJOURNMENT

At 2:28 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Monday, May 5, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SIXTY-NINTH DAY - MAY 5, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

SIXTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 5, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Frank Maurer, Zion Lutheran Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Cudaback and Robinson who were excused; and Mmes. Bohlke, Kiel, McKenzie, Messrs. Bromm, Elmer, Hartnett, Hilgert, Lynch, Matzke, Wickersham, Will, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-eighth day was approved.

SELECT FILE

LEGISLATIVE BILL 660. E & R amendment, AM7140, found on page 1638, was adopted.

Mr. Beutler asked unanimous consent to replace his pending amendment, FA166, found on page 1522, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, FA166, found on page 1522.

Mr. Kristensen offered the following substitute amendment:
AM1719

(Amendments to Standing Committee amendments, AM1051)

1. On page 17, line 6, strike "Such" and insert "Unless an extension is granted, such"; and in line 8 after "commission"

insert "or, if the commission requires further documentation to be filed with the rate list filing, within sixty days after the date of receipt by the telecommunications company of notice for further documentation from the commission. The commission upon its own motion may grant a one-time, thirty-day extension for the hearing date".

2. On page 19, line 8, after "order" insert "after public notice and a hearing"; in line 9 after the period insert "The commission may, on its own motion at any time after a determination as to whether local competition exists, reexamine and redetermine the determination after notice and a hearing on the issue."; and in line 13 after the period insert "The notice of the hearing on the telecommunications company's application shall be given once each week for two consecutive weeks in a newspaper of general circulation in the affected area and shall state that a determination of local competition may result in the freeing of the telecommunications company from rate regulation by the commission. The notice of the hearing on the commission's motion shall be sent to the telecommunications company by certified mail, return receipt requested, and notice of such hearing shall be published in a newspaper of general circulation in the exchange area. The hearing on the commission's motion shall be held no sooner than ten days after the receipt of notice to the telecommunications company.".

Mr. Beutler offered the following amendment to the Kristensen pending amendment:
FA234
Amend AM1719 by adding the emergency clause

The Beutler amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

The Kristensen amendment, as amended, was adopted with 26 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Mrs. Robak renewed her pending amendment, AM1650, found on page 1613.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Vrtiska moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 20 not voting.

Mr. Bruning requested a record vote on the Robak amendment.

Voting in the affirmative, 11:

Abboud Beutler Bromm Landis Maurstad

McKenzie
Preister
Robak
Schimek
Tyson
Will

Voting in the negative, 26:

Bohlke
Brashear
Bruning
Coordsen
Crosby
Elmer
Engel
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wickersham
Witek

Present and not voting, 5:

Brown
Chambers
Dierks
Kiel
Wesely

Excused and not voting, 6:

Cudaback
Hartnett
Hilgert
Lynch
Robinson
Withem

The Robak amendment lost with 11 ayes, 26 nays, 5 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA226
(AM1051)
1. Page 3, line 1, before "necessary", insert "reasonably";
2. Page 3, line 3, strike "without limitation".

The Chambers amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA227
(AM1051)
Page 5, line 8; page 10, line 22; page 12, line 11, strike "sixty" and insert "ninety"

The Chambers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA228
(AM1051)
Page 5, line 17, beginning with "If", strike all language through "procedure." in line 20.

MRS. CROSBY PRESIDING

The Chambers amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Pending.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 229A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 229, Ninety-fifth Legislature, First Session, 1997.

LEGISLATIVE BILL 798A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations relating to the provisions of Legislative Bill 798, Ninety-fifth Legislature, First Session, 1997.

AMENDMENTS - Print in Journal

Mr. Brashear filed the following amendment to LB 590:
AM1707

(Amendments to E & R amendments, AM7146)

1. On page 12, line 15, strike "may" and insert "shall"; in line 16 after "establish" insert "commercially"; and in line 17 strike "shall not" and insert "may".

Mr. Wesely filed the following amendment to LB 622:
AM1766

1. Insert the following new sections:

"Sec. 12. Section 71-101, Reissue Revised Statutes of Nebraska, is amended to read:

71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to 71-1,338, 71-1301 to 71-1354, and 71-2801 to 71-2822 and section 13 of this act shall be known and may be cited as the Uniform Licensing Law.

For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Board of examiners or board shall mean one of the boards appointed by the State Board of Health;

(2) Licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under the Uniform Licensing Law;

(3) Profession or health profession shall mean and refer to any of the several groups named in section 71-102;

(4) Department shall mean the Department of Health and

Human Services Regulation and Licensure;

(5) Whenever a particular gender is used, it shall be construed to include both the masculine and the feminine, and the singular number shall include the plural when consistent with the intent of the Uniform Licensing Law;

(6) License, licensing, or licensure shall mean permission to engage in a health profession which would otherwise be unlawful in this state in the absence of such permission and which is granted to individuals who meet prerequisite qualifications and allows them to perform prescribed health professional tasks and use a particular title;

(7) Certificate, certify, or certification, with respect to professions, shall mean a voluntary process by which a statutory, regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by such regulatory entity and who may assume or use the word certified in the title or designation to perform prescribed health professional tasks. When appropriate, certificate shall also mean a document issued by the department which designates particular credentials for an individual; and

(8) Lapse shall mean the termination of the right or privilege to represent oneself as a licensed, certified, or registered person and to practice the profession when a license, certificate, or registration is required to do so.

Sec. 13. If a chief medical officer is appointed pursuant to section 81-3201, he or she shall perform the duties of the Director of Regulation and Licensure for decisions in contested cases under sections 71-150, 71-153, 75-154, 71-155, 71-156, 71-161.02, 71-161.03, 71-161.07, 71-161.11, 71-161.12 to 71-161.15, 71-161.17, 71-161.18, 71-161.20, 71-1,104, 71-1,142, 71-1,147.08, 71-1,147.10, 71-1,147.31, 71-1,147.44, 71-1,147.45, 71-1,147.48, 71-1,147.53, 71-1,147.59, and 71-1,232.

Sec. 43. Section 81-3003, Revised Statutes Supplement, 1996, is amended to read:

81-3003. For purposes of the Nebraska Partnership for Health and Human Services Act:

(1) Agency or agencies means the Department on Aging, the Department of Health, the Department of Public Institutions, the Department of Social Services, and the Office of Juvenile Services of the Department of Correctional Services;

(2) Community means persons and entities linked by common policy, location, characteristics, or other common interests. Persons and entities include families, neighborhoods, federally recognized Indian tribes, groups of citizens and their local governmental entities, individually and collectively, as well as health and human services providers, local services networks, private and nonprofit entities, and regional organizations;

(3) Departments means the Department of Health and Human Services, the Department of Health and Human Services Regulation

and Licensure, and the Department of Health and Human Services Finance and Support which are the redesigned departments of health and human services effective January 1, 1997, as set forth in section 81-3006;

(4) Health and human services system means coordinated policy development, service provision, program management, quality assurance, and financial and support services of health and human services through partnerships between agencies of state government and between state government and communities;

(5) Local service network means providers of health and human services, either public or private, and other supporting organizations which join together to form a coalition or alliance to better serve a community or communities collaboratively and which are recognized as local partners by the health and human services system;

(6) Outcomes means intended results impacting the health, safety, and well-being of individuals, families, and communities, the achievement of which are measured to mark and sustain progress;

(7) Partnership council means the Health and Human Services System Partnership Council established in section 81-3010;

(8) Policy Cabinet means the directors of the departments, ~~and~~ the Policy Secretary, and the chief medical officer, if one is appointed under section 81-3201, and is not intended to create or imply the creation of a separate legal entity or a public body subject to sections 84-1408 to 84-1414;

(9) Policy Secretary means the health and human services system Policy Secretary described in section 81-3008; and

(10) Report means the plan for implementing the Nebraska Partnership for Health and Human Services Act.

Sec. 44. Section 81-3009, Revised Statutes Supplement, 1996, is amended to read:

81-3009. On and after January 1, 1997, the directors of the departments, ~~and~~ the Policy Secretary, and the chief medical officer, if one is appointed under section 81-3201, shall work jointly as a Policy Cabinet to achieve policy outcomes through development of policy objectives and strategic plans, to prepare and recommend budgets, to develop and establish consistent priorities and policies for allocation and distribution of resources, to establish procedures to promote and support collaborative community efforts or local service networks, to integrate the services of the departments, to evaluate that outcomes are achieved, and to make health and human services system improvements in accordance with the intent and purposes of the Nebraska Partnership for Health and Human Services Act. The Policy Secretary shall serve as the chairperson of the Policy Cabinet.

Sec. 45. Section 81-3201, Revised Statutes Supplement, 1996, is amended to read:

81-3201. The Director of Regulation and Licensure appointed by the Governor for the Department of Health and Human

Services Regulation and Licensure shall (1) have administrative experience in an executive capacity and some special training in public health work and (2) be either a graduate of a recognized school of medicine and licensed to practice medicine and surgery in the State of Nebraska or a person with a recognized and demonstrated expertise in and knowledge of health and human services delivery. If the director appointed is not a licensed physician, ~~he or she shall appoint a health director to be responsible for the administration of public health programs and programs involving licensure and discipline of health professionals who is~~ the Governor shall appoint a chief medical officer to be responsible for oversight of health issues in the health and human services system, as defined in section 81-3003, and decisions in contested cases under the Uniform Licensing Law as specified in section 13 of this act and of health care facilities and occupations as specified in this section. The chief medical officer is subject to confirmation by a majority of the members of the Legislature. The chief medical officer shall be a graduate of a recognized school of medicine and licensed to practice medicine and surgery in the State of Nebraska and has some special training in public health work. If a chief medical officer is appointed, he or she shall perform the duties under the Uniform Licensing Law specified in section 13 of this act and shall be the final decision maker in contested cases of (a) the health care facilities defined in section 71-2017.01 arising under sections 71-2023, 71-2023.01 to 71-2023.07, 71-6025 to 71-6031, 71-6042, 71-6712, and 81-604.03, (b) boarding homes under section 71-5906, and (c) occupations referenced in sections 71-6038, 71-6039, 71-6702, and 71-6710.".

2. Correct the operative date and repealer sections so that the sections added by this amendment become operative on their effective date with the emergency clause and renumber the remaining sections and correct internal references accordingly.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the motion to advance LB 752.

(Signed) Jon C. Bruning

SELECT FILE

LEGISLATIVE BILL 660. Mr. Chambers offered the following amendment:
FA229
(AM1051)
1. Page 6, line 2, strike "fewer" and insert "less".

The Chambers amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Mr. Chambers offered the following amendment:
FA230
(AM1051)
Page 12, lines 26-27; page 15, lines 20-21, strike "which shall include a reasonable profit".

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

VISITORS

Visitors to the Chamber were 50 fourth grade students and teacher from Ackerman Elementary School, Omaha; Senator Bruning's aunt, Judy Ousey, from Geneva, his cousins and children, Cindy, Justin, Jeffrey, and Zachary Bruning and Mary, Marcus, and Kyle Rust, from Omaha; 13 fifth grade students and teacher from Mead; 40 fourth grade students and teacher from Westside Elementary School, Norfolk; and 75 fifth and sixth grade students and teachers from Grant Elementary School, Fremont.

RECESS

At 11:53 a.m., on a motion by Mr. Chambers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mr. Cudaback who was excused; and Messrs. Abboud, Hartnett, Hilgert, Matzke, Schellpeper, Wesely, Mmes. Bohlke, Witek, and Ms. Schimek who were excused until they arrive.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 752:

(1)

AM1901

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 32.
2. Renumber the remaining sections and correct repealer and internal references accordingly.

(2)

AM1902

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 33.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(3)

AM1903

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 34.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(4)

AM1904

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 35.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(5)

AM1905

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 36.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(6)

AM1906

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 37.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(7)

AM1907

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 38.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(8)

AM1908

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 39.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(9)

AM1909

(Amendments to Standing Committee amendments, AM1359)

1. Strike sections 40 to 47.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(10)

AM1910

(Amendments to Standing Committee amendments, AM1359)

1. Strike sections 58 to 62, 67, and 68.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(11)

AM1911

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 63.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(12)

AM1912

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 64.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(13)

AM1913

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 65.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(14)

AM1914

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 66.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(15)

AM1915

(Amendments to Standing Committee amendments, AM1359)

1. Strike sections 69 and 70.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(16)

AM1916

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 71.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(17)

AM1917

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 72.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(18)

AM1918

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 73.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(19)

AM1919

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 74.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(20)

AM1920

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 75.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(21)

AM1921

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 76.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(22)

AM1922

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 77.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(23)

AM1923

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 78.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(24)

AM1924

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 79.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(25)

AM1925

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 80.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(26)

AM1926

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 81.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(27)

AM1927

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 82.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(28)

AM1928

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 83.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(29)

AM1929

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 84.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

(30)

AM1930

(Amendments to Standing Committee amendments, AM1359)

1. Strike section 85.

2. Renumber the remaining sections and correct repealer and internal references accordingly.

SELECT FILE

LEGISLATIVE BILL 660. The Chambers pending amendment, FA230, found in this day's Journal, was renewed.

Mr. Chambers asked unanimous consent to replace his pending amendment, FA230, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, FA230, found in this day's Journal.

Mr. Chambers offered the following substitute amendment:
FA235
Amend AM1051
Pg. 12 line 26 strike "shall" and insert "may"
Pg. 15 line 20 strike "shall" and insert "may"

The Chambers amendment was adopted with 26 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

Mr. Chambers offered the following amendment:
FA231
(AM1051)

1. Page 13, line 8, beginning with "If", strike all language through "order" in line 9 and insert "If the complaint is denied, the commission shall enter an order denying the complaint"; and in line 10, strike, "the complaint shall be deemed denied".

2. Page 17, line 12, after "approving", insert "or disapproving"; in line 13 after "and", insert "if approved,"; and strike all language in lines 15-17.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 34 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA232
(AM1051)
Page 19, line 11, strike "may" and insert "shall not".

Messrs. Lynch, Abboud, Withem, and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment:
FA233
(AM1051)
Page 20, lines 25, 26, strike "may require any" and insert, "shall require every".

SPEAKER WITHEM PRESIDING

The Chambers amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Pending.

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 750. Indefinitely postponed.

(Signed) Chris Beutler, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 122. Introduced by Robak, 22.

WHEREAS, Crystal Zabka of St. Edward, Nebraska, won the national championship for her weight division (104 pounds) at the American Drug Free Powerlifting Association Women's Nationals in Lincoln, Nebraska, on April 26-27, 1997; and

WHEREAS, Crystal Zabka set three American records for her weight class: The first for lifting 102.5 kilograms (225.75 pounds) in the squat; the second for lifting 107.5 kilograms (236.75 pounds) in the dead lift; and the third for a combined lift total of 247.5 kilograms (545.5 pounds); and

WHEREAS, Crystal Zabka was named the best squat lifter, the best dead lifter, and the best overall lifter in the 14-19 age division at the competition; and

WHEREAS, Crystal Zabka has qualified to compete at the Drug Free

Powerlifting World Championship in Tabor, Alberta, Canada, on August 23-24, 1997; and

WHEREAS, Crystal Zabka has accomplished all this in only four months of training.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations, appreciation, and best wishes to Crystal Zabka.
2. That a copy of this resolution be sent to Crystal Zabka.

Laid over.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 752A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 752, Ninety-fifth Legislature, First Session, 1997; to reduce appropriations; and to provide for transfers.

SELECT FILE

LEGISLATIVE BILL 660. Mr. Abboud offered the following amendment:
AM1829

1. Insert the following new sections:

"Sec. 12. Section 86-1003, Reissue Revised Statutes of Nebraska, is amended to read:

86-1003. (1) A governing body may incur any nonrecurring or recurring charges for the installation, maintenance, and operation of 911 service and shall pay such costs out of general funds which may be supplemented by funds from the imposition of a service surcharge. A governing body incurring costs for 911 service may impose a uniform service surcharge of up to fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area. The initial service surcharge may be imposed at any time subsequent to the execution of an agreement for 911 service with a service supplier.

(2) ~~Except in a county containing a city of the metropolitan class, such~~ The uniform service surcharge in subsection (1) of this section may be increased by an additional amount not to exceed fifty cents per month. Such additional increase shall be made only after:

(a) Publication of notices for a public hearing. Such notices shall:

(i) Be published at least once a week for three consecutive weeks in a legal newspaper published or of general circulation in the areas affected;

(ii) Set forth the time, place, and date of such public hearing; and

(iii) Set forth the purpose of the public hearing and the purpose of the increase; and

(b) A public hearing is held pursuant to such notices.

(3) If 911 service is to be provided for a territory which is included in whole or in part in the jurisdiction of two or more governing bodies, the agreement for such service shall be entered into by each such governing body unless any such governing body expressly excludes itself from the agreement. Such an agreement shall provide that each governing body which is a customer of 911 service will pay for its portion of the service. Nothing in this subsection shall be construed to prevent two or more governing bodies from entering into a contract which establishes a separate legal entity for the purpose of entering into such an agreement as the customer of the service supplier or any supplier of equipment for 911 service.

(4) If a governing body's 911 service area includes a local exchange area which intersects governmental boundary lines, the affected governmental units may cooperate to provide 911 service through an interlocal agreement as provided in the Interlocal Cooperation Act. The agreement shall provide for the assessment of a uniform service surcharge within a governing body's 911 service area. The service surcharge shall not exceed fifty cents per month on each local exchange access line physically terminating in the governing body's 911 service area.

(5) Funds generated by the service surcharge shall be expended only for the purchase, installation, maintenance, and operation of telecommunications equipment and telecommunications-related services required for the provision of 911 service.

Sec. 13. Sections 12, 13, 15, and 17 of this act become operative on their effective date. The other sections of this act become operative three calendar months after adjournment of this legislative session.

Sec. 15. Original section 86-1003, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 17. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining sections accordingly.

Messrs. Coordsen and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen requested a ruling of the Chair on whether the Abboud amendment is germane to the bill.

The Chair ruled the Abboud amendment is not germane to the bill.

Mr. Beutler offered the following amendment:
AM1893

(Amendments to AM1051)

1. On page 10, lines 7 and 9, after "sections" insert "75-609.01 and".

The Beutler amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Beutler offered the following amendment:
AM1937

(Amendments to Standing Committee amendments, AM1051)

1. Strike sections 4, 10, and 11 and insert the following new sections:

"Sec. 4. Section 75-610, Reissue Revised Statutes of Nebraska, is amended to read:

75-610. Any telephone carrier or its agent who fails or neglects to comply with sections 75-607 to ~~75-609.01~~ 75-609 or who violates any of the provisions of such sections shall be guilty of a Class IV misdemeanor.

Sec. 10. The following section is outright repealed: Section 75-609.01, Reissue Revised Statutes of Nebraska.".

2. On page 7, line 18, strike "75-609.01,".
3. On page 13, strike beginning with "or" in line 22 through "section" in line 25 and show as stricken.
4. On page 15, line 12, strike "ten", show as stricken, and insert "five".
5. On page 16, strike lines 6 through 27.
6. On page 17, strike lines 1 through 17; in line 18 strike "(10)" and insert "(9)"; and in line 26 strike "(11)" and insert "(10)".
7. On page 18, line 12, strike "(12)" and insert "(11)"; in line 16 strike "(13)" and insert "(12)"; in line 20 strike "(14)" and insert "(13)"; and in line 25 strike "(15)" and insert "(14)".
8. On page 19, line 4, strike "(15)" and insert "(14)".
9. On page 21, strike line 27 and insert "75-610, 86-801 to 86-803, 86-806, and 86-808,".
10. Renumber the remaining sections accordingly.

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. LANDIS PRESIDING

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved for a call of the house. The motion prevailed with 17

ayes, 0 nays, and 31 not voting.

Mr. Beutler requested a record vote on his amendment.

Voting in the affirmative, 9:

Beutler
Bromm
Chambers
Crosby
Landis
Preister
Robak
Schimek
Will

Voting in the negative, 24:

Abboud
Bruning
Dierks
Elmer
Engel
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robinson
Schmitt
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham

Present and not voting, 6:

Bohlke
Brown
McKenzie
Wesely
Witek
Withem

Excused and not voting, 9:

Brashear
Coordsen
Cudaback
Hartnett
Hilgert
Kiel
Lynch
Schellpeper
Schrock

The Beutler amendment lost with 9 ayes, 24 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 29:

Bohlke
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Peterson, C.
Robak
Robinson
Schmitt
Stuhr
Suttle
Vrtiska

Wehrbein Wickersham Will Withem

Voting in the negative, 1:

Chambers

Present and not voting, 8:

Abboud Engel Preister Tyson Wesely
Beutler Pederson, D. Schimek

Excused and not voting, 10:

Brashear Hartnett Kiel McKenzie Schrock
Cudaback Hilgert Lynch Schellpeper Witek

Advanced to E & R for engrossment with 29 ayes, 1 nay, 8 present and not voting, and 10 excused and not voting.

Mr. Will asked unanimous consent to be excused. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Nebraska Retirement Systems

Thursday, May 15, 1997 12:15 p.m.
Dr. Melvin Jones - P.E.R.B.
N.I.C. Report

(Signed) William R. Wickersham, Chairperson

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 485:
FA237
(AM7121)
Page 2, line 22, strike "maximum" and insert "minimum".

SELECT FILE

LEGISLATIVE BILL 686. E & R amendment, AM7141, found on page 1685, was adopted.

Mr. Beutler offered the following amendment:
AM1941
(Amendments to E & R amendments, AM7141)

1. On page 5, line 15, after the period insert "In no case shall a majority of the members of the advisory board represent telecommunications companies.".

Mr. Beutler asked unanimous consent to replace his pending amendment, AM1941, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his amendment, AM1941, found in this day's Journal.

Mr. Chambers the following substitute amendment:
AM1759

(Amendments to E & R amendments, AM7141)

1. On page 5, line 6, strike "nine" and insert "seven"; in line 7 strike "fifteen" and insert "nine"; in line 12 strike "four" and insert "two"; in line 13 strike "eight" and insert "three"; and in line 14 strike "three" and insert "two".

The Chambers amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Beutler offered the following amendment:
AM1938

(Amendments to E & R amendments, AM7141)

1. On page 6, line 4, after "service" insert "and shall set the level of the fund in the amount necessary to meet such percentage".

Mrs. Bohlke and Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, “Shall the debate now close?”

Mr. Kristensen moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 22 not voting.

The Chair declared the call raised.

The Beutler amendment lost with 11 ayes, 15 nays, 10 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment:
AM1836

(Amendments to E & R amendments, AM7141)

1. Insert the following new section:

"Sec. 10. The commission shall establish the Nebraska Lifeline Service Program. The purpose of the Nebraska Lifeline Service Program shall be to promote the provision of universal service to low-income households by local exchange carriers. Support provided by the program shall be specifically targeted to maintain affordable rates for residential basic local exchange services supported by federal and state universal service mechanisms. The commission shall establish means-tested eligibility guidelines and standards for the provision of support from the Nebraska Lifeline Service Program which are consistent with section 254 of the Telecommunications Act of 1996 and any rules and regulations adopted and promulgated by the Federal Communications Commission.

Any local exchange carrier receiving state universal service support shall be prohibited from disconnecting the basic local exchange service of any customer receiving low-income support from the Nebraska Lifeline Service Program for the nonpayment of any interexchange toll service charges. The Public Service Commission may grant limited waivers of this requirement in a manner consistent with applicable rules and regulations adopted and promulgated by the Federal Communications Commission.".

2. On page 1, line 3, strike "9" and insert "10".

3. Renumber the remaining sections accordingly.

Mr. Wesely and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

The Chambers amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 13 excused and not voting.

Mr. Landis offered the following amendment:
AM1867

(Amendments to E & R amendments, AM7141)

1. On page 3, line 22, after "214(e)" insert "and in substantial compliance with the law and commission orders".

Mr. Dierks asked unanimous consent to be excused. No objections. So ordered.

The Landis amendment was adopted with 26 ayes, 0 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Beutler offered the following amendment:
AM1900

(Amendments to E & R amendments, AM7141)

1. On page 4, line 22, after the period insert "The administrator shall not distribute funds to any telecommunications company unless the commission determines the company is in need of such funds by examining whether the company is earning a fair, just, and reasonable rate of return. Such determination shall take place at a public hearing annually.".

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 724A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 724, Ninety-fifth Legislature, First Session, 1997.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 882. No objections. So ordered.

VISITORS

Visitors to the Chamber were 48 junior high students and teacher from O'Neill; 9 first through seventh grade students and teacher from Harmony District 53, Nebraska City; 47 fourth grade students and teachers from Stoddard Elementary School, Beatrice; and 7 fourth grade students and teacher from Bellevue Christian Academy, Bellevue.

ADJOURNMENT

At 5:29 p.m., on a motion by Mr. Bruning, the Legislature adjourned until 9:00 a.m., Tuesday, May 6, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 6, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Greg Nelson, College View Seventh Day Adventist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Schellpeper who was excused; and Messrs. Abboud, Brashear, Chambers, Coordsen, Cudaback, Hilgert, Matzke, D. Pederson, Tyson, Wesely, Wickersham, Will, Withem, Mmes. Bohlke, and McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-ninth day was approved.

SELECT FILE

LEGISLATIVE BILL 686. Mr. Beutler renewed his pending amendment, AM1900, found on page 1827.

Mr. Beutler withdrew his amendment.

Mr. Kristensen offered the following amendment:
AM1758

(Amendments to E & R amendments, AM7141)

1. Insert the following new section:

"Sec. 10. The Nebraska Telecommunications Universal Service Fund Act terminates on June 30, 1999.".

2. On page 1, line 3, strike "9" and insert "10"; and in line 18 strike "codified at 47 U.S.C. 609" and insert "enacted as Public Law 104-104".

3. On page 4, line 14, after the period insert "If a third-party administrator is selected, the administrator shall serve at the will of the commission.".
4. On page 5, line 4, after "administrator" insert ", if a third-party administrator is selected,".
5. Renumber the remaining sections accordingly.

SPEAKER WITHEM PRESIDING

The Kristensen amendment was adopted with 26 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Brashear
Brown
Bruning
Crosby
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 5:

Beutler
Bromm
Dierks
Lynch
Preister

Excused and not voting, 9:

Abboud
Bohlke
Coordsen
Cudaback
Hilgert
McKenzie
Schellpeper
Wesely
Will

Advanced to E & R for engrossment with 33 ayes, 1 nay, 5 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 882. Considered.

Mr. Maurstad requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Beutler
Brashear
Bromm
Bruning
Crosby
Dierks
Elmer
Engel
Hilgert
Hudkins
Janssen
Jensen
Jones
Matzke
Maurstad

Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 2:

Chambers
Kristensen

Present and not voting, 7:

Brown
Hartnett
Hillman
Kiel
Landis
Lynch
McKenzie

Excused and not voting, 7:

Abboud
Bohlke
Coordsen
Cudaback
Schellpeper
Wesely
Will

Advanced to E & R for engrossment with 32 ayes, 2 nays, 7 present and not voting, and 7 excused and not voting.

Mmes. C. Peterson, Stuhr, and Mr. Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 882A. Considered.

Mr. Engel moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 33 not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 36:

Beutler
Brashear
Bromm
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Preister
Robak
Robinson
Schimek
Schmitt
Schrock
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Brown Kiel McKenzie

Excused and not voting, 8:

Abboud Cudaback Schellpeper Tyson Will
Bohlke Peterson, C. Stuhr

Advanced to E & R for engrossment with 36 ayes, 1 nay, 3 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Maurstad and Mrs. Robak filed the following amendment to LB 91:
AM1943

1. Strike original section 6.
2. On page 2, lines 3 and 4, strike the new matter and insert "and sections 3 and 5 of this act".
3. On page 4, strike beginning with the last comma in line 13 through "60-6,158" in line 14.
4. Renumber the remaining sections accordingly.

The Appropriations Committee filed the following amendment to LB 386:
AM1942

(Amendments to Standing Committee amendments, AM1809)

1. On page 1, line 1, strike "Insert" and insert "Strike original sections 30 and 31 and insert"; and in line 2 after the quotation mark insert:

"Sec. 30 AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 915 - Medium-Maximum Security Adult Correctional Facility

	FY1997-98	FY1998-99	FUTURE
STATE BUILDING FUND	4,064,148	19,702,893	48,723,031
FEDERAL FUND	2,213,791	2,246,400	-0-
PROGRAM TOTAL	6,277,939	21,949,293	48,723,031
SALARY LIMIT	40,000	41,000	41,100

The Department of Correctional Services is hereby authorized to begin a competitive site selection process for a new medium-maximum security adult correctional facility, and to begin construction of the project. Prior to selecting a site, the Director of Correctional Services shall consider various site proposals and evaluate them for cost-effectiveness. The facility shall be built on land to which the state either currently holds title or acquires title prior to construction. The facility shall have a design capacity of nine hundred sixty beds, consisting of approximately one hundred ninety-two segregation beds and approximately seven hundred sixty-eight medium security beds. The facility shall be built with ancillary capacity to accommodate up to an additional five hundred twelve medium security beds. The total project cost shall not exceed $76,950,263. There is included in the appropriation to this program for FY1997-98 $4,064,148 from the State Building Fund and $2,213,791 from federal funds to begin the project. There is included in the appropriation to this program for FY1998-99 $19,702,893 from the State Building Fund and $2,246,400 from federal funds to continue the project. Additional appropriations required to complete the project include $24,737,910 from the State Building Fund for FY1999-00 and $23,985,121 from the State Building Fund for FY2000-01.".

2. Strike amendment 3.

3. Renumber the remaining amendments accordingly.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 660A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 660, Ninety-fifth Legislature, First Session, 1997.

COMMUNICATION

May 6, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item veto by Governor Nelson on LB 641A, and consistent with our rules, I am forwarding LB 641A for filing in the form and amounts as prescribed by the Governor. Legislative rules require me to deliver same to your office on the sixth legislative day following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

SELECT FILE

LEGISLATIVE BILL 485. E & R amendment, AM7121, found on page 1397, was adopted.

Mrs. Hudkins renewed her pending amendment, AM1515, found on page 1609.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

The Hudkins amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Chambers renewed his pending amendment, FA237, found on page 1825.

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers asked unanimous consent to bracket LB 485 until May 30, 1997.

Mrs. Hudkins objected.

Mr. Chambers moved to bracket LB 485 until May 30, 1997.

MR. COORDSEN PRESIDING

MRS. CROSBY PRESIDING

Mrs. Robak, Messrs. Hartnett, Abboud, Landis, and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to bracket.

Mr. Chambers withdrew his amendment, FA237, found on page 1825.

Mr. Chambers and Mrs. Hudkins offered the following amendment:
FA244
(AM7121)
P. 2, line 19, Beginning with "no", strike all language through "charged." in line 23.

The Chambers-Hudkins amendment was adopted with 27 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Mr. Maurstad requested a record vote on the advancement of the bill.

Voting in the affirmative, 27:

Bromm
Bruning
Chambers
Crosby
Cudaback
Elmer
Engel
Hillman
Hudkins
Janssen
Jensen
Kiel
Matzke
Maurstad
McKenzie
Pederson, D.
Robinson
Schimek
Schmitt
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 13:

Beutler
Brashear
Brown
Coordsen
Dierks
Hilgert
Kristensen
Lynch
Pedersen, Dw.
Peterson, C.
Preister
Schrock
Wehrbein

Excused and not voting, 8:

Abboud
Bohlke
Hartnett
Jones
Landis
Robak
Schellpeper
Will

Advanced to E & R for engrossment 27 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 485A. Mrs. Hudkins renewed her pending amendment, AM1186, found on page 1325.

The Hudkins amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

STANDING COMMITTEE REPORTS
Appropriations

LEGISLATIVE BILL 385. Placed on General File.

LEGISLATIVE BILL 384. Placed on General File as amended.
Standing Committee amendment to LB 384:
AM1751

1. Strike original sections 6 to 11, 13, 14, and 16 to 20 and insert the following new sections:

"Sec. 6. AGENCY NO. 5 -- SUPREME COURT
Program No. 3 - Supreme Court Judges' Salaries

	FY1997-98	FY1998-99
GENERAL FUND	727,149	729,446

PROGRAM TOTAL	727,149	729,446
SALARY LIMIT	664,248	664,248

Sec. 7. AGENCY NO. 5 -- SUPREME COURT
Program No. 4 - Court of Appeals Judges' Salaries

	FY1997-98	FY1998-99
GENERAL FUND	600,238	602,474
PROGRAM TOTAL	600,238	602,474
SALARY LIMIT	540,888	540,888

Sec. 8. AGENCY NO. 5 -- SUPREME COURT
Program No. 5 - Retired Judges' Salaries

	FY1997-98	FY1998-99
GENERAL FUND	75,460	75,460
PROGRAM TOTAL	75,460	75,460
SALARY LIMIT	70,000	70,000

Sec. 9. AGENCY NO. 5 -- SUPREME COURT
Program No. 6 - District and Juvenile Court Judges' Salaries

	FY1997-98	FY1998-99
GENERAL FUND	5,826,100	5,847,060
PROGRAM TOTAL	5,826,100	5,847,060
SALARY LIMIT	5,266,560	5,266,560

Sec. 10. AGENCY NO. 5 -- SUPREME COURT
Program No. 7 - County Court Judges' Salaries

	FY1997-98	FY1998-99
GENERAL FUND	5,126,470	5,146,552
PROGRAM TOTAL	5,126,470	5,146,552
SALARY LIMIT	4,597,561	4,597,561

Sec. 11. AGENCY NO. 7 -- GOVERNOR
Program No. 2 - Salary - Governor

	FY1997-98	FY1998-99
GENERAL FUND	78,724	78,916
PROGRAM TOTAL	78,724	78,916
SALARY LIMIT	65,000	65,000

Sec. 13. AGENCY NO. 9 -- SECRETARY OF STATE
Program No. 9 - Salary - Secretary of State

	FY1997-98	FY1998-99
GENERAL FUND	63,886	64,066
PROGRAM TOTAL	63,886	64,066
SALARY LIMIT	52,000	52,000

Sec. 14. AGENCY NO. 10 -- AUDITOR OF PUBLIC ACCOUNTS
Program No. 10 - Salary - Auditor

	FY1997-98	FY1998-99
GENERAL FUND	56,575	56,575
PROGRAM TOTAL	56,575	56,575
SALARY LIMIT	49,500	49,500

Sec. 16. AGENCY NO. 12 -- STATE TREASURER
Program No. 12 - Salary - State Treasurer

	FY1997-98	FY1998-99
GENERAL FUND	59,686	59,826

PROGRAM TOTAL	59,686	59,826
SALARY LIMIT	49,500	49,500

Sec. 17. AGENCY NO. 14 -- PUBLIC SERVICE COMMISSION

Program No. 14 - Salaries of Public Service Commissioners

	FY1997-98	FY1998-99
GENERAL FUND	252,528	254,658
PROGRAM TOTAL	252,528	254,658
SALARY LIMIT	210,000	210,000

Sec. 18. AGENCY NO. 15 -- BOARD OF PARDONS AND BOARD OF PAROLE

Program No. 320 - Board of Parole Salaries

	FY1997-98	FY1998-99
GENERAL FUND	315,774	324,725
PROGRAM TOTAL	315,774	324,725
SALARY LIMIT	259,871	267,025

Sec. 19. AGENCY NO. 16 -- DEPARTMENT OF REVENUE

Program No. 13 - Tax Commissioner

	FY1997-98	FY1998-99
GENERAL FUND	99,800	102,384
PROGRAM TOTAL	99,800	102,384
SALARY LIMIT	87,731	90,224

It is the intent of the Legislature that if the appropriation or the salary limit is insufficient in this program to meet anticipated expenditures, the Tax Commissioner shall request additional funds or a higher salary limit, or both, from the Legislature by the usual deficit process. The appropriation or the salary limit shall not be administratively increased solely by the Department of Administrative Services without legislative authorization.

Sec. 20. AGENCY NO. 37 -- NEBRASKA WORKERS' COMPENSATION COURT

Program No. 526 - Judges' Salaries

	FY1997-98	FY1998-99
CASH FUND	627,980	629,044
PROGRAM TOTAL	627,980	629,044
SALARY LIMIT	564,615	564,615".

LEGISLATIVE BILL 386. Placed on General File as amended.
Standing Committee amendment to LB 386:
AM1809

1. Insert the following new sections:

"Sec. 40. AGENCY NO. 50 -- BOARD OF TRUSTEES OF THE NEBRASKA STATE COLLEGES

Program No. 916 - Chadron State College Memorial Hall Theater Fly Mechanism Replacement

	FY1997-98	FY1998-99	FUTURE
STATE BUILDING FUND	165,000	-0-	-0-
PROGRAM TOTAL	165,000	-0-	-0-

The Board of Trustees of the Nebraska State Colleges is hereby authorized to replace the theater fly mechanism, including installation of a new support grid and access catwalk, in Memorial Hall on the Chadron State College Campus utilizing the appropriation to this program. The board may, to the extent necessary, supplement funds appropriated in this section with private funds and institutional cash funds. The board may also supplement funds appropriated in this section with any amounts allocated by the Task Force for Building Renewal for removal of the existing theater fly mechanism and any other components of the project.

Sec. 47. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA

Program No. 932 - Nebraska College of Technical Agriculture Livestock Teaching Center

	FY1997-98	FY1998-99	FUTURE
STATE BUILDING FUND	289,949	1,785,485	-0-
PROGRAM TOTAL	289,949	1,785,485	-0-

The Board of Regents of the University of Nebraska is hereby authorized to construct a Livestock Teaching Center at the Nebraska College of Technical Agriculture at Curtis. The total project cost is estimated at $2,075,434.

Sec. 56. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 914 - Capitol Mural Restoration and Preservation

	FY1997-98	FY1998-99	FUTURE
STATE BUILDING FUND	25,000	25,000	-0-
DEPARTMENT OF ADMINISTRATIVE SERVICES CASH FUND	25,000	25,000	-0-
PROGRAM TOTAL	50,000	50,000	-0-

The Department of Administrative Services is hereby authorized to undertake work necessary to repair, restore, and preserve murals within the State Capitol utilizing amounts appropriated in this section. To the extent prudent and necessary, the Department of Administrative Services is authorized to expend from amounts appropriated in this section for examination of the Capitol murals and for preparation of a condition report to include recommended repair, restoration, and preservation work to be undertaken as well as estimated costs for such work. Expenditures for such examination and report shall be restricted to amounts appropriated in this section from the Department of Administrative Services Cash Fund. It is the intent of the Legislature that the undisbursed balances of the appropriations contained in this section existing on June 30, 1999, be reappropriated.

Sec. 59. AGENCY NO. 65 -- DEPARTMENT OF ADMINISTRATIVE SERVICES

Program No. 940 - Task Force for Building Renewal

	FY1997-98	FY1998-99	FUTURE
STATE BUILDING FUND	10,000,000	10,000,000	10,000,000
PROGRAM TOTAL	10,000,000	10,000,000	10,000,000

It is the intent of the Legislature that amounts appropriated in this section may be allocated exclusively to accomplish state government-wide deferred maintenance and renewal work under the Deferred Building Renewal Act, exclusively to undertake renovation of state-owned facilities on the campuses of the Nebraska state colleges and the University of Nebraska, or to achieve a combination of such purposes. To the extent recommended by the Committee on Building Maintenance, the Task Force for Building Renewal shall allocate amounts appropriated in this section to accomplish deferred maintenance and renewal work under the Deferred Building Renewal Act. To the extent recommended by the Committee on Building Maintenance, the Task Force for Building Renewal shall allocate amounts appropriated in this section to undertake renovation of state-owned facilities on the campuses of the Nebraska state colleges and the University of Nebraska.

The Board of Trustees of the Nebraska State Colleges and the Board of Regents of the University of Nebraska shall, upon the direction of the Task Force for Building Renewal and the Committee on Building Maintenance, submit prioritized renovation project proposals for allocation of amounts appropriated in this section. This section shall not be construed or interpreted as modifying, reducing, or eliminating any provision of subsection (10) of section 85-1414 requiring the approval of the Coordinating Commission for Postsecondary Education for capital construction projects proposed to be undertaken by the Board of Trustees of the Nebraska State Colleges or the Board of Regents of the University of Nebraska. The Committee on Building Maintenance may seek the advice and counsel of the Coordinating Commission for Postsecondary Education in arriving at recommendations for allocation of amounts appropriated in this section. In arriving at any recommendations for renovation of facilities, the Committee on Building Maintenance shall accord priority to proposals which provide for the substantial completion of renovation of facilities and shall accord lower priority to proposals which provide for partial or incomplete renovation of facilities.

The Committee on Building Maintenance shall submit recommendations for allocation of amounts appropriated in this section to the Task Force for Building Renewal. Such recommendations shall not in the aggregate exceed amounts appropriated in this section. Upon receipt of such recommendations, the Task Force for Building Renewal shall allocate funds appropriated in this section. While the Task Force for Building Renewal shall have final authority and responsibility for allocation of amounts appropriated in this section for renovation projects, expenditures for such projects need not comply with all of the restrictions contained in the Deferred Building Renewal Act nor with all of the administrative restrictions placed on expenditures by the Task Force for Building Renewal.

It is the intent of the Legislature to appropriate

$10,000,000 from the State Building Fund for FY1999-2000 to the Task Force for Building Renewal for the purpose of carrying out the provisions of this section.".

2. On page 17, after line 8 insert:

"It is the intent of the Legislature that no expenditures for the restoration and enhancement of aquatic habitat from funds appropriated to this program shall be made until the Committee on Natural Resources of the Legislature has approved the Game and Parks Commission's aquatic habitat plan.".

3. On page 19, after line 23 insert:

"SALARY LIMIT 40,000 41,100 41,100".

4. On page 20, strike lines 14 and 15 and insert:

"STATE BUILDING FUND 1,100,600 1,404,965 -0-
PROGRAM TOTAL 1,100,600 1,404,965 -0-".

5. On page 21, after line 4 insert:

"Central Nebraska Pod Activation $300,000"
; and after line 17 insert:
"Western Nebraska Pod Activation $300,000".

6. On page 24, lines 27 and 28, strike "30,000" and insert "50,000".

7. On page 26, line 16, after "Board" insert "of".

8. On page 33, lines 9 and 10, strike "4,431,987" and insert "3,053,000" and strike "1,107,997" and insert "-0-"; strike beginning with "and" in line 11 through "responsibility" in line 12 and insert ", under Laws 1995, LB 391, section 37,"; in line 18 strike "or" and insert "and"; in line 20 strike "$4,431,987" and insert "$3,053,000" and strike "and for FY1998-99"; in line 21 strike "$1,107,997 from the State Building Fund"; and in line 23 strike "the Board of Regents of the University of Nebraska or".

9. On page 34, line 7, strike "for replacing existing steam lines or"; in line 10 after "section" insert a period and strike beginning with the comma through "any"; strike lines 11 through 13; strike lines 18 through 20 and insert:

"CAPITOL BUILDINGS PARKING
REVOLVING FUND 266,400 355,200 6,127,200
PROGRAM TOTAL 266,400 355,200 6,127,200"
; in line 26 strike the period and "The" and insert ", and which authorized the"; and in line 28 strike "is hereby authorized".

10. On page 35, line 3, after the period insert "There is included in the appropriation to this program for FY1997-98 $266,400 from the Capitol Buildings Parking Revolving Fund and for FY1998-99 $355,200 from the Capitol Buildings Parking Revolving Fund to be applied toward retirement of obligations entered into to finance the projects."; and strike beginning with "This" in line 3 through line 24.

11. On page 36, line 25, strike "FUTURE"; and strike lines 26 through 28 and insert:

"BUILDING RENEWAL ALLOCATION
FUND 6,500,000 6,500,000

PROGRAM TOTAL 6,500,000 6,500,000".

12. On page 37, line 12, after the second comma insert "and"; strike beginning with the comma in line 14 through "Act" in line 15; and in line 17 after "income" insert "thereon".

13. On page 39, after line 25 insert:

"The unexpended balance existing on June 30, 1997, in Program 903 is hereby reappropriated for FY1997-98 to Program 950 to complete a mini-comprehensive facilities plan.".

14. On page 43, line 16, after "913," insert "915,".

15. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 387. Placed on General File as amended. (Standing Committee amendment, AM1401, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 388. Placed on General File as amended. (Standing Committee amendment, AM1752, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 389. Placed on General File as amended. (Standing Committee amendment, AM1402, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 799. Placed on General File as amended.
Standing Committee amendment to LB 799:
AM1795

1. Strike the original sections and insert the following new sections:

"Section 1. The Legislature finds that the cultural climate of Nebraska is important to the state in many ways, including economically, politically, educationally, and socially. Further, the Legislature finds that federal funding for the arts and humanities has decreased dramatically and that there is no assurance of continuation of federal funding. In order to ensure there is a stable cultural climate in our state for future generations, the Nebraska Arts Council and the Nebraska Humanities Council have joined efforts to establish a financial partnership between the public and private sectors.

Sec. 2. (1) The Nebraska Cultural Preservation Endowment Fund is created. The fund shall consist of funds appropriated by the Legislature. The fund shall be an endowed fund, and only the earnings of the fund may be used as provided in this section. It is the intent of the Legislature to appropriate two million five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund for fiscal year 1997-98 and two million five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund for fiscal year 1998-99.

(2) Beginning August 1, 1998, and on August 1 of each subsequent year, the State Treasurer shall transfer from the Nebraska Cultural Preservation Endowment Fund to the Nebraska Arts and Humanities Cash Fund the earnings of the Nebraska Cultural Preservation Endowment Fund from the prior fiscal year. Such funds may be used for the purpose of obtaining challenge grants from the National Endowment for the Humanities or the National Endowment for the Arts.

(3) The Legislature shall not appropriate or transfer money from the Nebraska Cultural Preservation Endowment Fund for any purpose other than the purposes stated in sections 1 to 4 of this act, except that the Legislature may appropriate or transfer money from the fund upon a finding that the purposes of such sections are not being accomplished by the fund.

(4) Any money in the Nebraska Cultural Preservation Endowment Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 3. (1) The Nebraska Arts and Humanities Cash Fund is created. The fund shall consist of all funds transferred by the State Treasurer from the Nebraska Cultural Preservation Endowment Fund pursuant to section 2 of this act. The Nebraska Arts Council shall administer and distribute the Nebraska Arts and Humanities Cash Fund. All disbursements from the Nebraska Arts and Humanities Cash Fund shall be matched dollar-for-dollar by sources other than state funds. The match funds shall be new money generated for endowments established by the Nebraska Arts Council or Nebraska Humanities Council or qualified endowments of their constituent organizations and new money generated as a result of seed grants to recipients. The Department of Administrative Services shall not approve any disbursement from the Nebraska Arts and Humanities Cash Fund unless the Nebraska Arts Council provides documentation that the amount to be disbursed is matched dollar-for-dollar as required by this section. The State Treasurer shall transfer to the General Fund any earnings in the Nebraska Arts and Humanities Cash Fund which have not been expended or obligated as matching funds within one year after transfer to the fund. The transfer shall be made by the end of the then-current fiscal year.

(2) Rules and regulations of the Nebraska Arts Council shall provide that the ultimate use of disbursements from the Nebraska Arts and Humanities Cash Fund shall be in a ratio of seventy percent to projects, endowments, or programs designated by the Nebraska Arts Council and thirty percent to projects, endowments, or programs designated by the Nebraska Humanities Council.

(3) Any money in the fund available for investment shall be invested by the state investment officer pursuant to the

Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 4. The Nebraska Arts Council shall report to the Clerk of the Legislature annually regarding disbursements from the Nebraska Arts and Humanities Cash Fund. The report shall include a complete listing of the uses of the fund, the sources of funding used to match state funds, the amount transferred by the State Treasurer from the Nebraska Cultural Preservation Endowment Fund, and the balance of the Nebraska Arts and Humanities Cash Fund. The report shall cover the period July 1 through June 30 and shall be submitted to the Clerk of the Legislature no later than November 1 of each year.

Sec. 5. Section 82-313, Reissue Revised Statutes of Nebraska, is amended to read:

82-313. The Nebraska Arts Council may (1) hold public and private hearings, (2) enter into contracts, within the limit of funds available therefor, with individuals, organizations, and institutions for services furthering the educational objectives of the council's programs, (3) enter into contracts, within the limit of funds available therefor, with local and regional associations for cooperative endeavors furthering the educational objectives of the council's programs, (4) accept gifts, contributions, and bequests of unrestricted funds from individuals, foundations, corporations, and other organizations or institutions for the purpose of furthering the educational objectives of the council's programs, (5) distribute funds appropriated by the Legislature to any organization which has been designated as the state affiliate of the National Endowment for the Humanities for the period covered by the appropriation, ~~and~~ (6) make and sign any agreements and do and perform any acts that may be necessary to carry out the purposes of sections 82-309 to 82-316, (7) enter into contracts or make and sign any agreements, and perform any acts that may be necessary to stabilize funding for the arts and humanities and to carry out the intent of sections 1 to 4 of this act, and (8) adopt and promulgate rules and regulations to carry out its powers and duties. The council may request from any department, division, board, bureau, commission, or agency of the state such assistance and data as will enable it properly to carry out its powers and duties.

Sec. 6. Section 82-315, Reissue Revised Statutes of Nebraska, is amended to read:

82-315. All funds received by the ~~council~~ Nebraska Arts Council under sections 82-313 and 82-314 shall be ~~deposited in the state treasury to the credit of~~ remitted to the State Treasurer for credit to the Nebraska Arts Council Trust Fund which is hereby created and which, when appropriated by the Legislature, shall be expended strictly in accord with any conditions that may be attached at the time of their receipt. This section does not apply to funds received by the council under sections 1 to 4 of this act.

Sec. 7. Original sections 82-313 and 82-315, Reissue Revised Statutes of Nebraska, are repealed.".

(Signed) Roger R. Wehrbein, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 799A. Introduced by Crosby, 29.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 799, Ninety-fifth Legislature, First Session, 1997.

AMENDMENTS - Print in Journal

Messrs. Matzke, Kristensen, Bromm, and Mrs. C. Peterson filed the following amendment to LB 798:
AM1844

(Amendments to AM1353)

1. Insert the following new sections:

"Sec. 8. Acute care bed means a bed in a hospital that is licensed by the department for acute care services or a bed that is part of a hospital or unit of a hospital that is excluded from prospective payment system under Title XVIII of the federal Social Security Act, as amended, as a rehabilitation hospital or rehabilitation unit.

Sec. 18. Until two years after the effective date of this act, no person, including persons acting for or on behalf of a health care facility, shall engage in any action which results in:

(1) The initial establishment of a hospital;

(2) An increase in the acute care beds of a hospital, if the acute care beds of a hospital will have increased by more than ten beds or more than ten percent of total bed capacity, whichever is greater, over a two-year period; or

(3) The relocation of the acute care beds of a hospital from one physical facility or site to another physical facility or site which is more than one mile away from the existing physical facility or site, if more than ten beds or more than ten percent of total bed capacity, whichever is greater, will have been relocated from one physical facility or site to another physical facility or site which is more than one mile away from the existing physical facility or site over a two-year period, unless the relocation is in connection with replacement of an existing hospital and is required in order to:

(a) Eliminate or prevent imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations;

(b) Comply with accreditation or certification standards which need to be met to receive reimbursement under Title XVIII or XIX of the federal Social Security Act, as amended;

(c) Respond to an emergency situation created by a natural disaster such as tornadoes, floods, fire, or explosions; or

(d) Improve physical conditions which are related to operational or functional deficiencies.

Sec. 19. Applications for a certificate of need on file on the effective date of this act are subject to the Nebraska Health Care Certificate of Need Act and the rules and regulations adopted and promulgated pursuant to such act which are applicable on the date the application was filed. Applications filed after the effective date of this act are subject to the act, rules, and regulations as amended by this legislative bill.

Sec. 33. Until two years after the effective date of this act, the department shall not issue under section 71-2023 a first license for an ambulatory surgical center unless the application for the certificate of need was filed prior to January 1, 1997.".

2. On page 1, lines 5 and 6, strike "and 16" and insert ", 8, 17, 18, and 19".

3. On page 7, line 24, strike "that has" and insert "for which bonds have".

4. Renumber the remaining sections accordingly.

Mr. Beutler filed the following amendment to LR 7CA:
AM1567

(Amendments to AM1311)

1. On page 1, line 13, strike "seven", show as stricken, and insert "three"; and in line 15 strike "ten", show as stricken, and insert "four".

2. On page 2, line 16, strike "five", show as stricken, and insert "two"; and in line 18 strike "three" and insert "two".

3. On page 3, line 10, strike "ten", show as stricken, and insert "four".

VISITORS

Visitors to the Chamber were 43 fourth and fifth grade students and teachers from Cottonwood Elementary School, Omaha; 45 seventh and eighth grade students and teachers from Trinity Lutheran School, Fremont; members of Family, Community Leadership; 26 kindergarten through eighth grade students and teachers from Valley View District 18 School, Crete; 50 fourth grade students and teachers from Ackerman Elementary School, Omaha; and 45 fourth grade students and teachers from Field Club Elementary School, Omaha.

RECESS

At 12:00 noon, on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Mr. Schellpeper who was excused; and Mmes. Bohlke, McKenzie, Messrs. Coordsen, Kristensen, Dw. Pedersen, Robinson, Tyson, and Will who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 864. E & R amendment, AM7132, found on page 1522, was adopted.

Mr. Wesely renewed his pending amendment, AM1601, found on page 1568.

The Wesely amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Mr. Wesely renewed his pending amendment, AM1600, found on page 1571.

Mr. Beutler renewed his pending amendment, FA181, found on page 1602, to the Wesely pending amendment.

Mr. Beutler withdrew his amendment.

Mr. Wesely withdrew his amendment.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers renewed his pending amendment, FA197, found on page 1694.

Mrs. Witek, Messrs. Matzke, Maurstad, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 29 not voting.

The Chambers amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mrs. Bohlke withdrew her amendment, AM1348, found on page 1420.

Advanced to E & R for engrossment.

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 7CA. Ms. Schimek offered the following amendment:
AM1831

(Amendments to AM 1311)

1. On page 1, line 13, strike "seven", show as stricken, and insert "three and one-half"; and in line 15 strike "ten", show as stricken, and insert "five".

2. On page 2, line 16, strike "five", show as stricken, and insert "two and one-half".

3. On page 3, line 10, strike "ten", show as stricken, and insert "five".

Messrs. Schrock, Maurstad, Mmes. Bohlke, and Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 138:
AM1956

1. Insert the following new sections:

"Sec. 58. The following section is outright repealed: Section 3, Legislative Bill 589, Ninety-fifth Legislature, First Session, 1997.

Sec. 59. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Correct the operative date section so that only the sections added by this amendment become operative on their effective date with the emergency clause.

3. Strike the Abboud amendment, AM1524.

Mr. Kristensen filed the following amendment to LB 389:
AM1955

(Amendments to Standing Committee amendments, AM1402)

1. On page 84, lines 22 and 23, strike "333,447,966 336,250,864" and insert "333,483,966 336,286,864".

Mr. Chambers filed the following amendment to LB 278:
FA245

1. P. 5, Strike lines 20-23.
2. Renumber accordingly.

Mr. Chambers filed the following amendment to LB 278:
FA246

P. 6, line 26, after "are", insert, "trained to withdraw human blood for scientific or medical purposes and are"

Mr. Kristensen filed the following amendment to LB 476:
AM1852

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 85-9,145, Reissue Revised Statutes of Nebraska, is amended to read:

85-9,145. Eligible postsecondary educational institution shall mean a not-for-profit institution not controlled or administered by any state agency or any political subdivision of the state which is:

(1) Located in Nebraska;

(2) Primarily engaged in instruction of students;

(3) Accredited by ~~an~~ a regional accrediting organization recognized by the United States Department of Education; and

(4) Offering courses and programs of instruction leading to an associate or baccalaureate degree to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent.

Sec. 2. Section 85-1707, Revised Statutes Supplement, 1996, is amended to read:

85-1707. Private institution of higher education shall mean a not-for-profit educational institution located within this state which is not owned or controlled by the state or any political subdivision, agency, instrumentality, district, or municipality thereof, which is authorized by law to provide a program of education beyond the high school level, and which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school or the recognized equivalent of such a certificate;

(2) Provides an educational program for which it awards a bachelor's degree; provides an educational program, admission into which is conditioned upon the prior attainment of a bachelor's degree or its equivalent, for which it awards a postgraduate degree; provides a program of not less than two years in length which is acceptable for full credit toward a bachelor's degree; or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in

engineering, research, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(3) Is accredited by a regionally recognized accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; and

(4) ~~Does not discriminate in the admission of students on the basis of race, color, creed, national origin, ancestry, age, sex, or handicap~~ Has a student admissions policy which does not violate any other Nebraska law or federal law against discrimination on the basis of race, color, creed, national origin, ancestry, age, gender, or handicap.

Sec. 3. Original section 85-9,145, Reissue Revised Statutes of Nebraska, and section 85-1707, Revised Statutes Supplement, 1996, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with "the" in line 1 through line 5 and insert "private postsecondary educational institutions; to amend section 85-9,145, Reissue Revised Statutes of Nebraska, and section 85-1707, Revised Statutes Supplement, 1996; to redefine terms; to repeal the original sections; and to declare an emergency.".

Mr. Hilgert filed the following amendment to LB 861A:
AM1975

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $250,000 from the General Fund for FY1997-98 and (2) $250,000 from the General Fund for FY1998-99 to the Department of Economic Development, for Program 603.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. On page 1, strike beginning with "aid" in line 1 through "1997" in line 3 and insert "the Department of Economic Development".

RESOLUTION

LEGISLATIVE RESOLUTION 123. Introduced by Bohlke, 33.

PURPOSE: To study the best way to locally control and encourage the growth and development of livestock operations considering the environmental concerns that go along with them. An advisory group of interested parties will be convened to assist the Natural Resources Committee of the Legislature in conducting a study which may include a review of:

(1) County zoning procedures and incentives for unzoned counties to zone for agricultural purposes;

(2) Minimal setback distances between new or expanding livestock operations lagoons and existing residences;

(3) Minimal setback distances between exiting livestock operations or lagoons and new residences;

(4) Minimal best management or best operating practices, such as manure applications, odor control, fly control, vegetative buffers, and road setbacks; and

(5) State and local entities that would best regulate and enforce provisions listed in the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 269A. Introduced by Kristensen, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, Ninety-fifth Legislature, First Session, 1997; to state intent; and to declare an emergency.

LEGISLATIVE BILL 590A. Introduced by Withem, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 590, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

SELECT FILE

LEGISLATIVE RESOLUTION 7CA. The Schimek pending amendment, AM1831, found in this day's Journal, was renewed.

Mr. Tyson moved the previous question. The question is, “Shall the debate now close?”

Mr. Lynch moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

The motion to cease debate prevailed with 26 ayes, 7 nays, and 15 not voting.

Mr. Landis requested a record vote on the Schimek amendment.

Voting in the affirmative, 18:

Abboud
Beutler
Bromm
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Jones
Landis
Pedersen, Dw.
Schimek
Schmitt
Schrock
Stuhr
Suttle
Wickersham
Witek

Voting in the negative, 21:

Brashear
Brown
Chambers
Coordsen
Elmer
Engel
Hudkins
Janssen
Jensen
Kristensen
Lynch
Matzke
Pederson, D.
Peterson, C.
Robak
Robinson
Tyson
Vrtiska
Wehrbein
Wesely
Withem

Present and not voting, 3:

Kiel
Preister
Will

Excused and not voting, 6:

Bohlke
Bruning
Crosby
Maurstad
McKenzie
Schellpeper

The Schimek amendment lost with 18 ayes, 21 nays, 3 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler renewed his pending amendment, AM1567, found in this day's Journal.

Mr. Beutler withdrew his amendment.

Mr. Withem moved to indefinitely postpone LR 7CA.

Laid over.

LEGISLATIVE BILL 310. E & R amendment, AM7134, found on page 1564, was adopted.

Mr. Janssen renewed his pending amendment, AM1576, found on page 1594.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Janssen amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

The Chair requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 25 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 310A. Advanced to E & R for engrossment.

AMENDMENT - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 386:
AM1974

(Amendments to Standing Committee amendments, AM1809)

1. On page 1, line 1, strike "Insert" and insert "Strike original section 31 and insert"; and in line 2 after the quotation mark insert:

"Sec. 31. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

(1) The Department of Correctional Services is authorized to construct minimum security work release facilities in the state. These work release facilities shall (a) consist of modular housing units built by inmates employed by Cornhusker State Industries, (b) have a total design capacity not to exceed eight hundred beds, and (c) be located in areas of the state in which numerous employment opportunities exist and in which the host communities actively seek such facilities. If the construction of work release facilities has not reached the eight-hundred-bed limitation, the department may rent existing structures to house inmates not to exceed such limitation. Rented structures shall be located in areas of the state in which numerous employment opportunities exist and in which the host communities actively seek the provision of such rental structures.

(2) The inmates housed in these work release facilities shall be inmates who (a) require the least restrictive level of correctional confinement, (b) work in private venture jobs, except that no more than twenty percent of these inmates shall be employed by the work release facility or Cornhusker State Industries, and (c) participate in educational and self-help programs when not

engaged in work-related activities. For those inmates who are determined by the department to be at risk of escaping, using alcohol or controlled substances, or operating a motor vehicle without permission, electronic monitoring devices shall be provided and paid for by such inmates.".

2. Strike amendment 3.
3. Renumber the remaining amendments accordingly.

VISITORS

Visitor to the Chamber was Bill Sullivan from Wallace.

The Doctor of the Day was Mark Ptacek from O'Neill.

ADJOURNMENT

At 4:28 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, May 7, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-FIRST DAY – MAY 7, 1997

LEGISLATIVE JOURNAL

SEVENTY-FIRST DAY – MAY 7, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 7, 1997

Pursuant to adjournment, the Legislature met at 8:31 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Andrew Wasmundt, First United Pentecostal Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Chambers, Hilgert, Landis, Maurstad, Robinson, Vrtiska, Will, Mmes. Brown, Hudkins, Kiel, Stuhr, and Suttle who were excused until they arrive.

SPEAKER WITHEM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the seventieth day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 317.

A BILL FOR AN ACT relating to the Mechanical Amusement Device Tax Act; to amend sections 77-3001 to 77-3005 and 77-3009, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions related to fees, licenses, and occupation taxes; to change a penalty; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Beutler
Bohlke
Brashear
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 14:

Abboud
Bromm
Brown
Chambers
Hilgert
Hudkins
Kiel
Landis
Maurstad
Robinson
Stuhr
Suttle
Vrtiska
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 363.

A BILL FOR AN ACT relating to county court; to amend section 25-2704, Reissue Revised Statutes of Nebraska; to change filing deadlines for pleadings; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schimek
Schmitt
Schrock
Tyson
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Schellpeper
Wickersham

Excused and not voting, 13:

Abboud
Bromm
Chambers
Hilgert
Hudkins

Kiel
Landis
Maurstad
Robinson
Stuhr
Suttle
Vrtiska
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 398.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-1912, Reissue Revised Statutes of Nebraska; to clarify time for filing a notice of appeal; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 11:

Abboud
Chambers
Hilgert
Hudkins
Kiel
Landis
Maurstad
Robinson
Suttle
Vrtiska
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 526.

A BILL FOR AN ACT relating to elections; to amend section 49-237, Reissue Revised Statutes of Nebraska, and section 32-1041, Revised Statutes Supplement, 1996; to provide powers and duties for the Secretary of State; to change provisions relating to expenses of elections for constitutional amendments proposed by the Legislature; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 36:

Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Bromm

Excused and not voting, 11:

Abboud
Chambers
Hilgert
Hillman
Hudkins
Kiel
Maurstad
Robinson
Suttle
Vrtiska
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 550. With Emergency.

A BILL FOR AN ACT relating to controlled substances; to amend sections 28-406 and 28-407, Reissue Revised Statutes of Nebraska, and section 28-410, Revised Statutes Supplement, 1996; to change registration fees and provide for biennial registration; to provide a time period for preparing registrant inventories; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Janssen
Jensen
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak

Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Bromm
Jones

Excused and not voting, 9:

Abboud
Chambers
Hilgert
Hillman
Hudkins
Maurstad
Suttle
Vrtiska
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 746.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-3301, Reissue Revised Statutes of Nebraska; to provide for alternate uses of levies and assessments for offstreet parking districts; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Witek

Excused and not voting, 8:

Abboud
Chambers
Hilgert
Hudkins
Maurstad
Suttle
Vrtiska
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 517

Mr. Beutler withdrew his amendment, AM1806, printed separately and referred to on page 1738, to LB 517.

MOTION - Return LB 517 to Select File

Mr. Beutler moved to return LB 517 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM1986.)

The Beutler motion to return prevailed with 35 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 517. The Beutler specific amendment, AM1986, on file and referred to in this day's Journal, was adopted with 38 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 788.

A BILL FOR AN ACT relating to adoption; to amend section 43-117, Revised Statutes Supplement, 1996; to provide payment for medical expenses for certain adopted children; to require medical assessments; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham

Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 66.

A BILL FOR AN ACT relating to nurses; to amend sections 71-1,132.30 and 71-1774, Reissue Revised Statutes of Nebraska; to change provisions relating to the Nurse Practice Act and the Licensed Practical Nurse-Certified Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 119.

A BILL FOR AN ACT relating to child abuse; to amend sections 28-713.01 and 28-726, Reissue Revised Statutes of Nebraska, and sections 28-710 and 28-713, Revised Statutes Supplement, 1996; to provide procedures regarding cases of out-of-home abuse or neglect; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 173.

A BILL FOR AN ACT relating to the Game Law; to amend section 37-202, Reissue Revised Statutes of Nebraska, section 37-101, Revised Statutes Supplement, 1996, and section 37-215.03, Revised Statutes Supplement, 1996, as amended by section 3, Legislative Bill 107, Ninety-fifth Legislature, First Session, 1997; to change provisions relating to migratory game birds and hunting permits; to define a term; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely

Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Brown
Janssen
Schimek
Schmitt

Excused and not voting, 6:

Abboud
Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 173A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 173, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Janssen
Lynch
Schimek
Schmitt

Excused and not voting, 6:

Abboud
Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 193.

A BILL FOR AN ACT relating to livestock; to amend section 54-133.01, Reissue Revised Statutes of Nebraska; to change in-herd brand identification provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Schmitt

Excused and not voting, 5:

Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 274.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-1,135.01, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Supplement, 1996; to provide for mental health therapy; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback

Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 279.

A BILL FOR AN ACT relating to insurance; to adopt the Managed Care Patient Protection Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 352.

A BILL FOR AN ACT relating to pharmacy; to amend section 71-1,147.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the designated pharmacist in charge; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 437. With Emergency.

A BILL FOR AN ACT relating to child support collection; to create a task force; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Crosby
Stuhr

Excused and not voting, 5:

Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 452.

A BILL FOR AN ACT relating to the Uniform Licensing Law; to amend sections 71-1,102 and 71-1,103, Reissue Revised Statutes of Nebraska; to redefine practice of medicine and surgery; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Lynch

Excused and not voting, 5:

Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 263 with 36 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 263.

A BILL FOR AN ACT relating to agriculture; to amend sections 54-854, 81-2,147.01 to 81-2,147.03, 81-2,147.06, and 81-2,147.10, Reissue Revised Statutes of Nebraska; to change noxious weed seed provisions; to define and redefine terms; to change fees and penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Coordsen
Matzke

Excused and not voting, 5:

Chambers
Hudkins
Maurstad
Suttle
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

GENERAL FILE

LEGISLATIVE BILL 229A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 660A. Title read. Considered.

Advanced to E & R for review with 29 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 724A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 752A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 3 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 798A. Title read. Considered.

Advanced to E & R for review with 31 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 806A. Title read. Considered.

MR. BRASHEAR PRESIDING

Mrs. Bohlke requested a record vote on the advancement of the bill.

Voting in the affirmative, 33:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hillman
Janssen
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schimek
Stuhr
Vrtiska
Wehrbein
Wickersham
Will
Withem

Voting in the negative, 7:

Dierks
Jensen
Jones
Schellpeper
Schmitt
Tyson
Witek

Present and not voting, 5:

Brown
Hilgert
Robak
Schrock
Wesely

Excused and not voting, 3:

Hudkins
Maurstad
Suttle

Advanced to E & R for review with 33 ayes, 7 nays, 5 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 851A. Title read. Considered.

PRESIDENT ROBAK PRESIDING

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 317, 363, 398, 526, 550, 746, 788, 66, 119, 173, 173A, 193, 274, 279, 352, 437, 452, and 263.

GENERAL FILE

LEGISLATIVE BILL 865A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

STANDING COMMITTEE REPORTS
Judiciary

LEGISLATIVE BILL 423. Placed on General File as amended.
Standing Committee amendment to LB 423:
AM0681

1. On page 3, line 19; and page 4, line 3, strike "perfection" and insert "service".

LEGISLATIVE RESOLUTION 61CA. Indefinitely postponed.

(Signed) Kermit A. Brashear, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 583A. Introduced by Wickersham, 49.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 583, Ninety-fifth Legislature, First Session, 1997; and to reduce an appropriation.

LEGISLATIVE BILL 517A. Introduced by Beutler, 28.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 517, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

AMENDMENTS - Print in Journal

Mr. Wickersham filed the following amendment to LB 806:
AM1896

(Amendments to FA192)

1. Insert the following new section:

"Sec. 35. By January 1, 1998, the department shall complete a study and issue a report detailing the cost of educating students in public schools in Nebraska in a core curriculum. The core curriculum shall be determined by the department but shall include instruction in skills essential for economic, social, and political participation in a modern society and other disciplines complementary to those essential skills.

For purposes of such study and report, cost of educating students in public schools in Nebraska in a core curriculum shall be measured both per student weighted as provided in section 33 of this act or based on a different cost unit such as optimal class size. Particular attention shall be paid to additional costs associated with providing education in districts in the very sparse and sparse cost groupings and in districts in the standard cost grouping average or above average numbers of students living in poverty and with limited English proficiency.".

2. On page 46, line 19, strike "35" through "49" and all amendments thereto and insert "35, 37, 38, 44, 47, and 49".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Wickersham filed the following amendment to LB 806:
AM1964

(Amendments to FA192)

1. On page 49, line 17, after "paid" insert "multiplied by the averaged growth rate of the three years preceding such property tax year".

Mr. Hilgert filed the following amendment to LB 389:
AM1973

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To increase aid for care management services and community aging services.

AMENDMENT:

1. On page 56, lines 26 and 27, strike "448,333 448,333" and insert "1,211,558 1,534,312".

2. On page 57, line 2, strike "$448,333" and insert "$1,211,558"; in line 4 strike "$448,333" and insert "$1,534,312"; in line 10 strike "2,481,028 2,481,028" and insert "3,556,682 3,885,145"; in line 12 strike "9,813,095 9,813,095" and insert

"10,888,749 11,217,212"; in line 14 strike "$2,481,028" and insert "$3,556,682"; and in line 17 strike "$2,481,028" and insert "$3,885,145".

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LBs 317, 363, 398, 526, 550, 746, 788, 66, 119, 173, 173A, 193, 274, 279, 352, 437, 452, and 263.

(Signed) David I. Maurstad

GENERAL FILE

LEGISLATIVE BILL 271. Mr. Hilgert renewed his pending amendment, AM1832, found on page 1805, to the Standing Committee amendment.

SPEAKER WITHEM PRESIDING

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hilgert moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a roll call vote, in reverse order, on the Hilgert amendment.

Voting in the affirmative, 30:

Abboud
Bohlke
Bromm
Brown
Bruning
Crosby
Dierks
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Jones
Kiel
Lynch
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Will
Witek

Voting in the negative, 10:

Brashear
Chambers
Coordsen
Elmer
Hudkins
Kristensen
Landis
Matzke
Schellpeper
Wickersham

Present and not voting, 8:

Beutler
Cudaback
Maurstad
McKenzie
Schimek
Suttle
Wesely
Withem

The Hilgert amendment was adopted with 30 ayes, 10 nays, and 8 present and not voting.

The Chair declared the call raised.

Mr. Landis and Mrs. Crosby asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Kristensen, Schellpeper, Will, Wickersham, Coordsen, and Hartnett offered the following amendment to the Standing Committee amendment:
AM1994

(Amendments to Standing Committee amendments, AM1255)

1. Strike section 4 and all amendments thereto and insert the following new section:

"Sec. 4. (1) The motor vehicle tax schedules are set out in this section.

(2) The motor vehicle tax shall be calculated by multiplying the base tax times the fraction which corresponds to the age category of the vehicle as shown in the following table:

YEAR	FRACTION
First	1.00
Second	0.90
Third	0.80
Fourth	0.70
Fifth	0.60
Sixth	0.51
Seventh	0.42
Eighth	0.33
Ninth	0.24
Tenth and Eleventh	0.15
Twelfth and Thirteenth	0.07
Fourteenth and older	0.00

(3) The base tax shall be:

(a) Passenger cars, trucks, utility vehicles, and vans -- An amount determined using the following table:

Value when new	Base tax
Up to $9,999	$ 100
$10,000 to $11,999	140
$12,000 to $13,999	180
$14,000 to $15,999	220
$16,000 to $17,999	260
$18,000 to $19,999	300
$20,000 to $21,999	340
$22,000 to $23,999	380
$24,000 to $25,999	420
$26,000 to $27,999	460
$28,000 to $29,999	500
$30,000 to $31,999	540
$32,000 to $33,999	580
$34,000 to $35,999	620
$36,000 to $37,999	660
$38,000 to $39,999	700

$40,000 to $41,999	740
$42,000 to $43,999	780
$44,000 to $45,999	820
$46,000 to $47,999	860
$48,000 to $49,999	900
$50,000 to $51,999	940
$52,000 to $53,999	980
$54,000 to $55,999	1,020
$56,000 to $57,999	1,060
$58,000 to $59,999	1,100
$60,000 to $61,999	1,140
$62,000 to $63,999	1,180
$64,000 to $65,999	1,220
$66,000 to $67,999	1,260
$68,000 to $69,999	1,300
$70,000 to $71,999	1,340
$72,000 to $73,999	1,380
$74,000 to $75,999	1,420
$76,000 to $77,999	1,460
$78,000 and over	1,500

(b) Motorcycles -- $80

(c) Recreational vehicles -- Cabin trailers -- Up to one thousand pounds -- $30

(d) Recreational vehicles -- Cabin trailers -- One thousand pounds and over and less than two thousand pounds -- $45

(e) Recreational vehicles -- Cabin trailers, two thousand pounds and over -- $60

(f) Recreational vehicles -- Self-propelled mobile homes, less than eight thousand pounds -- $200

(g) Recreational vehicles -- Self-propelled mobile homes, eight thousand pounds and over and less than twelve thousand pounds -- $450

(h) Recreational vehicles -- Self-propelled mobile homes, twelve thousand pounds and over -- $900

(i) Trucks -- Five tons and over and less than ten tons -- $300

(j) Trucks -- Ten tons and over and less than sixteen tons -- $600

(k) Trucks -- Sixteen tons and over and less than thirty tons -- $900

(l) Trucks -- Thirty tons and over -- $1,200

(m) Buses -- $400

(n) Trailers other than semitrailers -- Less than four thousands pounds -- $25

(o) Trailers other than semitrailers -- Four thousand pounds and over and less than nine thousand pounds -- $50

(p) Trailers other than semitrailers -- Nine thousand pounds and over -- $75

(q) Semitrailers -- $150

(r) All other motor vehicles not listed in subdivisions (3)(a) through (q) of this section -- $350

(4) For purposes of subsection (3) of this section, truck means all trucks and combinations of trucks or truck-tractors, except those trucks, truck-trailers, trailers, semitrailers, or combinations thereof registered under section 60-305.09, and the tax is based on the gross vehicle weight for purposes of registration.

(5) For purposes of subsection (3) of this section, trailer and semitrailer have the same meanings as in section 60-301.

(6) Current model year vehicles are designated as first-year vehicles for purposes of the schedules.

(7) When a motor vehicle is registered which is newer than the current model year by the manufacturer's designation, the motor vehicle is subject to the initial motor vehicle tax in the first registration period and ninety-five percent of the initial motor vehicle tax in the second registration period.

(8) When a motor vehicle is registered which is required to have a salvage certificate of title, the motor vehicle tax shall be reduced by twenty-five percent.

(9) If the owner of any motor vehicle increases the gross vehicle weight for which the motor vehicle is registered and the increase results in a higher motor vehicle tax, the owner shall register the motor vehicle under the new weight and pay the difference between the motor vehicle taxes prorated for the remainder of the period of registration.".

2. On page 11, line 6, strike ".60" and insert ".6666"; in line 7 strike ".20" and insert ".3333"; in lines 10, 13, and 15 strike "$25" and insert "$15"; in line 11 strike "$20" and insert "$15"; and in lines 14 and 16 strike "$50" and insert "$30".

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 7, 1997, at 11:10 a.m., were the following bills: LBs 317, 363, 398, 526, 550, 746, 788, 66, 119, 173, 173A, 193, 274, 279, 352, 437, 452, and 263.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PROPOSED RULES CHANGES

Mr. Will offered the following proposed rules changes:
Amend Rule 6, Sec. 3(a)

Sec. 3. General File. (a) The Clerk of the Legislature shall read the number and the title of the bill and the name of the principal introducer as it comes up for consideration on General File. ~~A bill will not be read section by section unless requested by a member of the Legislature.~~

Amend Rule 6, Sec. 5(f)

(f) Amendments recommended by Enrollment and Review shall not be read by the Clerk. ~~except upon the request of a member of the Legislature.~~

Referred to the Rules Committee.

AMENDMENTS - Print in Journal

Mr. Bromm filed the following amendment to LB 232:
AM1996

(Amendments to Standing Committee amendments, AM1455)

1. Insert the following new section:
"Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mmes. McKenzie and Witek filed the following amendment to LB 798:
(Amendment, AM1989, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were 21 third and fourth grade students and teacher from Christ Lutheran School, Columbus; 24 fourth grade students and teacher from Raymond Central School, Valparaiso; Rick and Jan Pelland from Grand Island; 32 fourth grade students and teachers from Brownell-Talbot School, Omaha; 62 fourth grade students and teachers from Conestoga Elementary School, Nehawka; students, teacher, and sponsors from Sheridan Elementary School, Lincoln; and 30 third grade students, teachers, and principal from Tecumseh.

RECESS

At 11:59 a.m., on a motion by Mrs. Bohlke, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mr. Coordsen presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Brashear, Bromm, Chambers, Dierks, Landis, Matzke, Schrock, Wesely, Will, Withem, Mmes. Bohlke, Kiel, McKenzie, Witek, and

Ms. Schimek who were excused until they arrive.

AMENDMENT - Print in Journal

Mr. Wickersham filed the following amendment to LB 806:
AM1992

(Amendments to FA192)

1. On page 53, line 14, after "26" insert "Low-income child means a child under eighteen years of age living in a household having an annual adjusted gross income of fifteen thousand dollars or less for the calendar year preceding the year for which aid is being calculated;

(27)"; in line 19 strike "(27)" and insert "(28)"; in line 22 strike "(28)" and insert "(29)"; and in line 25 strike "(29)" and insert "(30)".

2. On page 54, line 1, strike "(30)" and insert "(31)"; in line 4 strike "(31)" and insert "(32)"; in line 9 strike "(32)" and insert "(33)"; in line 10 strike "(33)" and insert "(34)"; and in line 13 strike "(34)" and insert "(35)".

3. On page 55, line 5, strike "(35)" and insert "(36)".

4. On page 65, strike lines 18 through 20 and insert

"(c) The department shall calculate the number of formula students to whom the poverty factor shall apply. The department shall calculate a ratio of the low-income children to the total children residing in the county in which the local system is located and shall attribute an equal ratio of low-income students to total weighted formula students within the local system, in order to determine the number of low-income students within such local school system. The poverty factor shall equal the number of low-income students determined by such ratio or the formula students qualified for free lunches or free milk under United States Department of Agriculture child nutrition programs, whichever is greater, multiplied by".

GENERAL FILE

LEGISLATIVE BILL 271. The Kristensen et al. pending amendment, AM1994, found in this day's Journal, to the Standing Committee amendment, was renewed.

MRS. CROSBY PRESIDING

Mrs. Hudkins and Mr. Wehrbein asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

The Kristensen et al. amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 7 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 271A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 4 nays, 13 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 401. Title read. Considered.

Standing Committee amendment, AM1315, found on page 1381, was considered.

Mr. Maurstad asked unanimous consent to replace his pending amendment, AM1645, found on page 1626, with a substitute amendment. No objections. So ordered.

Mr. Maurstad withdrew his amendment, AM1645, found on page 1626.

Messrs. Maurstad, Tyson, Jensen, Hilgert, Will, Dw. Pedersen, Bruning, Mmes. C. Peterson, Crosby, Robak, Brown, Suttle, and Witek renewed their pending substitute amendment, AM1785, found on page 1781, to the Standing Committee amendment.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mmes. Hillman and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?" The motion failed with 8 ayes, 14 nays, and 26 not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 2 nays, and 20 not voting.

Mr. Will moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 27 not voting.

Mr. Will requested a roll call vote on the Maurstad et al. amendment.

Mr. Landis requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

Bohlke
Bromm
Brown
Bruning
Crosby
Cudaback
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Kiel
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Robak
Robinson
Schimek
Suttle
Tyson
Will
Witek

Voting in the negative, 19:

Beutler
Brashear
Chambers
Coordsen
Elmer
Janssen
Jones
Kristensen
Landis
Matzke
Schellpeper
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 3:

Dierks
Pederson, D.
Preister

Excused and not voting, 1:

Abboud

The Maurstad et al. amendment was adopted with 25 ayes, 19 nays, 3 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Mrs. Witek and Mr. Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Robak renewed her pending amendment, AM1727, found on page 1694, to the Standing Committee amendment.

Pending.

EASE

The Legislature was at ease from 4:18 p.m. until 4:22 p.m.

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 389:
AM1826

1. On page 120, line 4, strike "958,433 962,097" and insert "1,002,615 1,007,301"; in line 7 strike "1,131,647

1,135,791" and insert "1,175,829 1,180,995"; and in line 8 strike "779,805 769,805" and insert "823,987 815,009".

Mrs. Hillman, Messrs. Withem, and Wehrbein filed the following amendment to LB 389:
AM2001

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To promote statewide coordination and cooperation among the State Department of Education, the Nebraska Educational Telecommunications Commission, and the division of communications of the Department of Administrative Services in the development and implementation of educational technology and distance education. The amendment transfers $700,655 General Funds from the State Department of Education to the Nebraska Educational Telecommunications Commission and adjusts the salary limits accordingly.

AMENDMENT:

1. On page 15, strike line 17 and insert "GENERAL FUND 587,936,014 607,554,258"; strike line 21 and insert "PROGRAM TOTAL 721,843,950 743,598,354"; and strike line 22 and insert "SALARY LIMIT 7,026,640 7,014,664".

2. On page 17, strike lines 6 through 18.

3. On page 73, strike lines 25 through 27 and insert:

"GENERAL FUND 6,860,949 6,980,351
CASH FUND 493,033 280,710
PROGRAM TOTAL 7,353,982 7,261,061".

4. On page 74, strike "2,345,944 2,347,743" and insert "2,579,877 2,581,676".

MOTION - Print in Journal

Mrs. Crosby filed the following motion to LR 7CA:
Reconsider amendment 1831 to LR 7CA.

AMENDMENT - Print in Journal

Mr. Beutler filed the following amendment to LB 401:
AM2000

(Amendments to Standing Committee amendments, AM1315)

1. Insert the following new section:

"Section 1. The Property Tax Reduction Incentive Fund is created. The fund shall be used for specific programs for property tax relief. The programs may include increased state aid to political subdivisions or program takeovers by the state of programs funded in whole or in part by property taxes. Any money in the fund available for investment shall be invested by the State Investment Officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

There shall be transferred from the General Fund to the

Property Tax Reduction Incentive Fund $56,607,214 on or before June 30, 2001, and $56,607,214 on each June 30 thereafter. This transfer shall be in addition to any other transfer to the Property Tax Reduction Incentive Fund.".

MOTION - Print in Journal

Mr. Chambers filed the following motion to LB 401:
Bracket until June 22, 1997.

VISITORS

Visitors to the Chamber were 55 fourth grade students and teachers from Blair; 6 eighth grade students, teacher, and sponsors from Lake Minatare School; 21 fourth grade students and teacher from Chapman; the McLarty family; and 37 eighth grade students and teachers from Holt High School, O'Neill.

The Doctor of the Day was David Adams from Lincoln.

ADJOURNMENT

At 4:22 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Thursday, May 8, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SECOND DAY - MAY 8, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

SEVENTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 8, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Father Tim Anderson, St. Stephans Episcopal Church, Grand Island, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Hilgert, Matzke, Robinson, Schrock, Wesely, Wickersham, Will, Mmes. Bohlke, McKenzie, Robak, Witek, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-first day was approved.

MESSAGES FROM THE GOVERNOR

May 7, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Coordinating Commission for Postsecondary Education.

APPOINTEE: David N. Brandt, 2501 West 10th Street, Hastings, NE 68901

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

May 7, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been appointed to the Nebraska Arts Council.

APPOINTEE: Kam-Ching Leung, 1953 B Street, Lincoln, NE 68502

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

May 7, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Dry Bean Commission.

APPOINTEES:
Kevin Kelley, 40242 County Road 9, Morrill, NE 69358
Clifford Walker, 50603 CR 19, Mitchell, NE 69357
Craig Maas, 8536 R.R. 52, Potter, NE 69156

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson

Governor

EBN:dj

GENERAL FILE

LEGISLATIVE BILL 388. Title read. Considered.

Standing Committee amendment, AM1752, printed separately and referred to on page 1841, was considered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
AM1961
(Amendments to Standing Committee amendments, AM1752)
1. On page 1, line 1, after the fourth comma insert "22,".

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, “Shall the debate now close?”

Mr. Robinson moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 22 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers
Kiel

Voting in the negative, 26:

Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Robak
Robinson
Schrock
Stuhr
Tyson
Wehrbein
Wickersham
Witek

Present and not voting, 16:

Beutler
Bohlke
Brashear
Cudaback
Engel
Hartnett
Hilgert
Hillman
Matzke
Pederson, D.
Preister
Schellpeper
Schmitt
Vrtiska
Wesely
Withem

Excused and not voting, 4:

Abboud
Schimek
Suttle
Will

The Chambers amendment lost with 2 ayes, 26 nays, 16 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Coordsen offered the following amendment to the Standing Committee amendment:
AM1991
(Amendments to Standing Committee amendments, AM1752)

PURPOSE: To appropriate $350,000 General Funds to the Legislative Council for Phase I and II of the LR455 power industry study.

AMENDMENT:

1. On page 1, after line 5 insert the following:

"GENERAL FUND	-0-	350,000
PROGRAM TOTAL	-0-	350,000".

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mmes. Witek and Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Hartnett moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 22 not voting.

Mr. Chambers requested a record vote on the Coordsen amendment.

Voting in the affirmative, 31:

Abboud
Beutler
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hilgert
Janssen
Jensen
Jones
Kristensen
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Robak
Robinson
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 14:

Bohlke
Bruning
Cudaback
Hudkins
Kiel
Landis
Lynch
Matzke
McKenzie
Pederson, D.

Schmitt	Wehrbein	Wesely	Wickersham

Excused and not voting, 3:

Hillman	Schellpeper	Schimek

The Coordsen amendment was adopted with 31 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 485, 485A, 660, 686, 882, and 882A.

Enrollment and Review Change to LB 485

The following changes, required to be reported for publication in the Journal, have been made:
ER9061
1. On page 1, lines 4 and 5, "to limit confinement;" has been struck.

Enrollment and Review Change to LB 485A

The following changes, required to be reported for publication in the Journal, have been made:
ER9066
1. On page 1, line 3, "; to reduce appropriations; and to declare an emergency" has been inserted after "1997".

Enrollment and Review Change to LB 660

The following changes, required to be reported for publication in the Journal, have been made:
ER9059
1. In the Standing Committee amendments, AM1051:
a. On page 3, line 2, the third comma has been struck; and in line 3 the comma has been struck;
b. On page 8, line 17, "Telecommunications" has been struck and "Communications" has been inserted; and
c. On page 17, line 13, an underscored comma has been inserted after "and".

Enrollment and Review Change to LB 686

The following changes, required to be reported for publication in the Journal, have been made:
ER9060

1. In the E & R amendments, AM7141:

a. On page 3, line 20, "Telecommunication" has been struck and "Telecommunications" inserted; and

b. On page 6, line 2, an underscored comma has been inserted after "analysis".

2. In the Kristensen amendment, AM1758:

a. Section 10 has been renumbered as section 11; and

b. On page 1, line 4, "and insert '10' " has been struck and "and all amendments thereto and insert '11'" inserted.

Enrollment and Review Change to LB 882

The following changes, required to be reported for publication in the Journal, have been made:
ER9062

1. In lieu of the Chambers amendment, FA187, in the Dw. Pedersen amendment, AM1422, on page 1, line 3, "only" has been inserted after the second "authority".

2. In the Dw. Pedersen amendment, AM1422, on page 1, line 7, the underscored commas have been struck.

3. The Beutler amendment, FA153, has been incorporated into the E & R amendments, AM7125, on page 4, line 18.

4. On page 1, line 1, "probation" has been struck and "correctional services" inserted and "section 29-2262," has been struck and "sections 29-2262, 83-905, 83-925.05, and 83-925.06," inserted; in line 2 ", and section 83-925.07, Revised Statutes Supplement, 1996" has been inserted after "Nebraska"; in line 4 "to authorize the issuance of warrants for certain juveniles; to change oversight and control of the secure youth facility; to harmonize provisions;" has been inserted after the semicolon; and in line 5 "section" has been struck and "sections" inserted.

Enrollment and Review Change to LB 882A

The following changes, required to be reported for publication in the Journal, have been made:
ER9067

1. On page 2, lines 20 and 21, "probation division" has been struck and "Office of Probation Administration" inserted.

(Signed) Jon C. Bruning, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following appointments:

Brandt, David N. - Coordinating Commission for Postsecondary Education -- Education
Kelley, Kevin - Nebraska Dry Bean Commission -- Agriculture
Leung, Kam-Ching - Nebraska Arts Council -- General Affairs
Maas, Craig - Nebraska Dry Bean Commission -- Agriculture
Walker, Clifford - Nebraska Dry Bean Commission -- Agriculture

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARINGS
Education

Friday, May 16, 1997 (cancelled) 8:30 a.m.
Sheryl Lindau - Board of Trustees of the Nebraska State Colleges

Friday, May 16, 1997 (rescheduled) 8:00 a.m.
Sheryl Lindau - Board of Trustees of the Nebraska State Colleges

Friday, May 16, 1997 8:00 a.m.
David Brandt - Coordinating Commission for Postsecondary Education

(Signed) Ardyce L. Bohlke, Chairperson

AMENDMENT - Print in Journal

Mr. Hartnett filed the following amendment to LB 874:
(Amendment, AM1984, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

RESOLUTION

LEGISLATIVE RESOLUTION 124. Introduced by Schrock, 38.

WHEREAS, on November 12, 1877, the first congregation of the Bethel Lutheran Church met at the home of Gustaf Hanson;

WHEREAS, these first members of the church built and began to worship in their sod church in June 1879;

WHEREAS, over the years the congregations of this church have built two frame churches and the present brick church in the center of Holdrege;

WHEREAS, the congregation has grown from thirty members to over one thousand members; and

WHEREAS, the Bethel Lutheran Church will be celebrating its one hundred twentieth anniversary this year and that accomplishment deserves recognition by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the congregation of

the Bethel Lutheran Church of Holdrege, Nebraska, in celebrating its one hundred twentieth anniversary.

2. That the Clerk of the Legislature send a copy of this resolution to David Sites, pastor of the Bethel Lutheran Church, Holdrege, Nebraska.

Laid over.

GENERAL FILE

LEGISLATIVE BILL 388. Mr. Maurstad offered the following amendment to the Standing Committee amendment:

FA247

Amend AM1991
on line 5 change $350,000 to $150,000 and
on line 6 change $350,000 to $150,000

Mr. Maurstad moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 35 not voting.

Mr. Coordsen requested a roll call vote on the Maurstad amendment.

Mr. Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 12:

Brown
Hudkins
Jensen
Jones
Maurstad
Pedersen, Dw.
Peterson, C.
Suttle
Tyson
Will
Witek
Withem

Voting in the negative, 25:

Abboud
Bohlke
Bromm
Bruning
Chambers
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Janssen
Kiel
Kristensen
Landis
Lynch
Matzke
Pederson, D.
Preister
Robinson
Schmitt
Stuhr
Vrtiska
Wehrbein
Wesely

Present and not voting, 7:

Beutler
Brashear
Coordsen
Engel
Robak
Schrock
Wickersham

Absent and not voting, 1:

McKenzie

Excused and not voting, 3:

Hillman
Schellpeper
Schimek

The Maurstad amendment lost with 12 ayes, 25 nays, 7 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 33 ayes, 1 nay, 10 present and not voting, and 4 excused and not voting.

Messrs. Wesely, Wickersham, Hartnett, Tyson, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

MR. WILL PRESIDING

Mr. Wehrbein moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 34 not voting.

Advanced to E & R for review with 27 ayes, 1 nay, 11 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 8, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Cline, Williams, Wright, Johnson & Oldfather
  Pallesen Jr., Charles M. - Lincoln; Madonna Rehabilitation Hospital
Goc, John J. - Lincoln; Save Our Schools Association
Hartmann, Rita A. - St. Louis, MO; Monsanto Company
  (Withdrawn 04/09/97)
Howell, William R. - Glencoe, MO; Pharmacia & Upjohn Company
  (Withdrawn 03/31/97)
Klumpp, John W. - Lincoln; Nebraska United Veterans Council
  (Withdrawn 04/07/97)
Rowe-Graves, Erin L. - Ada, MI; Amway Corporation
  (Withdrawn 03/31/97)

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 806. Placed on Select File as amended.
(E & R amendment, AM7150, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 180. Placed on Select File as amended.
E & R amendment to LB 180:
AM7149

1. On page 1, strike beginning with "revenue" in line 1 through line 5 and insert "property taxation; to create the Property Tax Reduction Incentive Fund; and to transfer funds.".

(Signed) Jon C. Bruning, Chairperson

GENERAL FILE

LEGISLATIVE BILL 389. Mr. Chambers renewed his pending motion, found on page 1776, to indefinitely postpone the bill before the reading of the title, pursuant to Rule 6(3)(f).

Messrs. Coordsen, Janssen, Schmitt, Dw. Pedersen, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to indefinitely postpone.

Mr. Chambers withdrew his request, found on page 1776, that LB 389 be read section by section, pursuant to Rule 6(3)(a).

Title read. Considered.

Standing Committee amendment, AM1402, printed separately and referred to on page 1841, was considered.

Mr. Kristensen renewed his pending amendment, AM1955, found on page 1847, to the Standing Committee amendment.

Mrs. Witek and Mr. Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 30 not voting.

The Kristensen amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Dierks asked unanimous consent to be excused until he returns. No

objections. So ordered.

Mr. Hilgert renewed his pending amendment, AM1973, found on page 1870, to the Standing Committee amendment.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Hilgert withdrew his amendment.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis and Mrs. Witek renewed the Landis pending amendment, AM1826, found on page 1878, to the Standing Committee amendment.

Mr. Landis moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 41 not voting.

Mr. Landis requested a roll call vote on the Landis-Witek amendment.

Voting in the affirmative, 23:

Beutler
Bruning
Chambers
Elmer
Hilgert
Hudkins
Janssen
Jensen
Kristensen
Landis
Matzke
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robak
Schmitt
Schrock
Suttle
Wesely
Wickersham
Will
Witek

Voting in the negative, 11:

Bromm
Crosby
Engel
Kiel
Lynch
Maurstad
Pederson, D.
Robinson
Tyson
Wehrbein
Withem

Present and not voting, 4:

Bohlke
Brashear
Schimek
Vrtiska

Absent and not voting, 1:

Abboud

Excused and not voting, 9:

Brown
Coordsen
Cudaback
Dierks
Hartnett
Hillman
Jones
Schellpeper
Stuhr

The Landis-Witek amendment lost with 23 ayes, 11 nays, 4 present and not voting, 1 absent and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. Lynch and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
AM2023

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To strike the funding in the Department of Correctional Services for the staffing (56.3 F.T.E. Salary Limit $1,360,104) and operations of the two modular housing units at the Nebraska State Penitentiary for FY1997-98 and FY1998-99. Salary and operational costs related to the modular housing units total $1,890,663 for FY1997-98 and $2,062,541 for FY1998-99.

AMENDMENT:

1. On page 71, line 22, strike "68,819,527 70,460,210" and insert "66,928,864 68,397,669"; in line 26 strike "75,715,143 77,355,826" and insert "73,824,480 75,293,285"; and in line 27 strike "40,703,423 40,703,423" and insert "39,343,319 39,343,319".

Mr. Chambers asked unanimous consent to replace his pending amendment, AM2023, found in this day's Journal, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, AM2023, found in this day's Journal.

Mr. Chambers offered the following substitute amendment to the Standing Committee amendment:
FA248

Amend AM1402

On page 71 line 22 strike "68,819,527 70,460,210" and insert "64,951,470 65,118,072;

and in line 26 strike "75,515,143 77,355,826" and insert "71,847,086 72,013,688;

and in line 27 strike "40,703,423 40,703,423" and insert "39,343,319 39,343,319"

Messrs. Wickersham and Withem asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers amendment was adopted with 25 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mrs. Stuhr offered the following amendment to the Standing Committee amendment:

AM2008

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To add funding to the Nebraska State Patrol for one year of DARE funding. The amendment adds $237,500 General Funds for FY1997-98 only and increases the salary limit by $100,437 the first year only.

AMENDMENT:

1. On page 102, lines 22 and 23, strike "12-553,518" and insert "12,791,018"; in line 24 strike the first "9,685,438" and insert "9,785,875"; and after line 24 insert the following:

"There is included in the appropriation to this program for FY1997-98 $237,500 General Funds for continuation of the coordination portion of the DARE program for one year. It is the intent of the Legislature that the Nebraska Commission on Law Enforcement and Criminal Justice, in conjunction with the Nebraska State Patrol and other state or local entities with an interest in drug demand reduction programs, investigate potential alternatives to the DARE program in the state for potential implementation of such a program in FY1998-99. The Nebraska Commission on Law Enforcement and Criminal Justice shall submit a preliminary report to the Legislature detailing the results of such a study by December 15, 1997.".

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Stuhr moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 30 not voting.

Mrs. Stuhr requested a record vote on her amendment.

Voting in the affirmative, 16:

Beutler
Bromm
Coordsen
Crosby
Dierks
Hudkins
Jones
Matzke
Pedersen, Dw.
Preister
Robak
Schmitt
Stuhr
Vrtiska
Wesely
Witek

Voting in the negative, 20:

Bohlke
Bruning
Chambers
Cudaback
Elmer
Hartnett
Hilgert
Janssen
Jensen
Kiel
Landis
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Robinson
Schimek
Tyson
Wehrbein
Will

Present and not voting, 6:

Brashear Engel Kristensen Schrock Withem
Brown

Excused and not voting, 6:

Abboud Lynch Schellpeper Suttle Wickersham
Hillman

The Stuhr amendment lost with 16 ayes, 20 nays, 6 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

The Standing Committee amendment, as amended, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 38 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Messrs. Landis and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 269. Placed on Select File as amended.
(E & R amendment, AM7148, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mrs. McKenzie, Messrs. Preister, Schrock, and Beutler filed the following amendment to LB 877:
AM1742
(Amendments to Standing Committee amendments, AM1283)

1. Strike section 4 and insert the following new section:

"Sec. 4. Section 46-2,115, Reissue Revised Statutes of Nebraska, is amended to read:

46-2,115. An application for an instream appropriation which is pending on or filed after January 1, 1997, shall be approved by the Director of Water Resources if he or she finds that:

(1) ~~There~~ In order to allow for future beneficial uses, there is unappropriated water available to provide ~~for the~~ the approved instream ~~appropriation~~ flow rate at least twenty percent

of the time during the period requested;

(2) The appropriation is necessary to maintain the ~~instream use or uses for which the appropriation has been requested~~ existing recreational uses or needs of existing fish and wildlife species;

(3) The appropriation will not interfere with any senior surface water appropriation;

(4) The rate and timing of the flow is the minimum necessary to maintain the ~~instream use or uses for which the appropriation has been requested; and~~ existing recreational uses or needs of existing fish and wildlife species; and

(5) The application is in the public interest.

The application may be granted for a rate of flow that is less than that requested by the applicant or for a shorter period of time than requested by the applicant.".

Messrs. Janssen, Landis, Jones, Chambers, Schmitt, Vrtiska, Elmer, Lynch, and Beutler filed the following amendment to LB 401:
AM2012

(Amendments to Standing Committee amendments, AM1315)

1. Strike amendment 1 and all amendments thereto and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. Section 77-2701.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2701.02. Pursuant to section 77-2715.01, ~~commencing July 1, 1990, or on July 10, 1990, whichever is later,~~ the rate of the sales tax levied pursuant to section 77-2703 shall be ~~five~~ four and one-half percent.

Sec. 2. This act becomes operative on July 1, 1997.

Sec. 3. Original section 77-2701.02, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.'.".

GENERAL FILE

LEGISLATIVE BILL 384. Title read. Considered.

Standing Committee amendment, AM1751, found on page 1835, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 385. Title read. Considered.

Advanced to E & R for review with 37 ayes, 0 nays, 4 present and not voting, and 7 excused and not voting.

VISITORS

Visitors to the Chamber were 25 fourth grade students and teachers from Seedling Mile School, Grand Island; members of the Chadron Leadership Group; former Senator Dan Fisher from Grand Island; 33 fourth grade students and teachers from Paddock Road Elementary School, Omaha; 60 fifth grade students and teachers from Albion; 75 fourth grade students and teacher from Grace Abbott School, Omaha; Rev. Larry Toms and Rev. Theodore Richling from Omaha; 23 seventh and eighth grade students and teacher from R-7 School, Holdrege; 55 fourth grade students and teachers from Blair; 42 sixth grade students and teachers from Ponca; 13 students, sponsors, and teacher from Twin Valley School, Danbury; David Gale from Omaha and David Rogers from Stamford, Connecticut; Senator Dw. Pedersen's wife, Priscilla, daughter, Michaela, and granddaughter, Caeli, from Elkhorn; Lois Figard from Thedford; 51 third grade students and teachers from St. Paul; and 45 fourth grade students and teacher from E. N. Swett School, South Sioux City.

ADJOURNMENT

At 2:34 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Monday, May 12, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-THIRD DAY - MAY 12, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE FIRST SESSION

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 12, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Craig Sumey, Good Shepherd Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Bromm, Chambers, Coordsen, Cudaback, Dierks, Hartnett, Hilgert, Kristensen, Matzke, Schellpeper, Wesely, Will, Mmes. Bohlke, McKenzie, and C. Peterson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

MESSAGE FROM THE GOVERNOR

May 9, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 317, 363, 398, 526, 550e, 746, 788, 66, 119, 173, 173A, 193, 274, 279, 352, 437e, 452, and 263 were received in my office on May 7, 1997.

These bills were signed by me on May 9, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORTS

The following reports were received by the Legislature:

Administrative Services, Department of
  Intergovernmental Data Communications Advisory Council
    Annual Report
Investment Finance Authority, Nebraska (NIFA)
  Series A Single Family Bond Issue
Patrol, Nebraska State
  Drug Cash Fund Report

COMMUNICATION

Received a copy of Senate Joint Resolution 1001, from the State of Arizona declaring the State's sovereignty under the United States Constitution and demanding that the Federal Government stop mandates that are beyond its powers.

SELECT FILE

LEGISLATIVE BILL 23. E & R amendment, AM7133, found on page 1564, was adopted.

Mrs. Brown reoffered her amendment, AM1394, found on page 1469 and considered on page 1483.

Mrs. Brown asked unanimous consent to replace her pending amendment, AM1394, found on page 1469, with a substitute amendment. No objections. So ordered.

Mrs. Brown withdrew her amendment, AM1394, found on page 1469.

Mrs. Brown offered the following substitute amendment:
FA249

(Amendments to Standing Committee amendments, AM0748)

1. On page 3, line 21; and page 6, line 13, after "injury" insert ", including a life-endangering physical condition caused by or arising from the pregnancy itself".

Mr. Robinson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 22 not voting.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Brown moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 21 not voting.

Mrs. Brown requested a roll call vote on her amendment.

Mr. Maurstad requested the roll call vote be taken in reverse order.

Voting in the affirmative, 25:

Beutler
Brashear
Brown
Bruning
Chambers
Cudaback
Elmer
Hartnett
Hillman
Hudkins
Janssen
Kiel
Landis
Maurstad
Pederson, D.
Peterson, C.
Preister
Schimek
Schrock
Suttle
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 8:

Crosby
Dierks
Engel
Pedersen, Dw.
Schmitt
Stuhr
Tyson
Vrtiska

Present and not voting, 6:

Hilgert
Jensen
Jones
Matzke
McKenzie
Robak

Excused and not voting, 9:

Abboud
Bohlke
Bromm
Coordsen
Kristensen
Lynch
Robinson
Schellpeper
Will

The Brown amendment was adopted with 25 ayes, 8 nays, 6 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mrs. Kiel withdrew her amendment, FA161, found on page 1483.

Mr. Landis offered the following amendment:
AM2065

(Amendments to Standing Committee amendments, AM0748)

1. On page 3, lines 21 and 22; and page 6, lines 13 and 14, strike "no other medical procedure would suffice for that purpose" and insert "any other procedure would pose equal or greater medical risk".

Mr. Beutler and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

MR. BRASHEAR PRESIDING

The Landis amendment lost with 12 ayes, 19 nays, 7 present and not voting, and 10 excused and not voting.

Ms. Schimek offered the following amendment:
AM1966

(Amendments to Standing Committee amendments, AM0748)

1. On page 3, line 21; and page 6, line 13, after "injury" insert "or, if in the best clinical judgment of the attending physician, a woman's fertility or physical ability to carry future pregnancies to term is at risk".

2. On page 3, line 22; and page 6, line 14, strike "that purpose" and insert "such purposes".

MR. WILL PRESIDING

Mrs. Witek requested a record vote on the Schimek amendment.

Voting in the affirmative, 11:

Beutler
Brown
Chambers
Hillman
Janssen
Kiel
Landis
Schimek
Suttle
Wickersham
Will

Voting in the negative, 20:

Brashear
Bruning
Crosby
Dierks
Engel
Hilgert
Hudkins
Jensen
Jones
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robinson
Schrock
Stuhr
Tyson
Vrtiska
Witek

Present and not voting, 11:

Bromm
Cudaback
Elmer
Hartnett
McKenzie
Preister
Robak
Schmitt
Wehrbein
Wesely
Withem

Excused and not voting, 6:

Abboud
Bohlke
Coordsen
Kristensen
Lynch
Schellpeper

The Schimek amendment lost with 11 ayes, 20 nays, 11 present and not voting, and 6 excused and not voting.

SPEAKER WITHEM PRESIDING

Mr. Chambers offered the following amendment:
FA251
Amend (AM0748)
1. Page 3, lines 14, 18, 24, 26;
2. Page 4, line 3;
3. Page 6, line 10;
Strike "partial-birth abortion" and insert "intact dilation and extraction"

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

LEGISLATIVE BILL 374. E & R amendment, AM7135, printed separately and referred to on page 1564, was adopted.

Mr. Preister withdrew his amendment, AM1561, found on page 1567.

Mr. Beutler withdrew his amendment, AM1611, printed separately and referred to on page 1602.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 255. Advanced to E & R for engrossment.
LEGISLATIVE BILL 255A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 588. Advanced to E & R for engrossment.
LEGISLATIVE BILL 588A. Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Messrs. Wehrbein, Maurstad, and Chambers filed the following amendment to LB 150:
AM2051

1. Strike the original sections and insert the following new sections:

"Section 1. The Department of Correctional Services is hereby authorized to begin a competitive site selection process for a new medium-maximum security adult correctional facility and to begin construction of the project. Prior to selecting a site, the Director of Correctional Services shall consider various site proposals and evaluate them for cost effectiveness. The facility shall be built on land to which the state either currently holds title or acquires title prior to construction. The facility shall have a design capacity of nine hundred sixty beds, consisting of approximately one hundred ninety-two segregation beds and approximately seven hundred sixty-eight medium security beds. The facility shall be built with ancillary capacity to accommodate up to an additional five hundred twelve medium security beds. The total project cost shall not exceed $76,950,263. Annual operating costs are estimated not to exceed $15,276,921.

There is hereby appropriated (1) $4,064,148 from the State Building Fund and $2,213,791 from federal funds for FY1997-98 to the Department of Correctional Services, for Program 915, to begin the project and (2) $19,702,893 from the State Building Fund and $2,246,400 from federal funds for FY1998-99 to the Department of Correctional Services, for Program 915, to continue the project. Additional appropriations required to complete the project include $24,737,910 from the State Building Fund for FY1999-00 and $23,985,121 from the State Building Fund for FY2000-01.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $40,000 for FY1997-98 or $41,100 for FY1998-99.

Sec. 2. There is hereby appropriated (1) $1,890,663 from the General Fund for FY1997-98 and (2) $2,062,541 from the General Fund for FY1998-99 to the Department of Correctional Services, for Program 200, for staffing and operations of the two one-hundred bed modular housing units at the Nebraska State Penitentiary.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $1,360,104 for FY1997-98 or $1,360,104 for FY1998-99.

Sec. 3. There is hereby appropriated (1) $1,977,394 from the General Fund for FY1997-98 and (2) $3,079,597 from the General Fund for FY1998-99 to the Department of Correctional Services, for Program 200, for additional inmate per diem costs due to increased incarcerated populations at the adult correctional facilities.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Beutler filed the following amendment to LB 389:
AM2031

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To increase funding for the Campaign Finance Limitation Act.

AMENDMENT:

1. On page 142, strike lines 26 and 27 and insert:

"GENERAL FUND	500,000	-0-
CASH FUND est.	196,907	44,200
PROGRAM TOTAL	696,907	44,200"

2. On page 143, line 2, after "FY1997-98" insert "$500,000 General Funds and".

Mr. Beutler filed the following amendment to LB 401:
AM2009

(Amendments to AM1785)

1. Insert the following new section:

"Sec. 5. The Property Tax Reduction Incentive Fund is created. The fund shall be used for specific programs for property tax relief. The programs may include increased state aid to political subdivisions or program takeovers by the state of programs funded in whole or in part by property taxes. Any money in the fund available for investment shall be invested by the State Investment Officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

There shall be transferred from the General Fund to the Property Tax Reduction Incentive Fund $27,000,000 on or before June 30, 2001, and $27,000,000 on each June 30 thereafter. This transfer shall be in addition to any other transfer to the Property Tax Reduction Incentive Fund.".

2. On page 6, line 20, strike "6" and insert "7"; and in line 23 strike "8" and insert "9".

3. Renumber the remaining sections accordingly.

Mrs. Kiel filed the following amendment to LB 23:
AM1968

(Amendments to Standing Committee amendments, AM0748)

1. On page 3, line 21; and page 6, line 13, after "injury" insert "or the woman is at serious risk of substantial impairment of a major bodily function".

2. On page 3, line 22; and page 6, line 14, strike "that purpose" and insert "such purposes".

Mr. Chambers filed the following amendment to LB 23:
FA252
(AM0748)
P. 6, strike subsection (15) and renumber.

VISITORS

Visitors to the Chamber were 12 students from the Lincoln School of Commerce, Lincoln.

RECESS

At 11:53 a.m., on a motion by Mr. Maurstad, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Brashear, Coordsen, Landis, Lynch, Robinson, Wickersham, and Mrs. Hudkins who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 752. Placed on Select File as amended.
E & R amendment to LB 752:
AM7155

1. In the Standing Committee amendment, AM1359:

a. Strike section 84;

b. On page 8, line 21, strike "(b)" and insert "(c)";

c. On page 8, line 23; and page 9, line 12, after "or" insert "with";

d. On page 20, line 2, strike "them" and insert "it" and after "forms" insert an underscored comma;

e. On page 25, line 19, after "If" insert an underscored comma; and in line 20 after "act" insert an underscored comma;

f. On page 52, line 24, after "administrative" insert "actions";

g. On page 70, line 15, strike "sections" and insert "section";

h. On page 71, line 3, strike "72-740" and insert "42-740";

i. On page 84, line 6, strike "(3) to (6)", show as stricken, and insert "(4) through (7)";

j. On page 123, line 4, after "license" insert an underscored comma; in lines 6 and 15 after "highways" insert an underscored comma; and in line 7 after "wares" insert an underscored comma;

k. On page 124, line 18, after "clean" insert an underscored comma"; in line 20 after the first "system" insert an underscored comma; and in line 24 after "firm" insert an underscored comma;

l. On page 125, line 1, after "commercial" insert an underscored comma;

m. On page 126, line 6, after "firm" insert an underscored comma; in line 8 after "park" insert an underscored comma; and in line 14 after "corporation" insert an underscored comma;

n. On page 152, line 27, strike "All providers" and insert "Each provider";

o. On page 155, line 4, after "for" insert "a";

p. On page 162, line 3, after "inspection" insert an underscored comma; and in line 25 after "character" insert an underscored comma;

q. On page 183, line 5, after "address" insert an underscored comma; and in line 19 after "industry" insert an underscored comma;

r. On page 261, line 7, after "Act" insert "of 1976";

s. On page 266, line 8, after "71-7418" insert a comma;

t. On page 267, line 14, after "regulations" insert an underscored comma;

u. On page 289, line 1, strike the comma and show as stricken;

v. On page 304, line 17, insert paragraphing before "Each";

w. On page 308, line 13, after "46-1231," insert "48-149, 48-161,"; in line 14 after "54-2002," insert "60-4,129,"; and in line 17 after "71-1,132.37," insert "71-1,139,"; and

x. On page 309, line 3, after "9-255.06," insert "9-255.07,"; in line 5 strike "43-1408.01, 43-1412, 43-2606," and insert "43-512.03, 43-1408.01, 43-1409, 43-1412, 43-1414, 43-1718.02, 43-1723, 43-2606, 43-2904,"; and in line 6 after "53-124," insert "60-4,105, 60-4,130,".

2. On page 1, strike beginning with "42-701" in line 1 through the semicolon in line 7 and insert "1-116, 7-102, 14-109, 15-217, 16-237, 18-1907, 18-2307, 20-156, 23-810, 23-813, 28-1229, 28-1239.01, 28-1246, 28-1403, 28-1422, 37-202, 37-211, 37-211.01, 37-715, 37-901, 39-2306, 42-701, 42-702, 42-709, 42-711, 42-714, 42-717 to 42-720, 42-734, 42-740, 42-741, 42-746, 42-747, 43-2609, 44-101.01, 44-1950, 44-1965, 44-2621, 44-4015, 44-5503, 44-5603, 45-117, 45-346, 45-605, 46-297, 46-637, 46-1229, 46-1231, 48-149, 48-161, 48-418, 48-503, 49-1480, 54-161, 54-850, 54-1161, 54-1176, 54-1704, 54-1904, 54-2002, 60-4,129, 60-4,148, 60-4,171, 60-4,176, 60-1407, 60-1411.01, 60-2130, 66-483, 66-502, 66-666, 66-6,106, 66-1521, 69-202, 69-1204, 71-108, 71-1,132.13, 71-1,132.37, 71-1,139, 71-1,314, 71-1,319, 71-1,325, 71-1,329, 71-201, 71-208.06, 71-209, 71-242, 71-387, 71-3,137, 71-3,138.01, 71-3,152, 71-605, 71-1722, 71-1730, 71-1755, 71-1778, 71-1911, 71-1914, 71-3102, 71-3205, 71-3515.01, 71-3703, 71-4623, 71-4706, 71-4708, 71-5109, 71-5133, 71-5147, 71-5157, 71-5308, 71-5514, 71-5903, 71-6054, 71-6106, 71-6310, 71-6326, 71-6816, 71-7417, 71-7418, 72-303, 75-903, 76-542, 76-546, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2234.01, 77-2612, 77-2705, 77-3002, 77-3003, 77-3707, 79-810, 81-2,147.10, 81-2,162.23, 81-885.11, 81-887.02, 81-8,114, 81-8,130.01, 81-8,133.01, 81-8,196, 81-1521.09, 81-1559, 81-1915, 81-1920, 81-2118, 86-1214, and 89-187.02, Reissue Revised Statutes of Nebraska, and sections 2-1092, 2-1097, 2-10,100.01, 2-1203.02, 2-2635, 2-2638, 2-2639, 2-2641, 2-3906, 8-1103, 9-1,104, 9-232.01, 9-255.06, 9-255.07, 9-255.09, 9-329.02, 9-330, 9-424, 9-632, 12-1108, 13-2040, 37-503, 37-505, 37-703, 39-2604, 42-364, 42-748, 43-104.02, 43-512.03, 43-1408.01, 43-1409, 43-1412, 43-1414, 43-1718.02, 43-1723, 43-2606, 43-2904, 45-705, 45-906, 48-1704, 48-2105, 53-124, 60-4,105, 60-4,130, 60-4,146.01, 85-1622, and 88-527, Revised Statutes Supplement, 1996;"; in line 9 after the second comma

insert "collection of social security numbers,"; and in line 16 after the second semicolon insert "to provide operative dates;".

LEGISLATIVE BILL 229A. Placed on Select File.
LEGISLATIVE BILL 660A. Placed on Select File.
LEGISLATIVE BILL 724A. Placed on Select File.

LEGISLATIVE BILL 752A. Placed on Select File as amended.
E & R amendment to LB 752A:
AM7151

1. On page 3, line 18, after the first comma insert "First Session,".

LEGISLATIVE BILL 798A. Placed on Select File.
LEGISLATIVE BILL 806A. Placed on Select File.

LEGISLATIVE BILL 851A. Placed on Select File as amended.
E & R amendment to LB 851A:
AM7152

1. On page 2, line 3, strike "Hearing Impaired" and insert "Deaf and Hard of Hearing".

LEGISLATIVE BILL 865A. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

GENERAL FILE

LEGISLATIVE BILL 386. Mr. Chambers withdrew his motion, found on page 1776, to indefinitely postpone the bill before the reading of the title, pursuant to Rule 6(3)(f).

Mr. Chambers withdrew his request, found on page 1776, that LB 386 be read section by section, pursuant to Rule 6(3)(a).

Title read. Considered.

Standing Committee amendment, AM1809, found on page 1837, was considered.

Mr. Wehrbein withdrew the Appropriations Committee amendment, AM1942, found on page 1832.

Mr. Dw. Pedersen withdrew his amendment, AM1974, found on page 1852.

Mr. Chambers offered the following amendment to the Standing Committee amendment:
AM2045

(Amendments to Standing Committee amendments, AM1809)

PURPOSE: To eliminate funding in the Capital Construction Budget for (1) the one-hundred-twenty-eight-bed segregation space facility and (2) the eight-hundred-bed medium security adult correctional facility.

AMENDMENT:

1. Strike amendment 3.
2. On page 1, line 1, strike "Insert" and insert "Strike original sections 30 and 31 and insert".
3. Renumber the remaining amendments accordingly.

The Chambers amendment was adopted with 31 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 35 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Advanced to E & R for review with 36 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 387. Title read. Considered.

Standing Committee amendment, AM1401, printed separately and referred to on page 1841, was adopted with 29 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 34 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS

Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 864.

Enrollment and Review Change to LB 864

The following changes, required to be reported for publication in the Journal, have been made:

ER9063

1. In the Chambers amendment, FA197:

a. The new matter has been inserted on page 15, lines 11 and 24; and

b. On page 1, "Pub.L. No." has been struck and "Public Law" inserted and an underscored period has been inserted after "(1996)".

2. In the Wesely amendment, AM1601:

a. On page 4, line 16, "(a)" has been struck and "(1)" inserted; in line 17 "(b)" has been struck and "(2)" inserted; in line 18 "(c)" has been struck and "(3)" inserted; in line 19 "(d)" has been struck and "(4)" inserted and "(e)" has been struck and "(5)" inserted; in line 20 "(f)" has been struck and "(6)" inserted; in line 21 "(g)" has been struck and "(7)" inserted; in line 22 "(h)" has been struck and "(8)" inserted; in line 23 "(i)" has been struck and "(9)" inserted; and in line 25 "(j)" has been struck and "(10)" inserted;

b. On page 7, line 7, the new matter has been struck; and in line 20 "of this act" has been inserted after "21"; and

c. Section 19 has been renumbered as section 18.

3. On page 1, the matter beginning with "and" in line 2 through the first comma in line 4 has been struck and "68-1726, and 76-903, Reissue Revised Statutes of Nebraska, and sections 8-1120, 43-504, 43-504.01, 43-512, 48-647, 58-701, 58-703, and 58-707," inserted; in line 6 "to authorize participation by non-United-States citizens in assistance programs; to provide funding and change distribution procedures for the Affordable Housing Trust Fund; to require reports;" has been inserted after the semicolon; and in line 9 "an operative date" has been struck and "operative dates" inserted.

4. On page 14, line 24, "section" has been struck and "subsection" inserted.

5. On page 15, line 25, "(2)" has been struck and "(3)" inserted.

6. On page 22, the matter beginning with the period in line 4 through line 6 has been struck, shown as stricken, and an underscored semicolon inserted.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORT
Natural Resources

LEGISLATIVE BILL 540. Placed on General File as amended.
Standing Committee amendment to LB 540:
AM2047

1. On page 5, line 13, strike "one and one-half" and insert "two".

(Signed) Chris Beutler, Chairperson

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 389:
AM2073

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To add back funding ($1,977,394 for FY1997-98 and $3,079,597 for FY1998-99) to the Department of Correctional Services for additional inmate per diem costs due to increased incarcerated populations at the adult correctional facilities.

AMENDMENT:

1. On page 71, line 22, strike "68,819,527 70,460,210" and all amendments thereto and insert "66,928,864 68,197,669"; and in line 26 strike "75,715,143 77,355,826" and all amendments

thereto and insert "73,824,480 75,093,285".

Mr. Chambers filed the following amendment to LB 389:
AM2074

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To add to the Supreme Court budget $1,116,436 General Funds for FY1997-98 and $1,116,436 General Funds for FY1998-99 for operations in the computer automation program to replace revenue from the court automation fee.

AMENDMENT:

1. On page 7, line 20, strike "796,044 797,184" and insert "1,912,480 1,913,620"; in line 23 strike "1,046,044 1,047,184" and insert "2,162,480 2,163,620"; and strike lines 25 through 27.

2. On page 8, strike lines 1 through 3.

GENERAL FILE

LEGISLATIVE BILL 216. Mr. Chambers moved to indefinitely postpone the bill before the reading of the title, pursuant to Rule 6(3)(f).

MRS. CROSBY PRESIDING

Messrs. Withem, Hilgert, Maurstad, Robinson, Will, Dw. Pedersen, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Tyson moved the previous question. The question is, “Shall the debate now close?” The motion failed with 16 ayes, 1 nay, and 31 not voting.

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 32 not voting.

Mr. Chambers requested a record vote on his motion to indefinitely postpone.

Voting in the affirmative, 13:

Abboud
Bohlke
Bromm
Chambers
Hartnett
Janssen
Jones
Kiel
McKenzie
Peterson, C.
Robak
Schmitt
Tyson

Voting in the negative, 18:

Beutler
Brown
Bruning
Crosby
Cudaback
Engel
Hillman
Jensen
Lynch
Pederson, D.
Robinson
Schellpeper
Schrock
Suttle
Vrtiska
Wehrbein
Wesely
Witek

Present and not voting, 7:

Dierks
Elmer
Kristensen
Matzke
Preister
Schimek
Wickersham

Excused and not voting, 10:

Brashear
Coordsen
Hilgert
Hudkins
Landis
Maurstad
Pedersen, Dw.
Stuhr
Will
Withem

The Chambers motion to indefinitely postpone failed with 13 ayes, 18 nays, 7 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Tyson asked unanimous consent to be excused. No objections. So ordered.

Title read. Considered.

Mr. Chambers offered the following amendment:
FA253
Strike all sections and insert "Section 33-106.04, Reissue Revised Statutes of Nebraska is outright repealed."

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 10:

Abboud
Bohlke
Bromm
Chambers
Hartnett
Janssen
Jones
Pedersen, Dw.
Robak
Schmitt

Voting in the negative, 20:

Beutler
Brown
Bruning
Crosby
Cudaback
Engel
Hillman
Jensen
Kristensen
Lynch
Pederson, D.
Peterson, C.
Robinson
Schrock
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Witek

Present and not voting, 9:

Dierks
Elmer
Kiel
Matzke
McKenzie
Preister
Schellpeper
Schimek
Vrtiska

Excused and not voting, 9:

Brashear
Coordsen
Hilgert
Hudkins
Landis
Maurstad
Tyson
Will
Withem

The Chambers amendment lost with 10 ayes, 20 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to bracket LB 216 until May 19, 1997.

Messrs. Will, Abboud, Lynch, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 37 not voting.

Mr. Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 15:

Bohlke
Bromm
Chambers
Dierks
Janssen
Jones
Kiel
McKenzie
Pedersen, Dw.
Peterson, C.
Schellpeper
Schimek
Schmitt
Stuhr
Wesely

Voting in the negative, 14:

Beutler
Brown
Bruning
Crosby
Engel
Hillman
Jensen
Maurstad
Pederson, D.
Schrock
Wehrbein
Wickersham
Witek
Withem

Present and not voting, 9:

Cudaback
Elmer
Hartnett
Kristensen
Matzke
Preister
Robinson
Suttle
Vrtiska

Excused and not voting, 10:

Abboud
Brashear
Coordsen
Hilgert
Hudkins
Landis
Lynch
Robak
Tyson
Will

The Chambers motion to bracket failed with 15 ayes, 14 nays, 9 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Messrs. Bruning and Withem asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment:

FA254
P. 2, line 3, strike "three dollars" and insert "one dollar."

Mmes. Kiel, Bohlke, Messrs. Dierks, Preister, and Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 4:

Chambers
Cudaback
Janssen
Schmitt

Voting in the negative, 10:

Brown
Crosby
Engel
Hillman
Pederson, D.
Schimek
Schrock
Stuhr
Vrtiska
Wehrbein

Present and not voting, 17:

Beutler
Bromm
Elmer
Hartnett
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Schellpeper
Suttle
Wesely
Wickersham
Witek

Excused and not voting, 17:

Abboud
Bohlke
Brashear
Bruning
Coordsen
Dierks
Hilgert
Hudkins
Kiel
Landis
Lynch
Preister
Robak
Robinson
Tyson
Will
Withem

The Chambers amendment lost with 4 ayes, 10 nays, 17 present and not voting, and 17 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 125. Introduced by Bruning, 3.

WHEREAS, it is customary and proper to honor Nebraskans who have brought great distinction to our state; and

WHEREAS, Bob Devaney became the University of Nebraska's football coach in 1962 and quickly made the name "Cornhuskers" synonymous with excellence across the nation; and

WHEREAS, Nebraskans from Benkleman to Bellevue were unified as never before through the leadership, success, and wit of Bob Devaney; and

WHEREAS, Bob Devaney coached the University of Nebraska to two national championships, eleven consecutive winning seasons, and nine bowl games; and

WHEREAS, Bob Devaney is responsible for selecting Tom Osborne as his successor, naming outstanding coaches in other sports, and for the construction of the sports center that bears his name; and

WHEREAS, Bob Devaney was a renowned ambassador of goodwill for the state and University of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its sympathy to the Devaney family and all of his many friends on his passing, and thanks him posthumously for all he has done for our state. He will be missed.

2. That a copy of this resolution be sent to Phyllis Devaney.

Laid over.

LEGISLATIVE RESOLUTION 126. Introduced by Wesely, 26; Landis, 46; Beutler, 28; Schimek, 27; Crosby, 29.

WHEREAS, The Lincoln Stars hockey team won the Clark Cup, awarded to the champions of the United States Hockey League, with a four-game sweep of the Green Bay Gamblers; and

WHEREAS, the Lincoln Stars became the first expansion hockey team since at least 1980 to win the Clark Cup and finished the season with 40 victories, the most ever recorded by a USHL expansion team; and

WHEREAS, the Lincoln Stars truly epitomized the spirit of teamwork as demonstrated by the fact that 22 of the team's 24 players scored points during the playoffs, and only one Star, right wing Derrick Reynolds, finished among the top 20 in the USHL scoring race; and

WHEREAS, the Lincoln Stars brought pride to the entire City of Lincoln with their successful quest for a USHL title and demonstrated their community support by the number of consecutive sell-outs at their home arena, the Ice Box; and

WHEREAS, the Stars' Josh Langfield, Ryan Bencurik, and Derek Reynolds were chosen to the USHL South Division All-Star team; and

WHEREAS, the Lincoln Stars capped their first season by winning the bronze medal in the 1997 Junior A National Hockey Tournament, becoming the first expansion team to make the semifinals of the national tournament; and

WHEREAS, the newest sports franchise in Lincoln, and their coach, Steve Johnson, demonstrated a dedication to excellence in their inaugural season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates and commends the Lincoln Stars hockey team and Coach Steve Johnson and his staff for their outstanding performance during the 1996-1997 United States Hockey League season;

and

2. That a copy of this resolution be sent to the Lincoln Stars, the coaching staff, and the team's owners.

Laid over.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 401:
AM2069

(Amendments to AM1785)

1. On page 2, line 6, strike "The", show as stricken, and insert "Except as provided in subdivision (2)(e) of this section, the"; in line 9 reinstate the stricken matter and after the reinstated matter insert ";

(e) For tax years 1997 and 1998, the primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be"; in line 11 strike "(e)", show as stricken, and insert "(f)"; and in line 14 strike "(f)"; show as stricken, and insert "(g)".

Mrs. Stuhr filed the following amendment to LB 419:
AM1957

(Amendments to Standing Committee amendments, AM1204)

1. Insert the following new sections:

"Sec. 3. Section 23-3302, Revised Statutes Supplement, 1996, is amended to read:

23-3302. ~~The~~ (1) Until June 30, 2000, the county board of any county may elect to discontinue the office of county superintendent upon expiration of the term of an incumbent. Such decision shall be made not later than twelve months prior to the expiration of such term and only after the county board has discussed such discontinuance at a public hearing for which proper notice has been duly given. If the county board elects to discontinue the office, it may contract with the educational service unit of which it is a part, with ~~or~~ a Class II, III, IV, V, or VI school district, or with an individual who meets the qualifications described in section 23-3301 for performance of all of the duties imposed by law upon the county superintendent. Educational service units, ~~and~~ Class II, III, IV, V, and VI school districts, and qualified individuals may enter into such contracts and perform such duties. Any contract entered into under this subsection shall not exceed a period of one year. The annual cost to the county of any such contract shall not exceed the proceeds of a tax of three-tenths of one cent on each one hundred dollars on the taxable valuation of all taxable property in the county or two thousand five hundred dollars, whichever is greater.

(2) On and after June 30, 2000, the county board may

contract with the educational service unit of which it is a part, with a Class II, III, IV, V, or VI school district, or with an individual who meets the qualifications described in section 23-3301 for performance of all the duties imposed by law upon the county superintendent. Educational service units, Class II, III, IV, V, and VI school districts, and qualified individuals may enter into such contracts and perform such duties. Any contract entered into under this subsection shall not exceed a period of one year. The annual cost to the county of any such contract shall not exceed the proceeds of a tax of three-tenths of one cent on each one hundred dollars on the taxable valuation of all taxable property in the county or two thousand five hundred dollars, whichever is greater.

Sec. 4. Section 32-527, Revised Statutes Supplement, 1996, is amended to read:

32-527. (1) Except as provided in sections 23-3301 and 23-3302, a county superintendent of schools shall be elected in each county at the statewide general election in ~~1990 and each four years thereafter~~ 1998. The term of the county superintendent shall ~~be four years or until his or her successor is elected and qualified.~~ ~~The~~ end and the elective office of county superintendent shall be discontinued on June 30, 2000. Until June 30, 2000, the county superintendent shall meet the qualifications found in sections 23-3301 and 23-3302~~.~~ ~~The county superintendent~~ and shall be elected on the nonpartisan ballot.

(2) The election commissioner or county clerk of each county shall notify the Commissioner of Education of the nominations for the office of county superintendent in his or her county and of the election to such office at the time the results of the statewide primary and general elections respectively are ascertained. The election commissioner or county clerk shall refuse to place the name of any candidate on the ballot for such office who has not presented a certified statement from the office of the Commissioner of Education that such candidate holds a valid certificate in the county of such candidate as required under the provisions of subsection (2) or (3) of section 23-3301 unless the same is not required under subsection (4) of such section.".

2. On page 1, strike beginning with the second comma in line 3 through "statute" in line 6; in lines 11 and 12 strike "June 30, 1998" and insert "December 1, 1997"; in line 15 after the first "of" insert "section 32-527 and"; and in line 19 strike "9" and insert "11".

3. Renumber the remaining sections accordingly.

4. Insert the following new amendment:

"6. On page 9, line 7, after the last comma insert 'and sections 23-3302 and 32-527, Revised Statutes Supplement, 1996,'.".

5. Renumber the remaining amendment accordingly.

Mr. Chambers filed the following amendments to LB 216:

(4)

FA255
P. 2, line 3, strike "three" and insert "two".

(5)

FA256
Page 2, line 4, strike "county court".

(6)

FA257
Page 2, lines 4, 5 strike "separate juvenile court".

(7)

FA258
Page 2, line 4, strike the comma and insert "and"; in line 5 strike "and district court".

(8)

FA259
Page 2, line 5, strike the comma and insert a period; and strike, "including appeals to such courts" in lines 5, 6.

(9)

FA260
Page 2, line 6, beginning with "The", strike all language through "Court" in line 8.

(10)

FA261
Page 2, line 6, strike "appeal and"

(11)

FA262
Page 2, lines 6, 7 strike "and original action".

(12)

FA263
Page 2, line 7, put period after "appeals" and strike remaining language through "Court" in line 8.

(13)

FA264
Page 2, line 7, strike "the Court of Appeals and"

(14)

FA265

Page 2, line 10, strike "State Treasurer" and insert "State Court Administrator"

(15)

FA266

To strike the emergency clause.

ADJOURNMENT

At 5:12 p.m., on a motion by Mr. Schmitt, the Legislature adjourned until 9:00 a.m., Tuesday, May 13, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-FOURTH DAY – MAY 13, 1997

LEGISLATIVE JOURNAL

SEVENTY-FOURTH DAY – MAY 13, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 13, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Roger Leavitt, St. John's Lutheran Church, Ord, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Hilgert, Landis, Dw. Pedersen, D. Pederson, Robinson, Schrock, Wickersham, Will, Mmes. Bohlke, Brown, Kiel, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-third day was approved.

GENERAL FILE

LEGISLATIVE BILL 216. Mr. Chambers renewed his pending amendment, FA255, found on page 1916.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

MRS. CROSBY PRESIDING

Messrs. Withem, Janssen, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 19:

Abboud
Bohlke
Chambers
Coordsen
Cudaback
Dierks
Hartnett
Hilgert
Hudkins
Jones
Kristensen
Landis
McKenzie
Pedersen, Dw.
Peterson, C.
Schimek
Schmitt
Stuhr
Tyson

Voting in the negative, 18:

Beutler
Brashear
Brown
Bruning
Crosby
Elmer
Engel
Hillman
Jensen
Matzke
Maurstad
Pederson, D.
Robinson
Schrock
Suttle
Wehrbein
Wesely
Wickersham

Present and not voting, 3:

Preister
Schellpeper
Vrtiska

Excused and not voting, 8:

Bromm
Janssen
Kiel
Lynch
Robak
Will
Witek
Withem

The Chambers amendment lost with 19 ayes, 18 nays, 3 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

Messrs. Maurstad, Coordsen, Kristensen, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 127. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1; Will, 8.

PURPOSE: Horseracing has historically been an important industry in the State of Nebraska, one whose economic impact in the state may exceed two hundred fifty million dollars. There are a number of economic and legal issues which need to be addressed as horseracing adjusts to new economic and social realities. This study shall include, but not be limited to, examination of the following:

1. Whether expanded simulcasting can provide the revenue needed to support live racing;

2. Whether statutory changes are needed to clarify issues relating to simulcasting in relation to live racing in Nebraska;
3. Whether statutory changes are needed to respond to or encourage the involvement of entities interested in maintaining live horseracing in Nebraska;
4. Whether live racing is conducted on an appropriate schedule in relation to factors of population, weather, and availability of horses;
5. The impact of other forms of gaming, both within and outside the state, on horseracing in Nebraska;
6. Whether expanded gaming opportunities at racetracks would increase revenue for horseracing and attract additional fans to the sport;
7. Whether changes in the Constitution of Nebraska relating to racing or gaming are needed to respond to current economic and social conditions; and
8. Any other issues necessary or appropriate for a full and complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 128. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1; Will, 8.

PURPOSE: The policy of the State of Nebraska has consistently discouraged consumption of alcoholic liquor by individuals under the age permitted by law. However, there is a body of evidence indicating that a substantial percentage of Nebraska residents under the legal age consume alcoholic liquor. This is a matter of concern for parents, law enforcement, liquor control regulators, health professionals, and educators of the State of Nebraska. This study shall include, but not be limited to, the following:

1. Methods of discouraging underage drinking, including increasing penalties for minors who possess or consume alcohol, such as increased fines and suspending the drivers' licenses of minors;
2. Effectiveness of increased penalties for those who provide alcohol to minors;
3. Effectiveness of law enforcement efforts related to underage drinking;
4. Effectiveness of regulatory efforts to prevent underage drinking; and
5. Any other matters necessary and proper for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be

designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 129. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1; Will, 8.

PURPOSE: Gaming has expanded greatly in the Midwest in the last ten years. Casinos at racetracks, Native American casinos, riverboat casinos, and video lottery terminals have been established in the states which border Nebraska. Many Nebraskans cross the borders to take part in these gaming activities. The State of Nebraska has also experienced considerable expansion in legal gaming opportunities for its residents in the same time period, including the development of keno, the establishment of a state lottery, and growth in sales of pickle cards. In addition, there is evidence which appears to indicate that a substantial amount of illegal gambling takes place in the state, particularly sports wagering and the use of illegal video gaming devices. There also is evidence of increasing numbers of Nebraska residents who are compulsive gamblers or who have had their lives negatively impacted by gambling in recent years. This study shall include, but is not limited to, examination of the following:

1. Determine, to the extent possible, the number of residents of the State of Nebraska who are compulsive gamblers or who have experienced one or more serious negative economic or social impacts from gambling;

2. Determine, to the extent possible, the economic and social impact of problem gambling on individual residents and on the resources of the State of Nebraska;

3. The extent that problem gambling has affected legal gaming activities and other businesses in the State of Nebraska;

4. Appropriate methods of dealing with problem gambling, including the effectiveness of current gambling treatment or outreach programs, effectiveness of programs used by other states, effectiveness of education about problem gambling, and whether it is advisable for the State of Nebraska to expand its current programs;

5. Appropriate sources of revenue for gambling treatment or outreach programs; and

6. Any other matters necessary or appropriate for a full and complete examination of these issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Mr. Maurstad and Mrs. Brown filed the following amendment to LB 389:
AM2066

(Amendments to Standing Committee amendments, AM1402)

1. On page 120, line 20, strike "1,992,404 1,995,384" and insert "1,492,404 1,495,384"; and in line 23 strike "2,447,756 2,431,640" and insert "1,947,756 1,931,640".

2. On page 121, lines 1 and 3, strike "$500,000" and insert "0"; and in line 26 strike "3,433,796 3,435,484" and insert "3,933,796 3,935,484".

3. On page 122, line 2, strike "5,153,458 5,156,834" and insert "5,653,458 5,656,834"; and in line 3 strike "875,973 875,973" and insert "908,722 909,521".

GENERAL FILE

LEGISLATIVE BILL 216. Mr. Chambers renewed his pending amendment, FA256, found on page 1916.

Messrs. Hilgert, Dierks, Jones, Robinson, and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 35 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 8:

Abboud
Chambers
McKenzie
Pedersen, Dw.
Peterson, C.
Robak
Schimek
Tyson

Voting in the negative, 20:

Beutler
Brashear
Brown
Bruning
Crosby
Elmer
Engel
Hudkins
Jensen
Landis
Matzke
Maurstad
Pederson, D.
Schrock
Stuhr
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Present and not voting, 8:

Bohlke
Cudaback
Hartnett
Janssen
Preister

Schellpeper
Schmitt
Suttle

Excused and not voting, 12:

Bromm
Coordsen
Dierks
Hilgert
Hillman
Jones
Kiel
Kristensen
Lynch
Robinson
Will
Withem

The Chambers amendment lost with 8 ayes, 20 nays, 8 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, FA257, found on page 1916.

Mmes. Hudkins, C. Peterson, and Mr. Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 5:

Abboud
Chambers
Hilgert
Robak
Will

Voting in the negative, 25:

Beutler
Brashear
Brown
Bruning
Crosby
Elmer
Engel
Hillman
Janssen
Jensen
Landis
Matzke
Pederson, D.
Preister
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Present and not voting, 8:

Coordsen
Cudaback
Hartnett
Maurstad
McKenzie
Pedersen, Dw.
Schellpeper
Schmitt

Excused and not voting, 10:

Bohlke
Bromm
Dierks
Hudkins
Jones

Kiel
Kristensen
Lynch
Peterson, C.
Robinson

The Chambers amendment lost with 5 ayes, 25 nays, 8 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, FA258, found on page 1916.

Messrs. Beutler, Tyson, Schellpeper, Cudaback, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 36 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Mr. Wehrbein requested the roll call vote be taken in reverse order.

Voting in the affirmative, 3:

Abboud
Chambers
Robak

Voting in the negative, 30:

Brashear
Brown
Bruning
Coordsen
Crosby
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Preister
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Present and not voting, 2:

Hartnett
Schmitt

Excused and not voting, 13:

Beutler
Bohlke
Bromm
Cudaback
Dierks
Jones
Kiel
Lynch
McKenzie
Peterson, C.
Robinson
Schellpeper
Tyson

The Chambers amendment lost with 3 ayes, 30 nays, 2 present and not voting, and 13 excused and not voting.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 130. Introduced by Wesely, 26; Abboud, 12; Beutler, 28; Bohlke, 33; Brashear, 4; Bromm, 23; Brown, 6; Bruning, 3; Coordsen, 32; Crosby, 29; Cudaback, 36; Dierks, 40; Elmer, 44, Engel, 17; Hartnett, 45; Hilgert, 7; Hillman, 48; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kiel, 9; Kristensen, 37; Landis, 46; Lynch, 13; Matzke, 47; Maurstad, 30; McKenzie, 34; Dw. Pedersen, 39; D. Pederson, 42; C. Peterson, 35; Preister, 5; Robak, 22; Robinson, 16; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Stuhr, 24; Suttle, 10; Tyson, 19; Vrtiska, 1; Wehrbein, 2; Wickersham, 49; Will, 8; Witek, 31; Withem, 14.

WHEREAS, Bob Devaney built a lasting legacy with his remarkable success as the University of Nebraska head football coach and Athletic Director, bringing pride to the State of Nebraska, inspiring Nebraskans in all walks of live, and creating a sense of unity across the state; and

WHEREAS, as head football coach, Bob Devaney and his staff brought glory and recognition to the University of Nebraska and transformed the University of Nebraska football program into a perennial national power. Since Coach Devaney took over the football team in 1962, Nebraska has never had a losing season, has sold out every home football game, and has been to post-season bowl games in all but two of the last thirty-four years; and

WHEREAS, Bob Devaney led the Nebraska football team to two national championships in the years 1970 and 1971, to thirty-two consecutive victories from 1969 to 1972, to eight Big Eight championships in eleven seasons, to a career record of 101-20-2, and coached eighteen All-Americans and thirty-three All-Big Eight performers; and

WHEREAS, the 1971 national championship team was 13-0 and Coach Devaney guided the Number 1 ranked team to a 35-31 victory over Number 2 ranked Oklahoma in the "Game of the Century"; and

WHEREAS, as Athletic Director, Bob Devaney improved university facilities for athletes, students, and fans. He was responsible for expanding Memorial Stadium from 38,000 to 73,650 seats, for building the Bob Devaney Sports Center and the Buck Beltzer Baseball Complex, for construction of the Ed Weir Track and Field Stadium, for building the Hewit Center and the Cook Pavilion, and for the renovation of the NU Coliseum; and

WHEREAS, Bob Devaney was a force in building women's programs at the University of Nebraska by adding seven women's programs in 1975, thereby expanding educational and athletic opportunities for women. With Bob Devaney's unwavering commitment, the University of Nebraska developed nationally prominent women's volleyball, softball, track and field, and basketball programs; and

WHEREAS, Bob Devaney strengthened the athletic programs at the University of Nebraska, and led a college sports dynasty that included eight national championships in men's gymnastics and three national championships in women's indoor track and field; and

WHEREAS, Bob Devaney was recognized nationally for his contributions to college sports, winning the Amos Alonzo Stagg Award in 1994 from the American Football Coaches Association, being named to the College Football Hall of Fame in 1981, winning the General Neyland Award for outstanding contributions to college football in 1980, collecting "Coach of Year" honors in 1970 and 1971, and "Big Eight Coach of the Year" honors five times; and

WHEREAS, Bob Devaney was a devoted family man who, at his passing, had been married to his wife, Phyllis, for 61 years, and was a beloved husband, father, and grandfather.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature expresses its condolences to the family of Bob Devaney.
2. That a copy of this resolution be sent to the Devaney family.

Laid over.

AMENDMENT - Print in Journal

Mr. Hilgert filed the following amendment to LB 861:
AM2092

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. This act shall be known and may be cited as the Microenterprise Development Act.

Sec. 2. The Legislature finds that:

(1) There is a need to encourage microenterprise entrepreneurship for microenterprise development;

(2) There is a need to create employment and employment opportunities in areas of chronic economic distress and in low-income urban and rural areas;

(3) There is a need to build an environment conducive to business development and growth;

(4) Microenterprises, including self-employment and startup businesses, are important elements of the Nebraska economy and play a vital role in job production, entrepreneurial skill development, and enhancing low-income households' capacity to become more self-sufficient;

(5) Nebraska's microenterprises often do not have access to commercial sources of credit because of a lack of business experience or training, collateral to secure business loans, or business records to demonstrate their loan repayment potential;

(6) Community-based microenterprise programs have demonstrated cost-effective delivery methods for providing microenterprise training and microloans;

(7) Commercial lenders are developing innovative ways to respond to this sector of the economy, including working with

nonprofit community-based organizations; and

(8) Local and state charitable and foundation support, various federal programs, and private sector support could be leveraged by a statewide program for the development of the microenterprise and self-employment sectors.

Sec. 3. The purposes of the Microenterprise Development Act are to:

(1) Better assure that Nebraska's microenterprises are able to realize their full potential to create jobs, enhance entrepreneurial skills and activity, and increase low-income households' capacity to become self-sufficient;

(2) Provide funding to foster the creation of microenterprises;

(3) Establish the Department of Economic Development as the coordinating office for the facilitation of microlending and microenterprise development;

(4) Facilitate the development of a permanent, statewide infrastructure of microlending support organizations to serve Nebraska's microenterprise and self-employment sectors;

(5) Enable the department to provide grants to community-based microenterprise development organizations in order to encourage the development and growth of microenterprises throughout Nebraska; and

(6) Enable the department to engage in contractual relationships with statewide microlending support organizations which have the capacity to administer grants subject to the requirements of the act and where such relationships would leverage additional nonstate support funds.

Sec. 4. For purposes of the Microenterprise Development Act:

(1) Commercial lending institution means any financial institution as defined in section 18-2707;

(2) Department means the Department of Economic Development;

(3) Microenterprise means any business, whether new or existing, with five or fewer employees and includes startup, home-based, and self-employed businesses;

(4) Microloan delivery organization means any community-based or nonprofit program which has developed a viable plan for providing training, access to financing, and technical assistance for microenterprises and which meets the criteria and qualifications established for the act;

(5) Microloan means any business loan up to twenty-five thousand dollars;

(6) Operating costs means the costs associated with administering a loan or a loan guaranty, administering a revolving loan program, or providing for business training and technical assistance to a microloan recipient;

(7) Program means the Microenterprise Partnership

Program; and

(8) Statewide microlending support organization means any community-based or nonprofit organization which has a demonstrated capacity and a plan for providing and administering grants or loans to microloan delivery organizations.

Sec. 5. The department shall establish the Microenterprise Partnership Program. In order to implement the program, the department:

(1) Shall provide grants of up to twenty-five thousand dollars to microloan delivery organizations for the purposes specified in the Microenterprise Partnership Act;

(2) May engage in contractual relationships with statewide microlending support organizations which shall serve as agents for the department in order to effect the purposes and fulfill the requirements of the act; and

(3) May identify and coordinate other state and federal sources of funds which may be available to the department to enhance the state's ability to facilitate program grants pursuant to the Microenterprise Development Program.

Sec. 6. To establish the criteria for making a grant to a microloan delivery organization, the department shall consider:

(1) The plan for providing business development services and microloans to microenterprises;

(2) The scope of services to be provided by the microloan delivery organization;

(3) The plan for coordinating the services and loans provided by the microloan delivery organization with commercial lending institutions;

(4) The geographic representation of all regions of the state, including both urban and rural communities and neighborhoods;

(5) The ability of the microloan delivery organization to provide for business development in areas of chronic economic distress and low-income regions of the state;

(6) The ability of the microloan delivery organization to provide business training and technical assistance to microenterprise clients;

(7) The ability of the microloan delivery organization to monitor and provide financial oversight of recipients of microloans; and

(8) Sources and sufficiency of operating funds for the microenterprise development organization.

Sec. 7. Grants made by the department or agent to a microloan delivery organization may be used to:

(1) Satisfy matching fund requirements for other federal or private grants;

(2) Establish a revolving loan fund from which the microloan delivery organization may make loans to microenterprises;

(3) Establish a guaranty fund from which the microloan

delivery organization may guarantee loans made by financial institutions to microenterprises; and

(4) Provide funding for the operating costs of a microloan delivery organization.

Sec. 8. The granting of any appropriated funds to a microloan delivery organization must meet the following qualifications:

(1) Granted funds must be matched by nonstate funds equivalent in money or in kind equal to one dollar for each one dollar of the grant funds requested. Such matching funds can come from any nonstate source, including private foundations, federal or local government sources, quasi-governmental entities or commercial lending institutions, or any other funds whose source does not include funds appropriated from the Legislature; and

(2) At least fifty percent of microloan funds must be disbursed by the microloan delivery organizations in microloans which do not exceed ten thousand dollars.

Sec. 9. When engaging in contractual relationships with a statewide microlending support organization the department shall:

(1) Require that appropriated funds to a statewide microlending support organization be matched by nonstate funds equivalent in money or in kind equal to one dollar for each one dollar of the grant funds requested. Such matching funds can come from any nonstate source, including private foundations, federal or local government sources, quasi-governmental entities or commercial lending institutions, or any other funds whose source does not include funds appropriated from the Legislature. Such appropriated funds and matched funds shall be determined in the contractual agreement to be subject to the matching requirements required by the Microenterprise Development Act for the purposes of making grants to microloan delivery organizations;

(2) Require the statewide microlending support organization to make and administer grants as specified by the purposes and granting criteria provided by the act; and

(3) Require that no greater than ten percent of the appropriated or contracted funds are used for operating or administering the grant program provided by the act.

Sec. 10. The Department of Economic Development shall submit an annual report to the Governor and the Legislature on or before January 1 of each year which shall include, but not be limited to, a description of the demand for the program from microenterprises and grant recipients in Nebraska, a listing of the recipients and amounts of grants made pursuant to the Microenterprise Development Act in the previous fiscal year, the impact of the grants, a description of the partnerships between commercial lenders and microloan delivery organizations that have resulted from grants made by the program, and an evaluation of the program's performance based on the documented goals of the recipients. The department may require program recipients to provide periodic performance reports to enable the department to fulfill the requirements of this section.

Sec. 11. The department shall adopt and promulgate rules and regulations to carry out the Microenterprise Development Act.".

2. On page 1, line 1, strike "the Department of Economic Development" and insert "economic development"; and in line 3 after the semicolon insert "to adopt the Microenterprise Development Act;".

3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 388. Placed on Select File as amended.
(E & R amendment, AM7156, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 389. Placed on Select File as amended.
E & R amendment to LB 389:
AM7157

1. In the Standing Committee amendments, AM1402:

a. On page 9, line 14; and page 10, line 14, after "unexpended" insert "General Fund";

b. On page 20, line 8, strike "Governor's" and insert "Governors'";

c. On page 23, line 26, strike "Telephone" and insert "Telecommunications";

d. On page 32, line 11, strike "2,673,215" and insert "2,677,615";

e. On page 40, lines 16 and 19, strike "Fund" and insert "Funds";

f. On page 46, line 24, strike "6,654,844" and insert "6,564,844";

g. On page 51, line 24, after "Services" insert "Finance and Support";

h. On page 78, line 4, strike "(8)" and insert "(6)";

i. On page 81, line 14, strike "appropriations" and insert "appropriation";

j. On page 89, line 27, after the semicolon insert "and";

k. On page 91, line 13, strike "(1)" and insert "(a)"; in line 18 strike "(2)" and insert "(b)"; and in line 23 strike "(3)" and insert "(c)";

l. On page 92, line 4, strike "(4)" and insert "(d)"; and in line 9 strike "(5)" and insert "(e)";

m. On page 100, line 23, before "Dairy" insert "Nebraska";

n. On page 110, line 14, before "Building" insert

"State";

o. On page 116, lines 21 and 26, strike "Facility" and insert "Facilities";

p. On page 145, line 12, strike "Uniform Limited Partnership Cash Fund,";

q. On page 152, line 14, after "Assistance" insert "Trust"; and in line 15 strike "Research Cash Fund," and strike "Commission";

r. On page 155, line 9, before "Services" insert "Management"; and in line 27 after the second comma insert "State"; and

s. On page 160, line 6, strike "Tax Refund Fund,".

LEGISLATIVE BILL 384. Placed on Select File as amended.
E & R amendment to LB 384:
AM7154

1. On page 2, line 21, strike "20" and insert "21".

LEGISLATIVE BILL 385. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

VISITORS

Visitors to the Chamber were Anne Doering from Franklin; Roland and Adelyne Koranda from Prague and Janet Koranda from Fremont; 33 eighth grade students and sponsor from LaVista; 39 sixth grade students and teachers from St. Isidore School, Columbus; 5 students and teacher from Platte Valley Academy, Shelton; Senator Bruning's grandparents, Leon and Delma Bruning, from Bruning, aunt, Gail Lockard, and father, Roger Bruning, from Lincoln; 33 fourth grade students and sponsor from Washington Elementary School, Norfolk; 66 fourth grade students and teachers from Skyline Elementary School, Elkhorn; 50 eighth grade students, sponsors, and teachers from LaVista Junior High School; and 28 fourth grade students and teacher from Lincoln School, Norfolk.

RECESS

At 11:56 a.m., on a motion by Mr. Will, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Mr. Lynch who was excused; and Mmes. Bohlke, Kiel, McKenzie, Messrs. Elmer, Matzke, Maurstad, and Schrock who were excused until they arrive.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 216:
FA267
Page 2, lines 5 & 6, strike "such courts" and insert "the district court".

Mr. Chambers filed the following amendment to LB 216:
FA268
1. Page 2, lines 6 & 7, strike "and original action";
2. Line 8, strike the period and insert, "and each original action filed in the Supreme Court."

GENERAL FILE

LEGISLATIVE BILL 401. Mrs. Robak renewed her pending amendment, AM1727, found on page 1694 and considered on page 1878, to the Standing Committee amendment.

Mrs. Robak withdrew her amendment.

Mr. Wickersham withdrew his amendment, AM1838, found on page 1780.

Mr. Beutler withdrew his amendment, AM2000, found on page 1879.

Mr. Chambers renewed his pending motion, found on page 1880, to bracket LB 401 until June 22, 1997.

Mr. Chambers withdrew his motion to bracket.

Mr. Janssen withdrew the Janssen et al. amendment, AM2012, found on page 1895.

Mr. Beutler withdrew his amendment, AM2009, found on page 1902.

Mr. Beutler renewed his pending amendment, AM2069, found on page 1914, to the Standing Committee amendment.

Mr. Beutler withdrew his amendment.

Mr. Kristensen offered the following amendment to the Standing Committee amendment:
AM2121

(Amendments to AM1785)

1. Strike sections 3 and 7 and insert the following new sections:

"Sec. 4. Section 84-612, Revised Statutes Supplement, 1996, is amended to read:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to subsection (2) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

~~(4) On June 15, 1992, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1994.~~

~~(5) On June 15, 1993, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1995.~~

~~(6) On June 30, 1993, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed in the amount of two million two hundred fifty thousand dollars on June 15, 1994, and in the amount of two million two hundred fifty thousand dollars on June 15, 1995.~~

~~(7)~~ (4) On or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) On June 15, 1999, the State Treasurer shall transfer twenty-nine million sixteen thousand dollars from the Cash Reserve Fund to the General Fund.

(6) On June 15, 2000, the State Treasurer shall transfer twenty-nine million dollars from the Cash Reserve Fund to the General Fund.

Sec. 6. Original section 84-612, Revised Statutes Supplement, 1996, is repealed.".

2. On page 2, line 6, strike "The", show as stricken, and insert "Except as provided in subdivision (2)(e) of this section, the"; in lines 9 and 10 reinstate the stricken matter and strike the new matter and insert ";

(e) For tax years 1997 and 1998, the primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .680, .947, 1.358, and 1.814"; in line 11 strike "(e)", show as stricken, and insert "(f)"; and in line 14 strike "(f)"; show as stricken, and insert "(g)".

3. On page 3, strike beginning with "The" in line 25 through the period in line 26 and show as stricken.

4. Correct the operative date section so that the sections added by this amendment become operative on their effective date with the emergency clause.

5. Renumber the remaining sections and correct internal references accordingly.

SPEAKER WITHEM PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 1 nay, and 20 not voting.

Mr. Kristensen withdrew his amendment.

Pending.

AMENDMENTS - Print in Journal

Ms. Schimek filed the following amendment to LB 764:
AM2105

1. Strike original section 64 and insert the following new sections:

"Sec. 57. Section 32-608, Revised Statutes Supplement, 1996, is amended to read:

32-608. (1) Except as provided in subsection (4) or (5) of this section, a filing fee shall be paid by or on behalf of each candidate prior to filing for office. The filing fee shall be paid to the county treasurer or, in the case of a city or village office, the city or village treasurer of the county, city, or village in which the candidate resides or, if the candidate does not reside at the time of filing in the county in which such candidate is seeking office, in the county where the office is sought. The fee shall be placed in the general fund of the county, city, or village. No candidate filing forms shall be filed until the proper treasurer's receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the county, city, or village treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(2) ~~The~~ Notwithstanding the provisions of subsection (4) of this section, the filing fees shall be as follows:

(a) For the office of United States Senator, state officers, including members of the Legislature, Representatives in Congress, county officers including county superintendents of schools, and city or village officers, except the mayor or council members of cities having a home rule charter, a sum equal to one percent of the annual salary such candidate will receive if he or she is elected and qualifies for the office for which he or she files as a candidate;

(b) For directors of public power and irrigation districts in districts receiving annual gross revenue of forty million dollars or more, twenty-five dollars, and in districts receiving annual gross revenue of less than forty million dollars, ten dollars;

(c) For directors of reclamation districts, ten dollars; and

(d) For Regents of the University of Nebraska, members of the State Board of Education, and directors of metropolitan utilities districts, twenty-five dollars.

(3) All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within ten days after the canvass of votes by the county canvassing board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

(4) No filing fee shall be required for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than five hundred dollars per year. No filing fee shall be required for any candidate for membership on a school board, on the board of an educational service unit, on the board of governors of a community college area, on the board of directors of a weather control district, a natural resources district, or a ground water conservation district, or on the board of trustees of a sanitary and improvement district.

(5) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis. A pauper shall mean a person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. Available resources shall include every type of property or interest in property that an individual owns and may convert into cash except:

(a) Real property used as a home;

(b) Household goods of a moderate value used in the home; and

(c) Assets to a maximum value of three thousand dollars used by a recipient in a planned effort directed towards self-support.

(6) If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing

fee with the proper governing body prior to the date of the election. Upon approval of the claim by the proper governing body, the filing fee shall be refunded.

Sec. 108. Section 32-1303, Revised Statutes Supplement, 1996, is amended to read:

32-1303. (1) A petition demanding that the question of removing an elected official or member of a governing body listed in section 32-1302 be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five percent of the total vote cast for that office in the last general election, except that (a) for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least thirty-five percent of the number of votes cast for the person receiving the most votes for such office in the last general election, (b) for a member of a board of a Class I school district, the petition shall be signed by registered voters of the school district equal in number to at least twenty-five percent of the total number of registered voters residing in the district on the date that the recall petitions are first checked out from the filing clerk by the principal circulator, and (c) for a member of a governing body of a village, the petition shall be signed by registered voters equal in number to at least forty-five percent of the total vote cast for the person receiving the most votes for that office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

(2) Petition circulators shall conform to the requirements of sections 32-629 and 32-630. Each circulator of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.

(3) The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the filing clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the official sought to be removed and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within thirty days from the date of issuing the petitions.

(4) The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his or her office, the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were

issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to registered voters residing in the district who may act as circulators of such petitions.

(5) Petition signers shall conform to the requirements of sections 32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.".

2. In the Standing Committee amendments, AM0874:

a. On page 6, strike beginning with "members" in line 6 through the comma in line 7 and show as stricken; and

b. On page 11, strike line 26 and insert "A registered voter may use".

3. On page 9, line 26, after "term" insert "or upon a vacancy in the office".

4. On page 40, line 25, strike "four" and insert "five".

5. On page 50, line 4, after "facsimile" insert "for the offices listed in subdivision (1) of section 32-607".

6. On page 54, line 25, insert paragraphing before "Any"; and in line 26 after "election" insert "and any registered voter who was not a candidate in the primary election".

7. Renumber the remaining sections and correct the repealer and internal references accordingly.

Mr. Kristensen filed the following amendment to LB 197:
AM2091

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. Section 71-110, Reissue Revised Statutes of Nebraska, is amended to read:

71-110. (1) The different licenses, certificates, or registrations to practice a profession shall be renewed biennially, except as provided in sections 71-1,228 and 71-1,294, upon request of the licensee, certificate holder, or registrant, without examination. The biennial license, certificate, or registration renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the board, shall establish by rule and regulation. The biennial expiration date in the different professions shall be as follows:

(a) January, pharmacy and psychology;

(b) February, funeral directing and embalming;

(c) March, dentistry and dental hygiene;

(d) April, podiatry and veterinary medicine and surgery;

(e) May, athletic training;

(f) June, respiratory care;

(g) August, chiropractic and optometry;

(h) September, medical nutrition therapy, mental health practice including any associated certification, and osteopathic medicine;

(i) October, medicine and surgery;

(j) November, massage therapy and physical therapy; and

(k) December, audiology and speech-language pathology.

The request for renewal need not be in any particular form and shall be accompanied by the legal fee. Such fee shall be paid not later than the date of the expiration of such license, certificate, or registration, except that while actively engaged in the military service of the United States, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, persons licensed, certified, or registered to practice the professions listed in this subsection shall not be required to pay the renewal fee.

(2) When an individual licensed, certified, or registered pursuant to the Uniform Licensing Law desires to have his or her license, certificate, or registration lapse upon expiration, he or she shall notify the department of such desire in writing. The department shall notify the licensee, certificate holder, or registrant in writing of the acceptance or denial of the request to allow the license, certificate, or registration to lapse. When the lapsed status becomes effective, the right to represent himself or herself as a licensee, certificate holder, or registrant and to practice the profession in which such license is required shall terminate. To restore the license, certificate, or registration, such individual shall be required to meet the requirements for licensure, certification, or registration which are in effect at the time that he or she wishes to restore the license, certificate, or registration.

(3) When an individual licensed, certified, or registered pursuant to the Uniform Licensing Law desires to have his or her license, certificate, or registration placed on inactive status upon its expiration, he or she shall notify the department of such desire in writing and pay a fee of thirty-five dollars. The department shall notify the licensee, certificate holder, or registrant in writing of the acceptance or denial of the request to allow the license, certificate, or registration to be placed on inactive status. When the license, certificate, or registration is placed on inactive status, the licensee, certificate holder, or registrant shall not engage in the practice of such profession. A license, certificate, or registration may remain on inactive status for an indefinite period of time. In order to move a license, certificate, or registration from inactive to active status, an individual shall complete the continuing education requirements in effect at the time he or she wishes to regain active status and pay the renewal fee then due.

(4) At least thirty days before the expiration of a license, certificate, or registration, the department shall notify each licensee, certificate holder, or registrant by a letter

addressed to him or her at his or her last place of residence as noted upon its records. Any licensee, certificate holder, or registrant who fails to notify the department of his or her desire to let his or her license, certificate, or registration lapse or be placed on inactive status upon its expiration or who fails to pay the renewal fee on or before the date of expiration of his or her license, certificate, or registration shall be given a second notice in the same manner as the first notice advising him or her (a) of the failure to pay, (b) that the license, certificate, or registration has expired, (c) that the department will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the renewal fee, together with an additional fee of twenty-five dollars, within that time, no order of revocation will be entered, and (e) that upon the failure to receive the amount then due and twenty-five dollars in addition to the regular renewal fee, the license, certificate, or registration will be revoked in the manner prescribed in section 71-149.

(5) Any licensee, certificate holder, or registrant who fails to renew his or her license, certificate, or registration may be reinstated upon the recommendation of the board of examiners for his or her profession and the payment of the renewal and any additional fees and an additional fee of fifty dollars if an application for reinstatement is made more than thirty days after expiration and not more than one year from the date of revocation.

(6) Any licensee, certificate holder, or registrant who applies for reinstatement more than one year after revocation shall pay the renewal fee ~~and any additional fees for the intervening time period between revocation and reinstatement~~ and an additional fee of seventy-five dollars and petition the board of examiners to recommend reinstatement as prescribed in section 71-161.05.".

2. On page 1, line 1; and page 18, line 8, after "sections" insert "71-110,".

3. On page 1, line 5, after the semicolon insert "to change provisions relating to a credentialing fee as prescribed;".

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Landis filed the following amendment to LB 314:
(Amendment, AM1939, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Wesely filed the following amendment to LB 622:
(Amendment, AM2130, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Wehrbein filed the following amendment to LB 388:
AM2098

(Amendments to E & R amendments, AM7156)

1. On page 3, lines 11 and 12, strike "350,000" and

insert "200,000".

Messrs. Dw. Pedersen and Jones filed the following amendment to LB 150:
AM2052

(Amendments to AM2051)

1. Strike section 1 and insert the following new section:

"Section 1. (1) The Department of Correctional Services is authorized to construct minimum security work release facilities in the state. These work release facilities shall (a) consist of modular housing units built by inmates employed by Cornhusker State Industries, (b) have a total design capacity not to exceed eight hundred beds, and (c) be located in areas of the state in which numerous employment opportunities exist and in which the host communities actively seek such facilities. If the construction of work release facilities has not reached the eight-hundred-bed limitation, the department may rent existing structures to house inmates not to exceed such limitation. Rented structures shall be located in areas of the state in which numerous employment opportunities exist and in which the host communities actively seek the provision of such rental structures.

(2) The inmates housed in these work release facilities shall be inmates who (a) require the least restrictive level of correctional confinement, (b) work in private venture jobs, except that no more than twenty percent of these inmates shall be employed by the work release facility or Cornhusker State Industries, and (c) participate in educational and self-help programs when not engaged in work-related activities. For those inmates who are determined by the department to be at risk of escaping, using alcohol or controlled substances, or operating a motor vehicle without permission, electronic monitoring devices shall be provided and paid for by such inmates.".

GENERAL FILE

LEGISLATIVE BILL 401. Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA269
Strike Maurstad Amendment (AM1785)

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Maurstad raised a point of order on whether the Chambers amendment, FA269, is a reconsideration of the adoption of the Maurstad et al. amendment, pursuant to Rule 7, Section 7.

The Chair ruled the amendment is a reconsideration.

Mr. Chambers challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 2 nays, and 26 not voting.

Mr. Chambers requested a roll call vote on his motion to overrule the Chair.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Present and not voting, 4:

Kiel
Schellpeper
Schimek
Withem

Excused and not voting, 4:

Abboud
Bohlke
Elmer
Lynch

The Chambers motion to overrule the Chair failed with 1 aye, 39 nays, 4 present and not voting, and 4 excused and not voting.

The Chair was sustained.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 401:
AM2123

1. Insert the following new sections:

"Sec. 2. Section 77-2716.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716.01. (1) Every individual shall be allowed to subtract from his or her income tax liability an amount for personal exemptions. The amount allowed to be subtracted shall be the credit amount for the year as provided in this section multiplied by the number of exemptions allowed on the federal return. For tax year 1993, the credit amount shall be sixty-five dollars; for tax year 1994, the credit amount shall be sixty-nine dollars; for tax year 1995, the credit amount shall be sixty-nine dollars; for tax year 1996, the credit amount shall be seventy-two dollars; for tax year 1997, the credit amount shall be ~~seventy-six~~ ninety-six dollars; for tax year 1998, the credit amount shall be ~~seventy-eight~~ ninety-eight dollars; for tax year 1999, and each year thereafter, the credit amount shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. ~~The sixty-five-dollar credit amount shall be adjusted for cumulative inflation since 1993.~~ If any credit amount is not an even dollar amount, the amount shall be rounded to the nearest dollar. The amount allowed for each personal exemption shall be reduced, but not below zero, by five dollars for each five thousand dollars, or portion thereof, that federal adjusted gross income exceeds ninety thousand dollars for married filing joint returns, fifty-four thousand dollars for single returns, seventy-five thousand dollars for head-of-household returns, and for married filing separate returns, one-half the amount stated in this subsection for married filing joint returns. For nonresident individuals and partial-year resident individuals, the personal exemption credit shall be subtracted as specified in subsection (3) of section 77-2715. For tax year 1994 and each tax year thereafter, the income levels stated in this subsection shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. If any income level in this subsection is not a multiple of one thousand dollars, the amount shall be rounded to the next highest multiple of one thousand dollars.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return except as the amount is adjusted under section 77-2716.03.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or the amount before the federal disallowance of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid and the amount of any adjustment required under section 77-2716.03.

Sec. 4. Section 84-612, Revised Statutes Supplement, 1996, is amended to read:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the

Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to subsection (2) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

~~(4) On June 15, 1992, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1994.~~

~~(5) On June 15, 1993, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1995.~~

~~(6) On June 30, 1993, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed in the amount of two million two hundred fifty thousand dollars on June 15, 1994, and in the amount of two million two hundred fifty thousand dollars on June 15, 1995.~~

~~(7)~~ (4) On or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) On June 15, 1999, the State Treasurer shall transfer twenty-nine million sixteen thousand dollars from the Cash Reserve Fund to the General Fund.

(6) On June 15, 2000, the State Treasurer shall transfer twenty-nine million dollars from the Cash Reserve Fund to the General Fund.".

2. On page 2, line 25, strike "The", show as stricken, and insert "Except as provided in subdivision (2)(e) of this section, the"; and in line 28 reinstate the stricken matter and strike the new matter.

3. On page 3, line 1, strike the new matter; after line 1 insert the following new subdivision:

"(e) For tax years 1997 and 1998, the primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .680, .947, 1.358, and 1.814;"; in line 2 strike "(e)", show as stricken, and insert "(f)"; and in line 5 strike "(f)"; show as stricken, and insert "(g)".

4. Correct the operative date section and repealer so that section 2 added by this amendment becomes operative for taxable years beginning on or after January 1, 1997, and so that section 4 added by this amendment becomes operative on its effective date.

5. Renumber the remaining sections and correct internal references accordingly.

Mr. Beutler filed the following amendment to LB 495:
AM2094

(Amendments to Final Reading copy)

1. On page 2, line 28, after "of" insert "the charges authorized by".

2. On page 3, line 2, after "provided" insert ", unless the person who would otherwise be subject to such rates or charges proves to the governing body of the county, municipality, or agency that his or her solid waste was lawfully collected and hauled to a permitted facility. Such proof shall be provided by a receipt from a permitted facility, a statement from a licensed hauler, or other documentation acceptable to the governing body of the county, municipality, or agency".

Mr. Wickersham filed the following amendment to LB 806:
AM2106

(Amendments to FA193)

1. Strike section 56 and insert the following new section:

"Sec. 56. The State Department of Education shall make available to the Legislature by October 15, 1997, a cost estimate for educational service units to provide core services after July 1, 1998, in the following order of funding priority: (a) Staff development; (b) technology; and (c) instructional materials services. After review of the cost estimate provided by the department, the Appropriations Committee of the Legislature shall determine an appropriation level to support core services provided by educational service units. Beginning in FY1998-99, it is the intent of the Legislature that funds shall be appropriated to the department to fund core services provided by educational service units.".

Messrs. Kristensen, Coordsen, Wickersham, Hartnett, Will, and Schellpeper filed the following amendment to LB 269:
(Amendment, AM2104, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Chambers filed the following amendment to LB 389:
AM2108

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To eliminate operating funds for the new College of Information Science and Technology at UNO.

AMENDMENT:

1. On page 84, lines 22 and 23, strike "333,447,966 336,250,864" and all amendments thereto and insert "332,712,966 335,026,864".

2. On page 89, strike lines 1 through 27 and all amendments thereto.

3. On page 90, strike lines 1 through 4.

Mr. Maurstad filed the following amendment to LB 401:
AM2114

1. Strike original sections 3 and 4 and insert the following new sections:

"Sec. 2. Section 77-2716.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716.01. (1) Every individual shall be allowed to subtract from his or her income tax liability an amount for personal exemptions. The amount allowed to be subtracted shall be the credit amount for the year as provided in this section multiplied by the number of exemptions allowed on the federal return. For tax year 1993, the credit amount shall be sixty-five dollars; for tax year 1994, the credit amount shall be sixty-nine dollars; for tax year 1995, the credit amount shall be sixty-nine dollars; for tax year 1996, the credit amount shall be seventy-two dollars; for tax year 1997, the credit amount shall be ~~seventy-six~~ ninety-six dollars; for tax year 1998, the credit amount shall be ~~seventy-eight~~ ninety-eight dollars; for tax year 1999, and each year thereafter, the credit amount shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. The sixty-five-dollar credit amount shall be adjusted for cumulative inflation since 1993. If any credit amount is not an even dollar amount, the amount shall be rounded to the nearest dollar. The amount allowed for each personal exemption shall be reduced, but not below zero, by five dollars for each five thousand dollars, or portion thereof, that federal adjusted gross income exceeds ninety thousand dollars for married filing joint returns, fifty-four thousand dollars for single returns, seventy-five thousand dollars for head-of-household returns, and for married filing separate returns, one-half the amount stated in this subsection for married filing joint returns. For nonresident individuals and partial-year resident individuals, the personal exemption credit shall be subtracted as specified in subsection (3) of section 77-2715. For tax year 1994 and each tax year thereafter, the income levels stated in this subsection shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. If any income level in this subsection is not a multiple of one thousand dollars, the amount shall be rounded to the next highest multiple of one thousand dollars.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return except as the amount is adjusted under section 77-2716.03.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or the amount before the

federal disallowance of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid and the amount of any adjustment required under section 77-2716.03.

Sec. 3. Section 77-4602, Reissue Revised Statutes of Nebraska, is amended to read:

77-4602. (1) Within fifteen days after the end of each month, the Tax Commissioner shall provide a public statement of actual General Fund net receipts and a comparison of such actual net receipts to the monthly estimate certified pursuant to section 77-4601.

(2) Within fifteen days after the end of each fiscal year, the public statement shall also include a summary of actual General Fund net receipts and estimated General Fund net receipts for the fiscal year.

(3) If the actual General Fund net receipts for the fiscal year as reported in subsection (2) of this section exceed estimated receipts for the fiscal year, the Tax Commissioner shall immediately certify to the director such excess amount. The State Treasurer shall immediately transfer an amount equal to such excess amount for fiscal year 1997-98 and for each fiscal year thereafter from the General Fund to the Cash Reserve Fund upon certification by the director of such excess amount.

Sec. 5. Sections 1, 2, and 6 of this act are operative for all taxable years beginning or deemed to begin on or after January 1, 1997, under the Internal Revenue Code of 1986, as amended. Sections 4 and 8 of this act become operative on July 1, 1998. The other sections of this act become operative on their effective date.

Sec. 6. Original sections 77-2715.02 and 77-2716.01, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. Original section 77-4602, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining sections accordingly.

Mr. Maurstad filed the following amendment to LB 401:
AM2118

1. Insert the following new sections:

"Sec. 2. Section 77-2716, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, estate, or trust, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual, estate, or trust or for a partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund

was deducted under the Internal Revenue Code, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income, or, for a fiduciary, federal taxable income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code or from a limited liability company organized pursuant to the Limited Liability Company Act that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986 that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code.

(8)(a) There shall be subtracted from federal adjusted gross income the amount paid by a self-employed individual for insurance which constitutes medical care for the individual, his or her spouse, and his or her dependents to the extent the amount paid has not been claimed as a deduction or adjustment on the individual's federal income tax return.

(b) The amount subtracted under this subsection shall not exceed the amount that was not claimed as a deduction or adjustment on the federal income tax return solely because of the percentage limitation in section 162(1)(1) of the Internal Revenue Code of

1986, as amended.

(c) For a self-employed individual who itemized his or her deductions on the federal income tax form, the maximum deduction or adjustment amount subtracted under this subsection shall be the lesser of the amount not previously claimed or seven and one-half percent of the federal adjusted gross income.

(d) For purposes of this subsection, self-employed individual shall have the same meaning as in section 401(c)(1) of the Internal Revenue Code of 1986, as amended.

Sec. 9. Original section 77-2716, Reissue Revised Statutes of Nebraska, is repealed.".

2. Correct the operative date section so that the sections added by this amendment become operative for taxable years beginning on or after January 1, 1998.

3. Renumber the remaining sections and correct internal references accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 271. Placed on Select File as amended.
(E & R amendment, AM7153, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 271A. Placed on Select File.

Correctly Reengrossed

The following bill was correctly reengrossed: LB 517.

Correctly Engrossed

The following bills were correctly engrossed: LBs 310 and 310A.

Enrollment and Review Change to LB 310

The following changes, required to be reported for publication in the Journal, have been made:
ER9064

1. On page 1, line 2, "71-1913," has been struck.
2. On page 4, line 1; page 5, line 20; page 6, line 6; page 7, line 25; page 8, line 27; page 12, line 22; page 15, lines 1 and 16; page 18, lines 9 and 19; and page 19, line 5, "9 to 11" has been struck and "8 to 10" inserted.
3. On page 14, line 5, "10 and 11" has been struck and "9 and 10" inserted.
4. On page 15, line 1, "the" has been struck and "this" inserted.

Enrollment and Review Change to LB 517
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9065

1. In the Beutler amendment, AM1986:

a. On page 1, line 13, the comma has been struck and "and to" inserted;

b. On page 2, line 18, the matter beginning with the last comma through the last period has been struck;

c. On page 7, line 27, "credit" has been struck and "credited" inserted;

d. On page 15, line 12, the colon has been struck and an underscored semicolon inserted;

e. On page 18, line 27, "department" has been struck, shown as stricken, and "Department of Health and Human Services Regulation and Licensure" inserted;

f. On page 20, line 17, "department" has been struck and "Department of Health and Human Services Regulation and Licensure" inserted; and

g. On page 39, lines 21 and 26, "Environmental Quality Council" has been struck and "council" inserted.

2. On page 2, line 14, an underscored comma has been inserted after "Compensation".

(Signed) Jon C. Bruning, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 131. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27; Schrock, 38.

PURPOSE: Small businesses are responsible for creating most of the new jobs in Nebraska. For the economic well-being of the state, laws regulating small businesses should further encourage their growth within the state and their expansion into the state. To that end, the Business and Labor Committee should conduct a comprehensive study of existing law impacting small business and report to the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 132. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27; Schrock, 38; and Brashear, 4.

PURPOSE: Nebraska is currently experiencing strong economic growth, and unemployment rates continue to be low. Nebraska has over $200,000,000 in the Unemployment Trust Fund, an amount sufficient to pay all unemployment claims for the next three and one-half years. LB 765, in the Business and Labor Committee, will reduce employer contributions to the fund, thus reducing the total amount on credit. The committee shall study the feasibility of LB 765 and report to the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 401. Mr. Chambers offered the following amendment to the Standing Committee amendment:

FA270
(AM1315)
Page 2, line 8, strike "years 1997 and 1998" and insert "year 1997"

Messrs. Landis, Bruning, Robinson, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 4 nays, and 34 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 7:

Bromm
Chambers
Janssen
Preister
Schellpeper
Schimek
Schmitt

Voting in the negative, 25:

Beutler
Brashear
Brown
Bruning
Crosby
Cudaback
Dierks
Engel
Hillman
Hudkins
Jensen
Kristensen
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Schrock
Suttle
Tyson

Wehrbein
Wickersham
Will
Witek
Withem

Present and not voting, 9:

Coordsen
Hartnett
Hilgert
Jones
Kiel
Matzke
McKenzie
Stuhr
Vrtiska

Excused and not voting, 7:

Abboud
Bohlke
Elmer
Landis
Lynch
Robinson
Wesely

The Chambers amendment lost with 7 ayes, 25 nays, 9 present and not voting, and 7 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendments to LB 798:

FA275
AM1989
On page 24, line 12 strike 71-5832

FA276
AM1989
On page 24, line 13 strike 71-5836.01

FA277
AM1989
On page 24, line 12 strike 71-5833

FA278
AM1989
On page 24, line 13 strike 71-5836.02

FA279
AM1989
On page 24, line 13 strike 5840 and 71-5841

FA280
AM1989
On page 24, line 14 strike 71-5853

FA281
AM1989
On page 24, line 14 strike 71-5853

FA282
AM1989
On page 24, line 14 strike 71-5854

FA283
AM1989
On page 24, line 14 strike 71-5855

FA284
AM1989
Strike sections 23, 24 and 29

FA285
AM1989
Strike Section 25

FA286
AM1989
Strike Section 27

FA287
AM1989
Strike Section 30

FA288
AM1989
Strike Section 31 and 32

Mrs. Stuhr filed the following amendment to LB 806:
AM2115

(Amendments to FA192)

1. On page 65, line 12, after the semicolon insert "and"; and strike beginning with "The" in line 13 through "(c)" in line 18.

Mr. D. Pederson filed the following amendment to LB 297:
AM2138

(Amendments to Standing Committee amendments, AM0792)

1. Insert the following new sections:

"Sec. 2. Section 66-1344, Reissue Revised Statutes of Nebraska, is amended to read:

66-1344. (1) Each producer of ethanol shall receive a credit pursuant to this section of twenty cents per gallon of ethanol produced in Nebraska, which credit shall be in the form of a nonrefundable transferable motor vehicle fuel tax credit certificate. After July 1, 1994, no such credit shall be given for ethanol produced at an ethanol facility which was in production on or before January 1, 1992, unless on or before July 1, 1994, the name plate design capacity for the production of ethanol, before denaturing, at the facility has been expanded to equal at least two times the name plate design capacity for production of ethanol, before denaturing, existing at the facility as of January 1, 1992.

(2) Any ethanol facility which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1992, shall receive a credit of twenty cents per gallon of ethanol produced beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 1997.

(3) Any ethanol facility which is not in production on or before December 31, 1992, but which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1995, shall receive a credit of twenty cents per gallon of ethanol produced for sixty months beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 2000, if the ethanol facility maintains an average production rate of at least twenty-five percent of its name plate design capacity for at least six months after the first month for which it is eligible to receive such credit.

(4) Any ethanol facility which was under construction on or before December 31, 1995, but which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before July 1, 1998, shall receive a credit of twenty cents per gallon of ethanol produced until December 31, 2000, if the ethanol facility maintains an average production rate of at least twenty-five percent of its name plate design capacity for at least six months after the first month for which it is eligible to receive such credit.

(5) Any ethanol facility eligible for a credit under subsection (1), (2), or (3) of this section shall also receive a credit of twenty cents per gallon of ethanol produced in excess of the original name plate design capacity which results from expansion of the facility completed on or before December 31, 1995. Such credit shall be for sixty months beginning with the first month for which production from the expanded facility is eligible to receive such credit and ending not later than December 31, 2000. Any ethanol facility eligible for a credit under subsection (4) of this section shall also receive a credit of twenty cents per gallon of ethanol produced in excess of the original name plate design capacity which results from construction of the facility completed on or before July 1, 1998. Such credit shall end not later than December 31, 2000.

~~(5)~~ (6) The credit shall be given only for ethanol produced at a plant in Nebraska at which all fermentation, distillation, and dehydration takes place. No credit shall be given on ethanol produced for or sold for use in the production of distilled spirits. Not less than two million gallons and not more than twenty-five million gallons of ethanol produced annually at an ethanol facility shall be eligible for the credit, and the credit may only be claimed by a producer for the period specified in subsection (2), (3), ~~or~~ (4), or (5) of this section. Not more than one hundred twenty-five million gallons of ethanol produced at an ethanol facility by the end of the ~~sixty-month~~ period set forth in subsection (3), ~~or~~ (4), or (5) of this section shall be eligible for the credit under such subsection, in addition to the ethanol entitled to credit under subsection (1) or (2) of this section.

~~(6)~~ (7) The Department of Revenue shall prescribe an application form and procedures for claiming the credit and shall adopt and promulgate rules and regulations to carry out this section.

~~(7)~~ (8) For purposes of ascertaining the correctness of any application for claiming the credit provided in this section, the Tax Commissioner (a) may examine or cause to have examined, by any agent or representative designated by him or her for that purpose, any books, papers, records, or memoranda bearing upon such matters, (b) may by summons require the attendance of the person responsible for rendering the application or other document or any officer or employee of such person or the attendance of any other person having knowledge in the premises, and (c) may take testimony and require proof material for his or her information, with power to administer oaths or affirmations to such person or persons. The time and place of examination pursuant to this subsection shall be such time and place as may be fixed by the Tax Commissioner and as are reasonable under the circumstances. In the case of a summons, the date fixed for appearance before the Tax Commissioner shall not be less than twenty days from the time of service of the summons. No taxpayer shall be subjected to unreasonable or unnecessary examinations or investigations. All records obtained pursuant to this subsection shall be subject to the confidentiality requirements and exceptions thereto as provided in section 77-27,119.

Sec. 5. Original section 66-1344, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 3, line 15, strike "This" and insert "Sections 1, 2, and 6 of this" and after the period insert "The other sections of this act become operative on their effective date.".

3. Renumber the remaining sections accordingly.

Messrs. Wesely, Matzke, and Mrs. Hillman filed the following amendment to LB 138:
(Amendment, AM2134, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Bromm filed the following amendment to LB 806:
AM2085

(Amendments to FA192)

1. On page 48, after line 20, insert the following new subsection:

"(4) It is the intent of the Legislature, in implementing Laws 1996, LB 1114, and the property tax levy limits specified for schools, to require schools with generally under five hundred students, unless located in a sparsely populated area, to either close, consolidate, or vote a levy higher than the limits specified by the Legislature, thus freeing up additional state aid to provide more property tax relief in those school districts with over five hundred students and especially in those school districts with over one thousand students.".

Mr. Bromm filed the following amendment to LB 806:
AM2084

(Amendments to FA192)

1. On page 65, line 17, after "1964" insert ". The limited English proficiency factor shall not apply to a student for more than two school years or parts of school years. The name of each limited English proficiency student shall be submitted to the State Department of Education as he or she enrolls".

Mrs. Stuhr filed the following amendment to LB 806:
AM2117

(Amendments to FA192)

1. On page 64, line 25, after "kindergarten" insert ", but only to the extent necessary to meet the minimum-hours requirement of section 79-212".

Mr. Bromm filed the following amendment to LB 806:
AM2087

(Amendments to FA192)

1. On page 66, after line 13, insert the following new paragraph:

"Each school system which receives state aid on the basis of the limited English proficiency factor or the poverty factor shall account for the cost of any programs utilizing such funds and submit such information to the State Department of Education on a yearly basis.".

Mr. Bromm filed the following amendment to LB 806:
AM2082

(Amendments to FA192)

1. On page 91, line 27, strike "and".

2. On page 92, line 4, after "Act" insert "; and

(19) For any school system which is the sole recipient of the services of an educational service unit, the budget of such educational service unit".

GENERAL FILE

LEGISLATIVE BILL 401. Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA271

(AM1315)

Page 2, line 8, strike "years 1997 and 1998" and insert "year 1998".

Mrs. Suttle asked unanimous consent to be excused. No objections. So ordered.

MRS. CROSBY PRESIDING

Messrs. Bruning, Preister, and Mrs. Kiel asked unanimous consent to be excused. No objections. So ordered.

The Chambers amendment lost with 1 aye, 14 nays, 23 present and not voting, and 10 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mrs. McKenzie filed the following amendment to LB 865:
AM2044

(Amendments to AM1042)

1. Strike sections 2, 8, 10, 11, and 18 and insert the following new sections:

"Sec. 5. Section 79-1115, Reissue Revised Statutes of Nebraska, is amended to read:

79-1115. Allowable costs means salaries, wages, benefits, and maintenance, supplies, travel, and other expenses essential to carry out the provisions for special education and support services.

Sec. 10. Section 79-1142, Reissue Revised Statutes of Nebraska, is amended to read:

79-1142. (1) ~~For special education programs provided in fiscal year 1994-95, the State Department of Education shall reimburse each school district, in fiscal year 1995-96, an amount equal to ninety percent of allowable excess cost for all special education programs other than Level I services. The amount appropriated by the Legislature for Level I services shall consist~~

~~of the amount of the preceding year's Level I services appropriation plus fifty percent of the increase in the ninety percent allowable excess cost in Level I services for the average of the two immediately preceding years, except that the amount to be reimbursed by the State Department of Education for Level I services shall not be less than eighty percent of allowable excess costs. The proportionate share for each school district for Level I services shall be based on the final expenditure report of ninety percent of the allowable excess cost for Level I services for the immediately preceding year's special education program.~~ Level I services refers to services provided to students who require an aggregate of not more than three hours per week of special education services and support services and includes all administrative, diagnostic, consultative, and vocational-adjustment counselor services. Support services means preventive services for students not identified or verified as having a disability pursuant to sections 79-1120 and 79-1138 but who demonstrate a need for specially designed assistance in order to benefit from the school's general education curriculum. The total allowable reimbursable cost for support services shall not exceed a percentage, established by the State Board of Education, of the school district's or approved cooperative's total allowable reimbursable cost for all special education programs and support services. The percentage established by the State Board of Education for support services shall not exceed ten percent.

(2) For special education programs provided in fiscal ~~year~~ years 1995-96 and ~~each fiscal year thereafter~~ 1996-97, the State Department of Education shall reimburse each school district in the following fiscal year a pro rata amount determined by the State Board of Education from appropriations for special education approved by the Legislature and based on allowable excess costs for all special education programs. For special education and support services provided in fiscal year 1997-98 and each fiscal year thereafter, reimbursement shall be based on allowable excess costs for all special education programs and support services.

(3) Cooperatives of school districts or educational service units shall also be eligible for reimbursement for cooperative programs pursuant to this section if such cooperatives or educational service units have complied with the reporting and approval requirements of section 79-1155 for cooperative programs which were offered the preceding year. The payments shall be made by the State Department of Education to the school district of residence, cooperative of school districts, or educational service unit each year in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in December. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The director shall, upon

receiving such certification, draw warrants against funds appropriated.

Sec. 14. Section 79-1155, Reissue Revised Statutes of Nebraska, is amended to read:

79-1155. All school boards and boards of education shall report annually on a date prescribed by the State Department of Education to the department on forms provided by the department (1) plans for special education program expansions, revisions, or reductions and (2) budget information for special education programs and support services. Cooperatives of school districts or educational service units applying for grants or reimbursement for programs pursuant to section 79-1132, 79-1142, or 79-1144 shall also report unified plans and budget information pursuant to this section. The plans and budget forms shall conform to guidelines provided in section 79-1156. The State Department of Education shall review and take action to approve, approve with modifications, or disapprove the plans for expansions in special education programs of the school district, cooperative of school districts, or educational service unit. Supplementary amendments to any program plans and budgets previously approved by the State Board of Education may be submitted on dates specified by the department during the same school year and shall be subject to the same review and approval as the initial plans and budgets. The State Board of Education shall approve, approve with modifications, or disapprove all supplementary amendments to program plans and budget requests. All final financial reports on special education and support services costs, the actual number of children served, and the ~~handicapping~~ disabling conditions of ~~such~~ children who are verified as having a disability shall be reported to the State Department of Education by October 31 of each year for the preceding school year on forms prescribed by the State Department of Education. Any program that provides residential care shall show the costs of such care separately from the costs of the education program.

If a servicing agency chooses to exceed the budget approved by the State Department of Education, costs in excess of the approved budget shall not be ~~reimbursed~~ eligible for reimbursement by the State Department of Education.

Sec. 15. Section 79-1156, Reissue Revised Statutes of Nebraska, is amended to read:

79-1156. The State Department of Education shall coordinate information reporting requirements for special education and support services programs with other educational data reporting requirements of the department to the extent possible. The plans for program expansions, revisions, and reductions shall contain the information required by the department. The information on special education and support services programs shall include at least the following:

(1) A description of the types of services to be offered

and the number of students receiving the services;

(2) The servicing agencies and the respective services offered;

(3) A presentation of all expected expenditures by source of funds;

(4) A detailed description of the methodology to be used by the agency for evaluating the results of the programs and service being provided for each service group. This methodology shall permit program evaluation, including the relative cost and effectiveness of alternative forms and patterns of services;

(5) A description of the procedures used to insure that students are placed in appropriate educational programs. Such procedures shall be reviewed for approval by the State Department of Education; and

(6) A sample of the written materials to be used to provide parents with specific information about complaint and appeal rights and procedures.

Sec. 16. Section 79-1158, Reissue Revised Statutes of Nebraska, is amended to read:

79-1158. No reimbursement for special education and support services programs shall be allowed unless the program meets the standards established by the State Department of Education.".

2. On page 12, lines 17 and 20 through 23, strike the new matter; and in line 17 reinstate the stricken matter.

3. On page 13, strike beginning with "adopt" in line 1 through "for" in line 4 and insert "develop guidelines prior to August 1, 1998, to assist school districts, educational service units, and approved cooperatives with"; and strike beginning with "Rules" in line 5 through line 8.

4. On page 14, lines 18 and 19 and 23 and 24; and page 16, lines 4 and 5, strike the new matter.

5. On page 15, line 3, strike "and" and show as stricken; and in line 5 after "programs" insert ", and (4) reimbursement in fiscal year 1998-99 and each fiscal year thereafter for support services provided in fiscal year 1997-98 and each fiscal year thereafter".

6. On page 16, line 3, strike the new matter and reinstate the stricken matter.

7. On page 18, line 23, after the last comma insert "79-1115,"; in line 24 strike "79-1137" through the second "to" and insert "79-1138, 79-1142, 79-1144," and before "and" insert "79-1155, 79-1156, 79-1158,".

8. Renumber the remaining sections and correct internal references accordingly.

9. In the E & R amendments, AM7139, on page 1, line 3, after the semicolon insert "and"; in line 8 strike the semicolon and insert a period; and strike lines 9 through 11.

Messrs. Coordsen, Cudaback, Schellpeper, Landis, Hartnett, Dierks, Jones, and Mrs. Stuhr filed the following amendment to LB 389:
AM2136

(Amendments to Standing Committee amendments, AM1402)

1. On page 120, line 4, strike "958,433 962,097" and insert "1,002,615 1,007,301"; in line 7 strike "1,131,647 1,135,791" and insert "1,175,829 1,180,995"; and in line 8 strike "779,805 769,805" and insert "823,987 815,009".

Messrs. Matzke, Bromm, and Kristensen filed the following amendment to LB 798:
AM2139

(Amendments to AM1353)

1. Insert the following new section:

"Sec. 16. For two years after the effective date of this act in counties which have a population of sixty thousand inhabitants or less as determined by the last federal decennial census, the Nebraska Health Care Certificate of Need Act as it existed immediately prior to the effective date of this act shall apply to ambulatory surgical centers.".

2. On page 1, lines 5 and 6, strike "and 16" and insert ", 16, and 17"; and in line 12 reinstate "71-5804 to" and strike "71-5806 to".

3. On page 19, line 8, strike "71-5804,".

4. Renumber the remaining sections accordingly.

Messrs. Matzke, Bromm, and Kristensen filed the following amendment to LB 798:
AM2140

(Amendments to AM1989)

1. On page 8, line 24, strike "thirty" and insert "sixty".

Mr. Beutler filed the following amendment to LB 658:
AM2142

(Amendments to E & R amendments, AM7142)

1. Strike section 2 and insert the following new sections:

"Section 1. Section 70-601, Reissue Revised Statutes of Nebraska, is amended to read:

70-601. ~~As used in~~ For purposes of Chapter 70, article 6, unless the context otherwise requires:

(1) District ~~shall mean~~ means a public power district, public irrigation district, or public power and irrigation district, organized under Chapter 70, article 6, either as originally organized or as the same may from time to time be altered or extended, and ~~shall include~~ includes, when applicable, rural public power districts organized under Chapter 70, article 8, and subject to Chapter 70, article 6;

(2) Municipality, when used in relation to the organization or charter of a public power district or to the election of successors to the board of directors of a public power district, ~~shall mean~~ means any county, city, incorporated village, or voting precinct in this state;

(3) Governing body, whenever used in relation to any municipality, ~~shall mean~~ means the duly constituted legislative body or authority within and for such municipality as a public corporation and governmental subdivision. When used with reference to a voting precinct, governing body ~~shall mean~~ means the county board of the county in which the precinct is located;

(4) Irrigation works ~~shall mean~~ means any and all sites, dams, dikes, abutments, reservoirs, canals, flumes, ditches, head gates, machinery, equipment, materials, apparatus, and all other property used or useful for the storage, diversion, damming, distribution, sale, or furnishing of water supply or storage of water for irrigation purposes or for flood control, or used or useful for flood control, whether such works be operated in conjunction with or separately from electric light and power plants or systems;

(5) Power ~~shall include~~ includes any and all electrical energy generated, produced, distributed, bought, or sold and ethanol produced for purposes of lighting, heating, power, and any and every other useful purpose whatsoever; ~~and~~

(6) Plant or system ~~shall include~~ includes any and all property owned, used, operated, or useful for operation in the district's business, including the generation by means of water power, steam, or other means or in the transmission, distribution, sale, or purchase of electrical energy or ethanol for any and every useful purpose, including any and all irrigation works which may be owned, used, or operated in conjunction with such power plant or system; and

(7) Energy equipment includes, but is not limited to, equipment or facilities used or useful to generate, produce, transmit, or distribute power, heated or chilled water, or steam for use by the district or the district's commercial and industrial customers.

Sec. 2. Section 70-604, Reissue Revised Statutes of Nebraska, is amended to read:

70-604. The petition shall be addressed to the Nebraska Power Review Board and state in substance that it is the intent and purpose of the petitioners by such petition to create or amend the charter of a district subject to approval by the Nebraska Power Review Board. The petition shall state and contain:

(1) The name of the district, which name shall contain, if the district is to engage or is engaged in the electric light and power business or ethanol production and distribution, the words public power district. If the district is to engage or is engaged in the business of owning and operating irrigation works,

the name shall include the words public irrigation district, except that if electric light and power are the major business of such district, it need not include these words in its name. A district may be organized to engage only in the electric light and power business and the production and distribution of ethanol, only in the business of owning and operating irrigation works, in any business identified in section 70-625, or in all of such businesses;

(2) The names of the municipalities constituting the district and the boundaries of such district;

(3) A general description of the nature of the business which the district intends to engage in and, for the original creation of a district, the location and method of operation of the proposed power plants and systems or irrigation works of the district;

(4) The location of the principal place of business of the district;

(5) A statement that the district shall not have the power to levy taxes nor to issue general obligation bonds;

(6) When the Nebraska Power Review Board finds from the evidence that subdivisions, from which directors are to be elected or appointed, are necessary or desirable, such subdivisions shall be of substantially equal population, except that no district shall be required to redistrict its subdivisions for purposes of equalizing population more frequently than every ten years following publication of the most recent federal decennial census; and

(7) Except in a district having within its boundaries twenty-five or more cities or villages, the names and addresses of the members of the board of directors of the district, not less than five nor more than twenty-one, who shall serve or continue to serve until their successors are elected and qualified. In any district having within its boundaries twenty-five or more cities and villages, (a) the original petition for creation shall set forth the number of directors of the district and shall provide that the board of directors, to serve until their successors are elected and qualified, shall be appointed by the Governor within thirty days after the approval of the formation of the district and (b) a petition to amend a charter shall set forth the names and addresses of the members of the board of directors of the district. In the petition the directors named or to be appointed by the Governor shall be divided as nearly as possible into three equal groups, the members of the first group to hold office until their successors, elected at the first general state election thereafter, shall have qualified, the members of the second group to hold office until their successors, elected at the second general state election thereafter, shall have qualified, and the members of the third group to hold office until their successors, elected at the third general state election thereafter, shall have qualified. The

group to which each proposed director belongs shall be designated in the petition or, for an original petition in case the district has within its proposed boundaries twenty-five or more cities and villages, shall be set forth in the order of appointment by the Governor.

Sec. 3. Section 70-625, Reissue Revised Statutes of Nebraska, is amended to read:

70-625. Subject to the limitations of the petition for its creation and all amendments thereto, a public power district shall have all the usual powers of a corporation for public purposes and may purchase, hold, sell, and lease personal property and real estate reasonably necessary for the conduct of its business. No district may sell household appliances at retail if the retail price of any such appliance exceeds fifty dollars, except that newly developed electrical appliances may be merchandised and sold during the period of time in which any such appliances are being introduced to the public. New models of existing appliances shall not be deemed to be newly developed appliances. An electrical appliance shall be considered to be in such introductory period of time until the particular type of appliance is used by twenty-five percent of all the electrical customers served by such district, but such period shall in no event exceed five years from the date of introduction by the manufacturer of the new appliance to the local market.

In addition to its powers authorized by Chapter 70 and specified in its petition for creation as amended, a public power district may sell, lease, and service satellite television signal descrambling or decoding devices, satellite television programming, and equipment and services associated with such devices and programming, except that nothing in this section shall authorize public power districts (1) to operate as contract or common carriers engaged in furnishing communication services for hire in Nebraska intrastate commerce, (2) to provide signal descrambling or decoding devices or satellite programming to any location (a) being furnished such devices or programming on April 24, 1987, or (b) where community antenna television service is available from any person, firm, or corporation holding a franchise pursuant to sections 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on April 24, 1987, or (3) to sell, service, or lease C-band satellite dish systems or repair parts.

Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act. In addition to the powers authorized by Chapter 70 and specified in its petition for creation, as amended, and without the need for further amendment thereto, a public power district may own and operate, contract to operate, or lease energy equipment and provide billing, meter reading, surveys, or evaluations and other administrative services, but not to include natural gas services, of public utility systems within a district's service territory.

Sec. 5. Original sections 70-601, 70-604, 70-625, and 71-3505, Reissue Revised Statutes of Nebraska, are repealed.".

2. Renumber the remaining section accordingly.

GENERAL FILE

LEGISLATIVE BILL 401. Mr. Chambers offered the following amendment to the Standing Committee amendment:
FA272
(AM1315)

1. Page 1, line 15, strike and show as stricken, "$4,000, $30,000 and $46,750", and insert, "$4,800, $34,000 and $53,000";
2. Page 1, line 19, strike and show as stricken, "$2,000, $15,000 and $23,375", and insert, "$2,400, $17,000 and $26,500"
3. Page 2, lines 3 & 4, Strike new language and reinstate stricken matter; strike lines 8-12.

Mr. Hilgert and Mrs. Hudkins asked unanimous consent to be excused. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 401:
FA274

Amend Maurstad amendment (AM1785) to the Committee amendment (AM1315)

Page 2, lines 9 & 10, strike ".673, .938, 1.351, and 1.797" and insert ".707, .986, 1.415, and 1.89"

Mr. Chambers filed the following amendment to LB 401:
FA273
(AM1315)

1. Page 3, line 23, strike "ninety-six" and insert "one hundred;
2. Page 3, line 24, strike "ninety-eight" and insert "one hundred"

Mr. Beutler filed the following amendment to LB 401:
AM2124

1. On page 2, line 25, strike "The", show as stricken, and insert "Except as provided in subdivision (2)(e) of this section, the"; and in line 28 reinstate the stricken matter and after the reinstated matter insert ";

(e) For tax years 1997 and 1998, the primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be".

2. On page 3, line 2, strike "(e)", show as stricken, and insert "(f)"; and in line 5 strike "(f)"; show as stricken, and insert "(g)".

UNANIMOUS CONSENT - Add Cointroducers

Mr. Jensen asked unanimous consent to have his name added as cointroducer to LB 877. No objections. So ordered.

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 864. No objections. So ordered.

MOTION - Adjournment

Mr. Dierks moved to adjourn until 8:30 a.m., Wednesday, May 14, 1997.

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 12 nays, and 16 not voting.

Mr. Chambers requested a roll call vote on the Dierks motion to adjourn.

Mr. Wickersham requested the roll call vote be taken in reverse order.

Voting in the affirmative, 10:

Bromm
Brown
Coordsen
Cudaback
Dierks
Hillman
Schellpeper
Schmitt
Will
Witek

Voting in the negative, 22:

Beutler
Bohlke
Brashear
Chambers
Engel
Hartnett
Janssen
Jones
Kristensen
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Schimek
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wickersham
Withem

Present and not voting, 3:

Crosby
Jensen
Maurstad

Absent and not voting, 1:

Robak

Excused and not voting, 12:

Abboud
Bruning
Elmer
Hilgert
Hudkins
Kiel
Landis
Lynch
Preister
Robinson
Suttle
Wesely

The Dierks motion to adjourn failed with 10 ayes, 22 nays, 3 present and not voting, 1 absent and not voting, and 12 excused and not voting.

The Chair declared the call raised.

GENERAL FILE

LEGISLATIVE BILL 401. Mr. Chambers withdrew his amendment, FA272, found in this day's Journal.

Mr. Withem offered the following amendment to the Standing Committee amendment:
FA290
Amend AM1785
on page 2 lines 9 and 10 strike the new language and insert ".6832 .9514 1.3654, and 1.8238"

Messrs. Schellpeper, Bromm, and Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 19 not voting.

The Withem amendment was adopted with 26 ayes, 0 nays, 6 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

Mr. Beutler reoffered his amendment, AM2069, found on page 1914 and considered in this day's Journal, to the Standing Committee amendment.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 22 not voting.

Mr. Maurstad requested a record vote on the Beutler amendment.

Voting in the affirmative, 25:

Beutler
Bohlke
Chambers
Coordsen
Crosby
Cudaback
Dierks
Engel
Hartnett
Janssen
Jones
Kristensen
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Schimek
Schmitt
Schrock
Stuhr
Vrtiska
Wehrbein
Wickersham
Withem

Voting in the negative, 6:

Brown
Jensen
Maurstad
Peterson, C.
Tyson
Will

Present and not voting, 2:

Brashear
Hillman

Excused and not voting, 15:

Abboud
Bromm
Bruning
Elmer
Hilgert
Hudkins
Kiel
Lynch
Preister
Robak
Robinson
Schellpeper
Suttle
Wesely
Witek

The Beutler amendment was adopted with 25 ayes, 6 nays, 2 present and not voting, and 15 excused and not voting.

Mr. Beutler withdrew his amendment, AM2124, found in this day's Journal.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 4 present and not voting, and 15 excused and not voting.

Advanced to E & R for review with 27 ayes, 4 nays, 2 present and not voting, and 15 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 271:
AM2004

(Amendments to E & R amendments, AM7153)

1. On page 2, line 15, after the semicolon insert "and"; and strike beginning with the semicolon in line 19 through line 27 and insert an underscored period.

2. On page 3, strike lines 1 and 2.

3. On page 9, line 10, strike "(1)"; and strike lines 24 through 27.

4. On page 10, strike lines 1 through 17.

5. On page 36, strike beginning with "On" in line 21 through line 27 and show the old matter as stricken.

6. On page 37, line 1, strike "distinctive" through the period and show the old matter as stricken.

Messrs. Dierks and Jones filed the following amendment to LB 806:
AM2036

(Amendments to E & R amendments, AM7150)

1. On page 28, strike beginning with "If" in line 13 through "the" in line 18 and insert "The".

2. On page 29, lines 15 and 16; and page 30, lines 9 and 20, strike each occurrence of "(2)" and insert "(1)".

3. On page 30, line 19, strike "(3)" and insert "(2)"; and in line 25, strike "(4)" and insert "(3)".

4. On page 31, line 16, strike "(5)" and insert "(4)".

Messrs. Dierks and Jones filed the following amendment to LB 806:
AM2037

(Amendments to E & R amendments, AM7150)

1. On page 28, line 23; and page 29, line 4, before "general" insert "total".

Messrs. Dierks and Jones filed the following amendment to LB 806:
AM2039

(Amendments to E & R amendments, AM7150)

1. On page 30, line 25, strike "Except" through "nothing" and insert "Nothing".

VISITORS

Visitors to the Chamber were 18 fourth grade students, sponsors, and teachers from St. Edward; 75 fourth grade students and teachers from Jefferson School, Fairbury; 18 fourth and fifth grade students and teachers from Raymond Central Elementary School, Valparaiso; 17 third and fourth grade students and teacher from St. Leonard's School, Madison; and 25 seventh and eighth grade students and sponsor from Zion Lutheran School, Pierce.

The Doctor of the Day was William Doering from Franklin.

ADJOURNMENT

At 7:39 p.m., on a motion by Mr. Coordsen, the Legislature adjourned until 8:30 a.m., Wednesday, May 14, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-FIFTH DAY - MAY 14, 1997

LEGISLATIVE JOURNAL

SEVENTY-FIFTH DAY – MAY 14, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 14, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Captain Bob Miles, Salvation Army, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Abboud, Hilgert, Janssen, Matzke, Schmitt, Wehrbein, Will, Withem, Mmes. Bohlke, Hillman, Kiel, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-fourth day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 255, 255A, 374, 588, and 588A.

(Signed) Jon C. Bruning, Chairperson

SELECT FILE

LEGISLATIVE BILL 229A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 523A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 852A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 861A. Mr. Hilgert withdrew his amendment, AM1975, found on page 1849.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 314. E & R amendment, AM7144, found on page 1706, was adopted.

Mr. Landis renewed his pending amendment, AM1939, printed separately and referred to on page 1939.

The Landis amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM1365, found on page 1668.

The Wickersham amendment was adopted with 32 ayes, 0 nays, 5 present and not voting, and 11 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 608. E & R amendment, AM7147, found on page 1706, was adopted.

Mrs. Brown reoffered her amendment, AM1357, found on page 1429 and considered on page 1665.

Mrs. Brown withdrew her amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 658. E & R amendment, AM7142, found on page 1707, was adopted.

Mr. Beutler withdrew his amendments, AM1811 and AM2142, found on pages 1738 and 1961.

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. McKenzie offered the following amendment:
AM2148

(Amendments to E & R amendments, AM7142)

1. Strike section 2 and insert the following new sections:

"Section 1. Section 70-601, Reissue Revised Statutes of Nebraska, is amended to read:

70-601. ~~As used in~~ For purposes of Chapter 70, article 6, unless the context otherwise requires:

(1) District ~~shall mean~~ means a public power district, public irrigation district, or public power and irrigation district, organized under Chapter 70, article 6, either as originally organized or as the same may from time to time be altered or extended, and ~~shall include~~ includes, when applicable, rural public power districts organized under Chapter 70, article 8, and subject to Chapter 70, article 6;

(2) Municipality, when used in relation to the organization or charter of a public power district or to the election of successors to the board of directors of a public power district, ~~shall mean~~ means any county, city, incorporated village, or voting precinct in this state;

(3) Governing body, whenever used in relation to any municipality, ~~shall mean~~ means the duly constituted legislative body or authority within and for such municipality as a public corporation and governmental subdivision. When used with reference to a voting precinct, governing body ~~shall mean~~ means the county board of the county in which the precinct is located;

(4) Irrigation works ~~shall mean~~ means any and all sites, dams, dikes, abutments, reservoirs, canals, flumes, ditches, head gates, machinery, equipment, materials, apparatus, and all other property used or useful for the storage, diversion, damming, distribution, sale, or furnishing of water supply or storage of water for irrigation purposes or for flood control, or used or useful for flood control, whether such works be operated in conjunction with or separately from electric light and power plants or systems;

(5) Power ~~shall include~~ includes any and all electrical energy generated, produced, distributed, bought, or sold and ethanol produced for purposes of lighting, heating, power, and any and every other useful purpose whatsoever; ~~and~~

(6) Plant or system ~~shall include~~ includes any and all property owned, used, operated, or useful for operation in the district's business, including the generation by means of water power, steam, or other means or in the transmission, distribution, sale, or purchase of electrical energy or ethanol for any and every useful purpose, including any and all irrigation works which may be owned, used, or operated in conjunction with such power plant or system; and

(7) Energy equipment includes, but is not limited to, equipment or facilities used or useful to generate, produce, transmit, or distribute power, heated or chilled water, or steam for use by the district or the district's commercial and industrial customers.

Sec. 2. Section 70-604, Reissue Revised Statutes of

Nebraska, is amended to read:

70-604. The petition shall be addressed to the Nebraska Power Review Board and state in substance that it is the intent and purpose of the petitioners by such petition to create or amend the charter of a district subject to approval by the Nebraska Power Review Board. The petition shall state and contain:

(1) The name of the district, which name shall contain, if the district is to engage or is engaged in the electric light and power business or ethanol production and distribution, the words public power district. If the district is to engage or is engaged in the business of owning and operating irrigation works, the name shall include the words public irrigation district, except that if electric light and power are the major business of such district, it need not include these words in its name. A district may be organized to engage only in the electric light and power business and the production and distribution of ethanol, only in the business of owning and operating irrigation works, in any business identified in section 70-625, or in all of such businesses;

(2) The names of the municipalities constituting the district and the boundaries of such district;

(3) A general description of the nature of the business which the district intends to engage in and, for the original creation of a district, the location and method of operation of the proposed power plants and systems or irrigation works of the district;

(4) The location of the principal place of business of the district;

(5) A statement that the district shall not have the power to levy taxes nor to issue general obligation bonds;

(6) When the Nebraska Power Review Board finds from the evidence that subdivisions, from which directors are to be elected or appointed, are necessary or desirable, such subdivisions shall be of substantially equal population, except that no district shall be required to redistrict its subdivisions for purposes of equalizing population more frequently than every ten years following publication of the most recent federal decennial census; and

(7) Except in a district having within its boundaries twenty-five or more cities or villages, the names and addresses of the members of the board of directors of the district, not less than five nor more than twenty-one, who shall serve or continue to serve until their successors are elected and qualified. In any district having within its boundaries twenty-five or more cities and villages, (a) the original petition for creation shall set forth the number of directors of the district and shall provide that the board of directors, to serve until their successors are elected and qualified, shall be appointed by the Governor within thirty days after the approval of the formation of the district and

(b) a petition to amend a charter shall set forth the names and addresses of the members of the board of directors of the district. In the petition the directors named or to be appointed by the Governor shall be divided as nearly as possible into three equal groups, the members of the first group to hold office until their successors, elected at the first general state election thereafter, shall have qualified, the members of the second group to hold office until their successors, elected at the second general state election thereafter, shall have qualified, and the members of the third group to hold office until their successors, elected at the third general state election thereafter, shall have qualified. The group to which each proposed director belongs shall be designated in the petition or, for an original petition in case the district has within its proposed boundaries twenty-five or more cities and villages, shall be set forth in the order of appointment by the Governor.

Sec. 3. Section 70-625, Reissue Revised Statutes of Nebraska, is amended to read:

70-625. Subject to the limitations of the petition for its creation and all amendments thereto, a public power district shall have all the usual powers of a corporation for public purposes and may purchase, hold, sell, and lease personal property and real estate reasonably necessary for the conduct of its business. No district may sell household appliances at retail if the retail price of any such appliance exceeds fifty dollars, except that newly developed electrical appliances may be merchandised and sold during the period of time in which any such appliances are being introduced to the public. New models of existing appliances shall not be deemed to be newly developed appliances. An electrical appliance shall be considered to be in such introductory period of time until the particular type of appliance is used by twenty-five percent of all the electrical customers served by such district, but such period shall in no event exceed five years from the date of introduction by the manufacturer of the new appliance to the local market.

In addition to its powers authorized by Chapter 70 and specified in its petition for creation as amended, a public power district may sell, lease, and service satellite television signal descrambling or decoding devices, satellite television programming, and equipment and services associated with such devices and programming, except that nothing in this section shall authorize public power districts (1) to operate as contract or common carriers engaged in furnishing communication services for hire in Nebraska intrastate commerce, (2) to provide signal descrambling or decoding devices or satellite programming to any location (a) being furnished such devices or programming on April 24, 1987, or (b) where community antenna television service is available from any person, firm, or corporation holding a franchise pursuant to sections 18-2201 to 18-2206 or a permit pursuant to sections 23-383 to 23-388 on April 24, 1987, or (3) to sell, service, or lease C-band satellite dish systems or repair parts.

Notwithstanding any law, ordinance, resolution, or regulation of any political subdivision to the contrary, each public power district may receive funds and extend loans pursuant to the Nebraska Investment Finance Authority Act. In addition to the powers authorized by Chapter 70 and specified in its petition for creation, as amended, and without the need for further amendment thereto, a public power district may own and operate, contract to operate, or lease energy equipment and provide billing, meter reading, surveys, or evaluations and other administrative services, but not to include natural gas services, of public utility systems within a district's service territory.

Sec. 5. Section 81-15,113.01, Revised Statutes Supplement, 1996, is amended to read:

81-15,113.01. (1) There is hereby created the Community Improvements Cash Fund which shall be under the direction of the department. The Central Interstate Low-Level Radioactive Waste Compact Commission shall annually through ~~1996~~ 1997 remit to the department the funds received from the states belonging to the Central Interstate Low-Level Radioactive Waste Compact as compensation paid to the host state. When the facility begins operation, the developer shall levy, collect, and remit to the department a surcharge on the rates charged to the users of the facility which is sufficient to raise two million dollars per year together with any adjustments made by the department pursuant to this section. The department shall remit such surcharge to the State Treasurer who shall credit it to the Community Improvements Cash Fund. On October 1, 1990, and each October 1 thereafter, the department shall adjust the amount to be remitted by the developer by an amount equal to the percentage increase in the Consumer Price Index or, if publication of the Consumer Price Index is discontinued, a comparable index selected by the director. There is hereby appropriated three hundred thousand dollars from the Community Improvements Cash Fund for the period July 1, 1988, to June 30, 1989, to carry out the purposes of this section. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The department shall distribute money from the fund as follows:

(a) Prior to final site selection, three hundred thousand dollars per year shall be allocated for public purposes to be divided among the communities that are under active consideration to host the facility as provided in subsection (3) of this section;

(b) After the final site has been selected and until the facility is operational, three hundred thousand dollars per year shall be allocated for public purposes as provided in subsection (3) of this section. Acceptance of the funds distributed pursuant to this subdivision or subdivision (a) of this subsection shall in no way affect the siting process; and

(c) Once the facility is operational and during the operational life of the facility, the total amount in the fund shall be allocated each year for public purposes as provided in subsection (3) of this section.

(3) Money distributed pursuant to subdivisions (2)(a), (b), and (c) of this section shall be allocated as follows:

(a) Fifty percent of such money shall be distributed to incorporated municipalities which lie totally or partially within ten kilometers of the facility or the proposed facility based on the ratio of the population of the particular incorporated municipality to the total population of all such incorporated municipalities as determined by the latest federal census; and

(b) Fifty percent of such money shall be distributed to the county treasurer of the county where the facility is located or proposed to be located to be distributed to each political subdivision which levied property taxes on the property where the facility is located or proposed to be located. The money shall be distributed on the basis of the ratio of the total amount of taxes levied by each political subdivision to the total amount of property taxes levied by all such political subdivisions on such property based on the amounts stated in the most recent certificate of taxes levied submitted by each county to the Property Tax Administrator pursuant to section 77-1613.01.

(4) The Natural Resources Committee of the Legislature shall conduct a study to establish a formula for the equitable distribution of the funds specified in subdivision (2)(c) of this section. The committee shall hold public hearings necessary to carry out the purposes of the study.

Sec. 6. Original sections 70-601, 70-604, 70-625, and 71-3505, Reissue Revised Statutes of Nebraska, and section 81-15,113.01, Revised Statutes Supplement, 1996, are repealed.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. Renumber the remaining section accordingly.

The McKenzie amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 724. E & R amendment, AM7145, found on page 1709, was adopted.

Mr. Wickersham renewed his pending amendment, AM1828, found on page 1792.

The Wickersham amendment was adopted with 32 ayes, 0 nays, 9 present

and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 724A. Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 133. Introduced by Withem, 14.

PURPOSE: To conduct a review of the laws relating to the current procedure of licensing and regulation of passenger carriers by the Public Service Commission. The study should specifically include:.

(1) The taxi cab industry and its specialized needs compared to other passenger carriers;

(2) How the current system of licensing may be biased in regards to already existing companies;

(3) How the current system of licensing may be overly burdensome to small transportation companies;

(4) Whether the current system has created a monopoly within Nebraska communities and fosters monopolistic practices by existing companies;

(5) Forming a complete definition of the statements "fit, willing, and able" and "public convenience and necessity," and how they affect the licensing of passenger carriers;

(6) The economic effects that the free market system would have on this industry;

(7) The positive and negative effects that any changes would have in regards to needs of the customers of this industry;

(8) How other states have dealt with the taxi cab industry and how effective the process was in the long run; and

(9) An evaluation of the collected material and development of alternatives that will better meet the needs of this industry and the citizens of the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 134. Introduced by Hudkins, 21.

PURPOSE: The Government, Military and Veterans Affairs Committee of the Legislature heard testimony during the public hearing on LB 237 regarding the placement and erection of towers and other structures and their possible interference with the use of preexisting private airstrips. There have been major investments incurred by citizens of the State of Nebraska to construct private airstrips for business and recreational purposes, and there has been and will continue to be investment by other citizens of this state in the erection of towers for transmission of telephone, television, and radio communications. Both enterprises are beneficial to the State of Nebraska and its citizens, but there is the potential for conflict between these two business enterprises. The Legislature should take steps to mitigate the damages such conflicts may cause, and other states of the United States have undertaken the task of statutorily addressing such conflicts..

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 660A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 23. Mr. Chambers renewed his pending amendment, FA251, found on page 1901.

Messrs. Robinson, Beutler, Lynch, and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

Mr. Jensen moved the previous question. The question is, “Shall the debate now close?”

Mr. Jensen moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 28 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 18 not voting.

SPEAKER WITHEM PRESIDING

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 11:

Bohlke
Chambers
Hillman
Kiel
Kristensen
Landis
Schimek
Suttle
Wesely
Wickersham
Withem

Voting in the negative, 27:

Abboud
Brashear
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hudkins
Jensen
Jones
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schmitt
Stuhr
Tyson
Vrtiska
Wehrbein
Witek

Present and not voting, 4:

Brown
Lynch
Matzke
McKenzie

Excused and not voting, 6:

Beutler
Hartnett
Janssen
Robinson
Schrock
Will

The Chambers amendment lost with 11 ayes, 27 nays, 4 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mrs. Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. Kiel renewed her pending amendment, AM1968, found on page 1903.

Mmes. C. Peterson and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 130. Read. Considered.

Messrs. Cudaback, Landis, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

LR 130 was adopted with 35 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 386:
AM2107

(Amendments to E & R amendments, AM7158)

1. Strike section 49.

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Chambers filed the following amendment to LB 271:
AM2005

(Amendments to E & R amendments, AM7153)

1. Strike section 7.

2. On page 1, strike beginning with "Motor" in line 13 through "(5)" in line 15; in line 17 strike "(6)" and insert "(5)"; and in line 20 strike "(7)" and insert "(6)".

3. On page 2, strike beginning with "and" in line 3 through the comma in line 4.

4. On page 3, line 13, strike ", motor vehicle fee,".

5. On page 13, line 24, strike the second "fees and".

6. On page 14, lines 1, 8, and 16, strike "fee and"; in line 12 strike "fees and"; and strike beginning with "The" in line 24 through the period in line 26.

7. On page 15, line 15; page 37, line 19; page 38, line 10; and page 41, line 3, strike "and fees" and show the old matter as stricken.

8. On page 15, line 19; page 32, line 5; page 33, line 4; page 37, line 20; page 49, line 2; and page 59, line 20, strike "sections 2 and 7" and insert "section 2".

9. On page 19, line 15, strike "fees or".

10. On page 31, lines 20 and 21; page 41, line 8; page 49, line 2; page 57, lines 20, 24, and 26; page 59, lines 19 and 20; page 74, lines 20 and 25; and page 75, line 9, strike "and fees".

11. On page 32, line 5, strike "and the fees"; in line 20 strike the comma and insert "and"; and strike beginning with the comma in line 21 through "act" in line 22.

12. On page 36, line 5, strike the comma and insert "and"; and strike beginning with the comma in line 6 through "act" in line 7.

13. On page 38, line 25, strike the comma and insert "and"; and strike beginning with the comma in line 26 through "act" in line 27.

14. On page 40, lines 15, 19, and 25; and page 41, line 9, strike "and fee".

15. On page 49, line 18, strike "or fees".

16. On page 72, line 14, strike "fee".

17. On page 75, line 12, strike "or fee".

18. Renumber the remaining sections and correct internal references accordingly.

Mr. Chambers filed the following amendments to LB 546, LB 551, LB 636, LB 643, LB 740, LB 770, LB 856, LB 886, LB 94, LB 94A, LB 136, LB 527, LB 543, LB 558, LB 595, LB 659, LB 741, LB 758, LB 771, LB 772, LB 802, LB 197, LB 396, LB 396A, LB 424, LB 495, LB 814, LB 837, LB 335, LB 624, and LB 727:
FA291 through FA321
Strike the enacting clause.

Mr. Bromm filed the following amendment to LB 806:
AM2086

(Amendments to FA192)

1. On page 92, line 22, strike "December 1, 1997", show as stricken, and insert "April 1, 1998, for school year 1998-99".

2. On page 93, line 5, strike "November 1, 1997", show as stricken, and insert "March 1, 1998, for school year 1998-99" and after the second "than" insert "November 1, 1998, and".

Mr. Bromm filed the following amendment to LB 806:
AM1796

(Amendments to FA192)

1. On page 67, line 15, after "(2)" insert "The department shall calculate a tiered cost per student for systems in the standard cost grouping. Each local system with adjusted general fund operating expenditures in the standard cost grouping shall be placed into a tier based on the following schedule:

Tier	Tier Midpoint	Adjusted Weighted Formula Students
1	150	.01 - 300
2	450	300.01 - 600
3	750	600.01 - 900
4	Median adjusted weighted formula students	900.01 and over

The standard cost grouping average adjusted general fund operating expenditures per student shall be calculated for each tier by adding the total adjusted general fund operating expenditures for all systems in the tier and dividing such sum by the total adjusted weighted formula students for all systems in the tier. For a system with adjusted weighted formula students which are less than the tier midpoint of tier 1, the tiered cost per student for such system shall equal the average adjusted general fund operating expenditures per student in tier 1. For a system with adjusted weighted formula students which are greater than the tier midpoint of tier 4, the tiered cost per student for such system shall equal the average adjusted general fund operating expenditures per student for tier 4. For a system with adjusted weighted formula students which fall on or between the tier midpoints of any two tiers, the tiered cost per student for such system shall be calculated by means of a linear interpolation between the average adjusted general fund operating expenditures per student of the two tiers between whose tier midpoints the system's average adjusted weighted formula students for such system falls.

For purposes of this subsection, linear interpolation means to estimate values of a function between two known values.

(3)"; and in line 16 strike "each cost grouping" and insert "the sparse and very sparse cost groupings".

2. On page 68, line 14, strike "(3)" and insert "(4)".

Mr. Wesely filed the following amendment to LB 23:
FA322

Insert a new section:

This act shall not be interpreted to apply to instances where medical care is provided to a woman as a result of a miscarriage or medical conditions associated with a miscarriage.

RESOLUTIONS

LEGISLATIVE RESOLUTION 135. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to determine how best to develop and implement a prepaid tuition program for postsecondary education in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 136. Introduced by Suttle, 10; Bromm, 23; Schimek, 27; Wesely, 26; Matzke, 47; Coordsen, 32.

PURPOSE: The purpose of this study is to review the state's laws on access to adoption records and information contained in them, to determine whether certain adoption information can be made more accessible within a reasonable amount of time after the adoption has occurred. The study may include what criteria should be met prior to making adoption information more accessible and what constitutes a reasonable time period after which certain information may be made more accessible.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 137. Introduced by Suttle, 10; Bohlke, 33.

PURPOSE: Several factors affect the student dropout rate in Nebraska. The purpose of this study is to investigate: The dropout rate in Nebraska schools; the factors which influence that rate; means which may be utilized to lower the dropout rate in Nebraska schools; appropriate responses to students who are at risk of dropping out; and appropriate alternatives for students who have dropped out.

This study shall include: An evaluation of current programs intended to lower the dropout rate; an investigation of new alternatives to help students at risk of dropping out; an evaluation of the current law requiring alternative schools, classes, and educational programs; and a determination of how at-risk students should be counted in the state aid to schools formula.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 864A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 864, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following resolution: LR 130.

VISITORS

Visitors to the Chamber were 44 fifth grade students and teachers from Lincoln Elementary School, Fremont; 41 fourth grade students and teachers from Gates Elementary School, Grand Island; 55 eighth grade students and teachers from Norris Public School, Firth; and 4 tenth grade students and teacher from Conestoga School, Murray.

RECESS

At 12:04 p.m., on a motion by Mr. Hilgert, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Mr. Hartnett who was excused; and Messrs. Beutler, Engel, Hilgert, Landis, Schmitt, Schrock, Will, Mmes. Bohlke, Robak, and Witek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 386. Placed on Select File as amended.
(E & R amendment, AM7158, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 387. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

GENERAL FILE

LEGISLATIVE BILL 890. Title read. Considered.

Mr. Wickersham and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM1037, found on page 1105, was considered.

Ms. Schimek renewed the Schimek et al. pending amendment, AM1343, found on page 1561, to the Standing Committee amendment.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

The Schimek et al. amendment was adopted with 28 ayes, 0 nays, 10 present and not voting, and 10 excused and not voting.

Messrs. Bromm, Beutler, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

The Standing Committee amendment, as amended, was adopted with 25 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Abboud renewed his pending amendment, AM1445, found on page 1530.

Messrs. Tyson and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

The Abboud amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment:
FA323
1. Strike the emergency clause;
2. Page 5, line 16, after "1998," insert "or as soon thereafter as allowed by law,"

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment:
AM2164
1. On page 6, strike lines 10 and 11.

Messrs. Janssen, Maurstad, Bruning, Mmes. Brown, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

MR. KRISTENSEN PRESIDING

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment:
AM2165
1. On page 6, strike lines 12 and 13.

PRESIDENT ROBAK PRESIDING

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment:
AM2166

1. On page 6, strike lines 14 and 15.

Messrs. Dierks and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment:
AM2167

1. On page 6, strike lines 16 and 17.

Mmes. Robak, Hillman, and Mr. Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

MR. KRISTENSEN PRESIDING

Pending.

STANDING COMMITTEE REPORT
Appropriations

LEGISLATIVE BILL 394. Placed on General File as amended.
Standing Committee amendment to LB 394:
AM1717

1. Strike sections 1 and 2.
2. On page 2, line 23, after the third period insert "Revenue credited to the fund shall include amounts generated through assessment of a facilities fee under authority of the Board of Trustees of the Nebraska State Colleges. Amounts accumulated in the fund are authorized to be expended for the purpose of paying the cost of capital improvement projects approved by the board of trustees for any facilities on campuses or lands owned or controlled by the board, except that no such amounts shall be expended for capital improvement projects relating to facilities from which revenue is derived and pledged for the retirement of revenue bonds issued under the provisions of sections 85-403 to 85-411."; strike lines 24 and 25; and in line 26, strike beginning with "the" through the period.
3. On page 3, lines 12 and 27, strike "2" and insert "1".
4. On page 4, line 5, strike "to 4" and insert "and 2".
5. Renumber the remaining sections accordingly.

(Signed) Roger R. Wehrbein, Chairperson

AMENDMENT - Print in Journal

Mrs. Robak filed the following amendment to LB 806:
(Amendment, AM2152, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 401. Placed on Select File as amended.
E & R amendment to LB 401:
AM7159

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 77-2715.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,000, $30,000, and $46,750, for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,000, $15,000, and $23,375, for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) ~~The~~ Except as provided in subdivision (2)(e) of this section, the primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .708, .986, 1.415, and 1.89;

(e) For tax years 1997 and 1998, the primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .6832, .9514, 1.3654, and 1.8238;

~~(e)~~ (f) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to hundredths of one percent; and

~~(f)~~ (g) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be eight times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemption credit and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 2. Section 77-2716.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716.01. (1) Every individual shall be allowed to subtract from his or her income tax liability an amount for personal exemptions. The amount allowed to be subtracted shall be the credit amount for the year as provided in this section multiplied by the number of exemptions allowed on the federal return. For tax year 1993, the credit amount shall be sixty-five dollars; for tax year 1994, the credit amount shall be sixty-nine dollars; for tax year 1995, the credit amount shall be sixty-nine dollars; for tax year 1996, the credit amount shall be seventy-two dollars; for tax year 1997, the credit amount shall be ~~seventy-six~~ ninety-six dollars; for tax year 1998, the credit amount shall be ~~seventy-eight~~ ninety-eight dollars; for tax year 1999, and each year thereafter, the credit amount shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. The sixty-five-dollar credit amount shall be adjusted for cumulative inflation since 1993. If any credit amount is not an even dollar amount, the amount shall be rounded to the nearest dollar. The amount allowed for each personal exemption shall be reduced, but not below zero, by five dollars for each five thousand dollars, or portion thereof, that federal adjusted gross income exceeds ninety thousand dollars for married filing joint returns, fifty-four thousand dollars for single returns, seventy-five thousand dollars for head-of-household returns, and for married filing separate returns, one-half the amount stated in this subsection for married filing joint returns. For nonresident individuals and partial-year resident individuals, the personal exemption credit shall be subtracted as specified in subsection (3) of section 77-2715. For tax year 1994 and each tax year thereafter, the income levels stated in this subsection shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. If any income level in this subsection is not a multiple of one thousand dollars, the amount shall be rounded to the next highest multiple of one thousand dollars.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return except as the amount is adjusted under section 77-2716.03.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or the amount before the federal disallowance of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid and the amount of any adjustment required under section 77-2716.03.

Sec. 3. Section 77-4602, Reissue Revised Statutes of Nebraska, is amended to read:

77-4602. (1) Within fifteen days after the end of each month, the Tax Commissioner shall provide a public statement of actual General Fund net receipts and a comparison of such actual net receipts to the monthly estimate certified pursuant to section 77-4601.

(2) Within fifteen days after the end of each fiscal year, the public statement shall also include a summary of actual General Fund net receipts and estimated General Fund net receipts for the fiscal year.

(3) If the actual General Fund net receipts for the fiscal year as reported in subsection (2) of this section exceed estimated receipts for the fiscal year, the Tax Commissioner shall immediately certify to the director such excess amount. The State Treasurer shall immediately transfer an amount equal to such excess amount for fiscal year 1997-98 and for each fiscal year thereafter from the General Fund to the Cash Reserve Fund upon certification by the director of such excess amount.

Sec. 4. Section 79-1031, Reissue Revised Statutes of Nebraska, is amended to read:

79-1031. The department shall annually, on or before December 1, provide data to the Governor to enable the Governor to prepare the necessary legislation to:

(1) Appropriate an amount which will provide financial

support from all state sources, including the amounts transferred pursuant to sections 79-947.01 and 79-988.01, to districts equal to forty-five percent of the estimated statewide aggregate general fund operating expenditures for Nebraska elementary and secondary public education for the ensuing school year;

(2) Appropriate an amount of income tax revenue received to insure that ~~twenty~~ twenty-one and two hundredths percent of all income tax receipts are dedicated to the support of districts throughout the state;

(3) Appropriate an amount equal to any state aid funds which have been returned to the General Fund from an earlier appropriation due to the repayment of funds by districts; and

(4) Establish and implement a basic allowable growth rate and an allowable growth range for district budgets for the ensuing school year.

The Governor shall submit such legislation, along with any modifications made by the Governor as part of his or her annual budget request, to the Legislature.

Sec. 5. Sections 1, 2, and 6 of this act are operative for all taxable years beginning or deemed to begin on or after January 1, 1997, under the Internal Revenue Code of 1986, as amended. Sections 4 and 8 of this act become operative on July 1, 1998. The other sections of this act become operative on their effective date.

Sec. 6. Original sections 77-2715.02 and 77-2716.01, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 7. Original section 77-4602, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 8. Original section 79-1031, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 1, after "77-2715.02" insert ", 77-2716.01, 77-4602,"; in line 3 after "multipliers" insert ", credit amounts, fund transfers,"; in line 4 strike "and"; and in line 5 after "sections" insert "; and to declare an emergency".

Correctly Engrossed

The following bills were correctly engrossed: LBs 229A, 523A, 660A, 852A, and 861A.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mrs. Stuhr filed the following amendment to LB 806:
AM1764

(Amendments to FA192)

1. On page 65, line 12, after the semicolon insert "and"; and strike beginning with the semicolon in line 17 through line 27 and insert an underscored period.

2. On page 66, strike lines 1 through 13.

SELECT FILE

LEGISLATIVE BILL 389. E & R amendment, AM7157, found on page 1930, was adopted.

Mr. Hilgert reoffered his amendment, AM1973, found on page 1870 and considered on page 1891.

Mr. Hilgert asked unanimous consent to replace his pending amendment, AM1973, found on page 1870, with a substitute amendment. No objections. So ordered.

Mr. Hilgert withdrew his amendment, AM1973, found on page 1870.

Mr. Hilgert offered the following substitute amendment:
AM2153

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To increase aid for care management services and community aging services.

AMENDMENT:

1. On page 56, lines 26 and 27, strike the first "448,333" and insert "1,211,558".

2. On page 57, line 2, strike "$448,333" and insert "$1,211,558"; in line 10 strike the first "2,481,028" and insert "3,556,682"; in line 12 strike the first "9,813,095" and insert "10,888,749"; and in line 14 strike "$2,481,028" and insert "$3,556,682".

Mrs. Robak moved the previous question. The question is, “Shall the debate now close?”

Mrs. Robak moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 33 not voting.

The motion to cease debate prevailed with 25 ayes, 5 nays, and 18 not voting.

Mr. Will requested a roll call vote, in reverse order, on the Hilgert amendment.

Voting in the affirmative, 26:

Abboud
Bromm
Crosby
Cudaback
Hilgert
Hillman
Janssen
Kiel
Matzke
McKenzie

Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Will
Withem

Voting in the negative, 6:

Beutler
Landis
Lynch
Maurstad
Wehrbein
Witek

Present and not voting, 11:

Bohlke
Brashear
Brown
Chambers
Elmer
Engel
Hudkins
Jensen
Jones
Kristensen
Wesely

Excused and not voting, 5:

Bruning
Coordsen
Dierks
Hartnett
Pedersen, Dw.

The Hilgert amendment was adopted with 26 ayes, 6 nays, 11 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Messrs. Jones, Landis, and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Hillman, Messrs. Withem, and Wehrbein withdrew their amendment, AM2001, found on page 1879.

Mr. Beutler withdrew his amendment, AM2031, found on page 1902.

Mr. Chambers renewed his pending amendment, AM2073, found on page 1908.

The Chambers amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mr. Chambers renewed his pending amendment, AM2074, found on page 1909.

Mr. Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 31 not voting.

The Chambers amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Messrs. Bromm and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad asked unanimous consent to replace the Maurstad-Brown pending amendment, AM2066, found on page 1922, with a substitute amendment. No objections. So ordered.

Mr. Maurstad and Mrs. Brown withdrew their amendment, AM2066, found on page 1922.

Mr. Maurstad offered the following substitute amendment:
AM2149

(Amendments to Standing Committee amendments, AM1402)

1. On page 120, line 20, strike "1,992,404 1,995,384" and insert "1,742,404 1,745,384"; and in line 23 strike "2,447,756 2,431,640" and insert "2,197,756 2,181,640".

2. On page 121, lines 1 and 3, strike "$500,000" and insert "$250,000"; and in line 26 strike "3,433,796 3,435,484" and insert "3,683,796 3,685,484".

3. On page 122, line 2, strike "5,153,458 5,156,834" and insert "5,403,458 5,406,834"; and in line 3 strike "875,973 875,973" and insert "908,722 909,521".

Messrs. Withem, Tyson, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad requested a record vote on his amendment.

Voting in the affirmative, 5:

Brown
Kristensen
Matzke
Maurstad
Witek

Voting in the negative, 14:

Abboud
Chambers
Crosby
Dierks
Elmer
Engel
Hilgert
Janssen
Peterson, C.
Robak
Schimek
Vrtiska
Wehrbein
Wesely

Present and not voting, 17:

Beutler
Bohlke
Brashear
Cudaback
Hillman
Hudkins
Jensen
Kiel
Lynch
McKenzie
Pederson, D.
Preister
Robinson
Schmitt
Schrock
Suttle
Will

Excused and not voting, 12:

Bromm
Bruning
Coordsen
Hartnett
Jones
Landis
Pedersen, Dw.
Schellpeper
Stuhr
Tyson

Wickersham
Withem

The Maurstad amendment lost with 5 ayes, 14 nays, 17 present and not voting, and 12 excused and not voting.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers withdrew his amendment, AM2108, found on page 1944.

Mr. Coordsen renewed the Coordsen et al. pending amendment, AM2136, found on page 1961.

Mr. Coordsen moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 32 not voting.

Mr. Coordsen requested a roll call vote on the Coordsen et al. amendment.

Voting in the affirmative, 26:

Bohlke
Bromm
Chambers
Coordsen
Crosby
Cudaback
Dierks
Hilgert
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
McKenzie
Peterson, C.
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Will
Witek

Voting in the negative, 6:

Abboud
Beutler
Maurstad
Wehrbein
Wesely
Wickersham

Present and not voting, 12:

Brashear
Brown
Elmer
Engel
Hillman
Hudkins
Kiel
Lynch
Pederson, D.
Robinson
Schimek
Withem

Excused and not voting, 4:

Bruning
Hartnett
Pedersen, Dw.
Tyson

The Coordsen et al. amendment was adopted with 26 ayes, 6 nays, 12 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Landis, Ms. Schimek, and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem offered the following amendment:
AM2161

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To add $400,000 General Funds for the Nebraska School for the Deaf for FY1997-98 for a transition plan.

AMENDMENT:

1. On page 22, line 2, strike "2,125,670" and insert "2,525,670"; in line 5 strike "2,751,206" and insert "3,151,206"; and after line 6 insert:

"There is included in the appropriation to this program for FY1997-98 $400,000 General Funds, which shall only be used for the purpose of implementing the plan to transfer students from services provided on the campus of the Nebraska School for the Deaf to services provided by regional satellite programs.".

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 21 not voting.

Mr. Preister asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem requested a record vote on his amendment.

Voting in the affirmative, 13:

Abboud
Beutler
Bohlke
Brashear
Chambers
Coordsen
Crosby
Hilgert
Janssen
Landis
Wesely
Will
Withem

Voting in the negative, 14:

Brown
Engel
Hillman
Hudkins
Jensen
Maurstad
Pederson, D.
Peterson, C.
Robinson
Schmitt
Stuhr
Tyson
Wehrbein
Witek

Present and not voting, 14:

Cudaback
Dierks
Elmer
Jones
Kiel
Kristensen
Lynch
Matzke
McKenzie
Schellpeper
Schrock
Suttle
Vrtiska
Wickersham

Excused and not voting, 7:

Bromm
Bruning
Hartnett
Pedersen, Dw.
Preister
Robak
Schimek

The Withem amendment lost with 13 ayes, 14 nays, 14 present and not voting, and 7 excused and not voting.

Mrs. Bohlke and Mr. Withem asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will and Mrs. Kiel offered the following amendment:
AM2043

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To increase aid for the state Reproductive Health Care Program by $365,000 for each fiscal year and to increase funding for interdisciplinary community-based primary care by $244,700 for each fiscal year.

AMENDMENT:

1. On page 56, line 11, strike "1,924,372 2,048,965" and insert "2,289,372 2,413,965"; in line 14 strike "35,050,369 35,174,962" and insert "35,415,369 35,539,962"; in line 16 strike "$1,924,372" and insert "$2,289,372"; and in line 19 strike "$2,048,965" and insert "$2,413,965".

2. On page 84, lines 22 and 23, strike "333,447,966 336,250,864" and insert "333,692,666 336,495,564".

PRESIDENT ROBAK PRESIDING

Messrs. Schrock and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers requested a division of the question on the Will-Kiel amendment.

The Chair sustained the division of the question.

The first Will-Kiel amendment is as follows:
FA324

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To increase aid for the state Reproductive Health Care Program by $365,000 for each fiscal year and to increase funding for interdisciplinary community-based primary care by $244,700 for each fiscal year.

AMENDMENT:

1. On page 56, line 11, strike "1,924,372 2,048,965" and insert "2,289,372 2,413,965"; in line 14 strike "35,050,369 35,174,962" and insert "35,415,369 35,539,962"; in line 16 strike "$1,924,372" and insert "$2,289,372"; and in line 19 strike "$2,048,965" and insert "$2,413,965".

Messrs. Dierks, Jensen, and Mrs. Witek offered the following amendment to the first Will-Kiel amendment:
AM2196

(Amendments to AM2043)

1. On page 1, line 9, strike the second "and" and in line 10 before the period insert "; and in line 21 after the period insert:

'None of the state funds appropriated for this program shall be allocated or distributed, whether by contract or otherwise, to any person, agency, or entity which receives federal funding under Title X of the Public Health Service Act or to any other person, agency, or entity which facilitates, counsels on, or refers for abortion.'".

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Dierks, Jensen, and Mrs. Witek withdrew their amendment.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dierks moved the previous question. The question is, "Shall the debate now close?"

Mr. Dierks moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 36 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 22 not voting.

Mr. Will requested a roll call vote on the first Will-Kiel amendment.

Voting in the affirmative, 13:

Beutler
Brown
Chambers
Janssen
Kiel
Landis
Matzke
McKenzie
Schimek
Suttle
Wesely
Wickersham
Will

Voting in the negative, 24:

Abboud
Brashear
Coordsen
Crosby
Dierks
Elmer
Engel
Hilgert
Hudkins
Jensen
Jones
Kristensen
Lynch
Maurstad
Pederson, D.
Peterson, C.
Robinson
Schellpeper
Schmitt
Stuhr
Tyson
Vrtiska
Wehrbein
Witek

Present and not voting, 2:

Hillman
Withem

Excused and not voting, 9:

Bohlke
Bromm
Bruning
Cudaback
Hartnett
Pedersen, Dw.
Preister
Robak
Schrock

The first Will-Kiel amendment lost with 13 ayes, 24 nays, 2 present and not voting, and 9 excused and not voting.

Pending.

The Chair declared the call raised.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 512A. Introduced by Will, 8.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 512, Ninety-fifth Legislature, First Session, 1997.

AMENDMENT - Print in Journal

Mmes. Hillman, Brown, Messrs. Wehrbein, and Withem filed the following amendment to LB 386:
AM2186

(Amendments to E & R amendments, AM7158)

1. On page 19, after line 8, insert:

"It is the intent of the Legislature that any distance education project which utilizes state funds for construction, installation, and operation or which intends to utilize state funds in the future shall be reviewed and approved by a designated representative of the educational sector involved, the General Manager of the Nebraska Educational Telecommunications Commission or his or her designee, and the Director of Communications of the division of communications of the Department of Administrative Services or his or her designee prior to construction, installation, and the expenditure of such funds. It is further intended that such representatives establish guidelines for the review and approval of such projects.".

MOTION - Print in Journal

Mr. Chambers filed the following motion to LB 216:
Indefinitely postpone.

SELECT FILE

LEGISLATIVE BILL 389. The second Will-Kiel amendment is as follows:
FA325

(Amendments to Standing Committee amendments, AM1402)

2. On page 84, lines 22 and 23, strike "333,447,966 336,250,864" and insert "333,692,666 336,495,564".

Mr. Kristensen and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Maurstad and Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Will requested a record vote on the second Will-Kiel amendment.

Voting in the affirmative, 9:

Chambers
Kiel
Landis
Matzke
Schimek
Suttle
Wesely
Wickersham
Will

Voting in the negative, 18:

Abboud
Beutler
Crosby
Dierks
Engel
Hillman
Hudkins
Jensen
Jones
Pederson, D.
Peterson, C.
Robak
Robinson
Schmitt
Stuhr
Tyson
Wehrbein
Witek

Present and not voting, 10:

Brown
Coordsen
Elmer
Hilgert
Janssen
Lynch
Preister
Schellpeper
Vrtiska
Withem

Excused and not voting, 11:

Bohlke
Brashear
Bromm
Bruning
Cudaback
Hartnett
Kristensen
Maurstad
McKenzie
Pedersen, Dw.
Schrock

The second Will-Kiel amendment lost with 9 ayes, 18 nays, 10 present and not voting, and 11 excused and not voting.

Mr. Wehrbein offered the following amendment:
AM2097

(Amendments to Standing Committee amendments, AM1402)

1. On page 11, line 25, strike "295,265 295,265" and insert "311,905 311,905".

2. On page 23, line 17, strike "1,098,892 1,083,171" and insert "1,120,600 1,104,879".

3. On page 28, line 26, strike "994,622 983,579" and insert "934,622 923,579"; and in line 27 strike "441,385

474,162" and insert "501,385 534,162".

4. On page 29, line 19, strike "313,692 291,946" and insert "373,692 351,946"; in line 20 strike "1,599,958 1,581,908" and insert "1,544,948 1,526,908"; and in line 22 strike "2,450,730 2,412,102" and insert "2,455,730 2,417,102".

5. On page 40, line 4, strike "$2,661,878" and insert "$2,622,570"; in line 5 strike "$1,345,841" and insert "$1,310,756"; in line 6 strike "$3,434,681" and insert "$3,310,533"; and in line 7 strike "$2,146,444" and insert "$2,041,540".

6. On page 45, line 23, strike "August" and insert "June"; and in line 23 after the period insert "The amount of such collections remaining unexpended on June 30, 1997, is hereby reappropriated.".

7. On page 66, line 18, strike "1,693,324 1,693,324" and insert "1,777,951 1,780,281".

8. On page 68, strike lines 5 through 9 and insert:

"GENERAL FUND	1,909,210	1,941,249
CASH FUND	211,387	211,387
FEDERAL FUND est.	502,003	502,003
PROGRAM TOTAL	2,622,600	2,654,639
SALARY LIMIT	1,375,637	1,375,637".

9. On page 72, line 20, strike "$2,661,878" and insert "$2,622,570"; in line 21 strike "$1,377,480" and insert "$1,342,395"; in line 22 strike "$3,434,681" and insert "$3,310,533"; and in line 23 strike "$2,178,083" and insert "$2,073,179".

10. On page 117, line 24, strike "1,783,908 1,783,908" and insert "1,036,241 1,036,241".

11. On page 120, line 8, strike "779,805 769,805" and insert "790,184 790,184".

12. On page 124, after line 4 insert:

"Of the unexpended General Fund balance existing on June 30, 1997, up to $1,163,128 is hereby reappropriated."; and in line 12 strike "510,935 510,935" and insert "520,316 520,574".

13. On page 148, line 5, after the second "Fund" insert ", Nebraska Child Abuse Prevention Fund"; and in lines 9 and 10 strike ", Nebraska Child Abuse Prevention Fund".

14. On page 162, lines 2 and 3, strike "Department of Health and Human Services Finance and Support Cash" and insert "Nebraska Child Abuse Prevention".

The Wehrbein amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mr. Jones offered the following amendment:
AM2080

(Amendments to Standing amendments, AM1402)

1. On page 67, lines 6 and 7, strike "381,299 386,220"

and insert "217,299 222,220"; and in lines 10 and 13 strike "$239,000" and insert "$75,000".

Mr. Abboud moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 1 nay, and 22 not voting.

The Jones amendment lost with 8 ayes, 16 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Brashear offered the following amendment:
AM2204

(Amendments to Standing Committee amendments, AM1402)

PURPOSE: To add funding to the Nebraska State Patrol for the DARE program. The amendment adds $260,568 General Funds for FY1997-98 and increases the salary limit by $145,000 for FY1997-98.

AMENDMENT:

1. On page 102, lines 22 and 23, strike "12,553,518" and insert "12,814,086"; and in line 24 strike the first "9,685,438" and insert "9,830,438".

Mr. Abboud moved the previous question. The question is, “Shall the debate now close?” The motion failed with 11 ayes, 11 nays, and 26 not voting.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmitt moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 28 ayes, 1 nay, and 19 not voting.

Mr. Brashear moved for a call of the house. The motion prevailed with 26 ayes, 2 nays, and 20 not voting.

Mr. Chambers requested a record vote on the Brashear amendment.

Voting in the affirmative, 26:

Abboud
Beutler
Bohlke
Brashear
Coordsen
Crosby
Dierks
Hilgert
Hudkins
Janssen
Jensen
Jones
Matzke
Peterson, C.
Robak
Robinson
Schellpeper
Schmitt
Stuhr
Suttle
Vrtiska
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 9:

Brown
Hillman
Kiel
Kristensen
Lynch
Pederson, D.
Schimek
Tyson
Wehrbein

Present and not voting, 3:

Chambers	Elmer	Engel

Excused and not voting, 10:

Bromm	Cudaback	Landis	McKenzie	Preister
Bruning	Hartnett	Maurstad	Pedersen, Dw.	Schrock

The Brashear amendment was adopted with 26 ayes, 9 nays, 3 present and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Mr. Will filed the following amendment to LB 806:
AM2159

(Amendments to FA192)

1. Insert the following new sections:

"Section 1. Section 77-2715.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,000, $30,000, and $46,750, for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,000, $15,000, and $23,375, for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be ~~.708, .986, 1.415, and 1.89~~ .673, .938, 1.351, and 1.797;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to hundredths of one percent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be eight times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemption credit and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 63. Original section 77-2715.02, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 96, line 12, strike "twenty", show as stricken, and insert "twenty-one and two-hundredths".

3. Add an operative date provision so that sections 1 and 61 become operative for taxable years beginning on or after January 1, 1997.

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Will filed the following amendment to LB 180:
AM2160

1. Insert the following new sections:

"Sec. 2. Section 77-2715.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established

for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,000, $30,000, and $46,750, for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,000, $15,000, and $23,375, for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) The primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be ~~.708, .986, 1.415, and 1.89~~ .673, .938, 1.351, and 1.797;

(e) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to hundredths of one percent; and

(f) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be eight times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemption credit and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 3. Section 79-1031, Reissue Revised Statutes of Nebraska, is amended to read:

79-1031. The department shall annually, on or before

December 1, provide data to the Governor to enable the Governor to prepare the necessary legislation to:

(1) Appropriate an amount which will provide financial support from all state sources, including the amounts transferred pursuant to sections 79-947.01 and 79-988.01, to districts equal to forty-five percent of the estimated statewide aggregate general fund operating expenditures for Nebraska elementary and secondary public education for the ensuing school year;

(2) Appropriate an amount of income tax revenue received to insure that ~~twenty~~ twenty-one and two hundredths percent of all income tax receipts are dedicated to the support of districts throughout the state;

(3) Appropriate an amount equal to any state aid funds which have been returned to the General Fund from an earlier appropriation due to the repayment of funds by districts; and

(4) Establish and implement a basic allowable growth rate and an allowable growth range for district budgets for the ensuing school year.

The Governor shall submit such legislation, along with any modifications made by the Governor as part of his or her annual budget request, to the Legislature.

Sec. 4. Sections 2 and 5 of this act are operative for all taxable years beginning or deemed to begin on or after January 1, 1997, under the Internal Revenue Code of 1986, as amended. Sections 3 and 6 of this act become operative on July 1, 1998. The other sections of this act become operative on their effective date.

Sec. 5. Original section 77-2715.02, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 6. Original section 79-1031, Reissue Revised Statutes of Nebraska, is repealed.".

2. Insert underscoring in the original section.

Messrs. Wesely, Matzke, Wickersham, and Mrs. Hillman filed the following amendment to LB 626:
(Amendment, AM2189, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Messrs. Wehrbein and Chambers filed the following amendment to LB 150:
AM2206

1. Strike the original sections and insert the following new sections:

"Section 1. The Department of Correctional Services is hereby authorized to begin a competitive site selection process for a new medium-maximum security adult correctional facility and to begin construction of the project. Prior to selecting a site, the Director of Correctional Services shall consider various site proposals and evaluate them for cost effectiveness. The facility shall be built on land to which the state either currently holds title or acquires title prior to construction. The facility shall have a design capacity of nine hundred sixty beds, consisting of approximately one hundred ninety-two segregation beds and approximately seven hundred sixty-eight medium security beds. The facility shall be built with ancillary capacity to accommodate up to an additional five hundred twelve medium security beds. The total project cost shall not exceed $76,950,263. Annual operating costs are estimated not to exceed $15,276,921.

There is hereby appropriated (1) $4,064,148 from the State Building Fund and $2,213,791 from federal funds for FY1997-98 to the Department of Correctional Services, for Program 915, to begin the project and (2) $19,702,893 from the State Building Fund and $2,246,400 from federal funds for FY1998-99 to the Department of Correctional Services, for Program 915, to continue the project. Additional appropriations required to complete the project include $24,737,910 from the State Building Fund for FY1999-00 and $23,985,121 from the State Building Fund for FY2000-01.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $40,000 for FY1997-98 or $41,100 for FY1998-99.

Sec. 2. There is hereby appropriated (1) $1,890,663 from the General Fund for FY1997-98 and (2) $2,062,541 from the General Fund for FY1998-99 to the Department of Correctional Services, for Program 200, for staffing and operations of the two one-hundred bed modular housing units at the Nebraska State Penitentiary.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $1,360,104 for FY1997-98 or $1,360,104 for FY1998-99.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.".

Mr. Wehrbein filed the following amendment to LB 384:
AM2096

(Amendments to Standing Committee amendments, AM1751)

1. On page 3, lines 4 and 5, strike "59,686 59,826" and insert "59,836 59,926".

Mr. Wickersham filed the following amendment to LB 806:
AM2185

(Amendments to FA192)

1. On page 48, line 11, after "(g)" insert "Assure that school systems receive a combination of state aid and accountable resources that will provide financial support to ninety-five percent of the students in the State of Nebraska equal to at least ninety-five percent of the needs calculated for their education pursuant to the Tax Equity and Educational Opportunities Support Act;

(h)"; and in line 13 strike "(h)", show as stricken, and insert "(i)".

2. On page 96, line 11, after "(2)" insert "Appropriate an amount which will ensure that school systems receive a combination of state aid and accountable resources that will provide financial support to ninety-five percent of the students in the State of Nebraska equal to at least ninety-five percent of the needs calculated for their education pursuant to the Tax Equity and Educational Opportunities Support Act;

(3)"; in line 14 strike "(3)", show as stricken, and insert "(4)"; and in line 17 strike "(4)", show as stricken, and insert "(5)".

VISITORS

Visitors to the Chamber were 40 fourth grade students and teachers from St. Bonaventure School, Columbus; 7 third through seventh grade students and teachers from Schaupps School, Loup City; 15 eighth grade students and teacher from St. Rose School, Crofton; and former Senator Connie Day from Norfolk.

The Doctor of the Day was Dr. Reynen from Lincoln.

ADJOURNMENT

At 9:26 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Thursday, May 15, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-SIXTH DAY – MAY 15, 1997

LEGISLATIVE JOURNAL

SEVENTY-SIXTH DAY – MAY 15, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 15, 1997

Pursuant to adjournment, the Legislature met at 9:02 a.m., President Robak presiding.

PRAYER

The prayer was offered by Sister Clare, Marian Sisters Convent, Waverly, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Coordsen, Hilgert, Landis, Lynch, Schrock, Wesely, Will, Mmes. Bohlke, Brown, Kiel, McKenzie, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 1981, line 28, strike "0.01" and insert "300.01".
The Journal for the seventy-fifth day was approved as corrected.

WITHDRAW - Motion to LR 7CA

Mr. Withem withdrew his motion, found on page 1851, to indefinitely postpone LR 7CA.

MOTION - Reconsider Action on LR 7CA

Mrs. Crosby renewed her pending motion, found on page 1879, to reconsider the Schimek amendment, AM1831, to LR 7CA.

Ms. Schimek moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 25 ayes, 1 nay, and 22 not voting.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Ms. Schimek moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a record vote on the Crosby motion to reconsider.

Voting in the affirmative, 33:

Beutler	Dierks	Jensen	Peterson, C.	Stuhr
Bohlke	Engel	Jones	Preister	Suttle
Brown	Hartnett	Kiel	Robinson	Tyson
Bruning	Hilgert	Landis	Schimek	Vrtiska
Coordsen	Hillman	Maurstad	Schmitt	Wehrbein
Crosby	Hudkins	McKenzie	Schrock	Withem
Cudaback	Janssen	Pedersen, Dw.		

Voting in the negative, 3:

Chambers	Matzke	Witek

Present and not voting, 7:

Brashear	Elmer	Pederson, D.	Schellpeper	Wickersham
Bromm	Kristensen			

Excused and not voting, 5:

Abboud	Lynch	Robak	Wesely	Will

The Crosby motion to reconsider prevailed with 33 ayes, 3 nays, 7 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 388. E & R amendment, AM7156, printed separately and referred to on page 1930, was adopted.

Mr. Wehrbein renewed his pending amendment, AM2098, found on page 1939.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wehrbein withdrew his amendment.

Mr. Wehrbein offered the following amendment:
AM2095
(Amendments to E & R amendments, AM7156)

1. On page 13, line 18, strike "increased" and insert "reduced".

2. On page 14, after line 24 insert:

"(20) The General Fund appropriation for FY1996-97 to the Department of Health and Human Services, for Program 250, is hereby increased by $49,302.21.

The Department of Administrative Services shall monitor appropriations and expenditures for this program in the following program classifications:

No. 315 - Office of Juvenile Services
No. 345 - Juvenile Community-Based Services
No. 364 - Juvenile Parole Administration
No. 367 - Secure Youth Confinement Facility
No. 371 - Youth Rehabilitation and Treatment Center - Geneva
No. 374 - Youth Rehabilitation and Treatment Center - Kearney.

(21) The federal fund appropriation for FY1996-97 to the Department of Correctional Services, for Program 250, is hereby increased by $49,302.21. The General Fund appropriation for FY1996-97 to the Department of Correctional Services, for Program 250, is hereby reduced by $49,302.21.

The Department of Administrative Services shall monitor appropriations and expenditures for this program in the following program classifications:

No. 315 - Office of Juvenile Services
No. 345 - Juvenile Community-Based Services
No. 364 - Juvenile Parole Administration
No. 367 - Secure Youth Confinement Facility
No. 371 - Youth Rehabilitation and Treatment Center - Geneva
No. 374 - Youth Rehabilitation and Treatment Center - Kearney.".

The Wehrbein amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Messrs. Chambers and Wehrbein reoffered the Chambers amendment, AM1961, found on page 1883.

The Chambers-Wehrbein amendment was adopted with 28 ayes, 0 nays, 15 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 384. E & R amendment, AM7154, found on page 1931, was adopted.

Mr. Wehrbein renewed his pending amendment, AM2096, found on page 2006.

The Wehrbein amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 385. Advanced to E & R for engrossment.

Mmes. Bohlke, McKenzie, and Witek asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 216. Mr. Chambers withdrew his amendments, FA259 through FA268, found on pages 1916, 1917, and 1932.

Mr. Chambers withdrew his motion, found on page 1998, to indefinitely postpone LB 216.

Mr. Chambers offered the following amendment:
FA327
1. STRIKE ALL ORIGINAL PROVISIONS AND INSERT THE FOLLOWING:
"SECTION 33-106.04, REISSUE REVISED STATUTES OF NEBRASKA IS OUTRIGHT REPEALED."

Mr. Chambers moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 27 not voting.

The Chambers amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 33 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 150. Title read. Considered.

Messrs. Wehrbein, Maurstad, and Chambers withdrew their amendment, AM2051, found on page 1901.

Messrs. Dw. Pedersen and Jones withdrew their amendment, AM2052, found on page 1940.

Messrs. Wehrbein, Chambers, and Maurstad renewed the Wehrbein-Chambers pending amendment, AM2206, found on page 2005.

Mr. Dw. Pedersen offered the following amendment to the Wehrbein-Chambers-Maurstad pending amendment:
FA329
(Amendment to AM2206)
Add the following new section:
"Section 3. There is hereby appropriated $145,902 from the General Fund for FY 1997-98 and $145,902 from the General Fund for FY 1998-99 to the Department of Correctional Services, for Program 200, for the Life Skills program. No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.
Renumber the remaining sections.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?"

Mr. Maurstad moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 30 not voting.

The motion to cease debate prevailed with 25 ayes, 1 nay, and 22 not voting.

The Dw. Pedersen amendment was adopted with 34 ayes, 1 nay, 6 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Messrs. Landis, Coordsen, Hartnett, Kristensen, Schellpeper, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

The Wehrbein-Chambers-Maurstad amendment, as amended, was adopted with 29 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Mr. Chambers offered the following amendment:
FA330
(AM2206)
Page 1, line 13, strike, beginning with "The" through "beds" in line 15.

MR. BRASHEAR PRESIDING

Mr. Janssen and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LR 7CA:
FA328

Amend AM1311
On page 1, line 18 after "law" insert:
"with at least one location in each county"

Mr. Will filed the following amendment to LB 512:
AM1703

1. On page 2, lines 20 and 21; page 4, lines 10 and 11; and page 9, lines 9 and 10, strike "state" through "adjudication" and insert "Office of Juvenile Services".

Mr. Chambers filed the following amendment to LR 7CA:
AM2221

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, sections 2 and 3:

III-2 'The first power reserved by the people is the initiative whereby laws may be enacted and constitutional amendments adopted by the people independently of the Legislature and the counterinitiative whereby the people may declare their opposition to a proposed measure for the enactment of a law by initiative petition or to a proposed measure for the amendment of the Constitution by initiative petition prior to the submission of the proposed measure to the electors of the state.

The power of initiative ~~This power~~ may be invoked by initiative petition wherein the proposed measure shall be set forth at length. If the initiative petition be for the enactment of a law, it shall be signed by seven percent of the registered voters of the state, and if the initiative petition be for the amendment of the Constitution, the initiative petition therefor shall be signed by ten percent of such registered voters. In all cases the registered voters signing such initiative petition shall execute their signatures before such person and at such location as provided by law. In all cases the initiative petition shall be signed by not less than three ~~be so distributed as to include five~~ percent of the registered voters of each of ~~two-fifths~~ a majority of the counties of the state, and when thus signed, the initiative petition shall be filed with the Secretary of State who shall submit the measure thus proposed to the electors of the state at the first general election held not less than ~~four~~ eight months after such initiative petition shall have been filed. The same measure, either in form or in essential substance, shall not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once in three years. If conflicting measures submitted to the people at the same election be approved, the one receiving the highest number of affirmative votes shall thereby become law as to all conflicting provisions. The constitutional limitations as to the scope and subject matter of statutes enacted by the Legislature shall apply to those enacted by the initiative.

The power of counterinitiative may be invoked by counterinitiative petition wherein the proposed measure subject to counterinitiative shall be set forth at length. In all cases the registered voters signing such counterinitiative petition shall execute their signatures before such person and at such location in the same manner as provided by law for initiative petitions. Each valid signature of a registered voter on a counterinitiative petition filed with the Secretary of State not more than one month after the initiative petition subject to the counterinitiative has been filed with the Secretary of State shall reduce by one the number of valid signatures of registered voters in the same county of the state on the initiative petition subject to the counterinitiative.'

III-3 'The second power reserved is the referendum which may be invoked, by petition, against any act or part of an act of the Legislature, except those making appropriations for the expense of the state government or a state institution existing at the time of the passage of such act. Petitions invoking the referendum shall be signed by not less than five percent of the registered voters of the state~~,~~ ~~distributed as required for initiative petitions,~~ and shall include signatures of not less than three percent of the registered voters of each of a majority of the counties of the state. The registered voters signing such petition shall execute their signatures before such person and at such location as provided by law. Signed petitions shall be filed in the office of the Secretary of State within ninety days after the Legislature at which the act sought to be referred was passed shall have adjourned sine die or for more than ninety days. Each such ~~Such~~ petition shall set out the title of the act against which the referendum is invoked and, in addition thereto, when only a portion of the act is sought to be referred, the number of the section or sections or portion of sections of the act designating such portion. When the referendum is thus invoked, the Secretary of State shall refer the same to the electors for approval or rejection at the first general election to be held not less than thirty days after the filing of such petition.

When the referendum is invoked as to any act or part of act, other than emergency acts or those for the immediate preservation of the public peace, health, or safety, by petition signed by not less than ten percent of the registered voters of the state ~~distributed as aforesaid~~ including signatures of not less than three percent of the registered voters of each of a majority of the counties of the state, it shall suspend the taking effect of such act or part of act until the same has been approved by the electors of the state.'.

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

'A constitutional amendment to prescribe requirements for signing initiative and referendum petitions, to change the distribution of the number of signatures required on initiative and referendum petitions, to change filing requirements for initiative petitions, and to provide for counterinitiative petitions.

For
Against'.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 138. Introduced by Will, 8.

PURPOSE: The purpose of this resolution is to conduct a general examination of the Rules of the Nebraska Unicameral Legislature. The study shall include, but not be limited to:

(1) The review of the rules of parliamentary procedure that are rarely or never used;

(2) The examination of rules that are an impediment to the process; and

(3) Rules of the Nebraska Unicameral Legislature that may be in conflict with another legislative rule or with established legislative practice.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 139. Introduced by Will, 8.

PURPOSE: The purpose of this resolution is to study the germaneness rule contained in the Rules of the Nebraska Unicameral Legislature. The study should primarily focus on the varying interpretations of the germaneness rule that have been made by presiding officers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an

interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTIONS - Print in Journal

Mr. Withem filed the following motion to LB 401:
Reconsider adoption of the Beutler amendment to LB 401.

Mr. Withem filed the following motion to LB 401:
Return LB 401 to General File for purposes of taking up the reconsideration motion on the Beutler amendment.

VISITORS

Visitors to the Chamber were 22 fourth grade students and teacher from Raymond Central School, Ceresco; 13 third and fourth grade students and teachers from St. Michael's School, Fairbury; 15 third and fourth grade students and teacher from Kearney Christian School, Kearney; 52 fourth grade students and teacher from Brownell Elementary School, Lincoln; 31 fourth grade students and teacher from Jefferson Elementary School, Norfolk; 55 fourth grade students and teacher from LaVista West School, LaVista; 42 fourth grade students and teachers from Starr School, Grand Island; 23 first through sixth grade students and teacher from Dodge County, District #88, Hooper; Dr. Paul Kennedy from Omaha; and Vivian and Margaret Bunger, Pat Boldt, and Joyce Jameson from Upland, Hazel Grass and Dolly Grams from Minden, and Marlene Koch from Campbell.

RECESS

At 11:55 a.m., on a motion by Mr. Vrtiska, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Mr. Wesely presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Jones, Lynch, Will, Mmes. Kiel, Witek, and Ms. Schimek who were excused until they arrive.

UNANIMOUS CONSENT - Member Excused

Mr. Maurstad asked unanimous consent to be excused until he returns. No

objections. So ordered.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 150:

FA331
(AM2206)
Page 1, line 15, strike "five hundred twelve" and insert "fifty".

FA332
(AM2206)
Page 1, line 15, strike "five hundred twelve" and insert "one hundred"

FA333
(AM2206)
Page 1, line 15, strike "five hundred twelve" and insert "one hundred fifty".

FA334
(AM2206)
Page 1, line 15, strike "five hundred twelve" and insert "two hundred"

FA335
(AM2206)
Page 1, line 15, strike "five hundred twelve" and insert "two hundred fifty".

FA336
(AM2206)
Page 1, line 15, strike "five hundred twelve" and insert "three hundred".

UNANIMOUS CONSENT - Member Excused

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 806. E & R amendment, AM7150, printed separately and referred to on page 1890, was adopted.

The fifth Standing Committee amendment is as follows:
FA193
(Sections 51-58 -- which reorganizes the Educational Service Units of the State of Nebraska.)

Mr. Wickersham asked unanimous consent to replace his pending amendment, AM1694, found on page 1643, with a substitute amendment.

No objections. So ordered.

Mr. Wickersham withdrew his amendment, AM1694, found on page 1643.

Mr. Wickersham renewed his pending substitute amendment, AM2106, found on page 1944, to the fifth Standing Committee amendment.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 7 nays, and 16 not voting.

The Wickersham amendment was adopted with 33 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Withem withdrew his motion, found on page 1645, to vote on the adoption of the committee amendment (FA193) to LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem withdrew his motion, found on page 1681, to suspend the rules, Rule 6, Section 3, and Rule 7, Sections 3 and 7, and vote on the adoption of FA193 to LB 806, without further amendment, motion or debate.

Messrs. Hartnett and Wickersham offered the following amendment to the fifth Standing Committee amendment:
AM2111

(Amendments to FA193)

1. On page 100, line 3, strike "Core" and insert "Except as provided in section 57 of this act, core".

2. On page 104, line 19, after "services" insert ", or if all member school districts within the boundaries of an educational service unit together provide evidence satisfactory to the State Department of Education that the districts will provide core services for themselves in a more cost-efficient manner than the educational service unit, the department shall distribute funds directly to the districts to be used for providing core services".

The Hartnett-Wickersham amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Mrs. Stuhr and Mr. Hartnett offered the following amendment to the fifth Standing Committee amendment:
AM2198

(Amendments to FA193)

1. Insert the following new sections:

"Section 1. Section 23-3302, Revised Statutes Supplement, 1996, is amended to read:

23-3302. ~~The~~ (1) Until June 30, 2000, the county board of any county may elect to discontinue the office of county superintendent upon expiration of the term of an incumbent. Such decision shall be made not later than twelve months prior to the expiration of such term and only after the county board has discussed such discontinuance at a public hearing for which proper notice has been duly given. If the county board elects to discontinue the office, it may contract with the educational service unit of which it is a part, with ~~or~~ a Class II, III, IV, V, or VI school district, or with an individual who meets the qualifications described in section 23-3301 for performance of all of the duties imposed by law upon the county superintendent. Educational service units, ~~and~~ Class II, III, IV, V, and VI school districts, and qualified individuals may enter into such contracts and perform such duties. Any contract entered into under this subsection shall not exceed a period of one year. The annual cost to the county of any such contract shall not exceed the proceeds of a tax of three-tenths of one cent on each one hundred dollars on the taxable valuation of all taxable property in the county or two thousand five hundred dollars, whichever is greater.

(2) On and after June 30, 2000, the county board may contract with the educational service unit of which it is a part, with a Class II, III, IV, V, or VI school district, or with an individual who meets the qualifications described in section 23-3301 for performance of all the duties imposed by law upon the county superintendent. Educational service units, Class II, III, IV, V, and VI school districts, and qualified individuals may enter into such contracts and perform such duties. Any contract entered into under this subsection shall not exceed a period of one year. The annual cost to the county of any such contract shall not exceed the proceeds of a tax of three-tenths of one cent on each one hundred dollars on the taxable valuation of all taxable property in the county or two thousand five hundred dollars, whichever is greater.

Sec. 2. Section 32-527, Revised Statutes Supplement, 1996, is amended to read:

32-527. (1) Except as provided in sections 23-3301 and 23-3302, a county superintendent of schools shall be elected in each county at the statewide general election in ~~1990 and each four years thereafter~~ 1998. The term of the county superintendent shall ~~be four years or until his or her successor is elected and qualified.~~ ~~The~~ end and the elective office of county superintendent shall be discontinued on June 30, 2000. Until June 30, 2000, the county superintendent shall meet the qualifications found in sections 23-3301 and 23-3302~~.~~ ~~The county superintendent~~ and shall be elected on the nonpartisan ballot.

(2) The election commissioner or county clerk of each county shall notify the Commissioner of Education of the nominations for the office of county superintendent in his or her county and of the election to such office at the time the results of the statewide primary and general elections respectively are ascertained. The election commissioner or county clerk shall

refuse to place the name of any candidate on the ballot for such office who has not presented a certified statement from the office of the Commissioner of Education that such candidate holds a valid certificate in the county of such candidate as required under the provisions of subsection (2) or (3) of section 23-3301 unless the same is not required under subsection (4) of such section.

Sec. 61. The elected office of county superintendent of schools shall be eliminated by June 30, 2000. The State Department of Education shall make recommendations on which of the duties assigned to county superintendents should be eliminated, which of such duties should be retained, and to whom the retained duties should be assigned. The department shall report its recommendations to the Clerk of the Legislature not later than December 1, 1997.

Sec. 62. The Education Committee of the Legislature shall prepare legislation for introduction in the Ninety-sixth Legislature, First Session, to carry out the intent of section 32-527 and section 61 of this act.".

2. Amend the operative date and repealer sections so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Robinson and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?"

Mr. Beutler moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 4 nays, and 19 not voting.

The Stuhr-Hartnett amendment was adopted with 36 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

The fifth Standing Committee amendment, as amended, was adopted with 30 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Mmes. Bohlke and McKenzie offered the following amendment:
AM2237

(Amendments to E & R amendments, AM7150)

1. Strike sections 23 to 25 and insert the following new sections:

"Sec. 23. Beginning with the 1998-99 school year, on or before December 1 of each year the State Department of Education shall designate a primary high school district for each Class I school district for the following school year. The primary high school district shall be the one Class II, III, IV, V, or VI school district with which the greatest share of the Class I district's assessed valuation is affiliated or of which such share is a part. The department shall certify to all school districts and all county clerks the primary high school district for each Class I district.

Sec. 24. Beginning with the 1998-99 school year:

(1) If the primary high school district is a Class VI district, the Class I district's total allowable general fund budget of expenditures minus the special education budget of expenditures shall be determined by the school board of such Class VI district and shall be certified to the Class I district on or before January 1 of each year for the following school year;

(2) If the primary high school district is not a Class VI district, the Class I district's total allowable general fund budget of expenditures minus the special education budget of expenditures shall be determined by the department as follows:

(a) The total allowable general fund budget of expenditures minus the special education budget of expenditures for the Class I district in the year immediately preceding the year for which the budget is prepared shall be divided by the formula students in the Class I district as defined in section 79-1003, and the result shall be increased by the applicable allowable growth rate for the primary high school district local system for the ensuing school year calculated pursuant to section 79-1026;

(b) The total allowable general fund budget of expenditures minus the special education budget of expenditures for the primary high school district in the year immediately preceding the year for which the budget is prepared shall be divided by the formula students in the primary high school district as defined in section 79-1003 weighted by the grade weighting factors contained in subdivision (1) of section 34 of this act, and the result shall be multiplied by the kindergarten through grade eight formula students as defined in section 79-1003 weighted by the grade weighting factors contained in subdivision (1) of section 34 of this act to calculate the total allowable general fund budget of expenditures minus the special education budget of expenditures for kindergarten through grade eight in the primary high school district. The total allowable general fund budget of expenditures minus the special education budget of expenditures for kindergarten through grade eight shall be divided by the kindergarten through grade eight formula students without weighting. The result shall be increased by the applicable allowable growth rate for the primary high school district local system for the ensuing school year calculated pursuant to section 79-1026;

(c) The amounts calculated in subdivisions (2)(a) and

(2)(b) of this section shall be summed and the result divided by two to arrive at the total allowable general fund budget of expenditures minus the special education budget of expenditures per pupil for the Class I district; and

(d) The total allowable general fund budget of expenditures minus the special education budget of expenditures per pupil for the Class I district shall be multiplied by the formula students for the Class I district as defined in section 79-1003, as used by the department for certification of the ensuing school year's state aid, and the result shall be the total allowable general fund budget of expenditures minus the special education budget of expenditures for the Class I district for the ensuing school year except as provided in subdivision (3) of this section;

(3) The school board of the Class I district may, prior to February 1 of each year beginning in 1998, submit a request to exceed the total allowable general fund budget of expenditures minus the special education budget of expenditures to all the school boards of the high school district or districts with which the Class I district is affiliated or of which it is a part. For Class I districts to exceed the total allowable general fund budget of expenditures minus the special education budget of expenditures, the request shall be approved by high school districts, including the primary high school district, such that the portions of the Class I district that are affiliated with or part of the approving high school districts comprise at least two-thirds of the assessed valuation of the Class I district. Such request shall specify the total general fund budget of expenditures for which the Class I district seeks authority. The high school district shall act on the request at the next regularly scheduled meeting of the school board in each high school district.

Sec. 25. Any landowner or group of landowners whose property is a part of a school district and is encapsulated by another school district may, upon filing a notarized affidavit with the county assessor, have such property become a part of the school district by which it is encapsulated. The transfer shall take place on January 1 next following the filing of the affidavit. Any student resident of such property shall be counted as a resident of the district from which the property was transferred until the close of the school year in which the transfer becomes effective.

For purposes of this section, encapsulated by means entirely within.".

2. On page 3, after line 8, insert the following new subsection:

"(4) For purposes of this section, when the political subdivision is a school district or a multiple-district school system, registered voter includes both (a) persons qualified to vote for the members of the school board of the school district which is voting to exceed the maximum levy limits pursuant to this section and (b) persons in those portions of any Class I district which are affiliated with or a part of the school district which is voting pursuant to this section, if such voter is also qualified to vote for the school board of the affected Class I school district.".

3. On page 22, line 27, strike "twenty-five", show as stricken, and insert "one hundred".

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wickersham offered the following amendment to the Bohlke-McKenzie pending amendment:
FA338
Amend AM2237
Strike section 3

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Wickersham withdrew his amendment.

Mr. Bromm offered the following amendment to the Bohlke-McKenzie pending amendment:
FA340
Amend AM2237
Section 25, Subsection 3 on Page 5, by striking "one hundred" and inserting "fifty".

MR. KRISTENSEN PRESIDING

Messrs. Landis and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 25 not voting.

Mrs. Bohlke requested a roll call vote on the Bromm amendment.

Voting in the affirmative, 21:

Bromm
Coordsen
Cudaback
Dierks
Engel
Hilgert
Hudkins
Jensen
Jones
Matzke
Maurstad
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wickersham
Witek
Withem

Voting in the negative, 22:

Abboud
Beutler
Bohlke
Brashear
Brown

Bruning
Chambers
Crosby
Elmer
Hillman
Kiel
Kristensen
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Schimek
Suttle
Wehrbein
Wesely
Will

Present and not voting, 2:

Hartnett
Janssen

Excused and not voting, 3:

Landis
Lynch
Robinson

The Bromm amendment lost with 21 ayes, 22 nays, 2 present and not voting, and 3 excused and not voting.

Pending.

The Chair declared the call raised.

MESSAGE FROM THE GOVERNOR

May 15, 1997

Madam President, Speaker Withem,
and Members of the Legislature

Dear Madam President, Speaker Withem, and Senators:

On this date I have appointed Ronald E. Raikes to fill the vacancy in the 25th District created by the death of Senator Jerome Warner. The appointment will take effect May 15, 1997.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

GUBERNATORIAL APPOINTMENT

Greetings To All Who Shall See These Presents Know Ye, that I, E. Benjamin Nelson, on behalf of the State of Nebraska and as Governor, do hereby appoint Ronald E. Raikes as Nebraska Unicameral Legislative, District 25.

Reposing special trust in your ability, integrity and patriotism, I do authorize and empower you to discharge the duties of said appointment, according to law.

This appointment shall take effect on May 15, 1997 and continue until January 6, 1999 provided you shall satisfactorily perform all the duties imposed by law.

May 15, 1997	(Signed)	E. Benjamin Nelson Governor
(SEAL)	(Signed)	Scott Moore Secretary of State

OFFICIAL OATH

STATE OF NEBRASKA)
) ss.
County of Lancaster)

"I, Ronald E. Raikes, do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Nebraska, and will faithfully discharge the duties of Member of the Legislature, 25th District according to the best of my ability, and that at the election at which I was chosen to fill said office, I have not improperly influenced in any way the vote of any elector, and have not accepted, nor will I accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote I may give or withhold on any bill, resolution, or appropriation)."*

(Signed) Ronald E. Raikes

Subscribed in my presence and sworn to before me this 15th day of May, 1997.

(Signed) Greg Lemon
Deputy, Secretary of State

(SEAL)
*Constitution of the State of Nebraska, Article XV, Section One.
For Executive, Judicial Officers and Members of the Legislature

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 314A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 314, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

AMENDMENTS - Print in Journal

Mr. Maurstad filed the following amendment to LB 401:
AM2210

(Amendments to E & R amendments, AM7159)

1. Insert the following new sections:

"Sec. 2. Section 77-2716, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived

from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, estate, or trust, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual, estate, or trust or for a partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income, or, for a fiduciary, federal taxable income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code or from a limited liability company organized pursuant to the Limited Liability Company Act that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986 that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code.

(8)(a) There shall be subtracted from federal adjusted gross income the amount paid by a self-employed individual for insurance which constitutes medical care for the individual, his or her spouse, and his or her dependents to the extent the amount paid has not been claimed as a deduction or adjustment on the individual's federal income tax return.

(b) The amount subtracted under this subsection shall not exceed the amount that was not claimed as a deduction or adjustment on the federal income tax return solely because of the percentage limitation in section 162(1)(1) of the Internal Revenue Code of 1986, as amended.

(c) For a self-employed individual who itemized his or her deductions on the federal income tax form, the maximum deduction or adjustment amount subtracted under this subsection shall be the lesser of the amount not previously claimed or seven and one-half percent of the federal adjusted gross income.

(d) For purposes of this subsection, self-employed individual shall have the same meaning as in section 401(c)(1) of the Internal Revenue Code of 1986, as amended.

Sec. 9. Original section 77-2716, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 6, line 22, strike "2, and 6" and insert "3, and 7"; and in line 25 after the period insert "Sections 2 and 9 of this act are operative for taxable years beginning or deemed to begin on or after January 1, 1998, under the Internal Revenue Code of 1986, as amended." and strike "4 and 8" and insert "5 and 10".

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Chambers filed the following amendment to LB 389:
FA337

Strike the Brashear amendment (AM1402)

Mr. Coordsen filed the following amendment to LB 180:
AM2242

(Amendments to AM1213)

1. On page 1, lines 13 and 14, strike each occurrence of "June 30" and insert "August 1".

Messrs. Kristensen, Landis, Coordsen, Wickersham, Schellpeper, and Hartnett filed the following amendment to LB 269:
AM2241

(Amendments to E & R amendments, AM7148)

1. Strike sections 38, 48, and 49 and insert the

following new sections:

"Sec. 3. Section 2-2428, Revised Statutes Supplement, 1996, is amended to read:

2-2428. ~~(1) Prior to January 1, 1997, weather~~ Weather control districts may be formed in the manner, and having the power, provided in the Weather Control Act of Nebraska.

~~(2) On or after January 1, 1997, no new weather control district shall be organized under the Weather Control Act of Nebraska. Attempted formation of a weather control district under the Weather Control Act of Nebraska which has not been completed before January 1, 1997, shall be null, void, and of no effect for the purpose of organizing such district. All weather control districts having valid corporate existence before January 1, 1997, shall enjoy all rights, duties, powers, and authorities conferred by the Weather Control Act of Nebraska and shall not be affected by this section, nor shall the legality of formation, organization, or operation of any such district be subject to any legal action based on this section.~~

Sec. 14. Section 13-2304, Revised Statutes Supplement, 1996, is amended to read:

13-2304. The Nebraska Commission on Local Government Innovation and Restructuring shall have the following powers and duties:

(1) To fund outstanding local government projects in government innovation, restructuring, and cooperative services provision. Funds shall be available for planning and evaluating such projects. Funds shall be provided on a matching fund basis;

(2) To conduct research and publish evaluations of efforts to develop public services innovation, restructuring, and cooperation efforts;

(3) To sponsor educational activities which provide information and training for citizens and government officials on the topic of government services innovation;

(4) To identify intergovernmental mandates which affect the ability of federal, state, and local governments to deliver services in an effective manner and to recommend changes to increase effectiveness in accomplishing public purposes and delivering public services;

(5) To identify issues, guidelines, and incentives for collaborative or joint use of facilities and capital equipment by local governments; ~~and~~

(6) To accept and receive funds or donations from public and private funding sources;

(7) To examine and issue a report by January 1, 1998, on the current structure and restructuring possibilities for the provision of public safety services, including an analysis and examination of the following services typically provided by local governments:

(a) 911 emergency services;

(b) Fire protection services; and

(c) Law enforcement services; and

(8) To examine the possibility of local level review of facility needs. The examination shall include the scope and purposes of projects which should have approval by a review panel before going forward, the possible makeup of a local review panel, the standards for multiple use of facilities, and the appropriate level of state review of local decisions.

Sec. 15. Section 13-2305, Revised Statutes Supplement, 1996, is amended to read:

13-2305. The Nebraska Local Government Innovation and Restructuring Fund is hereby created. The fund shall be used to carry out the purposes of sections 13-2301 to 13-2306. The fund shall be administered by the Department of Administrative Services and shall receive funds pursuant to ~~section~~ sections 77-912 and 77-913. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 16. Section 13-2307, Revised Statutes Supplement, 1996, is amended to read:

13-2307. Sections 13-2301 to ~~13-2306~~ 13-2307 terminate on July 1, 2000.

Sec. 34. Section 77-913, Reissue Revised Statutes of Nebraska, is amended to read:

77-913. The Insurance Tax Fund is created. The State Treasurer shall receive the funds paid pursuant to Chapter 77, article 9, and except as provided in sections 77-912 and 77-918 shall keep all money received in the Insurance Tax Fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Prior to June 1 of each year, the State Treasurer shall disburse or allocate all of the funds in the Insurance Tax Fund on May 1 of each year as follows:

(1) Ten percent of the total less one hundred thousand dollars for each of fiscal years 1997-98 through 1999-2000 shall be allocated to the counties proportionately in the proportion that the population of each county bears to the entire state, as shown by the last ~~United States Government~~ federal decennial census. The one hundred thousand dollars shall be allocated to the Nebraska Local Government Innovation and Restructuring Fund;

(2)(a) Until July 1, 1998, thirty percent of the total shall be allocated to incorporated municipalities proportionately in the proportion that the population of each incorporated municipality bears to the total population of all incorporated municipalities, as determined by the last federal decennial census; and

(b) On and after July 1, 1998, thirty ~~Thirty~~ percent of the total shall be allocated to the Municipal Equalization Fund;

and

(3) Sixty percent of the total shall be allocated to the State Department of Education for distribution to school districts as equalization aid pursuant to the Tax Equity and Educational Opportunities Support Act as follows: The Commissioner of Education shall (a) include the amount certified by the State Treasurer pursuant to this section with the amount appropriated to the Tax Equity and Educational Opportunities Fund for distribution in the ensuing school fiscal year, (b) include such amounts in the state aid certified to each school district pursuant to section 79-1022, and (c) distribute such funds as equalization aid under the provisions of the act during the ensuing fiscal year.

Sec. 52. Section 77-27,139.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,139.02. For purposes of sections 77-27,139.01 to 77-27,139.04:

(1) Average per capita property tax levy means the total property taxes levied by all incorporated municipalities in each population group for the immediately preceding fiscal year, except for the amount of property tax levies committed to provide for principal and interest payments on the indebtedness of all incorporated municipalities, divided by the current population of all incorporated municipalities as determined by the Department of Revenue pursuant to section 77-27,137.01. The average per capita property tax levy shall be calculated separately for each population group;

(2) Average property tax levy means the total property taxes levied by all incorporated municipalities for the prior year, except for the amount of property tax levies committed to provide for principal and interest payments on the indebtedness of all incorporated municipalities, divided by the total amount of valuation subject to property tax in all incorporated municipalities for the immediately preceding fiscal year;

(3) Population means the population of a municipality as determined in section 77-3,119; and

(4) Population group means one of three groupings of municipalities for which the aid established by sections 77-27,139.01 to 77-27,139.04 is calculated based on the average per capita property tax levy calculated separately for each group. The three population groups shall be (a) municipalities with a population of five thousand inhabitants or more, (b) municipalities with a population between eight hundred and five thousand inhabitants, and (c) municipalities with a population of eight hundred inhabitants or less. ~~Qualifying municipality means any municipality whose property tax levy for operational purposes in the immediately preceding fiscal year was greater than or equal to the statewide average property tax levy for the immediately preceding fiscal year.~~

Sec. 53. Section 77-27,139.03, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,139.03. (1) State aid provided to municipalities pursuant to sections 77-27,139.01 to 77-27,139.04 shall be calculated by determining the average property tax levy for operational purposes other than for principal and interest payments on the indebtedness of all incorporated municipalities.

(2) Each ~~qualifying~~ municipality shall receive state aid from the Municipal Equalization Fund equal to (a) the product of the average per capita property tax levy of the appropriate population group multiplied by the current population of the municipality minus (b) the product of the average property tax levy multiplied by the certified valuation within the incorporated municipality, except that a municipality shall not receive any aid under this section if the calculation results in a negative number.

(3) If a municipal tax levy for operational purposes was less than forty cents per one hundred dollars of valuation in the immediately preceding fiscal year, the state aid provided to such municipality shall be reduced by twenty percent for each one-cent increment the levy was below forty cents.

(4) If the amount of money in the Municipal Equalization Fund is less than the total amount of state aid for all ~~qualifying~~ municipalities as required by the allocation formula in subsection (2) of this section, the money in the fund shall be allocated on a prorated basis to such municipalities. If the amount of money in the fund is more than the total amount of state aid for municipalities as required by the allocation formula, the excess money in the fund shall be transferred to and distributed from the Municipal Infrastructure Redevelopment Fund.

Sec. 57. Section 79-528, Reissue Revised Statutes of Nebraska, is amended to read:

79-528. (1) On or before July 20 in all school districts, the secretary of the school board or board of education shall deliver to the county superintendent, to be filed in the county superintendent's office, a report under oath showing the number of children from birth through twenty years of age belonging to the school district according to the census taken as provided in sections 79-524 and 79-578. The report shall identify the number of boys and the number of girls in each of the respective age categories. Each Class I school district which is part of a Class VI school district offering instruction (a) in grades kindergarten through six shall report children from birth through eleven years of age and (b) in grades kindergarten through eight shall report children from birth through thirteen years of age. Each Class VI school district offering instruction (i) in grades seven through twelve shall report children who are twelve through twenty years of age and (ii) in grades nine through twelve children who are fourteen through twenty years of age. Each Class I district which has affiliated in whole or in part shall report children from birth through thirteen years of age. Each Class I district which is not in whole or in part a part of a Class VI district and which has not affiliated in whole or in part shall report children from birth through twenty years of age. Each Class II, III, IV, or V district shall report children who are fourteen through twenty years of age residing in Class I districts or portions thereof which have affiliated with such district. The board of any district neglecting to take and report the enumeration shall be liable to the school district for all school money which such district may lose by such neglect.

(2) On or before July 15 in all school districts, the secretary of the school board or board of education shall deliver to the county superintendent, to be filed in the county superintendent's office, a report under oath described as an end-of-the-school-year annual statistical summary showing (a) the number of children attending school during the year under five years of age and also the number twenty-one years of age and older, (b) the length of time the school has been taught during the year by a qualified teacher, (c) the length of time taught by each substitute teacher, and (d) such other information as the Commissioner of Education directs.

(3) On or before October 15 in Class I school districts, the secretary of the school board shall submit to the county superintendent, to be filed in the county superintendent's office, and on or before November 1 in Class II, III, IV, V, and VI school districts, the secretary of the school board or board of education shall submit to the county superintendent and to the Commissioner of Education, to be filed in their offices, a report under oath described as the annual financial report showing (a) the amount of money received from all sources during the year and the amount of money expended by the school district during the year, (b) the rate of tax levied for all school purposes, (c) the amount of bonded indebtedness, (d) such other information as shall be necessary to fulfill the requirements of sections 79-1003, 79-1004, 79-1006, 79-1008, 79-1011 to 79-1013, 79-1015 to 79-1030, and 79-1114, and (e) such other information as the Commissioner of Education directs.

(4) On or before October 15 of each year, the secretary of each school board or board of education shall deliver to the county superintendent and to the State Department of Education the fall school district membership report, which report shall include the number of children from birth through twenty years of age enrolled in the district on the last Friday in September of a given school year. The report shall enumerate (a) resident students by grade level and nonresident students by grade level and classification, including, but not limited to, option students as defined in section 79-233, wards of the court, or contract students, (b) school district levies for the current fiscal year, (c) the amount of the levy for special building funds and sinking funds exempted under subdivision (2)(a) of section 77-3442 for

projects commenced prior to April 1, 1996, and the duration of the exemptions, and ~~(c)~~ (d) total assessed valuation for the current fiscal year. When any school district fails to submit its fall school district membership report by November 1, the commissioner shall, after notice to the district and an opportunity to be heard, direct that any state aid granted pursuant to the Tax Equity and Educational Opportunities Support Act be withheld until such time as the report is received by the department. In addition, the commissioner shall notify the county superintendent to direct the county treasurer to withhold all school money belonging to the school district until such time as the commissioner notifies the county superintendent of receipt of such report. The county treasurer shall withhold such money.".

2. On page 71, line 3, strike the underscored comma and insert "and"; strike beginning with the underscored comma in line 4 through "societies" in line 5 and show the old matter as stricken; and in line 22 reinstate the stricken "October" and strike "November 1" and insert "31".

3. On page 74, line 6, strike "by the county board" and show as stricken.

4. Correct the operative date and repealer sections so that sections 52 and 53 added by this amendment become operative on July 1, 1998, and sections 3, 14 to 16, 34, and 57 added by this amendment become operative on their effective date with the emergency clause.

5. Renumber the remaining sections and correct internal references accordingly.

Messrs. Dw. Pedersen and Jones filed the following amendment to LB 150:
AM2050

1. Strike original section 1 and insert the following new section:

"Section 1. AGENCY NO. 46 -- DEPARTMENT OF CORRECTIONAL SERVICES

(1) The Department of Correctional Services is authorized to construct minimum security work release facilities in the state. These work release facilities shall (a) consist of modular housing units built by inmates employed by Cornhusker State Industries, (b) have a total design capacity not to exceed eight hundred beds, and (c) be located in areas of the state in which numerous employment opportunities exist and in which the host communities actively seek such facilities. If the construction of work release facilities has not reached the eight-hundred-bed limitation, the department may rent existing structures to house inmates not to exceed such limitation. Rented structures shall be located in areas of the state in which numerous employment opportunities exist and in which the host communities actively seek the provision of such rental structures.

(2) The inmates housed in these work release facilities shall

be inmates who (a) require the least restrictive level of correctional confinement, (b) work in private venture jobs, except that no more than twenty percent of these inmates shall be employed by the work release facility or Cornhusker State Industries, and (c) participate in educational and self-help programs when not engaged in work-related activities. For those inmates who are determined by the department to be at risk of escaping, using alcohol or controlled substances, or operating a motor vehicle without permission, electronic monitoring devices shall be provided and paid for by such inmates.".

Messrs. Schellpeper and Coordsen filed the following amendment to LB 269:
AM2187

(Amendments to E & R amendments, AM7148)

1. Insert the following new section:

"Sec. 29. Section 77-201, Reissue Revised Statutes of Nebraska, is amended to read:

77-201. (1) Except as provided in subsection (2) of this section, all real property in this state, not expressly exempt therefrom, shall be subject to taxation and shall be valued at its actual value.

(2) Agricultural land and horticultural land used solely for agricultural or horticultural purposes shall constitute a separate and distinct class of property for purposes of property taxation, shall be subject to taxation, unless expressly exempt from taxation, and shall be valued at its taxable value.

(3) Tangible personal property, not including motor vehicles registered for operation on the highways of this state, shall constitute a separate and distinct class of property for purposes of property taxation, shall be subject to taxation, unless expressly exempt from taxation, and shall be valued at its net book value. Tangible personal property transferred as a gift or devise or as part of a transaction which is not a purchase shall be subject to taxation based upon the date the property was acquired by the previous owner and at the previous owner's Nebraska adjusted basis. Tangible personal property acquired as replacement property for converted property shall be subject to taxation based upon the date the converted property was acquired and at the Nebraska adjusted basis of the converted property unless insurance proceeds are payable by reason of the conversion. For purposes of this subsection, (a) converted property means tangible personal property which is compulsorily or involuntarily converted as a result of its destruction in whole or in part, theft, seizure, requisition, or condemnation, or the threat or imminence thereof, and no gain or loss is recognized for federal or state income tax purposes by the holder of the property as a result of the conversion and (b) replacement property means tangible personal property acquired within two years after the close of the calendar year in which

tangible personal property was converted and which is, except for date of construction or manufacture, substantially the same as the converted property.

(4) Motor vehicles registered for operation on the highways of this state shall constitute a separate and distinct class of property for purposes of taxation, shall be subject to taxation, unless expressly exempt from taxation, and shall be valued as provided in sections 77-1239 to 77-1241.01.".

2. On page 106, line 17, after the first comma insert "77-201,".

3. Renumber the remaining sections and correct internal references accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 140. Introduced by Jensen, 20.

PURPOSE: Statutory bidding requirements for purchases by public bodies vary widely, sometimes within the same political subdivision. To facilitate merger, cooperation, and consolidation of governments, a coherent approach to bidding should be developed. The purpose of this resolution is to study bidding requirements for purchases by the state, local governments, and other political subdivisions. The study shall include, but not be limited to, a review of current statutory provisions and administrative procedures regarding bidding and purchasing for cities, counties, schools, sanitary and improvement districts, educational service units, public power districts, colleges, and other political subdivisions and government entities, specifically to examine the following:

(1) Current dollar levels for informal and competitive bidding requirements;
(2) Current notice and publication requirements for public lettings;
(3) Compliance with existing bidding statutes;
(4) Feasibility of consolidating bidding procedures in statute;
(5) Incentives to encourage cooperative or group purchasing; and
(6) Other relevant issues relating to the public bidding process in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

UNANIMOUS CONSENT - Members Excused

Mr. Raikes asked unanimous consent to be excused. No objections. So ordered.

Mr. Wehrbein asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 806. Mr. Bromm offered the following amendment to the Bohlke-McKenzie pending amendment:
FA339
Amend AM2237
in section 24, Page 4, Line 3, by striking the words beginning with "at" thru the period on Line 4, and inserting "by March 1 following the receipt of such request."

The Bromm amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Mrs. McKenzie offered the following amendment to the Bohlke-McKenzie pending amendment:
FA342
Amend AM2237
pg. 5 line 2 strike "one hundred" and insert "sixty"

The McKenzie amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

The Bohlke-McKenzie amendment, AM2237, as amended, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Messrs. Dierks and Jones renewed their pending amendment, AM2036, found on page 1968.

Mr. Dierks requested a record vote on the Dierks-Jones amendment.

Voting in the affirmative, 12:

Cudaback
Dierks
Hudkins
Janssen
Jones
Robak
Schellpeper
Schmitt
Stuhr
Tyson
Vrtiska
Witek

Voting in the negative, 15:

Abboud
Beutler
Bohlke
Brown
Bruning
Elmer
Hilgert
Hillman
Kristensen
Maurstad
Pederson, D.
Schimek
Wesely
Wickersham
Withem

Present and not voting, 18:

Brashear
Bromm
Chambers
Coordsen
Crosby
Engel
Hartnett
Jensen
Kiel
Matzke
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robinson
Schrock
Suttle
Will

Excused and not voting, 4:

Landis
Lynch
Raikes
Wehrbein

The Dierks-Jones amendment lost with 12 ayes, 15 nays, 18 present and not voting, and 4 excused and not voting.

Messrs. Dierks and Jones renewed their pending amendment, AM2037, found on page 1969.

The Dierks-Jones amendment lost with 14 ayes, 6 nays, 25 present and not voting, and 4 excused and not voting.

Messrs. Dierks and Jones withdrew their amendment, AM2039, found on page 1969.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mmes. Bohlke and McKenzie offered the following amendment:
AM2233

1. Insert the following new section:

"Sec. 26. In any year in which the levies for special building funds pursuant to section 79-1098 or environmental hazard abatement or accessibility barrier elimination funds pursuant to section 79-10,110 are included in the same levy limit as the levy supporting general fund expenditures, the Class I districts will be allowed a total of five cents per one hundred dollars of the taxable valuation of the taxable property subject to the levies for the combination of such levies, unless there is approval for a specific additional levy for such purposes by all high school districts which the Class I district is affiliated with or of which the Class I district is a part.".

2. Amend the operative date section so that section 26 added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Mrs. C. Peterson and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mmes. Bohlke and McKenzie withdrew their amendment.

Pending.

AMENDMENTS - Print in Journal

Mrs. Brown filed the following amendment to LB 752:
AM2195

(Amendments to Standing Committee amendments, AM1359)

1. Strike sections 30 and 31 and all amendments thereto and insert the following new sections:

"Sec. 30. A financial institution shall receive from the department a listing of obligors to be used in matches within the financial institution's system. The listing from the department shall include the name, social security number or taxpayer identification number, and any other identifying information of each obligor to be used in matches within the financial institution's system. The financial institution shall receive the listing within thirty days after the end of each calendar quarter subsequent to January 1, 1998, and shall match the listing to its records of accounts held in one or more individuals' names which are open accounts and such accounts closed within the preceding calendar quarter within thirty days after receiving the listing and provide the department with a match listing of all matches made within five working days of the match. The match listing from the financial institution shall include the name, address, social security number or taxpayer identification number, and any other identifying information of each obligor matched. The financial institution shall also provide the names and addresses of all other owners of accounts in the match listing as reflected on a signature card or other similar document on file with the financial institution. The financial institution shall submit all match listings by disk, magnetic tape, or other medium approved by the department. Nothing in this section shall (a) require a financial institution to disclose the account number assigned to the account of any individual or (b) serve to encumber the ownership interest of any person in or impact any right of setoff against an account. The financial institution shall maintain the confidentiality of all records supplied and shall use the records only for the purposes of this section. To maintain the confidentiality of the listing and match listing, the department shall implement appropriate security provisions for the listing and match listing which are as stringent as those established under the Federal Tax Information Security Guidelines for federal, state, and local agencies.

Sec. 31. A financial institution is not liable under any state or local law to any individual or to the department for disclosure or release of information to the department for the purpose of establishing, modifying, or enforcing a support order or for any other action taken in good faith to comply with the requirements of section 30 of this act regardless of whether such action was specifically authorized or described by such section.

Sections 28 to 39 of this act shall not be construed to make a financial institution responsible or liable to any extent for assuring that the department maintains the confidentiality of information disclosed under section 30 of this act.

Sec. 71. Section 43-512.12, Revised Statutes Supplement, 1996, is amended to read:

43-512.12. Child support orders in cases in which a party has applied for services under Title IV-D of the federal Social Security Act, as amended, shall be reviewed by the Department of Health and Human Services Finance and Support to determine whether to refer such orders to the county attorney or authorized attorney for filing of an application for modification. An order shall be reviewed by the department upon its own initiative or at the request of either parent when such review is required by Title IV-D of the federal Social Security Act, as amended. After review the department shall refer an order to a county attorney or authorized attorney when the verifiable financial information available to the department indicates:

(1) The present child support obligation varies from the Supreme Court child support guidelines pursuant to section 42-364.16 by more than the percentage, amount, or other criteria established by Supreme Court rule, and the variation is due to financial circumstances which have lasted at least three months and can reasonably be expected to last for an additional six months; or

(2) Health insurance is available to the obligor as provided in subsection (2) of section 42-369 and the children are not covered by health insurance other than the medical assistance program under sections 68-1018 to 68-1025.

An order shall not be reviewed by the department if it has not been three years since the present child support obligation was ordered. An order shall not be reviewed by the department more than once every three years~~,~~ ~~except that~~ unless the requesting party demonstrates a substantial change in circumstances, and an order may be reviewed after one year if the department's determination after the previous review was not to refer to the county attorney or authorized attorney for filing of an application for modification because financial circumstances had not lasted or were not expected to last for the time periods established by subdivision (1) of this section.".

2. On page 18, line 17, strike "(a)"; and strike beginning with "or" in line 20 through "department" in line 22.

3. On page 22, line 2, after "act" insert "and may charge a fee, not to exceed actual cost, to be paid by the department for the necessary upgrades to an existing system that are directly related to compliance with section 30 of this act and that have been approved by the department".

4. On page 24, line 16, after "ownership" insert "interest"; and in line 17 after "five" insert "business".

5. On page 25, line 25, strike "first-class mail" and

insert "certified mail, return receipt requested".

6. On page 26, line 2, strike "ten" and insert "fifteen".

7. On page 27, line 5, after "individual" insert "or to the department"; and strike beginning with "A" in line 12 through line 16.

8. On page 67, line 12, after the period insert "An employment driving permit issued due to a suspension of an operator's license under section 18 of this act is valid for no more than three months and cannot be renewed.".

9. On page 295, strike beginning with "numbers" in line 24 through line 26 and insert "number of the applicant;".

10. Correct the repealer and operative date provisions so that the sections added by this amendment become operative on their effective date.

11. Renumber the remaining sections and correct internal references accordingly.

Mr. Hilgert filed the following amendment to LB 327:
AM2239

1. On page 3, line 28, strike "section 18-2707" and insert "subsection (4) of section 8-157".

Mr. Chambers filed the following amendment to LB 401:
AM2211

(Amendments to E & R amendments, AM7159)

1. On page 3, line 22, strike "year 1997", show as stricken, and insert "years 1997 and 1998"; in line 23 strike "ninety-six" and insert "one hundred"; and strike beginning with "for" in line 23 through the semicolon in line 24 and show the old matter as stricken.

Mr. Chambers filed the following amendment to LB 401:
AM2212

(Amendments to E & R amendments, AM7159)

1. On page 2, lines 11 and 12, strike ".6832, .9514, 1.3654, and 1.8238" and insert ".707, .986, 1.415, and 1.89".

Mrs. Robak filed the following amendment to LB 401:
AM2250

(Amendments to E & R amendments, AM7159)

1. Insert the following new section:

"Sec. 2. Section 77-2716, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, estate, or trust, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual, estate, or trust or for a partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross

income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code of 1986, as amended, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income, or, for a fiduciary, federal taxable income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code of 1986, as amended or from a limited liability company organized pursuant to the Limited Liability Company Act that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code of 1986, as amended.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986, as amended, that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code of 1986, as amended; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code of 1986, as amended.

(8) Federal adjusted gross income shall be modified to exclude the amount received by an individual as a qualified federal governmental pension. This modification shall be limited to the maximum excludable social security benefits, reduced by the social security benefits, as defined in section 86(d) of the Internal Revenue Code of 1986, as amended, and any amount of a qualified

federal governmental pension which were excluded from gross income. The exclusion shall not be applicable until the year the federal annuitant or survivor is sixty-five years of age on the first day of the calendar year.

For purposes of this subsection:

(a) Applicable maximum benefit amount means (i) for an unmarried individual, including one filing as a head of household, the maximum individual social security benefit, (ii) for a married individual filing a joint return, one hundred fifty percent of the maximum individual social security benefit, or (iii) for a married individual filing a separate return, seventy-five percent of the maximum individual social security benefit;

(b) Maximum excludable social security benefit means an amount which would be excluded from gross income if the applicable maximum benefit amount were treated as social security, as defined in section 86(d) of the Internal Revenue Code of 1986, as amended, received during the taxable year;

(c) Maximum individual social security benefit means the maximum total amount, as certified by the Secretary of Health and Human Services, which could be paid for all months in the calendar year ending in the taxable year of old-age insurance under 42 U.S.C. 402(a), without regard to any reduction, deduction, or offset under 42 U.S.C. 402(k) or 403, to any individual who has attained sixty-five years of age and filed application for the benefit, on the first day of the calendar year; and

(d) Qualified federal governmental pension means any pension or annuity received under federal civil service to the extent the pension or annuity is not attributable to service which constitutes employment for purposes of the Federal Insurance Contributions Act or which is covered by an agreement made pursuant to 42 U.S.C. 418.".

2. On page 6, line 22, strike ", 2, and 6" and insert "to 3 and 7"; and in line 25 strike "4 and 8" and insert "5 and 9".

3. On page 7, line 1, after "77-2715.02" insert ", 77-2716,".

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Hilgert filed the following amendment to LB 327A:
AM2251

1. On page 2, line 4, strike "603" and insert "600".

Mr. Janssen filed the following amendment to LB 269:
AM2246

(Amendments to E & R amendments, AM7148)

1. Insert the following new section:

"Sec. 69. (1) The Local Option Tax Study Committee is created. The committee shall be composed of the Lieutenant Governor, the Tax Commissioner, the Property Tax Administrator, the

Speaker of the Legislature, the Chairperson of the Education Committee of the Legislature, the Chairperson of the Revenue Committee of the Legislature, a representative of the State Department of Education appointed by the Commissioner of Education, a member of a county board, a county assessor, and three members of the general public who have knowledge of education matters or finance appointed by the Governor. The Lieutenant Governor shall be the chairperson of the committee.

(2) The committee shall analyze the impact of permitting school districts to locally implement and authorize a local income tax to finance a portion of the operating expenses of the school district. The committee shall study the impact of permitting school districts to enact a countywide local option sales tax, the proceeds of which will be distributed to schools on a per student basis or in some other manner. Specifically the committee should make recommendations on:

(a) Whether or not receipts from a local option income tax or local option sales tax for school purposes should be treated as accountable receipts for a school district;

(b) If there should be a maximum percentage of the school district budget which may be funded by a local option income tax or local option sales tax for school purposes, and if so, what the limit should be; and

(c) If there should be a limit on the length of time a local option income tax or local option sales tax for school purposes can be imposed without another vote of the registered voters of the school district extending the tax, and if so, how long the limit should be.

(3) For purposes of its consideration of the issues and to aid in the developing its recommendations, the committee shall assume that a school district may authorize a local option income tax or local option sales tax to fund a portion of the operation of the school district, that the tax may only be imposed after approval by a majority of those voting in a general or special election, and that the tax may only be implemented to provide for a reduction in property tax receipts utilized by the school district.

(4) The committee shall also analyze the impact of a county income tax for purposes of property tax relief. Specifically the committee should make recommendations on:

(a) Whether it is practical to credit county income taxes paid against property taxes due;

(b) Whether any county income tax should be limited in amount or duration and, if so, how; and

(c) Whether a county income tax with a credit against property taxes will provide sufficient revenue to provide public services in areas which currently have above-average property taxes.

(5) The committee shall also study the possible impact of restricting the availability of property tax exemptions both for

government property and property for religious, educational, cemetery, and charitable use. Specifically, the committee should make recommendations on:

(a) The possibility of levying ad valorem taxes on the value of a leasehold interest in public property by a commercial enterprise as if it were owned in fee;

(b) The possibility of requiring or allowing local governments to require in lieu of tax payments on governments owning tax-exempt property to recover the costs of other local governments in providing property related services such as law enforcement, fire protection, and street construction and maintenance;

(c) The possibility of narrowing the eligibility for property tax exemptions for religious, educational, cemetery, or charitable use such as by requiring a certain level of charitable donation of goods or services to individuals worthy of charity; and

(d) The possibility of requiring or allowing local governments to require in lieu of tax payments by entities with property tax exemptions to recover the costs of providing property related services such as law enforcement, fire protection, and street construction and maintenance.

(6) The Department of Revenue shall provide necessary staff and assistance to the committee.

(7) The committee shall make a report to the Governor and Legislature on its findings on or before December 1, 1997.".

2. Correct the operative date section so that the section added by this amendment becomes operative on its effective date with the emergency clause.

3. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 216. Placed on Select File as amended.
E & R amendment to LB 216:
AM7160

1. In lieu of the Chambers amendment, FA327, strike the original sections and insert the following new section:

"Section 1. The following section is outright repealed: Section 33-106.04, Reissue Revised Statutes of Nebraska.".

2. On page 1, strike beginning with the second "to" in line 1 through line 4 and insert "to eliminate an automation fee; and to outright repeal section 33-106.04, Reissue Revised Statutes of Nebraska.".

(Signed) Jon C. Bruning, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 141. Introduced by Abboud, 12; Dierks, 40; Hilgert, 7; Schrock, 38; Preister, 5; Schimek, 27.

PURPOSE: In 1993, the Legislature enacted LB 757 to reform practices and procedures under the Nebraska Workers' Compensation Act. The ultimate goal of this reform was to control or reduce the workers' compensation insurance premiums being paid by Nebraska employers.

Section 40 of LB 757 requires the Governor, on January 1, 1997, to direct the Commissioner of Labor and the Director of Insurance to perform a cost-benefit analysis and a review of the effectiveness of the legislative changes. They are to submit a report of their findings to the chairperson of the Business and Labor Committee, the Clerk of the Legislature, and the Governor by October 1, 1997. The Business and Labor Committee will hold a hearing after receiving the report to receive public input and report to the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 806. The pending fourth Standing Committee amendment, FA192, found on page 1710 and considered on page 1714, was renewed.

Mr. Withem reoffered his amendment, AM1389, found on page 1463 and considered on page 1714, to the fourth Standing Committee amendment.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Suttle requested a record vote on the Withem amendment.

Voting in the affirmative, 32:

Beutler
Bohlke
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Kiel
Kristensen
Matzke
Maurstad
McKenzie
Pederson, D.
Robak
Robinson
Schmitt

Stuhr	Vrtiska	Wickersham	Witek	Withem
Suttle	Wehrbein			

Voting in the negative, 0.

Present and not voting, 12:

Brashear	Jones	Preister	Schimek	Tyson
Chambers	Lynch	Schellpeper	Schrock	Wesely
Hilgert	Pedersen, Dw.			

Excused and not voting, 5:

Abboud	Landis	Peterson, C.	Raikes	Will

The Withem amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Mr. Coordsen and Ms. Schimek asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham renewed his pending amendment, AM1992, found on page 1876, to the fourth Standing Committee amendment.

MR. BRASHEAR PRESIDING

Messrs. Lynch and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 0 nays, and 21 not voting.

The Wickersham amendment was adopted with 30 ayes, 1 nay, 11 present and not voting, and 7 excused and not voting.

Mrs. Stuhr renewed her pending amendment, AM1771, found on page 1711, to the fourth Standing Committee amendment.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?"

Mrs. Stuhr moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The motion to cease debate prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. Witek requested a roll call vote on the Stuhr amendment.

Voting in the affirmative, 14:

Bromm
Coordsen
Dierks
Jones
Matzke
Maurstad
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Witek

Voting in the negative, 27:

Beutler
Bohlke
Brown
Bruning
Chambers
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Kiel
Kristensen
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schimek
Suttle
Wesely
Wickersham
Withem

Present and not voting, 3:

Brashear
Jensen
Wehrbein

Absent and not voting, 1:

Landis

Excused and not voting, 4:

Abboud
Lynch
Raikes
Will

The Stuhr amendment lost with 14 ayes, 27 nays, 3 present and not voting, 1 absent and not voting, and 4 excused and not voting.

Pending.

AMENDMENTS - Print in Journal

Mr. Maurstad filed the following amendment to LB 401:
AM2223

(Amendments to E & R amendments, AM7159)

1. On page 2, lines 3 through 16, strike the new matter and reinstate the stricken matter; and in line 7 strike ".708, .986, 1.415, and 1.89", show as stricken, and insert ".6832, .9514, 1.3654, and 1.8238".

2. On page 3, line 27, strike "The" through "be" and show as stricken.

3. On page 4, line 1, strike "adjusted" through the period and show as stricken.

Mr. Landis filed the following amendment to LB 151:
AM2258

1. Insert the following new sections:

"Sec. 4. Section 25-2606, Reissue Revised Statutes of Nebraska, is amended to read:

25-2606. Unless otherwise provided by the agreement:

(a) The arbitrators shall appoint a time and place for the hearing and cause notification to the parties to be served personally or by registered or certified mail not less than ten days before the hearing. Appearance at the hearing waives such notice. The arbitrators may adjourn the hearing from time to time as necessary and, on request of a party and for good cause, or upon their own motion, may postpone the hearing to a time not later than the date fixed by the agreement for making the award unless the parties consent to a later date. The arbitrators may hear and determine the controversy upon the evidence produced notwithstanding the failure of a party duly notified to appear. The court on application may direct the arbitrators to proceed promptly with the hearing and determination of the controversy;

(b) The parties are entitled to be heard, to present evidence material to the controversy, and to cross-examine witnesses appearing at the hearing; and

(c) The hearing shall be conducted by all the arbitrators but a majority may determine any question and render a final award. If, during the course of the hearing, an arbitrator for any reason ceases to act, the remaining arbitrator or arbitrators appointed to act as neutrals may continue with the hearing and determination of the controversy.

Arbitration proceedings shall take place in the county designated in section 25-403.01 unless the parties otherwise agree at a time subsequent to the arising of the controversy.

Sec. 5. Any person proposed for nomination by all parties or all party arbitrators to serve as a neutral arbitrator shall disqualify himself or herself, upon demand of any party to the arbitration agreement made before the conclusion of the proceedings, on any of the grounds specified in section 24-739 for disqualification of a judge or on the ground that such person is an employee or independent contractor of an industry, trade, or professional association of which a party is a member.

Sec. 6. Section 25-2613, Reissue Revised Statutes of Nebraska, is amended to read:

25-2613. (a) Upon application of a party, the court shall vacate an award when:

(1) The award was procured by corruption, fraud, or other undue means;

(2) There was evident partiality by an arbitrator appointed as a neutral or corruption in any of the arbitrators or misconduct prejudicing the rights of any party;

(3) The arbitrators exceeded their powers;

(4) The arbitrators refused to postpone the hearing upon sufficient cause being shown therefor, refused to hear evidence material to the controversy, or otherwise so conducted the hearing, contrary to the provisions of section 25-2606, as to prejudice substantially the rights of a party; ~~or~~

(5) There was no arbitration agreement and the issue was not adversely determined in proceedings under section 25-2603, and the party did not participate in the arbitration hearing without raising the objection; or

(6) An arbitrator was subject to disqualification pursuant to section 5 of this act and failed, upon receipt of timely demand, to disqualify himself or herself as required by such section.

The fact that the relief was such that it could not or would not be granted by a court of law or equity is not ground for vacating or refusing to confirm the award.

(b) An application under this section shall be made within ninety days after delivery of a copy of the award to the applicant, except that if predicated upon corruption, fraud, or other undue means, it shall be made within ninety days after such grounds are known or should have been known.

(c) In vacating the award on grounds other than stated in subdivision (a)(5) of this section, the court may order a rehearing before the new arbitrators chosen as provided in the agreement or, in the absence thereof, by the court in accordance with section 25-2604, or if the award is vacated on grounds set forth in subdivisions (a)(3) and (a)(4) of this section, the court may order a rehearing before the arbitrators who made the award or their successors appointed in accordance with section 25-2604. The time within which the agreement requires the award to be made is applicable to the rehearing and commences from the date of the order.

(d) If the application to vacate is denied and no motion to modify or correct the award is pending, the court shall confirm the award.

Sec. 7. The following statement shall appear in capitalized, underlined type adjoining the signature block of any standardized agreement in which binding arbitration is the sole remedy for dispute resolution: THIS CONTRACT CONTAINS AN ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.

Sec. 8. (a) Whenever the amount of a controversy subject to the terms of an otherwise valid arbitration agreement is within the jurisdiction of the Small Claims Court under section 25-2802, a party may submit the controversy to the Small Claims Court for ultimate resolution under sections 25-2801 to 25-2807.

(b) A controversy submitted to the Small Claims Court under this section shall not be transferred to the regular docket of the county court under section 25-2805.

(c) In all appeals involving cases submitted under subsection (a) of this section, the judgment shall be affirmed unless:

(i) The judgment was procured by corruption, fraud, or other undue means;

(ii) There was evident partiality or corruption by the judge or misconduct prejudicing the rights of any party;

(iii) The judge exceeded his or her powers;

(iv) The judge refused to postpone the trial upon sufficient cause being shown therefor, refused to hear evidence material to the controversy, or otherwise so conducted the hearing, contrary to the provisions of section 25-2606, as to prejudice substantially the rights of a party;

(v) There was no arbitration agreement and the issue was not adversely determined in proceedings under section 25-2603, and the party did not participate in the small claims court hearing without raising the objection; or

(vi) A judge was subject to disqualification and failed, upon receipt of timely demand, to disqualify himself or herself as required by law.

Sec. 10. Section 25-2805, Reissue Revised Statutes of Nebraska, is amended to read:

25-2805. All matters in the Small Claims Court shall be tried to the court without a jury. ~~Any~~ Except as provided in section 8 of this act, any defendant in an action or such defendant's attorney may transfer the case to the regular docket of the county court by giving notice to the court at least two days prior to the time set for the hearing. Upon such notice the case shall be transferred to the regular docket of the county court. At the same time as such notice is given to transfer the case, any defendant or such defendant's attorney may demand trial by jury, and the Small Claims Court shall forward the demand to the county court. The party causing the transfer of a case from the Small Claims Court to the regular docket shall pay as a fee the difference between the fee for filing a claim in Small Claims Court and the fee for filing a claim on the regular docket.

In any action transferred to the regular docket there shall be no further pleadings, demurrers, motions challenging pleadings, or discovery unless ordered by the court upon a showing that any such procedure is necessary to the prompt and just determination of the action.

Sec. 11. Section 25-2807, Reissue Revised Statutes of Nebraska, is amended to read:

25-2807. ~~Any~~ Unless the controversy is subject to the Uniform Arbitration Act, any party may appeal to the district court as provided in sections 25-2728 to 25-2738. Parties may be represented by attorneys on appeal.".

2. On page 4, line 25, strike "and 25-2618" and insert "25-2606, 25-2613, 31-2618, 25-2805, and 25-2807".

3. Renumber the remaining sections accordingly.

Mr. Wickersham filed the following amendment to LB 806A:
AM1863
1. Strike original section 3.

Mr. Wickersham filed the following amendment to LB 806A:
AM1862
1. Strike original section 2.
2. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were 25 fourth grade students and teachers from Prairie Lane School, Omaha; 27 fourth grade students and teacher from St. John's School, Lincoln; and 21 fourth grade students and teachers from Genoa.

The Doctor of the Day was George Voigtlander from Pawnee City.

ADJOURNMENT

At 8:28 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Friday, May 16, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

SEVENTY-SEVENTH DAY – MAY 16, 1997

LEGISLATIVE JOURNAL

SEVENTY-SEVENTH DAY - MAY 16, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 16, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Pastor Charles Schmidt, Grace Lutheran Church, Fairbury, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Schellpeper who was excused; and Messrs. Abboud, Engel, Hartnett, Hilgert, Lynch, Wehrbein, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-sixth day was approved.

AMENDMENT - Print in Journal

Mr. Withem filed the following amendment to LB 269:
AM2257

(Amendments to E & R amendments, AM7148)

1. Insert the following new section:

"Sec. 69. No municipality shall undertake any water supply or distribution project with an estimated total cost of either five hundred thousand dollars or more or equivalent to ten percent or more of the total general fund expenditures of the municipality in the most current year available, whichever is greater, when located within five miles of the service territory of a metropolitan utilities district.".

2. Correct the operative date section so that the section added by this amendment becomes operative on its effective date.

3. Renumber the remaining sections and correct internal

13 references accordingly.

MESSAGES FROM THE GOVERNOR

May 15, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Motor Vehicle Industry Licensing Board.

APPOINTEES:
William C. Cannon, P.O. Box 1769, Scottsbluff, NE 69361
Jerry Haggadone, P.O. Box 585, York, NE 68467
Gary Lambert, 1805 North Hwy 83, McCook, NE 69001
Kevin Langel, 2301 Krenzien Drive, Norfolk, NE 68701

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

May 15, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Nebraska Environmental Quality Council.

APPOINTEES:
Darlene Kiefer, 617 Adams, Kimball, NE 69145
Kathleen Wittler, Rt. 1, Box 39, Talmage, NE 68448
Richard Galyen, 402 Holt Street, Atkinson, NE 68713
Galen Frenzen, Rt. 2, Box 14, Fullerton, NE 68636
Spencer Morrissey, Box 866, Tecumseh, NE 68450
David Sands, 7700 S. W. 27th Street, Lincoln, NE 68523
Bill Podraza, Box 499, Columbus, NE 68602

Ken Gnadt, P.O. Box 1968, Grand Island, NE 68802-1968

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORTS

The following reports were received by the Legislature:

Education, Department of
- Department of Education and The Nebraska Association of Public Employees/AFSCME, Local 61 Agreement
- Department of Education and The Nebraska Department of Education Teachers Association Agreement

Health and Human Services System
- Office of System Advocate Report

Roads, Department of
- Highway Cash Fund and Roads Operation Cash Fund for April 1997

MRS. CROSBY PRESIDING

EASE

The Legislature was at ease from 9:12 a.m. until 9:38 a.m.

SELECT FILE

LEGISLATIVE BILL 806. The pending fourth Standing Committee amendment, FA192, found on page 1710 and considered on pages 1714 and 2047, was renewed.

Mr. Bromm renewed his pending amendment, AM2086, found on page 1981, to the fourth Standing Committee amendment.

MR. KRISTENSEN PRESIDING

Pending.

AMENDMENTS - Print in Journal

Mrs. Kiel filed the following amendment to LB 648:
AM2141

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section. 1. Section 28-1204.03, Reissue Revised Statutes of Nebraska, is amended to read:

28-1204.03. The Legislature finds that:

(1) Increased violence in schools has become a national, state, and local problem;

(2) Increased violence and the threat of violence has a grave and detrimental impact on the educational process in Nebraska schools;

(3) Increased violence has caused fear and concern among not only the schools and students but the public at large;

(4) Firearms and other deadly weapons have contributed greatly to the increase of fear and concern among our citizens;

(5) Schools have a duty to protect their students and provide an environment which promotes and provides an education in a nonthreatening manner;

(6) An additional danger of firearms in schools is the risk of accidental discharge and harm to students and staff;

(7) ~~Firearms~~ All deadly weapons are an immediate and inherently dangerous threat to the safety and well-being of an educational setting; and

(8) The ability to confiscate and remove ~~firearms~~ these deadly weapons quickly from school grounds is a legitimate and necessary tool to protect students and the educational process.

Sec. 2. Section 28-1204.04, Reissue Revised Statutes of Nebraska, is amended to read:

28-1204.04. (1) Any person who possesses a firearm or any other deadly weapon in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event ~~shall be~~ is guilty of the offense of unlawful possession of a firearm or other deadly weapon on school grounds. Unlawful possession of a firearm or other deadly weapon on school grounds is a Class IV misdemeanor. This subsection ~~shall~~ does not apply to (a) the issuance of firearms to or possession by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training, (b) firearms which may lawfully be possessed by the person receiving instruction, for instruction under the immediate supervision of an adult instructor, or (c) firearms contained within a private vehicle operated by a nonstudent adult which are not loaded and (i) are encased or (ii) are in a locked firearm rack that is on a motor vehicle. For purposes of this subsection, encased shall mean enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied, or otherwise fastened with no part of the firearm exposed.

(2) Any firearm or other deadly weapon possessed in violation of subsection (1) of this section in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored

activity or athletic event shall be confiscated without warrant by a peace officer or may be confiscated without warrant by school administrative or teaching personnel. Any ~~firearm~~ such deadly weapon confiscated by school administrative or teaching personnel shall be delivered to a peace officer as soon as practicable.

(3) Any firearm or other deadly weapon confiscated by or given to a peace officer pursuant to subsection (2) of this section shall be declared a common nuisance and shall be held by the peace officer prior to his or her delivery of the firearm or other deadly weapon to the property division of the law enforcement agency which employs the peace officer. The property division of such law enforcement agency shall hold such firearm or other deadly weapon for as long as the firearm or other deadly weapon is needed as evidence. After the firearm or other deadly weapon is no longer needed as evidence it shall be destroyed in such manner as the court may direct.

(4) Whenever a firearm is confiscated and held pursuant to this section or section 28-1204.02, the peace officer who received such firearm shall cause to be filed within ten days after the confiscation a petition for destruction of such firearm. The petition shall be filed in the district court of the county in which the confiscation is made. The petition shall describe the firearm held, state the name of the owner, if known, allege the essential elements of the violation which caused the confiscation, and conclude with a prayer for disposition and destruction in such manner as the court may direct. At any time after the confiscation of the firearm and prior to court disposition, the owner of the firearm seized may petition the district court of the county in which the confiscation was made for possession of the firearm. The court shall release the firearm to such owner only if the claim of ownership can reasonably be shown to be true and either (a) the owner of the firearm can show that the firearm was taken from his or her property or place of business unlawfully or without the knowledge and consent of the owner and that such property or place of business is different from that of the person from whom the firearm was confiscated or (b) the owner of the firearm is acquitted of the charge of unlawful possession of a revolver in violation of section 28-1204, unlawful transfer of a firearm to a juvenile, or unlawful possession of a firearm on school grounds. No firearm having significant antique value or historical significance as determined by the Nebraska State Historical Society shall be destroyed. If a firearm has significant antique value or historical significance, it shall be sold at auction and the proceeds deposited in the permanent school fund.

Sec. 3. Section 43-801, Reissue Revised Statutes of Nebraska, is amended to read:

43-801. The parents shall be jointly and severally liable for the willful and intentional infliction of personal injury to any person or destruction of real and personal property occasioned by their minor or unemancipated children residing with them, or placed by them under the care of other persons, except ~~;~~ ~~PROVIDED,~~ that in the event of personal injuries willfully and intentionally inflicted by such child or children, damages shall be recoverable only to the extent of hospital and medical expenses incurred. ~~but not to exceed the sum of one thousand dollars for each occurrence.~~

Sec. 4. Section 79-254, Reissue Revised Statutes of Nebraska, is amended to read:

79-254. Sections 79-254 to 79-294 and sections 5 to 7 of this act shall be known and may be cited as the Student Discipline Act.

Sec. 5. For the purpose of sections 5 to 7 of this act:

(1) Corporal punishment means knowingly and purposely inflicting physical pain on a student as a disciplinary measure. Corporal punishment does not include physical pain or discomfort caused by participation in practice for or competition in an interscholastic sport or participation in physical education or an extracurricular activity; and

(2) Physical restraint means the placing of hands on a student in a manner that is reasonable and necessary to (a) quell a disturbance, (b) provide self-protection, (c) protect the student or others from physical injury, (d) obtain possession of a weapon or other dangerous object on the person of or within control of the student, (e) maintain the orderly conduct of a student, including, but not limited to, relocating a student in a waiting line, classroom, lunchroom, principal's office, or other on-campus facility, or (f) protect property from serious harm.

Sec. 6. Any person holding a teacher's or administrator's certificate issued by the State Department of Education employed in the public schools of the state has the authority to hold a student to a strict accountability for disorderly conduct in school, on the way to or from school, or during intermission or recess.

Sec. 7. (1) A person who is employed or engaged by a school district may not inflict or cause to be inflicted corporal punishment on a student.

(2) A person who is employed or engaged by a school district may use physical restraint.

(3) Physical pain resulting from the use of physical restraint as defined in section 5 of this act does not constitute corporal punishment when the restraint is reasonable and necessary.

Sec. 8. Section 79-283, Reissue Revised Statutes of Nebraska, is amended to read:

79-283. (1) Written notice of the findings and recommendations of the hearing examiner and the determination of the superintendent under section 79-282 shall be made by certified or registered mail or by personal delivery to the student or the student's parent or guardian. Upon receipt of such written notice by the student, parent, or guardian, the determination of the superintendent shall take immediate effect.

(2) Except as provided in subsections (3) and (4) of this section, the expulsion of a student shall be for a period not to exceed the remainder of the semester in which it took effect unless the misconduct occurred (a) within ten school days prior to the end of the first semester, in which case the expulsion shall remain in effect through the second semester, or (b) within ten school days prior to the end of the second semester, in which case the expulsion shall remain in effect for summer school and the first semester of the following school year subject to the provisions of subsection (5) of this section. Such action may be modified or terminated by the school district at any time during the expulsion period.

(3) The expulsion of a student for (a) the knowing and intentional use of force in causing or attempting to cause personal injury to a school employee, school volunteer, or student except as provided in subdivision (3) of section 79-267 or (b) the knowing and intentional possession, use, or transmission of a dangerous weapon, other than a firearm, shall be for a period not to exceed the remainder of the school year in which it took effect if the misconduct occurs during the first semester. If the expulsion takes place during the second semester, the expulsion shall remain in effect for summer school and may remain in effect for the first semester of the following school year. Such action may be modified or terminated by the school district at any time during the expulsion period.

(4) The expulsion of a student for the knowing and intentional possession, use, or transmission of a firearm or other deadly weapon in a school, on school grounds, in a school-owned vehicle, or at a school-sponsored activity or athletic event, which for purposes of this section means a firearm as defined in subdivision (1) of section 28-1201 or in 18 U.S.C. 921 as of January 1, 1995, shall be for a period as provided by the school district policy adopted pursuant to section 79-263. This subsection shall not apply to (a) the issuance of firearms to or possession of firearms by members of the Reserve Officers Training Corps when training or (b) firearms which may lawfully be possessed by the person receiving instruction under the immediate supervision of an adult instructor who may lawfully possess firearms.

(5) Any expulsion that will remain in effect during the first semester of the following school year shall be automatically scheduled for review before the beginning of the school year. The review shall be conducted by the hearing examiner after the hearing examiner has given notice of the review to the student and the student's parent or guardian. This review shall be limited to newly discovered evidence or evidence of changes in the student's circumstances occurring since the original hearing. This review may lead to a recommendation by the hearing examiner that the

student be readmitted for the upcoming school year. If the school board or board of education or a committee of such board took the final action to expel the student, the student may be readmitted only by action of the board. Otherwise the student may be readmitted by action of the superintendent.

Sec. 9. Section 79-2,105, Reissue Revised Statutes of Nebraska, is amended to read:

79-2,105. A copy of a public or private school's files or records concerning a student shall be provided at no charge, upon request, to any public or private school to which the student transfers within five business days after receiving a written request for such files or records.

Sec. 10. Section 79-526, Reissue Revised Statutes of Nebraska, is amended to read:

79-526. The school board or board of education of a Class I, II, III, IV, or VI school district has responsibility for the general care and upkeep of the schools, shall provide the necessary supplies and equipment, and, except as otherwise provided, has the power to cause pupils to be taught in such branches and classified in such grades or departments as may seem best adapted to a course of study which the board shall establish with the consent and advice of the State Department of Education. In Class I and Class II school districts, the board shall classify the pupils according to a course of study provided by the department. The board shall make provision for pupils that may enter at any time during the school year. The board shall cause to be kept, in a book provided for such purpose, a record of the advancement of all pupils in each branch of study. The board shall make rules and regulations as it deems necessary for the government and health of the pupils and devise any means as may seem best to secure the regular attendance and progress of children at school, including, but not limited to, the adoption of policies providing for a student dress code or uniform and for the use or possession of portable telephones or pagers by students on school property.

Sec. 11. Original sections 28-1204.03, 28-1204.04, 43-801, 79-254, 79-283, 79-2,105, and 79-526, Reissue Revised Statutes of Nebraska are repealed.

Sec. 12. The following section is outright repealed: Section 79-295, Reissue Revised Statutes of Nebraska.".

Mr. Wickersham filed the following amendment to LB 138:
AM2245

(Amendments to AM1705)

1. On page 4, lines 12 through 18, strike the new matter and insert "If a health care facility or alternate facility determines that a patient treated or transported by an emergency services provider has been diagnosed or detected with an infectious airborne disease, the health care facility or alternate facility shall notify the department as soon as practical but not later than

forty-eight hours after the determination has been made. The department shall investigate all notifications from health care facilities and alternate facilities and notify as soon as practical the physician medical director of each emergency medical service with an affected out-of-hospital emergency medical services provider employed by or associated with the service, the fire chief of each fire department with an affected firefighter employed by or associated with the department, the head of each law enforcement agency with an affected peace officer employed by or associated with the agency, the funeral director of each funeral establishment with an affected individual employed by or associated with the funeral establishment, and any emergency services provider known to the department with a significant exposure who is not employed by or associated with an emergency medical service, a fire department, a law enforcement agency, or a funeral establishment. Notification of affected individuals shall be made as soon as practical.".

Mr. Withem filed the following amendment to LB 806:
AM2238

(Amendments to FA192)

1. Strike section 33 and insert the following new section:

"Sec. 34. (1) For state aid calculated for school fiscal year 1998-99 and each school fiscal year thereafter, the department shall calculate the average formula cost per student for local systems. Each local system with general fund operating expenditures shall be placed into a tier based on the following schedule:

Tier	Tier Midpoint	Adjusted Weighted Formula Students
1	150	.01 - 300
2	450	300.01 - 600
3	750	600.01 - 900
4	Median adjusted weighted formula students	900.01 and over

The average general fund operating expenditures per student shall be calculated for each tier by adding the total general fund operating expenditures for all systems in the tier and dividing such sum by the total adjusted weighted formula students for all systems in the tier. For a system with adjusted weighted formula students which are less than the tier midpoint of tier 1, the average formula cost per student for such system shall equal the average general fund operating expenditures per student in tier 1. For a system with adjusted weighted formula students which are greater than the tier midpoint of tier 4, the average formula cost per student for such system shall equal the average general fund operating expenditures per student for tier 4. For a system with adjusted weighted formula students which fall on or between the tier midpoints of any two tiers, the average formula cost per student for such system shall be calculated by means of a linear interpolation between the average general fund operating expenditures per student of the two tiers between whose tier midpoints the system's average adjusted weighted formula students for such system falls. For purposes of this subsection, linear interpolation means to estimate values of a function between two known values.

(2) Each local system's formula need will be equal to the local system's transportation allowance plus the local system's special education allowance plus the product of the local system's adjusted formula membership multiplied by the average formula cost per student.".

2. On page 74, line 26; page 75, line 1; and page 94, line 12, strike "cost grouping".

Mmes. Bohlke and McKenzie filed the following amendment to LB 806:
AM2231

(Amendments to FA192)

1. On page 92, strike beginning with "(2)" in line 22 through line 27 and all amendments thereto, show the old matter as stricken, and insert the following new subsection:

"(2) On or before December 1, 1997, and on or before December 1 of each year thereafter the department shall determine the amounts to be distributed to each local system and each district pursuant to the Tax Equity and Educational Opportunities Support Act based on estimated funding levels provided by the Legislative Fiscal Analyst and shall certify the amounts to the Director of Administrative Services, the Auditor of Public Accounts, and each district. The Legislative Fiscal Analyst shall provide such estimated funding level not later than November 1, 1997, and not later than November 1 of each year thereafter. The amount to be distributed to each district from the amount certified for a local system shall be proportional based on the weighted formula membership attributed to each district in the local system.".

2. On page 93, strike lines 1 through 6 and all amendments thereto and show the old matter as stricken.

Mmes. McKenzie and Brown filed the following amendment to LB 806:
AM2232

(Amendments to FA192)

1. On page 49, line 26, strike "34" and insert "36".

2. On page 75, line 8, after the period insert "The net option funding shall be multiplied by 1.25 for option school districts that have programs for learners with high ability approved by the department pursuant to section 79-1108.".

SELECT FILE

LEGISLATIVE BILL 806. The Bromm pending amendment, AM2086, found on page 1981 and considered in this day's Journal, to the fourth Standing Committee amendment, was renewed.

Mr. Wickersham and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENT - Print in Journal

Messrs. Brashear and Beutler filed the following amendment to LB 420: (Amendment, AM2264, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

VISITORS

Visitors to the Chamber were M. L. Engle from Norfolk; 30 fourth grade students and teacher from Newell Elementary School, Grand Island; 22 first, second, and third grade students and teachers from Kopecky Montessori School, Omaha; 65 first grade students and teachers from Arnold Heights Elementary School, Lincoln; Scott Bridges, 30 fifth grade students, and teachers from Zeman Elementary School, Lincoln; and Senator Matzke's grandson, Jared, from Seward.

MOTION - Recess

Speaker Withem moved to recess until 1:00 p.m. The motion prevailed with 27 ayes, 2 nays, 17 present and not voting, and 3 excused and not voting, and at 10:41 a.m., the Legislature recessed until 1:00 p.m.

AFTER RECESS

The Legislature reconvened at 1:00 p.m., Mr. Kristensen presiding.

ROLL CALL

The roll was called and all members were present except Mr. Schellpeper who was excused; and Messrs. Bromm, Coordsen, Matzke, Vrtiska, Mmes. McKenzie, Robak, and Stuhr who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 384, 385, 388, and 389.

Enrollment and Review Change to LB 388

The following changes, required to be reported for publication in the Journal, have been made:
ER9071

1. In lieu of the Chambers-Wehrbein amendment, AM1961, in the E & R amendments, AM7156, section 24 has been struck and the remaining sections renumbered accordingly.
2. In the E & R amendments, AM7156, on page 67, line 15, "sections" has been struck and "section" inserted.
3. On page 1, line 1, "sections" has been struck and "section" inserted.

Enrollment and Review Change to LB 389

The following changes, required to be reported for publication in the Journal, have been made:
ER9070

1. In the Standing Committee amendments, AM1402:

a. On page 29, line 22, "2,450,730" and all amendments thereto have been struck and "2,455,720" inserted; and

b. On page 120, line 8, "779,805 769,805" and all amendments thereto have been struck and "834,366 835,388" inserted.

(Signed) Jon C. Bruning, Chairperson

SELECT FILE

LEGISLATIVE BILL 806. The Bromm pending amendment, AM2086, found on page 1981 and considered in this day's Journal, to the fourth Standing Committee amendment, was renewed.

Mr. Bromm withdrew his amendment.

Mmes. Bohlke and McKenzie offered the following amendment to the fourth Standing Committee amendment:
AM2217

(Amendments to FA192)

1. On page 73, after line 9, insert the following new subdivision:

"(3) Except as provided in subsection (2) of this section, no local system may receive state aid which, when added to a levy of one dollar for state aid to be distributed in school fiscal years 1998-99 and 1999-2000 or of ninety cents for state aid to be distributed in school fiscal year 2000-01 and each school fiscal year thereafter, multiplied by the local system's adjusted valuation divided by one hundred, would result in total local system revenue from state aid plus property tax receipts which exceeds the total of:

(a) State aid plus property tax receipts received by the local system during the preceding school fiscal year multiplied by the total of (i) 1.01 plus (ii) the applicable allowable growth rate for the system calculated pursuant to section 79-1026 plus (iii) the percentage growth in formula students from the certification of state aid for the immediately preceding school fiscal year to the formula students for the certification of state aid for the current year, except that the percentage growth shall not be less than zero;

(b) Unused budget authority authorized pursuant to section 79-1030; and

(c) The difference between the other actual receipts included in district formula resources for the certification of state aid in the preceding school fiscal year and other actual receipts included in district formula resources for the certification of state aid for the current school fiscal year, except that such difference shall not be less than zero.

For districts that have reorganized, state aid, property tax receipts, and number of formula students shall be attributed based on valuation. The revenue from property tax receipts shall be calculated by multiplying the reported general fund common levy by the assessed valuation subject to the levy divided by one hundred.".

Mrs. McKenzie, Messrs. Wickersham, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

The Bohlke-McKenzie amendment was adopted with 35 ayes, 4 nays, 7 present and not voting, and 3 excused and not voting.

Pending.

GENERAL FILE

LEGISLATIVE BILL 877. Title read. Considered.

Messrs. Dw. Pedersen and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Standing Committee amendment, AM1283, printed separately and referred to on page 1384, was considered.

Mrs. McKenzie, Messrs. Preister, Schrock, and Beutler renewed their pending amendment, AM1742, found on page 1894, to the Standing

Committee amendment.

The McKenzie et al. amendment was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to E & R for review with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 151. Title read. Considered.

Mr. Landis renewed his pending amendment, AM2258, found on page 2050.

Mrs. C. Peterson and Mr. Jones asked unanimous consent to be excused until they return. No objections. So ordered.

The Landis amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 232. Title read. Considered.

Standing Committee amendment, AM1455, found on page 1501, was considered.

Mr. Bromm renewed his pending amendment, AM1996, found on page 1875, to the Standing Committee amendment.

The Bromm amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

The Standing Committee amendment, as amended, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 806. Mmes. Bohlke, McKenzie, Suttle, Stuhr, Messrs. Wickersham, and Bromm offered the following amendment to the pending fourth Standing Committee amendment:
AM2269

(Amendments to FA192)

1. Strike the Bohlke-McKenzie amendment, AM2217.

2. On page 73, after line 9, insert the following new subdivision:

"(3) Except as provided in subsection (2) of this section, no local system may receive equalization aid such that, when total aid is added to a levy of one dollar for state aid to be distributed in school fiscal years 1998-99 and 1999-2000 or of ninety cents for state aid to be distributed in school fiscal year 2000-01 and each school fiscal year thereafter, multiplied by the local system's adjusted valuation divided by one hundred, would result in total local system revenue from state aid plus property tax receipts which exceeds the total of:

(a) State aid plus property tax receipts received by the local system during the preceding school fiscal year multiplied by the total of (i) 1.01 plus (ii) the applicable allowable growth rate for the system calculated pursuant to section 79-1026 plus (iii) the percentage growth in formula students from the certification of state aid for the immediately preceding school fiscal year to the formula students for the certification of state aid for the current year, except that the percentage growth shall not be less than zero;

(b) Unused budget authority authorized pursuant to section 79-1030; and

(c) The difference between the other actual receipts included in district formula resources for the certification of state aid in the preceding school fiscal year and other actual receipts included in district formula resources for the certification of state aid for the current school fiscal year, except that such difference shall not be less than zero.

For districts that have reorganized, state aid, property tax receipts, and number of formula students shall be attributed based on valuation. The revenue from property tax receipts shall be calculated by multiplying the reported general fund common levy by the assessed valuation subject to the levy divided by one hundred.

(4) The aid that is not distributed through equalization based on subdivision (3) of this section shall be distributed through this subdivision. Local systems that qualify for distribution shall have nine hundred or less formula students and shall have adjusted general fund operating expenditures per formula student less than the average for all local systems with nine hundred or less formula students. The aid shall be distributed proportionally to qualifying districts based on the dollar amount each local system is below ninety percent of calculated state aid plus the product of a levy of one dollar and ten cents multiplied by the adjusted valuation divided by one hundred. No system shall receive aid through this mechanism such that the calculated state aid plus the product of a levy of one dollar and ten cents multiplied by the adjusted valuation divided by one hundred is ninety percent or greater.".

3. On page 86, line 3, after "be" insert "the greater of (a) the maximum levy authorized pursuant to section 77-3442 less ten cents or (b)".

MR. KRISTENSEN PRESIDING

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

The Bohlke et al. amendment was adopted with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

Mrs. Bohlke offered the following amendment to the fourth Standing Committee amendment:
AM2274

(Amendments to FA192)

1. On page 67, line 12, after the semicolon insert

"(ii)(A) Less than one and one-half formula students per square mile in the local system; and

(B) More than fifteen miles between the high school attendance center and the next closest high school attendance center on paved roads;".

2. In AM1738, on page 1, line 5, strike "(ii)" and insert "(iii)".

3. In AM1610, on page 1, line 6, strike "(ii)" and insert "(iv)".

Mr. Maurstad moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

The Bohlke amendment was adopted with 39 ayes, 2 nays, 6 present and not voting, and 2 excused and not voting.

Mr. Bromm withdrew his amendments, AM1716, AM2085, AM2084, AM2087, AM2082, and AM1796, found on pages 1669, 1956, and 1981.

Mr. Bromm and Mrs. Robak withdrew their amendment, AM1715, found on page 1668.

Mrs. Stuhr withdrew her amendments, AM2115, AM2117, and AM1764, found on pages 1953, 1956, and 1990.

Mr. Wickersham withdrew his amendments, AM1668, AM1669, AM1646, AM1735, AM1772, AM1689, AM1896, AM1964, and AM2185, found on pages 1615, 1620, 1679, 1715, 1716, 1870, and 2006.

Mr. Withem withdrew his motion, found on page 1645, to vote on the adoption of the committee amendment (FA192) to LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem withdrew his motion, found on page 1645, to vote on the advancement of LB 806, pursuant to Rule 6, section 3, and Rule 7, sections 3 & 7, without further amendment, motion or debate.

Mr. Withem withdrew his motion, found on page 1681, to suspend the rules, Rule 6, section 3, and Rule 7, sections 3 and 7, and vote on the adoption of FA192 to LB 806, without further amendment, motion or debate.

Mr. Dierks withdrew his amendment, AM1680, found on page 1630.

Mr. Will withdrew his amendments, AM1774 and AM2159, found on pages 1722 and 2002.

Mr. Wehrbein withdrew his amendment, AM1782, found on page 1722.

Mr. Cudaback withdrew his amendment, AM1787, found on page 1724.

Mmes. McKenzie and Brown withdrew their amendment, AM2232, found in this day's Journal.

Mmes. Bohlke and McKenzie withdrew their amendment, AM2231, found in this day's Journal.

Mr. Withem withdrew his amendment, AM2238, found in this day's Journal.

Mrs. Robak renewed her pending amendment, AM2152, printed separately and referred to on page 1987, to the fourth Standing Committee amendment.

Mrs. Robak withdrew her amendment.

Mr. Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The fourth Standing Committee amendment, as amended, was adopted with 32 ayes, 2 nays, 12 present and not voting, and 3 excused and not voting.

Mr. Dierks requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 33 ayes, 9 nays, 4 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 806A. Mr. Wickersham withdrew his amendment, AM1862, found on page 2053.

Mr. Wickersham renewed his pending amendment, AM1863, found on page 2053.

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

The Wickersham amendment was adopted with 32 ayes, 1 nay, 12 present and not voting, and 4 excused and not voting.

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mrs. Bohlke offered the following amendment:
FA344
line 9 strike "$100,000,000" and insert "$110,000,000".

Mrs. Witek moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 30 ayes, 4 nays, and 15 not voting.

Mrs. Robak requested a record vote on the Bohlke amendment.

Voting in the affirmative, 31:

Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Kiel
Landis
Matzke
Maurstad
McKenzie
Pederson, D.
Preister
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 13:

Bruning
Hilgert
Hillman
Jensen
Kristensen
Lynch
Peterson, C.
Raikes
Robak
Robinson
Tyson
Will
Witek

Excused and not voting, 5:

Abboud
Jones
Pedersen, Dw.
Schellpeper
Schmitt

The Bohlke amendment was adopted with 31 ayes, 13 nays, and 5 excused and not voting.

Mr. Hilgert asked unanimous consent to be excused. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 29 ayes, 4 nays, and 16 not voting.

Mr. Tyson requested a record vote on the advancement of the bill.

Voting in the affirmative, 32:

Abboud
Beutler
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Kiel
Landis
Lynch
Matzke
Maurstad
McKenzie
Pederson, D.
Preister
Raikes
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 10:

Bruning
Hillman
Jensen
Kristensen
Peterson, C.
Robak
Robinson
Tyson
Will
Witek

Present and not voting, 2:

Brashear
Cudaback

Excused and not voting, 5:

Hilgert
Jones
Pedersen, Dw.
Schellpeper
Schmitt

Advanced to E & R for engrossment with 32 ayes, 10 nays, 2 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 314, 608, 724, and 724A.

Enrollment and Review Change to LB 314

The following changes, required to be reported for publication in the Journal, have been made:
ER9068

1. In the Landis amendment, AM1939, on page 17, line 20, "Sections" through "27" has been struck and "Sections 11 to 13, 16 to 19, 22, 23, 26, and 28" inserted.

2. On page 1, the matter beginning with "personnel" in line 1 through line 13 has been struck and "government; to amend sections 72-812, 72-816, 81-154, 81-161.03, 81-174, 81-184, 81-1118, 81-1302, 81-1307, 81-1315, 81-1318, 81-1321, 81-1322, 81-1324, 81-1376, and 81-1391, Reissue Revised Statutes of Nebraska, and sections 81-1108.17, 81-1317, and 81-1317.01, Revised Statutes Supplement, 1996; to change

provisions relating to the State Personnel System, the Director of Personnel, the State Personnel Board, the Task Force for Building Renewal, bidding procedures, and collective bargaining; to eliminate definitions and provisions relating to informal bidding, the merit system, rules and regulations, transferred employees, and pay plans; to create funds; to provide for performance evaluations and buy-out programs; to provide duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 81-188, 81-1313, 81-1327, 81-1328.01, 81-1328.02, 81-1328.03, 81-1329, 81-1330, 81-1331, 81-1332, 81-1333, and 81-1334, Reissue Revised Statutes of Nebraska, and section 81-1354.05, Revised Statutes Supplement, 1996; and to declare an emergency." inserted.

(Signed) Jon C. Bruning, Chairperson

MESSAGE FROM THE GOVERNOR

May 16, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individuals have been appointed to the Foster Care Review Board.

APPOINTEES:
Barbara A. Moore, 1122 West 11th Street, Ogallala, NE 69153
Susan Gilmore, P.O. Box 8, Carroll, NE 68723
James R. Ganz, Jr., 4307 Avenue E, Kearney, NE 68847
Joyce Bunger, 5016 North 103rd Avenue, Omaha, NE 68134

The aforementioned names are respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 389:
AM2252

(Amendments to Final Reading copy)

PURPOSE: To add funding for the Department of Correctional Services ($145,902 General Funds for FY1997-98 and $145,902 General

Funds for FY1998-99) for the Life Skills program.

AMENDMENT:

1. On page 69, line 28, strike "66,928,864 68,197,669" and insert "67,074,766 68,343,571".

2. On page 70, line 4, strike "73,824,480 75,093,285" and insert "73,970,382 75,239,187".

RESOLUTIONS

LEGISLATIVE RESOLUTION 142. Introduced by Suttle, 10; Witek, 31; Jensen, 20; Wesely, 26; C. Peterson, 35; Matzke, 47; Dierks, 40; Brashear, 4.

PURPOSE: The purpose of this resolution is to study the entire juvenile justice system in Nebraska, including, but not limited to, jurisdiction of the system, initial entrance, the adjudication process, and placements, examining every point in and every program and agency involved in the process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 143. Introduced by Bohlke, 33; Wehrbein, 2.

PURPOSE:

During the past number of decades, telecommunications has grown extensively and broadly. Nebraska early on embraced the technology to offer a comprehensive public communications system to its citizens. As the years progressed, the state has devoted its money to optimize the benefits to the people of Nebraska. The citizens of Nebraska have responded with enthusiasm and patronage, both as volunteers and with their monetary support.

On April 6th of this year, the Federal Communications Commission issued its ruling that all television franchises would implement a transition to digital television. This transition is necessary to utilize digital technology necessitated by overcrowded channels. With the advent of more and more devices that use radio waves to transmit video, voice, and data, it is necessary to reallocate spectrum and manage a finite resource. Digitation offers the ability to condense transmissions. However, this is a completely new technology. The conversion to digital television will necessitate the total alteration of facilities of all television stations, both commercial and public. The Federal Communications Commission has placed a deadline that at the close of this century the largest commercial stations will have the conversion completed. Public stations have been granted an additional four years to complete the replacement of facilities, hardware, and transmission capabilities.

The state has made a commitment to digital. In fact, because of the foresight and commitment of prior legislative action, Nebraska has been a leader in digital conversion. The facilities at Nebraska Educational Telecommunications are now broadcasting with this technology. Because of this switch, we have been able to market excess capacity, realizing a return on the investment made in satellite technology. In order that Nebraska continues its leadership in educational telecommunications, a study to analyze the potential impact to the state and its political subdivisions of conversion to high definition television and its auxiliary capabilities is needed. This study will include, but not be limited to, a study of existing facilities, from determining the structural integrity of existing broadcasting towers, transmitting antennas, television transmitters, equipment buildings, commercial power requirements, and the equipment required for DTV transmissions, to the costs for the infrastructure system upgrade and equipment replacement.

This study will also address the equipment needs for studio and field production program origination and distribution. This study would be used to determine the most appropriate delivery strategy, studying a variety of satellite and terrestrial systems, including future bandwidth requirements and potential funding or revenue-generating opportunities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations and Education Committees of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 144. Introduced by Revenue Committee: Coordsen, 32; Hartnett, 45; Kristensen, 37; Landis, 46; Wickersham, 49; Will, 8.

PURPOSE:

(1) Reducing the reliance local governments have on the property tax must include some discussion of the potential of alternative locally-generated revenue as part of the solution. Expansion of the property tax base or granting local governments other tax bases means that many questions and issues must be resolved. It is important to gather information and public input before making any decisions to expand the property tax base or grant other local tax bases. It is important that a legislative committee study this issue over the interim.

(2) The committee shall analyze the impact of permitting school districts

to locally implement and authorize a local income tax to finance a portion of the operating expenses of the school district. The committee shall study the impact of permitting school districts to enact a countywide local option sales tax, the proceeds of which will be distributed to schools on a per student basis or in some other manner. Specifically the committee should make recommendations on:

(a) Whether or not receipts from a local option income tax or local option sales tax for school purposes should be treated as accountable receipts for a school district; (b) If there should be a maximum percentage of the school district budget which may be funded by a local option income tax or local option sales tax for school purposes, and if so, what the limit should be; and

(c) If there should be a limit on the length of time a local option income tax or local option sales tax for school purposes can be imposed without another vote of the registered voters of the school district extending the tax, and if so, how long the limit should be.

(3) For purposes of its consideration of the issues and to aid in the developing its recommendations, the committee shall assume that a school district may authorize a local option income tax or local option sales tax to fund a portion of the operation of the school district, that the tax may only be imposed after approval by a majority of those voting in a general or special election, and that the tax may only be implemented to provide for a reduction in property tax receipts utilized by the school district.

(4) The committee shall also analyze the impact of a county income tax for purposes of property tax relief. Specifically the committee should make recommendations on:

(a) Whether it is practical to credit county income taxes paid against property taxes due;

(b) Whether any county income tax should be limited in amount or duration and, if so, how; and

(c) Whether a county income tax with a credit against property taxes will provide sufficient revenue to provide public services in areas which currently have above-average property taxes. (5) The committee shall also study the possible impact of restricting the availability of property tax exemptions both for government property and property for religious, educational, cemetery, and charitable use. Specifically, the committee should make recommendations on:

(a) The possibility of levying ad valorem taxes on the value of a leasehold interest in public property by a commercial enterprise as if it were owned in fee;

(b) The possibility of requiring or allowing local governments to require in lieu of tax payments on governments owning tax-exempt property to recover the costs of other local governments in providing property related services such as law enforcement, fire protection, and street construction and maintenance;

(c) The possibility of narrowing the eligibility for property tax exemptions for religious, educational, cemetery, or charitable use such as by requiring a certain level of charitable donation of goods or services to individuals worthy of charity. The committee should determine where the proper balance lies between the value of the services provided by the entities with tax exempt property and the cost of such exemptions to the public at large; and

(d) The possibility of requiring or allowing local governments to require in lieu of tax payments by entities with property tax exemptions to recover the costs of providing property related services such as law enforcement, fire protection, and treet construction and maintenance. The committee shall measure the impact of such in lieu of tax payments on the various tax exempt entities versus the public cost of the exemption.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Betty Seng from Omaha; 29 third grade students and teachers from Belmont Elementary School, Lincoln; Mark Nyffeler from Columbus and Betty Whitcome from Columbia, Maryland; Craig, Carla, Jessica, and Joshua Brauer from Sidney; John and Kay Morgan and Sue McNeil from Taylor; 41 fourth grade students and teachers from Randolph; 44 fourth grade students and teachers from Jefferson Elementary School, Grand Island; 13 eighth grade students and teacher from St. Michael's School, South Sioux City; and Greg Schmid from California.

The Doctor of the Day was Jay Matzke from Seward.

ADJOURNMENT

At 4:51 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Monday, May 19, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-EIGHTH DAY – MAY 19, 1997

LEGISLATIVE JOURNAL

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, May 19, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Mike Goeringer, Victory Christian Church, Omaha, Nebraska.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Kiel, McKenzie, Messrs. Brashear, Bromm, Cudaback, Hilgert, Jones, Lynch, Matzke, Robinson, Schrock, Wehrbein, Will, and Withem who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-seventh day was approved.

PROPOSED RULES CHANGE

Messrs. Abboud and Will offered the following proposed rules change:
Amend Rule 3, Section 2 (a), as follows:

At the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts No. 1, 2, 15, 16, 21, 23 through 30, 32, 34, 35, and 46; four from Districts No. 3 through 14, 20, 31, 39 and 45; and four from Districts No. 17 through 19, 22, 33, 36 through 38, 40 through 44 and 47 through 49.

Referred to the Rules Committee.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 882:

FA343

Strike the enacting clause.

AM2270

(Amendments to Final Reading copy)

1. On page 2, line 4, after "attach" insert "only".

AM2271

(Amendments to Final Reading copy)

1. On page 5, line 11, after "society" insert "as well as of the offender".

AM2272

(Amendments to Final Reading copy)

1. On page 5, strike beginning with "is" in line 14 through "(b)" in line 15; in line 17 strike "(c)" and insert "(b)"; and in line 18 strike "(d)" and insert "(c)".

AM2273

(Amendments to Final Reading copy)

1. On page 6, line 2, after the period insert "In imposing some other sentence, the court shall consider if the reasons for such failure were beyond the control of the offender.".

MOTION - Print in Journal

Mr. Chambers filed the following motion to LB 882:
Bracket until June 10, 1997.

GENERAL FILE

LEGISLATIVE BILL 269A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 9 present and not voting, and 15 excused and not voting.

LEGISLATIVE BILL 314A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 517A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

LEGISLATIVE BILL 590A. Title read. Considered.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 1 nay, 11 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 864A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 1 nay, 11 present and not voting, and 11 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 116A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 610A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 853A. Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 890. Mr. Chambers withdrew his amendment, AM2167, found on page 1986.

Messrs. Landis and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative appointments:

Cannon, William C. - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

Frenzen, Galen - Nebraska Environmental Quality Council -- Natural Resources

Galyen, Richard - Nebraska Environmental Quality Council -- Natural Resources

Gnadt, Ken - Nebraska Environmental Quality Council -- Natural Resources

Haggadone, Jerry - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

Kiefer, Darlene - Nebraska Environmental Quality Council -- Natural Resources

Lambert, Gary - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

Langel, Kevin - Nebraska Motor Vehicle Industry Licensing Board -- Transportation

Morrissey, Spencer - Nebraska Environmental Quality Council -- Natural Resources

Podraza, Bill - Nebraska Environmental Quality Council -- Natural Resources

Sands, David - Nebraska Environmental Quality Council -- Natural Resources

Wittler, Kathleen - Nebraska Environmental Quality Council -- Natural Resources

Bunger, Joyce - Foster Care Review Board -- Health and Human Services

Ganz, James, R., Jr. - Foster Care Review Board -- Health and Human Services

Gilmore, Susan - Foster Care Review Board -- Health and Human Services

Moore, Barbara A. - Foster Care Review Board -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SELECT FILE

LEGISLATIVE BILL 386. E & R amendment, AM7158, printed separately and referred to on page 1984, was adopted.

Mr. Chambers renewed his pending amendment, AM2107, found on page 1980.

Messrs. Dierks, Kristensen, and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers withdrew his amendment.

The Chair declared the call raised.

Mmes. Hillman, Brown, Messrs. Wehrbein, and Withem renewed their pending amendment, AM2186, found on page 1998.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

The Hillman et al. amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Chambers offered the following amendment:
FA345
(AM7158)
P. 31 line 6, strike "~~15,000,000~~" and "~~8,000,000~~" and insert "10,800,000" and "8,000,000"

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. BRASHEAR PRESIDING

Messrs. Robinson, Maurstad, Janssen, Jones, Schrock, Schmitt, and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

STANDING COMMITTEE REPORT
Education

The Committee on Education desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Sheryl Lindau - State Colleges Board of Trustees
David Brandt - Coordinating Commission for Postsecondary Education

VOTE: Aye: Senators Beutler, Bohlke, Bromm, Stuhr, Suttle, and Wickersham. Nay: None. Absent: Senator McKenzie.

(Signed) Ardyce L. Bohlke, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 145. Introduced by Robinson, 16.

PURPOSE: The fees currently charged by sheriffs for the serving and returning of summonses, subpoenas, orders, and various other notices are established in statute and have not been changed in a number of years. Legislative Bill 281 was introduced in the 1997 legislative session and would have increased the fees. Several issues were raised during the discussion of LB 281 which were not easily resolved and indicated a need for a study into this matter. The study shall include, but not be limited to:

(1) The policy of having the fees cover the cost of providing service rather than supplementing those costs with property tax revenue;

(2) If it is necessary to raise the fees, to what level should they be raised;

(3) An examination of the potential use of private process servers and the various issues contained in this idea; and

(4) Other relevant issues involved in the serving and returning of summonses, subpoenas, orders, and various other notices.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mr. Landis filed the following amendment to LB 55:
(Amendment, AM2277, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Mr. Chambers filed the following amendments to LB 386:

FA346
(AM7158)
P. 31, line 6, strike "~~15,000,000~~" and "~~8,000,000~~" and insert "14,000,000" and "7,000,000

FA347
(AM7158)
Page 31, line 6, strike "~~15,000,000~~" and insert "14,000,000"

FA348
(AM7158)
Page 31, line 6, strike "~~8,000,000~~" and insert "7,000,000"

FA349
(AM7158)
Page 31, line 6, strike "~~15,000,000~~" and "~~8,000,000~~" and insert

"14,500,000" and "7,500,000"

VISITORS

Visitors to the Chamber were 18 fifth grade students and teacher from St. Anthony School, Columbus; 75 fourth grade students and teachers from Hayward School, Nebraska City; and 40 fourth grade students and teachers from Holling Heights School, Omaha.

RECESS

At 12:01 p.m., on a motion by Mr. Hartnett, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Cudaback, Landis, Schmitt, Tyson, Vrtiska, Withem, and Mrs. Kiel who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 269. E & R amendment, AM7148, printed separately and referred to on page 1894, was adopted.

Mr. Janssen withdrew his amendment, AM1807, found on page 1740.

Mr. Kristensen asked unanimous consent to replace the Kristensen et al. amendment, AM2104, found on page 1944, with a substitute amendment. No objections. So ordered.

Mr. Kristensen withdrew the Kristensen et al. amendment, AM2104, found on page 1944.

Mr. Kristensen renewed the pending Kristensen et al. substitute amendment, AM2241, found on page 2028.

Messrs. Kristensen, Coordsen, Wickersham, and Schellpeper offered the following amendment to the Kristensen et al. pending amendment:
AM2285

(Amendments to AM2241)

1. Insert the following new section:

"Sec. 63. Section 81-1113, Reissue Revised Statutes of Nebraska, is amended to read:

81-1113. The budget division shall prepare the executive budget in accordance with the wishes and policies of the Governor. The budget division shall have the following duties, powers, and responsibilities:

(1) Shall prescribe the forms and procedures to be employed by all departments and agencies of the state in compiling and submitting their individual budget requests and shall set up a budget calendar which shall provide for (a) the date, not later than July 15 of each even-numbered year, for distribution of instructions, (b) the date by which time requests for appropriations by each agency shall be submitted, and (c) the period during which such public hearings as the Governor may elect shall be held for each department and agency. The budget request shall be submitted no later than on or before September 15 of each even-numbered year, shall include the intended receipts and expenditures by programs, subprograms, and activities and such additional information as the administrator may deem appropriate for each fiscal year, shall be made upon a biennial basis, and shall include actual receipts and actual expenditures for each fiscal year of the most recently completed biennium and the first year of the current biennium and estimates for the second year of the current biennium and each year of the next ensuing biennium;

(2) Shall work with each governmental department and agency in developing performance standards for each program, subprogram, and activity to measure and evaluate present as well as projected levels of expenditures;

(3) Shall, following passage of legislative appropriations, be responsible for the administration of the approved budget through budgetary allotments;

(4) Shall be responsible for a monthly budgetary report for each department and agency showing comparisons between actual expenditures and allotments which report shall be subject to review by the director and budget administrator; ~~and~~

(5) Shall be responsible for the authorization of employee positions. Such authorizations shall be based on the following:

(a) A requirement that a sufficient budget program appropriation and salary limitation exist to fully fund all authorized positions;

(b) A requirement that permanent full-time positions which have been vacant for ninety days or more be reviewed and reauthorized prior to being filled. If requested by the budget division, the personnel division of the Department of Administrative Services shall review such vacant position to determine the proper classification for the position;

(c) A requirement that authorized positions accurately reflect legislative intent contained in legislative appropriation and intent bills; and

(d) Other relevant criteria as determined by the budget administrator; and

(6) Shall, beginning on July 1, 2000, administer any grant approved by the Nebraska Commission on Local Government Innovation and Restructuring which extends beyond June 30, 2000.".

2. On page 10, line 23, after the semicolon insert "in lines 15 and 23 and 24 strike 'and county agricultural societies' and show as stricken; in line 19 strike 'or county agricultural societies' and show as stricken;".

3. Correct the operative date and repealer sections so that section 81-1113 becomes operative on its effective date with the emergency clause.

4. Renumber the remaining sections and correct the internal references accordingly.

The Kristensen et al. amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Mr. Preister asked unanimous consent to be excused until he returns. No objections. So ordered.

The Kristensen et al. amendment, AM2241, as amended, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 146. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

PURPOSE: The adequacy, accuracy, and timeliness of retirement benefits in the public retirement systems administered by the Public Employees Retirement Board are grounded on the records kept by public entities as to length of service, salary, and ending dates of employment and the means whereby this information is conveyed to the Public Employees Retirement Board. Certain questions have arisen as to the correct application of the statutes relating to retirement benefits, the basis for which rest partially in the actions and records of the employing public entities and partially in the administering agency and the interaction of the aforementioned entities. The Legislature has not heretofore examined the means by which the accuracy of the information relayed by public entities to the Public Employees Retirement Board can be assured both by the board and the public entities. The Legislature, in addition, has not heretofore examined the statutory provisions and processes whereby the information is relayed from public entities to the Public Employees Retirement Board.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of

this resolution.

2. The Nebraska Retirement Systems Committee is directed to conduct a study of the means by which information relevant to the public employees retirement systems is collected, maintained, and reported by public entities for the use of the retirement systems administered by the Public Employees Retirement Board.

3. The Nebraska Retirement Systems Committee is further directed to examine the adequacy of the statutory process and any statutory limitations of procedures by which information is conveyed from the public entities to the Public Employees Retirement Board, paying special attention to the efficiency, timeliness, and accuracy provided in the framework of the process.

4. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, including prospective legislation, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 147. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

PURPOSE: The Nebraska Judges Retirement System was established in 1955 and forty-two years have since elapsed. The Legislature has not recently conducted a thorough examination of the demographic and statistical character of the members of Nebraska's Judiciary, and thereby ascertained whether the plan assumptions in the Nebraska Judges Retirement System need to be reexamined or updated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. The Nebraska Retirement Systems Committee is directed to conduct a study of the plan assumptions underlying the Nebraska Judges Retirement System and the demographic and statistical character of the members of Nebraska's Judiciary to ascertain whether the plan assumptions need to be reexamined or updated.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, including prospective legislation, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 148. Introduced by Nebraska Retirement Systems Committee: Wickersham, 49, Chairperson; Crosby, 29; Lynch, 13; C. Peterson, 35; Stuhr, 24; Wehrbein, 2.

PURPOSE: The Legislature has the responsibility of developing sound and adequate public retirement systems for Nebraska's public employees and has bound itself to provide general principles of sound retirement planning for all public retirement systems in the State of Nebraska. Public retirement plans should be designed to provide adequate retirement benefits for public employees who have completed a period of service considered to be a normal career. The determination of benefit adequacy of any public retirement system directly inheres in the criteria chosen to analyze the components of each retirement system, but the Legislature has not heretofore fully expressed the principles on which the criteria should be chosen that are then used to analyze public retirement systems for benefit adequacy. It is desirable that the Legislature should create a uniform set of criteria to be used in the determination of benefit adequacy for the County Employees Retirement System, the Judges Retirement System, the School Employees Retirement System, the Class V School Employees' Retirement System, and the State Patrol Retirement System, and the State Employees Retirement System in the State of Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the Nebraska Retirement Systems Committee shall be designated to conduct an interim study which shall examine the criteria which should be used to determine benefit adequacy in public retirement systems in the State of Nebraska.
3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 149. Introduced by Stuhr, 24.

PURPOSE: The purpose of this resolution is to study the importance of vocational education at the secondary level. The study shall include, but not be limited to: (1) The role of secondary education in providing vocational and career-preparation opportunities for students; (2) the role of vocational education in meeting the education, training, and economic development needs of business and industry in Nebraska; and (3) the role of the State Board of Vocational Education in providing leadership for vocational education.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 150. Introduced by Stuhr, 24.

PURPOSE: The purpose of this resolution is to study the issues associated with providing for reasonable attorney's fees for persons who prevail in amending, expunging, or removing an inaccurate or inconsistently maintained child abuse report such as is proposed in Legislative Bill 490, Ninety-fifth Legislature, First Session, 1997. State law requires the Department of Health and Human Services to investigate reports of child abuse and neglect and to maintain a central registry of child abuse or neglect cases. Pursuant to statute, the department classifies cases in the central registry as (1) court substantiated, (2) petition to be filed, (3) investigation inconclusive, or (4) unfounded. All information identifying subjects of unfounded reports are expunged from the central registry and the subject of any other report may petition the department for its removal on the grounds that it is inaccurate or is being maintained in a manner inconsistent with the statutes regarding the investigation and documentation of child abuse and neglect cases. Subjects who have been falsely accused of child abuse who hire an attorney incur a financial burden paying attorney's fees.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 150:
AM2289

1. Insert the following new section:

"Sec. 4. The Board of Parole shall place one hundred minimum-security inmates into a community-based intensive supervision parole program. Inmates in such program shall have full-time employment and be monitored by an electronic device or system of which the inmate shall pay the cost of such device or system. It is the intent of the Legislature that five intensive supervision parole officers shall be hired to supervise the one hundred inmates in the intensive supervision parole program and that the associated costs of the program shall not exceed two hundred thousand dollars annually.".

2. Renumber the remaining section accordingly.

Mr. Chambers filed the following amendment to LB 389:
AM2283

(Amendments to Final Reading copy)

1. On page 90, after line 3 insert the following:

"The Legislature recognizes that Nebraska businesses increasingly compete in a global setting. The Legislature further recognizes that the best preparation for competing in a global economy and a diverse workplace is a broad higher educational experience. Programs designed to promote excellence in higher education by enhancing student exposure to faculty of diverse cultural, racial, and ethnic backgrounds and women faculty should be a goal of the University of Nebraska system. The Board of Regents of the University of Nebraska should encourage the recruitment, development, and retention of outstanding faculty, especially women and minorities, to better reflect the realities faced by graduates in a diverse society and global economy, and to provide University of Nebraska students with a complete educational experience.

To implement the goal of recruiting, developing, and retaining minority and women faculty, it is the intent of the Legislature that:

(i) Each campus of the University of Nebraska system should establish a program to recruit and develop minority and women educators for faculty positions in all areas of academic pursuit;

(ii) Each campus of the University of Nebraska system should examine and restructure, if necessary, its tenure, promotion, and hiring policies to encourage the recruitment and retention of women and minority faculty;

(iii) Each campus of the University of Nebraska system should devote one percent of its budget to provide support for efforts by the University of Nebraska system to be among the top twenty-five percent among peer universities in the employment of minority and women faculty; and

(iv) By August 1, 2002, the University of Nebraska system should be among the top fifty percent among the Board of Regent's peer institutions in the employment of minority and women faculty. For each year beyond August 1, 2002, that the university system is not among the top fifty percent among its peer institutions in the employment of minority and women faculty, three percent of its annual budget should be placed in escrow until the university system meets this peer percentage. Funds in escrow should be released to the university system upon the equaling or surpassing of such peer percentage.".

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 877. Placed on Select File as amended.
E & R amendment to LB 877:
AM7161

1. On page 1, strike beginning with "46-2,108" in line 1 through "Nebraska" in line 2 and insert "46-2,108 and 46-2,115, Reissue Revised Statutes of Nebraska, and sections 46-656.25 and 46-656.28, Revised Statutes Supplement, 1996"; in line 5 strike "provide and"; and strike beginning with "to" in line 5 through the semicolon in line 6.

LEGISLATIVE BILL 151. Placed on Select File as amended.
E & R amendment to LB 151:
AM7162

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 25-2601, Reissue Revised Statutes of Nebraska, is amended to read:

25-2601. Sections 25-2601 to 25-2622 and sections 2, 5, 7, and 8 of this act shall be known and may be cited as the Uniform Arbitration Act.

Sec. 2. (a) A written agreement to submit any existing controversy to arbitration is valid, enforceable, and irrevocable except upon such grounds as exist at law or in equity for the revocation of any contract.

(b) A provision in a written contract to submit to arbitration any controversy thereafter arising between the parties is valid, enforceable, and irrevocable, except upon such grounds as exist at law or in equity for the revocation of any contract, if the provision is entered into voluntarily and willingly.

(c) The Uniform Arbitration Act applies to arbitration agreements between employers and employees or between their respective representatives.

(d) Contract provisions agreed to by the parties to a contract control over contrary provisions of the act other than subsections (e) and (f) of this section.

(e) Subsections (a) and (b) of this section do not apply to a claim for workers' compensation.

(f) Subsection (b) of this section does not apply to:

(1) A claim arising out of personal injury based on tort;

(2) A claim under the Nebraska Fair Employment Practice Act;

(3) Any agreement between parties covered by sections 60-1401.01 to 60-1440; and

(4) Except as provided in section 44-811, any agreement concerning or relating to an insurance policy other than a contract between insurance companies including a reinsurance contract.

(g) When a conflict exists, the Uniform Arbitration Act shall not apply to sections 44-811, 54-404 to 54-406, 60-2701 to 60-2709, 70-1301 to 70-1329, and 86-408 to 86-410 and the Uniform Act on Interstate Arbitration and Compromise of Death Taxes.

Sec. 3. Section 25-2603, Reissue Revised Statutes of Nebraska, is amended to read:

25-2603. (a) On application of a party showing an agreement described in section ~~25-2602~~ 2 of this act and the opposing party's refusal to arbitrate, the court shall order the parties to proceed with arbitration, but if the opposing party denies the existence of the agreement to arbitrate, the court shall proceed summarily to the determination of the issue so raised and shall order for the moving party, otherwise, the application shall be denied.

(b) On application, the court may stay an arbitration proceeding commenced or threatened on a showing that there is no agreement to arbitrate. Such an issue, when in substantial and bona fide dispute, shall be forthwith and summarily tried and the stay ordered if found for the moving party. If found for the opposing party, the court shall order the parties to proceed to arbitration.

(c) If an issue referable to arbitration under the alleged agreement is involved in an action or proceeding pending in a court having jurisdiction to hear applications under ~~subdivision~~ subsection (a) of this section, the application shall be made therein. Otherwise and subject to section 25-2619, such application may be made in any court of competent jurisdiction.

(d) Any action or proceeding involving an issue subject to arbitration shall be stayed if an order for arbitration or an application therefor has been made under this section or, if the issue is severable, the stay may be with respect thereto only. When the application is made in such action or proceeding, the order for arbitration shall include such stay.

(e) An order for arbitration shall not be refused on the ground that the claim in issue lacks merit or bona fides or because any fault or grounds for the claim sought to be arbitrated have not been shown.

Sec. 4. Section 25-2606, Reissue Revised Statutes of Nebraska, is amended to read:

25-2606. Unless otherwise provided by the agreement:

(a) The arbitrators shall appoint a time and place for the hearing and cause notification to the parties to be served personally or by registered or certified mail not less than ten days before the hearing. Appearance at the hearing waives such notice. The arbitrators may adjourn the hearing from time to time as necessary and, on request of a party and for good cause, or upon their own motion, may postpone the hearing to a time not later than the date fixed by the agreement for making the award unless the parties consent to a later date. The arbitrators may hear and determine the controversy upon the evidence produced notwithstanding the failure of a party duly notified to appear. The court on application may direct the arbitrators to proceed promptly with the hearing and determination of the controversy;

(b) The parties are entitled to be heard, to present evidence material to the controversy, and to cross-examine witnesses appearing at the hearing; and

(c) The hearing shall be conducted by all the arbitrators but a majority may determine any question and render a final award. If, during the course of the hearing, an arbitrator for any reason ceases to act, the remaining arbitrator or arbitrators appointed to act as neutrals may continue with the hearing and determination of the controversy.

Arbitration proceedings shall take place in the county designated in section 25-403.01 unless the parties otherwise agree at a time subsequent to the arising of the controversy.

Sec. 5. Any person proposed for nomination by all parties or all party arbitrators to serve as a neutral arbitrator shall disqualify himself or herself, upon demand of any party to the arbitration agreement made before the conclusion of the proceedings, on any of the grounds specified in section 24-739 for disqualification of a judge or on the ground that such person is an employee or independent contractor of an industry, trade, or professional association of which a party is a member.

Sec. 6. Section 25-2613, Reissue Revised Statutes of Nebraska, is amended to read:

25-2613. (a) Upon application of a party, the court shall vacate an award when:

(1) The award was procured by corruption, fraud, or other undue means;

(2) There was evident partiality by an arbitrator appointed as a neutral or corruption in any of the arbitrators or misconduct prejudicing the rights of any party;

(3) The arbitrators exceeded their powers;

(4) The arbitrators refused to postpone the hearing upon sufficient cause being shown therefor, refused to hear evidence material to the controversy, or otherwise so conducted the hearing, contrary to the provisions of section 25-2606, as to prejudice substantially the rights of a party; ~~or~~

(5) There was no arbitration agreement and the issue was not adversely determined in proceedings under section 25-2603, and the party did not participate in the arbitration hearing without raising the objection; or

(6) An arbitrator was subject to disqualification pursuant to section 5 of this act and failed, upon receipt of timely demand, to disqualify himself or herself as required by such section.

The fact that the relief was such that it could not or would not be granted by a court of law or equity is not ground for vacating or refusing to confirm the award.

(b) An application under this section shall be made within ninety days after delivery of a copy of the award to the applicant, except that if predicated upon corruption, fraud, or other undue means, it shall be made within ninety days after such grounds are known or should have been known.

(c) In vacating the award on grounds other than stated in subdivision (a)(5) of this section, the court may order a rehearing before the new arbitrators chosen as provided in the agreement or, in the absence thereof, by the court in accordance with section 25-2604, or if the award is vacated on grounds set forth in subdivisions (a)(3) and (a)(4) of this section, the court may order a rehearing before the arbitrators who made the award or their successors appointed in accordance with section 25-2604. The time within which the agreement requires the award to be made is applicable to the rehearing and commences from the date of the order.

(d) If the application to vacate is denied and no motion to modify or correct the award is pending, the court shall confirm the award.

Sec. 7. The following statement shall appear in capitalized, underlined type adjoining the signature block of any standardized agreement in which binding arbitration is the sole remedy for dispute resolution: THIS CONTRACT CONTAINS AN ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.

Sec. 8. (a) Whenever the amount of a controversy subject to the terms of an otherwise valid arbitration agreement is within the jurisdiction of the Small Claims Court under section 25-2802, a party may submit the controversy to the Small Claims Court for ultimate resolution under sections 25-2801 to 25-2807.

(b) A controversy submitted to the Small Claims Court under this section shall not be transferred to the regular docket of the county court under section 25-2805.

(c) In all appeals involving cases submitted under subsection (a) of this section, the judgment shall be affirmed unless:

(i) The judgment was procured by corruption, fraud, or other undue means;

(ii) There was evident partiality or corruption by the judge or misconduct prejudicing the rights of any party;

(iii) The judge exceeded his or her powers;

(iv) The judge refused to postpone the trial upon sufficient cause being shown therefor, refused to hear evidence material to the controversy, or otherwise so conducted the hearing, contrary to the provisions of section 25-2606, as to prejudice substantially the rights of a party;

(v) There was no arbitration agreement and the issue was not adversely determined in proceedings under section 25-2603, and the party did not participate in the Small Claims Court hearing without raising the objection; or

(vi) The judge was subject to disqualification and failed, upon receipt of timely demand, to disqualify himself or herself as required by law.

Sec. 9. Section 25-2618, Reissue Revised Statutes of Nebraska, is amended to read:

25-2618. (a) The term court shall mean any district court of this state. The making of an agreement described in section ~~25-2602~~ 2 of this act providing for arbitration in this state confers jurisdiction on the court to enforce the agreement under the Uniform Arbitration Act and to enter judgment on an award thereunder.

(b) Nothing in the Uniform Arbitration Act shall be construed to empower the Commission of Industrial Relations to order that any party under its jurisdiction submit to, or contract to submit to, arbitration.

Sec. 10. Section 25-2805, Reissue Revised Statutes of Nebraska, is amended to read:

25-2805. All matters in the Small Claims Court shall be tried to the court without a jury. ~~Any~~ Except as provided in section 8 of this act, any defendant in an action or such defendant's attorney may transfer the case to the regular docket of the county court by giving notice to the court at least two days prior to the time set for the hearing. Upon such notice the case shall be transferred to the regular docket of the county court. At the same time as such notice is given to transfer the case, any defendant or such defendant's attorney may demand trial by jury, and the Small Claims Court shall forward the demand to the county court. The party causing the transfer of a case from the Small Claims Court to the regular docket shall pay as a fee the difference between the fee for filing a claim in Small Claims Court and the fee for filing a claim on the regular docket.

In any action transferred to the regular docket there shall be no further pleadings, demurrers, motions challenging pleadings, or discovery unless ordered by the court upon a showing that any such procedure is necessary to the prompt and just determination of the action.

Sec. 11. Section 25-2807, Reissue Revised Statutes of Nebraska, is amended to read:

25-2807. ~~Any~~ Unless the controversy is subject to the Uniform Arbitration Act, any party may appeal to the district court as provided in sections 25-2728 to 25-2738. Parties may be represented by attorneys on appeal.

Sec. 12. Original sections 25-2601, 25-2603, 25-2606, 25-2613, 25-2618, 25-2805, and 25-2807, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 13. The following section is outright repealed: Section 25-2602, Reissue Revised Statutes of Nebraska.

Sec. 14. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 2, strike "and 25-2618" and insert "25-2606, 25-2613, 25-2618, 25-2805, and 25-2807"; and in line 4 after the semicolon insert "to change provisions relating to arbitrator disqualification, agreements, and Small Claims Court jurisdiction; to harmonize provisions;".

LEGISLATIVE BILL 232. Placed on Select File as amended.
E & R amendment to LB 232:
AM7163

1. On page 1, strike beginning with "section" in line 1 through line 4 and insert "sections 79-256 and 79-266, Reissue Revised Statutes of Nebraska; to define a term; to provide and change procedures for expulsion of students as prescribed; to repeal the original sections; and to declare an emergency.".

Correctly Engrossed

The following bills were correctly engrossed: 116A, 610A, and 853A.

(Signed) Jon C. Bruning, Chairperson

SELECT FILE

LEGISLATIVE BILL 269. Mr. Janssen withdrew his amendment, AM2246, found on page 2044.

Messrs. Schellpeper and Coordsen renewed their pending amendment, AM2187, found on page 2035.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

The Schellpeper-Coordsen amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Lynch withdrew the Withem amendment, AM2257, found on page 2054.

Mr. Lynch offered the following Withem amendment:
AM2256

(Amendments to E & R amendments, AM7148)

1. Insert the following new sections:

"Sec. 69. Whenever a municipality undertakes any project with an estimated total cost of either five hundred thousand dollars or more or equivalent to ten percent or more of the total general fund expenditures of the municipality in the most current year available, whichever is greater, the governing body of the municipality shall act in conformity with the provisions of sections 69 to 74 of this act.

Sec. 70. For purposes of sections 69 to 74 of this act:

(1) Municipality means any city of any class, village, or county;

(2) Project means the purchase, sale, construction, renovation, expansion, or physical improvement or maintenance of a facility or capital improvement used primarily in the conduct of a

proprietary function;

(3) Political subdivision means any city, village, county, metropolitan utilities district, or sanitary and improvement district; and

(4) Proprietary function means a water supply or distribution facility, a wastewater collection or treatment facility, a gas supply, transmission, or distribution facility, or an integrated solid waste management collection, disposal, or handling utility.

Sec. 71. (1) At such time as a municipality decides to undertake a project, the governing body of the municipality shall formally adopt a resolution indicating its intent and authorizing the conduct of such engineering studies and the development of such plans or alternative proposals as are necessary to proceed with the development of the project. Any consultant that is employed to conduct such a study or develop such plans or proposals shall not enter into any other contract or maintain any other contractual relationship with such municipality other than with regard to that specific project for a period of three years immediately following the date of such employment, except that this prohibition shall not apply to any individual who serves as a direct, full-time employee of the municipality. The consultant shall identify potential alternatives to the proposed project with specific emphasis on whether or not it would be more cost efficient to enter into a cooperative effort with another political subdivision and shall review and report to the governing body on the feasibility and costs associated with the proposed project and all reasonable alternative proposals likely to meet the needs identified by the governing body as requiring the undertaking of the project.

(2) The resolution shall specify (a) the particular existing and future needs of the municipality and any surrounding areas which necessitate the proposed project, (b) the location or locations of the proposed project, (c) the physical boundaries of the area to be served by the project, (d) the proposed nature of the project and any possible alternative courses of action other than the proposed project which would meet the needs set forward, (e) the estimated cost of the project and of any other possible alternative courses of action, and (f) a description of how the project will be financed. The resolution shall also authorize the clerk of the municipality to advertise for requests for proposals to consultants to conduct the studies on the project.

Sec. 72. (1) The governing body shall receive the report of the consultant at a public meeting and copies of the report shall be filed with the clerk of the municipality and made available for review by the public during normal business hours. At such meeting the governing body shall schedule a public hearing to be held not sooner than twenty-one days following the date of the receipt of the report. The governing body shall cause notice of the public hearing to be published in a newspaper of general circulation in the municipality at least once a week for two consecutive weeks, the time of the hearing to be at least seven days following the last date of publication. The notice shall describe the time, date, place, and purpose of the hearing and shall specifically identify the project and all reasonable alternatives reviewed in the report. All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views respecting the proposed project and the alternatives.

(2) The governing body shall cause copies of the original resolution and the consultant's report to be transmitted to the clerk of each political subdivision exercising jurisdiction over territory or persons to be served by the proposed project or whose residents would be responsible in any fashion to bear any portion of the costs associated with the project. Such transmission shall be accomplished within seven days after the date on which the governing body receives the report.

Sec. 73. The municipality shall not undertake any project which would be located in whole or in part outside of its corporate boundaries, which would serve any territory or persons outside of its corporate boundaries, or whose costs of construction, operation, or service would be borne by persons residing outside of its corporate boundaries if, within thirty days after the date upon which the governing body of the municipality approves the project, a three-fifths majority of the elected members of the governing body of any political subdivision receiving notice as provided for in subsection (2) of section 72 of this act votes to reject the project.

Sec. 74. If any political subdivision votes to reject the project as provided in section 73 of this act, the governing body of the municipality may call for the approval of the project to be placed on the ballot of the next primary or general election or at a special election to be called for that purpose. All registered voters residing within the municipality and within all areas outside of the corporate boundaries of the municipality identified by the governing body as being the area to be served by the project shall be entitled to vote on the matter. If a majority of the voters voting on the matter at the election approve the project, the municipality may proceed to undertake the project, notwithstanding the objections of the political subdivision. If a majority of the voters voting on the matter reject the project, the municipality shall not undertake the project for a period of at least twelve calendar months after the date of the election, and if the governing body at that time decides to pursue the project, it shall only do so following the procedure provided for in sections 69 to 74 of this act.".

2. Correct the operative date section so that the sections added by this amendment become operative on their effective date.

3. Renumber the remaining sections and correct internal references accordingly.

Messrs. Hartnett and Beutler offered the following amendment to the Withem pending amendment:
FA350
Amend AM2256
In line 10 of pg 1, after "village" insert:
"located in a county with a population in excess of 100,000 but less than 175,000" and
in line 11, after "county" insert
"with a population in excess of 100,000 but less than 175,000."

Mr. Tyson and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

The Hartnett-Beutler amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Mr. Lynch moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Lynch requested a roll call vote on the Withem amendment, as amended.

Mrs. Brown requested the roll call vote be taken in reverse order.

Voting in the affirmative, 16:

Beutler
Bohlke
Coordsen
Crosby
Hartnett
Hilgert
Janssen
Landis
Lynch
McKenzie
Peterson, C.
Robak
Robinson
Schellpeper
Suttle
Wehrbein

Voting in the negative, 9:

Bromm
Bruning
Jensen
Jones
Maurstad
Raikes
Schrock
Stuhr
Witek

Present and not voting, 20:

Brashear
Brown
Chambers
Cudaback
Dierks
Elmer
Engel
Hillman
Kiel
Kristensen
Matzke
Pedersen, Dw.
Pederson, D.
Schimek
Schmitt
Tyson
Vrtiska
Wesely
Wickersham
Will

Excused and not voting, 4:

Abboud
Hudkins
Preister
Withem

The Withem amendment, as amended, lost with 16 ayes, 9 nays, 20 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mr. Jones offered the following amendment:
AM2279

(Amendments to E & R amendments, AM7148)

1. Strike sections 11 and 12.
2. Renumber the remaining sections and correct internal references accordingly.

MR. BRASHEAR PRESIDING

Mr. Jones withdrew his amendment.

Mr. Will reoffered his amendment, AM1741, found on page 1682 and considered on page 1737.

Mr. Will asked unanimous consent to replace his pending amendment, AM1741, found on page 1682, with a substitute amendment. No objections. So ordered.

Mr. Will withdrew his amendment, AM1741, found on page 1682.

Messrs. Will, Lynch, Dw. Pedersen, Chambers, Jensen, Preister, Hilgert, Brashear, Mmes. Suttle, Kiel, Brown, and Witek offered the following substitute amendment:
AM2290

(Amendments to E & R amendments, AM7148)

1. Insert the following new section:

"Sec. 14. Section 14-1813, Reissue Revised Statutes of Nebraska, is amended to read:

14-1813. Whenever any city of the metropolitan class ~~shall~~ ~~create~~ creates an authority, the board shall consist of five members to be selected as follows: (1) The mayor, with the approval of the city council and the county board of the county in which the city is located shall appoint one member who shall serve for one year, one member who shall serve for two years, one member who shall serve for three years, one member who shall serve for four years, and one member who shall serve for five years; and (2) upon the expiration of the term of each appointed officer, the mayor, with the approval of the city council and the county board of the county in which the city is located, shall appoint a member who shall serve for a term of five years. Members of such board shall be residents of the city for which such authority is created. In cities of the metropolitan class where a board has been heretofore appointed, the mayor, with the approval of the city council and the county board of the county in which the city is located, shall by resolution redesignate the terms of the members of such board in accordance with the provisions of sections 14-1803, 14-1805, 14-1812, and 14-1813, except ~~; PROVIDED,~~ that until such redesignation is made the terms shall stand as provided for in the original appointment. Any vacancy on such board, resulting other than from expiration of a term of office, shall be filled by the mayor, with the approval of the city council and the county board of the county in which the city is located, and such appointee shall serve the unexpired portion, if any, of the term of the member whose office was vacated. Each member, before entering upon the duties of ~~his~~ the office, shall file with the city clerk ~~his~~ an oath that he or she will duly and faithfully perform all the duties of ~~his~~ the office to the best of his or her ability, and a bond in the penal sum of five thousand dollars executed by one or more qualified sureties for the faithful performance of his or her duties. If any member shall fail to file such oath and bond on or before the first day of the term for which he or she was appointed or elected, his or her office shall be deemed to be vacant. A member of such board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the city council or the county board, in the district court of the county in which such city is located.".

2. On page 71, line 20, after the period insert "The county board of a county which contains a transit authority created pursuant to section 14-1803 shall allocate no less than three cents per one hundred dollars of taxable property within the city subject to the levy to the transit authority.".

3. On page 72, line 17, after the period insert "The city council of a city which has created a transit authority pursuant to section 14-1803 shall allocate no less than three cents per on hundred dollars of taxable property subject to the levy to the transit authority.".

4. On page 106, line 17, after the first comma insert "14-1813,".

5. Correct the operative date section so that section 14-1813 becomes operative on its effective date with the emergency clause.

6. Renumber the remaining sections and correct internal references accordingly.

Messrs. Dierks and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

Messrs. Will and Kristensen offered the following amendment to the Will et al. pending amendment:

FA351

Amend (AM2290) as follows:

1. On page 2, line 24, after "authority" insert "if requested by such

authority".

2. On page 3, line 2, after "authority" insert "if requested by such authority".

Mr. Lynch moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Will-Kristensen amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The Will et al. amendment, AM2290, as amended, was adopted with 32 ayes, 0 nays, 13 present and not voting, and 4 excused and not voting.

Mrs. Robak renewed her pending amendment, AM1813, found on page 1740.

Messrs. Hilgert, Landis, and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Robak moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

Mrs. Robak requested a roll call vote on her amendment.

Voting in the affirmative, 4:

Lynch
Maurstad
Robak
Tyson

Voting in the negative, 23:

Beutler
Bruning
Crosby
Elmer
Engel
Hartnett
Hilgert
Hudkins
Jensen
Kristensen
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Schellpeper
Schimek
Schrock
Wehrbein
Wesely
Wickersham
Will
Witek

Present and not voting, 17:

Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Cudaback
Hillman
Janssen
Jones
Matzke
Pederson, D.
Robinson
Schmitt
Stuhr
Suttle
Vrtiska

Excused and not voting, 5:

Abboud
Dierks
Kiel
Landis
Withem

The Robak amendment lost with 4 ayes, 23 nays, 17 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mr. Maurstad withdrew his amendment, AM1860, found on page 1797.

Mr. Lynch asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 890. Placed on Select File as amended.
E & R amendment to LB 890:
AM7164

1. In the Standing Committee amendment, AM1037, on page 1, line 3, after the first comma insert "pay to".

LEGISLATIVE BILL 269A. Placed on Select File.
LEGISLATIVE BILL 314A. Placed on Select File.
LEGISLATIVE BILL 517A. Placed on Select File.
LEGISLATIVE BILL 590A. Placed on Select File.
LEGISLATIVE BILL 864A. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

MESSAGES FROM THE GOVERNOR

May 19, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

Contingent upon your approval, the following individual has been reappointed to the Nebraska Foster Care Review Board.

APPOINTEE: Kathleen M. Maloney, 3851 California, Omaha, NE 68131

The aforementioned name is respectfully submitted for your consideration.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

May 19, 1997

Madam President, Speaker Withem,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President, Speaker Withem, and Senators:

This is to inform the honorable members of the Legislature that Dr. Melvin Jones has asked that his name be withdrawn for confirmation as a member of the Public Employees Retirement Board.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

EBN:dj

AMENDMENTS - Print in Journal

Mr. Schrock filed the following amendment to LB 890:
AM2300

1. On page 2, after line 8 insert:
"Claim against the Legislative Council,
pay to George Pick, Hartington, NE 68739,
out of the General Fund 16,000".

2. On page 3, line 9, strike "596,278.79" and insert "612,278.79"; and in line 11 strike "596,395.79" and insert "612,395.79".

Messrs. Hartnett and D. Pederson filed the following amendment to LB 875:
AM2297

(Amendments to E & R amendments, AM7136)

1. Insert the following new section:

"Sec. 14. (1) In any suit, action, or proceeding involving the validity or enforceability of any bond of a city, village, or authority or the security therefor brought after the lapse of thirty days after the issuance of such bonds has been authorized, any such bond reciting in substance that it has been authorized by the city, village, or authority to aid in financing a redevelopment project shall be conclusively deemed to have been authorized for such purpose and such redevelopment project shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of the Community Development Law and sections 18-2145 to 18-2154.

(2) In any suit, action, or proceeding involving the validity or enforceability of any agreement of a city, village, or authority brought after the lapse of thirty days after the agreement has been formally entered into, any such agreement

reciting in substance that it has been entered into by the city, village, or authority to provide financing for an approved redevelopment project shall be conclusively deemed to have been entered into for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of the Community Development Law and sections 18-2145 to 18-2154.".

2. On page 17, strike lines 19 through 27 and insert the following new subsection:

"(2) The authority shall conduct a cost-benefit analysis for each redevelopment project (a) which is proposed or pending approval by the governing body on or after January 1, 1999, and (b) whose redevelopment plan includes the use of funds authorized by section 18-2147. In conducting the cost-benefit analysis, the authority shall use a cost-benefit model developed for use by local projects pursuant to the guidelines for cost-benefit analysis found in section 77-5104. One or more models for such use shall be developed by the Review Incentives Program Committee created in section 77-5102.".

3. On page 21, line 14, after the semicolon insert "and"; strike beginning with the semicolon in line 18 through "authority" in line 22; and in line 26 after the period insert "The report may include any recommendations of the Property Tax Administrator as to what other information should be included in the report from the cities so as to facilitate analysis of the uses, purposes, and effectiveness of tax-increment financing and the process for its implementation or to streamline the reporting process provided for in this section to eliminate unnecessary paperwork.".

Mr. Janssen filed the following amendment to LB 401:
AM2201

(Amendments to E & R amendments, AM7159)

1. Strike amendment 1 and all amendments thereto and insert the following new amendment:

"1. Strike the original sections and insert the following new sections:

'Section 1. Section 77-2701.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2701.02. Pursuant to section 77-2715.01, ~~commencing July 1, 1990, or on July 10, 1990, whichever is later,~~ the rate of the sales tax levied pursuant to section 77-2703 shall be ~~five~~ four and one-half percent.

Sec. 2. This act becomes operative on July 1, 1997.

Sec. 3. Original section 77-2701.02, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.'.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 151. Introduced by Coordsen, 32.

PURPOSE: The purpose of this resolution is to study changes in child support obligations of parents. This study shall include an examination of (1) depreciation claimed on tax returns by self-employed parents and (2) child support payments by electronic transfer.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 152. Introduced by Coordsen, 32; Kiel, 9.

PURPOSE: The purpose of this resolution is to study the management and associated costs of information technology in state agencies. The study will include, but it is not limited to, an examination of the historical and future role of Central Data Processing (C.D.P.) and the roles and missions of other governmental entities involved in information technology, such as: The division of communications of the Department of Administrative Services, state agencies with internal data processing personnel or departments, and task forces and committees created to work on information technology issues. The study shall include, but not be limited to, the following information technology management issues:

1. Security;
2. Hardware and software purchases;
3. Contractual services within the private sector;
4. Personnel and staffing patterns;
5. Accounting;
6. Coordination of network services;
7. Efficiency of application design process;
8. Efficiency of the hardware and software maintenance process;
9. Policies and procedures developed to fulfill statutory provisions; and
10. Effectiveness of the planning process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 180. E & R amendment, AM7149, found on page 1890, was adopted.

Mr. Coordsen withdrew his amendment, AM2242, found on page 2028.

Mr. Coordsen offered the following amendment:
AM2288

(Amendments to AM1213)

1. On page 1, lines 12 through 14, strike each occurrence of "$100,000,000" and insert "$20,000,000"; and in lines 13 and 14 strike each occurrence of "June 30" and insert "August 1".

Mr. Maurstad asked unanimous consent to bracket LB 180 until May 26, 1997.

Mr. Coordsen objected.

Mr. Maurstad moved to bracket LB 180 until May 26, 1997.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad withdrew his motion to bracket.

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

The Coordsen amendment was adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Coordsen and Mrs. Bohlke offered the following amendment:
FA352

On page 1, line 7, before the period insert "including funding for core services provided or funded by Educational Service Units"

The Coordsen-Bohlke amendment was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Mr. Will withdrew his amendment, AM2160, found on page 2003.

Advanced to E & R for engrossment.

AMENDMENTS - Print in Journal

Messrs. Kristensen and Coordsen filed the following amendment to LB 271:
AM2292

(Amendments to E & R amendments AM7153)

1. Insert the following new sections:

"Sec. 9. Section 13-504, Revised Statutes Supplement, 1996, is amended to read:

13-504. (1) Each governing body shall prepare in writing and file with its secretary or clerk, in the year of its organization and each year thereafter, not later than the first day of August of each year on forms prescribed and furnished by the auditor following consultation with representatives of such governing bodies or as otherwise authorized by state law, a proposed budget statement containing the following information, except as provided by state law:

(a) For the immediate two prior fiscal years, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to each of the several funds and separately stated as to each such source, and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation of personal and real property allocated to each fund; and the amount of actual expenditure for each fund;

(b) For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to each of the several funds and separately stated as to each such source, and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from personal and real property taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable. For fiscal year 1997-98 only, the estimated receipts for motor vehicle taxes shall be no less than ninety percent of the receipts from motor vehicle taxes in the prior fiscal year. Such statement shall contain the cash reserve for each such fund for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed fifty percent of the total budget adopted for such fund exclusive of capital outlay items;

(c) For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source, to be allocated to each of the several funds, and for each fund: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed fifty percent of the total budget adopted exclusive of capital outlay items;

(d) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property (i) for the purpose of paying the principal or interest on bonds issued by the governing body and (ii) for all other purposes;

(e) A uniform summary of the proposed budget statement which shall include a separate total for each fund, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the governing body; and

(f) For municipalities, a list of the proprietary functions which are not included in the budget statement. Such proprietary functions shall have a separate budget statement which is approved by the city council or village board as provided in the Municipal Proprietary Function Act.

(2) Any governing body required by a final order of a court, the State Board of Equalization and Assessment, the Tax Commissioner, the Tax Equalization and Review Commission, or the Property Tax Administrator from which no appeal is taken to reimburse property taxes to a taxpayer may certify to the county clerk of the county in which any part of the political subdivision is situated, not later than September 10, an itemized estimate of the amount necessary to be expended to reimburse the property taxes. Such amounts shall be levied by the county board of equalization. The taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and, when collected, shall be paid to the treasurer of the political subdivision and used to cover the reimbursement of the property taxes.

Any governing body which submits an itemized estimate shall establish a property tax reimbursement fund. Taxes collected pursuant to this section shall be credited to such fund to cover the reimbursement of the property taxes.

The authority conferred by this section shall apply only to reimbursements made during fiscal years 1993-94 through 1999-2000.

(3) The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this section shall include deposits and investments of the political subdivision as well as any funds held by the county treasurer for the political subdivision and shall be accurately stated on the proposed budget statement.

(4) The political subdivision shall correct any material errors in the budget statement detected by the auditor or by other sources.

Sec. 10. Section 13-505, Revised Statutes Supplement, 1996, is amended to read:

13-505. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property and the estimated amount for reimbursements of property tax pursuant to subsection (2) of section 13-504 shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement and the itemized estimate for reimbursement of property taxes filed pursuant to section 13-504. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, ~~other~~ ~~than~~ ~~taxation~~ and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year.

Sec. 54. Original sections 13-504 and 13-505, Revised Statutes Supplement, 1996, are repealed.

Sec. 56. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with the comma in line 20 through "county" in line 21 and insert "the tax district".

3. On page 3, line 19, strike "county" and insert "tax district"; and in line 22 after "in" insert "the tax district in".

4. On page 4, line 19, after "trucks" insert "less than five tons".

5. Correct the operative date section so that the sections added by this amendment become operative on their effective date with the emergency clause.

6. Renumber the remaining sections accordingly.

Mr. Kristensen filed the following amendment to LB 271:
AM2305

(Amendments to E & R amendments, AM7153)

1. On page 9, after line 9 insert the following new subsection:

"(5) Beginning on January 1, 1998, the powers and duties of the Property Tax Administrator under this section shall be transferred to the Department of Motor Vehicles. The personnel of the property tax division of the Department of Revenue involved in such powers and duties shall become personnel of the Department of Motor Vehicles on such date. The furniture, equipment, books, files, records, and other property used by the property tax division in carrying out the powers and duties of this section shall be transferred and delivered to the Department of Motor Vehicles on or before such date. The rules, regulations, and orders of the Property Tax Administrator under this section shall remain in effect unless changed or eliminated by the Department of Motor Vehicles.".

Mr. Chambers filed the following amendment to LB 271:
AM2306

(Amendments to E & R amendments, AM7153)

1. Strike section 27 and insert the following new section:

"Sec. 27. Section 60-320, Revised Statutes Supplement, 1996, is amended to read:

60-320. (1)(a) Each licensed motor vehicle dealer or trailer dealer as defined in section 60-1401.02 doing business in this state, in lieu of the registering of each motor vehicle or trailer which such dealer owns of a type otherwise required to be registered, or any full-time or part-time employee or agent of such dealer may, if the motor vehicle or trailer displays dealer number plates:

(i) Operate ~~(a) operate~~ or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating, or use in the ordinary course and conduct of his or her business as a motor vehicle or trailer dealer. Such use may include ~~, including the~~ personal or private use ~~of such~~ by the dealer and ~~the~~ personal or private use ~~of~~ by any bona fide employee licensed pursuant to Chapter 60, article 14, if the employee can be verified by payroll records maintained at the dealership as ordinarily working more than thirty hours per week or fifteen hundred hours per year at the dealership;

(ii) Operate or move the same upon the streets and highways of this state ~~or~~ for transporting industrial equipment held by the licensee for purposes of demonstration, sale, rental, or delivery; or

(iii) Sell ~~or (b) sell~~ the same.

The ~~without registering each such motor vehicle or trailer upon the condition that any such vehicle display thereon, in the manner prescribed in section 60-323,~~ dealer number plates ~~as~~ provided for in subsection (3) of this section shall be displayed in the manner provided in section 60-323.

(b) Each licensed manufacturer as defined in section 60-1401.02 which actually manufactures or assembles motor vehicles, motorcycles, or trailers within this state, in lieu of the registering of each motor vehicle or trailer which such manufacturer owns of a type otherwise required to be registered, or any employee of such manufacturer may operate or move the same upon the streets and highways of this state solely for purposes of transporting, testing, demonstrating to prospective customers, or use in the ordinary course and conduct of business as a motor vehicle, motorcycle, or trailer manufacturer, upon the condition that any such vehicle display thereon, in the manner prescribed in section 60-323, dealer number plates as provided for in subsection (3) of this section.

(c) In no event shall such plates be used on motor vehicles or trailers hauling other than automotive or trailer equipment, complete motor vehicles, semitrailers, or trailers which are inventory of such licensed dealer or manufacturer unless there is issued by the Department of Motor Vehicles a special permit specifying the hauling of other products. This section shall not be construed to allow a dealer to operate a motor vehicle or trailer with dealer number plates for the delivery of parts inventory. A dealer may use such motor vehicle or trailer to pick up parts to be used for the motor vehicle or trailer inventory of the dealer.

(2) Motor vehicles or trailers owned by such dealer and bearing such dealer number plates may be driven upon the streets and highways for demonstration purposes by any prospective buyer thereof for a period of forty-eight hours. Motor vehicles or trailers owned and held for sale by such dealer and bearing such dealer number plates may be driven upon the streets and highways for a period of forty-eight hours as service loaner vehicles by customers having their vehicles repaired by the dealer. Upon delivery of such motor vehicle or trailer to such prospective buyer for demonstration purposes or to a service customer, the dealer shall deliver to the prospective buyer or service customer a card or certificate giving the name and address of the dealer, the name and address of the prospective buyer or service customer, and the date and hour of such delivery and the products to be hauled, if any, under a special permit. The special permit and card or certificate shall be in such form as shall be prescribed by the ~~Department of Motor Vehicles~~ department and shall be carried by such prospective buyer or service customer while driving such motor vehicle or pulling such trailer. The ~~Department of Motor Vehicles~~ department shall make a charge of ten dollars for each special permit issued ~~hereunder~~ under this section. A finance company as defined in section 60-1401.02 which is licensed to do business in this state may, in lieu of registering each motor vehicle or trailer repossessed, upon the payment of a fee of ten dollars, make an application to the ~~Department of Motor Vehicles~~ department for a repossession certificate and one repossession plate. Additional certificates and repossession plates may be procured for a fee of ten dollars each. Such repossession plates may be used only for moving motor vehicles or trailers on the streets and highways for the purpose of repossession, demonstration, and disposal of such motor vehicles or trailers repossessed. Such repossession plates shall be of the same size and material as the normal motor vehicle license plates and shall be prefixed with a large letter R and be serially numbered from 1 to distinguish them from each other. Such plates shall be displayed only on the rear of a repossessed motor vehicle or trailer. The certificate shall be displayed on demand for any motor vehicle or trailer being operated on a repossession plate. A finance company shall be entitled to a dealer number plate only in the event such company has qualified as a motor vehicle dealer under Chapter 60, article 14.

(3)(a) Any licensed dealer or manufacturer described in subsection (1) of this section may, upon payment of a fee of thirty dollars, make an application, on a form approved by the Nebraska Motor Vehicle Industry Licensing Board, to the county treasurer or designated county official as provided in section 60-302 of the county in which his or her place of business is located for a certificate and one dealer number plate for the type of vehicle the dealer has been authorized by the Nebraska Motor Vehicle Industry Licensing Board to sell and demonstrate. One additional dealer number plate may be procured for the type of vehicle the dealer has sold during the last previous period of October 1 through September 30 for each twenty vehicles sold at retail during such period or one additional dealer number plate for each thirty vehicles sold at wholesale during such period, but not to exceed a total of five additional dealer number plates in the case of vehicles sold at wholesale, or, in the case of a manufacturer, for each ten vehicles actually manufactured or assembled within the state within the last previous period of October 1 through September 30 for a fee of fifteen dollars each. ~~However, when~~

(b) Any licensed dealer or manufacturer described in subsection (1) of this section may, upon payment of an annual fee of two hundred and fifty dollars, make an application, on a form approved by the Nebraska Motor Vehicle Industry Licensing Board, to the county treasurer of the county in which his or her place of business is located for a certificate and one personal-use dealer number plate for the type of vehicle the dealer has been authorized by the Nebraska Motor Vehicle Industry Licensing Board to sell and demonstrate. Additional personal-use dealer number plates may be procured upon payment of an annual fee of two hundred and fifty dollars each, subject to the same limitations as provided in subdivision (a) of this subsection as to the number of additional dealer number plates. Beginning January 1, 1998, a personal-use dealer number plate may be displayed on a passenger car as defined in section 60-301 or a truck having a gross weight including any load on the truck of six thousand pounds or less belonging to the dealer, may be used in the same manner as a dealer number plate, and may be used for personal or private use of the dealer, the dealer's immediate family, or any bona fide employee of the dealer licensed pursuant to Chapter 60, article 14. Personal-use dealer number plates shall have the same design and shall be displayed as provided in sections 60-311 to 60-311.02.

(c) When an applicant applies for a license, the Nebraska Motor Vehicle Industry Licensing Board may authorize the county treasurer or designated county official to issue additional dealer number plates when the dealer or manufacturer furnishes satisfactory proof for a need of additional dealer number plates because of special condition or hardship. In the case of unauthorized use of dealer number plates by any licensed dealer, the Nebraska Motor Vehicle Industry Licensing Board ~~is empowered to~~ may hold a hearing and after such hearing may determine that such dealer is not qualified for continued usage of such dealer number plates for a set period not to exceed one year. ~~Such~~ All additional dealer number plates shall, in addition to all other numbers and letters required by section 60-311.02, bear such mark or number as will distinguish such plates one from another.

~~(b)~~ (d) Subject to all the provisions of law relating to motor vehicles and trailers not inconsistent with this section, any person, firm, or corporation holding a dealer's license issued pursuant to the laws of this state who is regularly engaged within this state in the business of buying and selling motor vehicles and trailers, who regularly maintains within this state an established place of business, and who desires to effect delivery of any motor vehicle or trailer bought or sold by him or her from the point where purchased or sold to points within or outside this state may, solely for the purpose of such delivery by himself or herself, agent, or bona fide purchaser, drive such motor vehicle or pull such trailer on the highways of this state without charge or registration of such vehicle or trailer. There shall be displayed on the front and rear windows of such motor vehicle, except a motorcycle, and displayed on the front and rear of each such trailer a decal on which shall be plainly printed in black letters the words In Transit. One In Transit decal shall be displayed on a motorcycle, which decal may be one-half the size required for other motor vehicles. Such decals shall include a registration number, which registration number shall be different for each decal or pair of decals issued, and the form of such decal and the numbering system shall be as prescribed by the Department of Motor Vehicles. Each dealer issuing such decals shall keep a record of the registration number of each decal or pair of decals on the invoice of such sale. Such transit decal shall allow such owner to operate the motor vehicle or pull such trailer for a period of thirty days in order to effect proper registration of the new or used motor vehicle or trailer. When any person, firm, or corporation has had a motor vehicle or trailer previously registered and license plates assigned to such person, firm, or corporation, such owner may operate the motor vehicle or pull such trailer for a period of thirty days in order to effect transfer of plates to the new or used motor vehicle or trailer. Upon demand of proper authorities, there shall be presented by the person in charge of such motor vehicle or trailer, for examination, a duly executed bill of sale therefor, a certificate of title, or other satisfactory evidence of the right of possession by such person of such motor vehicle or trailer.

(4) Any transporter doing business in this state may, in lieu of registering each motor vehicle or trailer which such transporter is transporting, upon payment of a fee of ten dollars, make an application to the Department of Motor Vehicles for a transporter's certificate and one transporter number plate. Additional certificates and plates may be procured for a fee of ten dollars each. Such transporter number plates may be the same size

as plates issued for motorcycles, shall bear thereon a mark to distinguish them as transporter plates, and shall be serially numbered so as to distinguish them from each other. Such plates may only be displayed upon the front of a driven vehicle of a lawful combination or upon the front of a motor vehicle driven singly or upon the rear of a trailer being pulled. The certificate shall be issued in duplicate. The original thereof shall be kept on file by the transporter, and the duplicate shall be displayed upon demand by the driver of any vehicle or trailer being transported. A transporter plate or certificate may not be displayed upon a work or service vehicle, except that when a properly registered truck or tractor being a work or service vehicle is in the process of towing or drawing a trailer or semitrailer, including a cabin trailer, which itself is being delivered by the transporter, then the registered truck or tractor shall also display a transporter plate upon the front thereof. The applicant for a transporter plate shall keep for three years a record of each vehicle transported by him or her ~~hereunder~~ under this section, and such record shall be available to the department for inspection. Each applicant ~~hereunder~~ shall file proof of his or her status as a bona fide transporter.

(5) Any boat dealer when transporting a boat which is part of the inventory of the boat dealer on a trailer required to be registered may annually, in lieu of registration of the trailer and upon application to the Department of Motor Vehicles and payment of a fee of ten dollars, obtain a certificate and a number plate. The plate may be displayed on any trailer owned by the boat dealer when the trailer is transporting such a boat. The number plate shall be of a type designed by the department and so numbered as to distinguish one plate from another.

For purposes of this subsection, boat dealer shall mean a person engaged in the business of buying, selling, or exchanging boats at retail who has a principal place of business for such purposes in this state.

(6) It shall be the duty of all law enforcement officers to arrest and prosecute all violators of the provisions of subsection (1), (2), (3), (4), or (5) of this section and see that they are properly prosecuted according to law. Any person, firm, or corporation, including any motor vehicle, trailer, or boat dealer or manufacturer, who fails to comply with such provisions shall be deemed guilty of a Class V misdemeanor and, in addition thereto, shall pay the county treasurer or designated county official any and all motor vehicle ~~and trailer~~ taxes and fees imposed in sections 2 and 7 of this act, registration fees, or certification fees due had the motor vehicle or trailer been properly registered or certified according to law.

When any motor vehicle or trailer dealer's or manufacturer's license has been revoked or otherwise terminated, it shall be the duty of such dealer or manufacturer to immediately surrender to the Department of Motor Vehicles or to the Nebraska Motor Vehicle Industry Licensing Board any dealer number plates issued to him or her for the current year. Failure of such dealer or manufacturer to immediately surrender such dealer ~~license~~ number plates to the department upon demand by the department shall be unlawful.

(7) Any motor vehicle or trailer owned by a dealer and bearing other than dealer number plates as provided in this section shall be conclusively presumed not to be a part of the dealer's inventory and not for demonstration or sale and therefor not eligible for any exemption from ~~taxation~~ taxes or fees applicable to vehicles with dealer number plates.".

UNANIMOUS CONSENT - Add Cointroducer

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 216. No objections. So ordered.

VISITORS

Visitors to the Chamber were Bev Sprieck from Pilger; 40 fourth grade students and teachers from Holling Heights School, Omaha; and 14 fifth through eighth grade students and teacher from St. John's Lutheran School, Stanton.

ADJOURNMENT

At 6:44 p.m., on a motion by Mr. Will, the Legislature adjourned until 9:00 a.m., Tuesday, May 20, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

SEVENTY-NINTH DAY – MAY 20, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

SEVENTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 20, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Fred Meuter, Immanuel Lutheran Church, Ceresco, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Coordsen, Kristensen, Landis, Lynch, Matzke, Wehrbein, Will, Withem, Mmes. Bohlke, Kiel, McKenzie, C. Peterson, Robak, Witek, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-eighth day was approved.

MOTION - Return LB 389 to Select File

Mr. Chambers moved to return LB 389 to Select File for his specific amendment, FA337, found on page 2028.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Chambers motion to return failed with 10 ayes, 25 nays, 10 present and not voting, and 4 excused and not voting.

Mr. Chambers moved to return LB 389 to Select File for his specific amendment, AM2252, found on page 2073.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 16:

Beutler
Chambers
Dierks
Hartnett
Hilgert
Janssen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Robak
Wesely
Wickersham
Withem

Voting in the negative, 20:

Abboud
Bruning
Coordsen
Crosby
Engel
Hudkins
Jensen
Jones
Kristensen
Lynch
Pederson, D.
Raikes
Robinson
Schellpeper
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Witek

Present and not voting, 9:

Bohlke
Brashear
Brown
Cudaback
Elmer
Preister
Schimek
Schmitt
Suttle

Excused and not voting, 4:

Bromm
Hillman
Kiel
Will

The Chambers motion to return failed with 16 ayes, 20 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Chambers moved to return LB 389 to Select File for his specific amendment, AM2283, found on page 2089.

Messrs. Lynch, Dierks, and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to return failed with 3 ayes, 11 nays, 30 present and not voting, and 5 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 216:
AM2287

(Amendments to E & R amendments, AM7160)

1. Strike section 1 and insert the following new sections:

"Section 1. Section 24-228, Reissue Revised Statutes of Nebraska, is amended to read:

24-228. The Supreme Court shall assume as expenses the cost of word processing and data processing hardware and software involved in the operation of the district courts if those costs are for services provided on equipment owned by the State of Nebraska and the services have been approved by the State Court Administrator.

Sec. 2. Original section 24-228, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 3. The following sections are outright repealed: Sections 24-227 and 33-106.04, Reissue Revised Statutes of Nebraska.".

Mr. Chambers filed the following amendment to LB 386:
AM2294

(Amendments to E & R amendments, AM7158)

1. Strike section 49.

2. Renumber the remaining sections and correct internal references accordingly.

Mr. Chambers filed the following amendment to LB 633:
AM2296

1. Strike the original sections and all amendments thereto and insert the following new sections:

Section 1. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA

Program No. 999 - University of Nebraska at Omaha Information Science, Technology, and Engineering Building

	FY1997-98	FY1998-99	FUTURE
STATE BUILDING FUND	15,000,000	8,000,000	-0-
PRIVATE FUNDS, est.	2,716,000	4,614,000	6,670,000
PROGRAM TOTAL	17,716,000	12,614,000	6,670,000

The Board of Regents of the University of Nebraska is hereby authorized to construct an Information Science, Technology, and Engineering Building on the University of Nebraska at Omaha Campus or at the AKSARBEN site in a manner consistent with the recommendations of the President of the University of Nebraska in "On Engineering Education in Nebraska", December 1994, and the program statement dated May 1996. The funds appropriated to this program may be supplemented by other funds. The total cost of the facility is estimated not to exceed $37,500,000 which includes $500,000 of previously appropriated state funds and $14,000,000 of private funds. The project includes 195,000 gross square feet. It is intended that the State Building Fund appropriation authorized in this section for FY1997-98 and FY1998-99, along with the $500,000 previously appropriated, be the maximum amount of state funds applied to this project. All costs of the facility and associated site work beyond the State Building Fund appropriation in this section will be funded from nonstate sources.

In accordance with actions taken by the Coordinating Commission for Postsecondary Education in its approval of the construction of and recommendations for partial state funding of the Information Science, Technology, and Engineering Building, it is intended that the design and construction of this facility will include sufficient correctly designed, correctly equipped, and properly electronically integrated space to insure that technical standards established by the NEB*SAT Coordinating Council are met and that currently available and anticipated distance learning and multimedia technologies and systems can be utilized. The utilization should insure that accessibility to information science and technology programs and courses and engineering programs and courses are available not only to citizens and industries in the Omaha area but also to citizens and industries throughout Nebraska with a minimum of duplication and excess cost.

Sec. 2. AGENCY NO. 51 -- UNIVERSITY OF NEBRASKA

Program No. 781 - University Administration

There is hereby appropriated to the Board of Regents of the University of Nebraska for FY1997-98 $771,000 General Funds and for FY1998-99 $1,260,000 General Funds for the College of Information Science and Technology.

In accordance with actions taken by the Coordinating Commission for Postsecondary Education in its recommendations that initial state tax funding be provided for the College of Information Science and Technology, it is the intent of the Legislature that any state tax funds appropriated in this section and used for these purposes be expended in a manner which helps achieve the following goals: (1) The University of Nebraska should collaborate and cooperate with other postsecondary education institutions in Nebraska to promote efficiencies in engineering and information science and technology programs; (2) the University of Nebraska should utilize the latest distance learning and multimedia technologies reasonably available to further enhance the quality and accessibility of the information science and technology and engineering programs not only to the citizens of the Omaha metropolitan area, but also to meet the needs of place-bound students and businesses throughout the state, and in such a manner as to avoid unnecessary program and course duplications among institutions; such collaboration should extend to high-quality programs offered by other institutions which could benefit University of Nebraska students, particularly through the use of distance learning; (3) the University of Nebraska should work with the community colleges to articulate undergraduate programs offered in the College of Information Science and Technology with appropriate programs offered by the community colleges. Collaboration should be expanded beyond the information science and technology programs in order to meet the information science and technology educational needs in Omaha and throughout the state; and (4) the University of Nebraska should assure that appropriate policies and practices are established and used in order to meet the special needs of students from under-represented populations in the information science and technology and engineering programs.".

Messrs. Tyson, Schellpeper, Mrs. Bohlke, and Ms. Schimek filed the following amendment to LB 314:
AM2265

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 4. Section 73-304, Reissue Revised Statutes of Nebraska, is amended to read:

73-304. The Director of Administrative Services may approve a proposed contract if:

(1) The potential economic advantage of contracting is a measurable cost savings of at least fifteen percent, achieved for twelve-month and sixty-month timeframes and is not outweighed by the public's interest in having the particular services performed directly by the state agency;

(2) The contract does not adversely affect the state's affirmative action efforts;

(3) A measureable improvement in the quality of services is achievable;

(4) The contract will include adequate control mechanisms to insure that the services are provided pursuant to the terms of the contract, including clauses that require:

(a) The contractor to submit to the jurisdiction of the Public Counsel with respect to the provision of services under the contract; and

(b) All documents or information created as a result of the contract, including names, job titles, salaries, and benefits, are open and a matter of public record; and

~~(4)~~ (5) The private entity is fairly compensating its employees.

Sec. 5. Any contract for personal services entered into without meeting the requirements of sections 73-301 to 73-306 shall be considered null and void. In addition, the Attorney General, any affected citizen, consumer, or employee, any advocacy organization, or any employee organization may bring a civil action for relief in the district court to enforce sections 73-301 to 73-306 and to prevent the implementation of contracts for personal services referred to in such sections.".

2. On page 1, line 2, after the first comma insert "73-304,"; and in line 9 after the first comma insert "personal service contracts,".

3. On page 31, line 11, after "sections" insert "73-304,".

4. Correct the operative date section so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

5. Renumber the remaining sections and correct internal references accordingly.

NOTICE OF COMMITTEE HEARING
Agriculture

Thursday, May 29, 1997 1:15 p.m.
Nebraska Dry Bean Commission
  Kevin Kelley
  Clifford Walker
  Craig Maas

(Signed) Merton L. Dierks, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 153. Introduced by Kristensen, 37.

PURPOSE: The purpose of this study is to review the operations of, and statutory framework for, the Tax Equalization and Review Commission (TERC). The TERC was created by Laws 1995, LB 490 to perform intercounty and intracounty equalization along with other duties. The TERC has been operational since 1996. A study is necessary to examine whether, under its current organizational structure, the TERC can adequately perform its duties and meet the objectives for which it was created. Among other issues, this study should specifically examine and determine:

(1) Whether the TERC as organized provides sufficient due process to parties;

(2) Whether the TERC has the time, resources, and statutory support necessary to fully consider and address all of the issues raised before the body;

(3) Whether the TERC provides an accessible and realistic forum for redressing grievances in matters of taxation;

(4) Whether the procedure for appealing rulings of the TERC provides a legitimate avenue for review of the TERC's decisions;

(5) Whether the TERC provides greater fairness, consistency, and efficiency in the process of taxation;

(6) Whether the TERC is removed from the political process as intended; and

(7) The appropriate relationship between the TERC and the Property Tax Administrator.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 154. Introduced by Maurstad, 30.

PURPOSE: To review and determine whether health insurance and sickness and accident losses should be included under pooling arrangements authorized under the Intergovernmental Risk Management Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 155. Introduced by Maurstad, 30.

PURPOSE: Nebraska law requires proof of financial responsibility for motor vehicle operators and recognizes the importance of such requirement through severe penalties, including suspension of operating privileges of those motor vehicle operators who fail to maintain such proof. However, a motor vehicle operator who is involved in an accident and declares bankruptcy is able to avoid a suspension of his or her operating privileges. The Legislature should review current statutes and determine whether changes should be made to deal with this type of situation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 156. Introduced by Coordsen, 32.

PURPOSE: The purpose of this resolution is to study the Secretary of State's implementation of the publication of the Nebraska Register and the Nebraska Administrative Code pursuant to the provisions of Legislative Bill 665, Ninety-fifth Legislature, First Session, 1997. The study shall include the following issues:

(1) Contents of each publication;
(2) Frequency of each publication;
(3) Omission of certain information from each publication;
(4) Availability of each publication to government offices and the general public (a) through written copies and (b) through the Internet;
(5) Filing requirements for agencies submitting rules and regulations;
(6) Legal effect of the contents of each publication;
(7) Resale of publications by the Secretary of State; and
(8) Adoption of rules and regulations by the Secretary of State for such

publications.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 157. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Hudkins, 21; Schellpeper, 18; Schrock, 38; Vrtiska, 1.

PURPOSE: To examine issues addressed by Legislative Bill 661, Ninety-fifth Legislature, First Session, heard by the Agriculture Committee. The study shall examine whether resumption of a state meat and poultry inspection program is feasible or desirable and would provide opportunities for producers working with small-to-medium sized packing plants to develop and market value-added products. The study shall also examine the impact to small and medium sized meat packers with the implementation of Hazard Analysis Critical Control Point (HACCP) meat inspection regulations of the federal Food Safety Inspection Service scheduled to begin in July, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 158. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Hudkins, 21; Schellpeper, 18; Schrock, 38; Vrtiska, 1.

PURPOSE: To study the future viability of the Nebraska Tractor Testing Laboratory if Legislative Bill 192, Ninety-fifth Legislature, First Session, which would strike the provisions of sections 2-2701 to 2-2711 requiring performance testing of tractor models sold in Nebraska, is enacted. Testing fee revenue paid by manufacturers pursuant to existing law are a significant revenue source for the tractor test facility. The study shall examine the potential to expand the functions of the tractor test lab to include proprietary research and cooperative research ventures with the United States Department of Agriculture Research Service or other public or private agricultural research foundations. The study shall also examine whether the existing law could be modified to remove or mitigate competitive barriers which Nebraska's unique tractor testing law creates for Nebraska equipment dealers.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 159. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Hudkins, 21; Schellpeper, 18; Schrock, 38; Vrtiska, 1.

PURPOSE: Recent changes in federal farm programs will have the effect of removing the income safety net that has traditionally existed in the farming sector. Increasingly, the stability and prosperity of production agriculture is tied to the ability and willingness of producers to cooperatively market raw farm commodities and to venture into value-added activities with existing or new commodities. The purpose of this study is to examine methods to both encourage and assist Nebraska producers in capitalizing on such value-added opportunities. The study shall specifically examine relevant programs in other states, as well as existing promotional and economic development programs in Nebraska, which are or can be targeted toward activities which enhance farm income.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 160. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Hudkins, 21; Schellpeper, 18; Schrock, 38; Vrtiska, 1.

PURPOSE: To study the interrelationship of the Nebraska Right to Farm Act with proposed air quality standards for total reduced sulphur (TRS), including hydrogen sulfide, which may impact agricultural production facilities. The study shall include a review of TRS emission standards adopted by other states and the federal government in various regulatory settings, the scientific underpinnings for determining TRS emission standards, and the cost and practicality of available technologies to control hydrogen sulfide emissions. In addition, the study shall review means to manage air quality concerns on a local and regional basis and whether provisions of the Nebraska Right to Farm Act can be strengthened or modified to minimize noncompliance and help meet the purposes of establishing TRS air quality standards.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 161. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Hudkins, 21; Schrock, 38; Vrtiska, 1; and Jones, 43.

PURPOSE: The Nebraska livestock brand law, Chapter 54, article 1, Revised Statutes of Nebraska, governs the use, application, registration, and inspection of ownership brands on cattle and other livestock. Although the law is comprehensive and widely understood throughout the livestock industry, the existing language is often archaic and confusing. It is the intent of this study to review the Nebraska livestock brand law with the input of the Nebraska Brand Committee and other interested parties for purposes of updating, simplifying, and clarifying the law where appropriate and desirable.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 162. Introduced by Agriculture Committee: Dierks, 40, Chairperson; Chambers, 11; Cudaback, 36; Hilgert, 7; Hudkins, 21; Schellpeper, 18; Schrock, 38; Vrtiska, 1.

PURPOSE: To study issues addressed by the Nebraska Host Farm and Ranch Act, Legislative Bill 189, Ninety-fifth Legislature, First Session, heard by the Agriculture Committee. Specifically, the study shall attempt to determine what barriers exist to the proliferation of agricultural experience businesses in Nebraska, often referred to as dude ranches or farm stays. Specifically, the study shall examine methods to mitigate liability concerns and prohibitive insurance costs and determine how to utilize the promotional resources of the Department of Agriculture to assist and encourage tourism-related entrepreneurial activities on Nebraska's farms and ranches.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

MOTION - Return LB 389 to Select File

Mr. Chambers moved to return LB 389 to Select File for the following specific amendment:
AM2310

(Amendments to Final Reading copy)

PURPOSE: To add $100,000 General Funds for state aid to mental health programs for Native Americans.

1. On page 49, strike line 19 and insert "GENERAL FUND 15,767,151 15,682,151"; strike line 21 and insert "PROGRAM TOTAL 17,642,841 17,642,841"; in line 23 strike "15,667,151" and insert "15,767,151"; and in line 26 strike "15,582,151" and insert "15,682,151".

2. On page 50, line 27; and page 51, line 1, strike "117,018" and insert "217,018".

Mr. Chambers asked unanimous consent to replace his pending amendment, AM2310, with a substitute amendment. No objections. So ordered.

Mr. Chambers withdrew his amendment, AM2310, found in this day's Journal.

Mr. Chambers moved to return LB 389 to Select File for the following Chambers-Maurstad substitute specific amendment:
FA354

(Amendments to Final Reading copy)

PURPOSE: To add $118,000 General Funds for state aid to mental health programs for Native Americans.

1. On page 49, strike line 19 and insert "GENERAL FUND 15,785,151 15,700,151"; strike line 21 and insert "PROGRAM TOTAL 17,660,841 17,660,841"; in line 23 strike "15,667,151" and insert "15,785,151"; and in line 26 strike "15,582,151" and insert "15,700,151".

2. On page 50, line 27; and page 51, line 1, strike "117,018" and insert "235,018".

3. On page 51, after the period in line 3 insert "There is included in the earmark for mental health services for Native Americans in FY1997-98 and FY1998-99 $75,000 General Funds for the Winnebago Tribe $98,018

General Funds for the Omaha Tribe, $31,000 General Funds for the Santee Tribe and $31,000 General Funds for the Ponca Tribe."

SPEAKER WITHEM PRESIDING

PRESIDENT ROBAK PRESIDING

The Chambers motion to return prevailed with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 389. The Chambers-Maurstad specific amendment, FA354, found in this day's Journal, was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Reconsider Action on LB 389

Mr. Wehrbein moved to reconsider the vote on the motion to return LB 389 to Select File for the Chambers amendment, AM2252.

The Wehrbein motion to reconsider prevailed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

MOTION - Return LB 389 to Select File

Mr. Chambers moved to return LB 389 to Select File for his reconsidered specific amendment, AM2252, found on page 2073 and considered in this day's Journal.

The Chambers motion to return prevailed with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 389. The Chambers specific amendment, AM2252, found on page 2073, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 389 to Select File

Mr. Wesely moved to return LB 389 to Select File for the following

Wesely-Chambers-Wehrbein specific amendment:
AM2316

(Amendments to Final Reading copy)

1. On page 90, after line 3 insert the following:

"The Legislature recognizes that Nebraska businesses increasingly compete in a global setting. The Legislature further recognizes that the best preparation for competing in a global economy and a diverse workplace is a broad higher educational experience. Programs designed to promote excellence in higher education by enhancing student exposure to faculty of diverse cultural, racial, and ethnic backgrounds and women faculty should be a goal of the University of Nebraska system. The Board of Regents of the University of Nebraska should encourage the recruitment, development, and retention of outstanding faculty, especially women and minorities, to better reflect the realities faced by graduates in a diverse society and global economy, and to provide University of Nebraska students with a complete educational experience.

To implement the goal of recruiting, developing, and retaining minority and women faculty, it is the intent of the Legislature that:

(i) The University of Nebraska system should dedicate a portion of its salary appropriation to the recruitment and hiring of minority and women faculty members in all areas of academic pursuit with the goal of being among the top twenty-five percent among the Board of Regent's peer institutions in the employment of women and minority faculty members;

(ii) By August 1, 2002, the University of Nebraska system should be among the top fifty percent among the Board of Regent's peer institutions in the employment of women and minority faculty members;

(iii) The University of Nebraska system should submit a report to the Legislature by January 1, 1998, which will establish a five-year plan containing yearly benchmark standards to be met in achieving the minimal goal of being among the top fifty percent among the Board of Regent's peer institutions in the employment of women and minority faculty members by August 1, 2002; and

(iv) Beginning with the 1998-1999 budget, and each year thereafter, the budget division of the Department of Administrative Services should use its allotment authority to withhold one percent of the State of Nebraska's General Fund appropriations for operations excluding state aid and capital construction to the University of Nebraska for each year the University fails to meet the benchmark standards established by the five-year plan as reported to the Legislature.".

The Wesely motion to return prevailed with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 389. The Wesely-Chambers-Wehrbein specific amendment, AM2316, found in this day's Journal, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 389 to Select File

Mr. Chambers moved to return LB 389 to Select File for the following specific amendment:
AM2311

(Amendments to Final Reading copy)

PURPOSE: To eliminate operating funds for the new College of Information Science and Technology at UNO.

AMENDMENT:

1. On page 82, lines 15 and 16, strike "333,483,966 336,286,864" and insert "332,712,966 335,026,864".
2. On page 86, strike lines 17 through 28.
3. On page 87, strike lines 1 through 19.

Mr. Chambers withdrew his motion to return.

SELECT FILE

LEGISLATIVE BILL 386. Mr. Chambers renewed his pending amendment, FA345, found on page 2082.

Messrs. Robinson, Maurstad, Jones, Janssen, Landis, and Mrs. Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers withdrew his amendment.

Pending.

CORRECTED STANDING COMMITTEE REPORT
Judiciary

LEGISLATIVE BILL 204. Corrected Standing Committee amendment:
AM2323

1. On page 2, lines 9 and 14, strike "may" and insert "shall"; in line 19 strike "Attorney General" and insert "Nebraska State Patrol"; and strike beginning with "The" in line 27 through line 28 and insert "(a) The Nebraska State Patrol".
2. On page 3, line 1, strike "subsection" through the

comma; strike beginning with "The" in line 3 through line 16 and insert the following new subdivisions

"(b) The rules and regulations adopted by the Nebraska State Patrol shall identify and incorporate factors relevant to the sex offender's risk of recidivism. Factors relevant to the risk of recidivism include, but are not limited to:

(i) Conditions of release that minimize the risk of recidivism, including probation, parole, counseling, therapy, or treatment;

(ii) Physical conditions that minimize the risk of recidivism, including advanced age or debilitating illness; and

(iii) Any criminal history of the sex offender indicative of a high risk of recidivism, including:

(A) Whether the conduct of the sex offender was found to be characterized by repetitive and compulsive behavior;

(B) Whether the sex offender committed the sexual offense against a child;

(C) Whether the sexual offense involved the use of a weapon, violence, or infliction of serious bodily injury;

(D) The number, date, and nature of prior offenses;

(E) Whether psychological or psychiatric profiles indicate a risk of recidivism;

(F) The sex offender's response to treatment;

(G) Any recent threats by the sex offender against a person or expressions of intent to commit additional crimes; and

(H) Behavior of the sex offender while confined.

(c) The procedures for release of information established by the Nebraska State Patrol shall provide for three levels of notification by the law enforcement agency in whose jurisdiction the sex offender is to be released depending on the risk of recidivism by the sex offender as follows:

(i) If the risk of recidivism is low, other law enforcement agencies likely to encounter the sex offender shall be notified;

(ii) If the risk of recidivism is moderate, in addition to the notice required by subdivision (i) of this subdivision, schools, daycare centers, and religious and youth organizations shall be notified; and

(iii) If the risk of recidivism is high, in addition to the notice required by subdivisions (i) and (ii) of this subdivision, the public shall be notified through means designed to reach members of the public likely to encounter the sex offender, which are limited to direct contact, news releases, or a system utilizing a telephone system which charges a fee for each use. If any means of notification proposes a fee for usage, then nonprofit organizations holding a certificate of exemption under section 501(c) of the Internal Revenue Code shall not be charged.

(d) The Nebraska State Patrol shall establish procedures for the evaluation of the risk of recidivism and implementation of community notification that promote the uniform application of the notification rules and regulations required by this section.

(e) The Nebraska State Patrol shall assign a notification level, based upon the risk of recidivism, to all persons required to register under the act."; and strike lines 22 through 28.

3. On page 4, strike lines 1 through 14.

(Signed) Kermit A. Brashear, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 163. Introduced by Will, 8.

PURPOSE: The purpose of this resolution is to examine the methods of structuring debate on legislative bills and amendments, legislative resolutions, and constitutional amendments. This study shall include, but not be limited to, the examination of:

(1) The number, content, and introduction of amendments; and

(2) The possible methods of organizing debate such as (a) having the Speaker schedule bills and amendments, (b) having the parameters of debate established by the Rules Committee, (c) having the parameters of debate established by a standing committee, and (d) having the parameters of debate established by the Speaker. Parameters of debate include the length of debate, items considered for debate, and limitations on speaking time for individual senators.

This study should focus not only upon the specific application of the current Rules of the Nebraska Unicameral Legislature, but also upon mechanisms employed by legislative bodies in other states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 164. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1; Will, 8.

PURPOSE: The enactment of levy limits on political subdivisions is intended to increase efficiencies in their delivery of services. One method of improving efficiencies is through the reorganization or restructuring of political subdivisions. There is concern that the levy limits may not provide adequate funding for public library service and that there may be other difficulties in providing library service as a result of these reorganization or restructuring efforts. Public libraries may need to change their methods of governance, organization, or funding in relation to the levy limits and changes in the structure of political subdivisions in order to provide services which are appropriate for their communities and the changing society of this state. This study shall include, but not be limited to, examination of the following:

1. The impact of levy limits on providing public library services;
2. The impact of reorganization or restructuring of political subdivisions on public library services;
3. The impact of new technologies, including use of the Internet, on public library services;
4. Whether methods of library organization or funding need to be changed to respond to the levy limits or reorganization or restructuring of public subdivisions; and
5. Any other matters necessary or proper for a full and complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 165. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1; Will, 8.

PURPOSE: The Internet and other new forms of technology offer many opportunities for information exchange, education, and entertainment. However, use of the Internet for gaming activities creates serious concerns for policymakers. It is difficult to monitor the Internet, and therefor regulation of gaming activities on the Internet is highly problematic, with questionable ability to control the integrity of gaming activities, including, but not limited to, providing appropriate odds, random selection of winners, and payouts to players. Internet gaming activities are often run through offshore entities which are not subject to the jurisdiction of United States courts, making it difficult to enforce laws or regulations relating to these activities. Because of the fact the Internet activities do not respect state and national borders, it may be necessary for the United States Congress to deal with this issue. This study shall include, but not be limited to, examination of the following:

1. The extent and nature of Internet gaming in the State of Nebraska;
2. Whether it is necessary or appropriate for the State of Nebraska to enact legislation which regulates Internet gaming for the protection of its residents, and the likely impact of such legislation;
3. Activities by other states and the federal government concerning

Internet gaming;

4. Whether the State of Nebraska should support federal legislation to regulate Internet gaming; and

5. Any other matters necessary or appropriate for a full and complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 166. Introduced by C. Peterson, 35.

PURPOSE: Acupuncture originated in China and is presently used as a primary health care system throughout the world. Acupuncture is a method of balancing and building the body's life force energy. Although part of a system of traditional health care for body and mind which dates back three thousand years, acupuncture today is at the forefront of modern medical research and practice.

Consumers wish to assume responsibility for their own health and have access to a wide variety of health care. The purpose of this study shall include, but not be limited to, the study of acupuncture, a listing of possible treatable conditions from acupuncture, and the legality of acupuncture in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 167. Introduced by C. Peterson, 35.

PURPOSE: This study shall include, but not be limited to:

(1) Examining issues generally within the effort to provide relief to financially strapped counties and the authorization of counties to sell tax certificates; and

(2) Examining whether the fee per certificate purchased covers the expense the county treasurer incurs in association with handling the certificates.

Since this study involves a detailed examination of governmental services, all efforts shall be made to gather information from any available source and to include input from interested parties in order to compile accurate information and to provide expertise upon which the Legislature may draw for future legislation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 168. Introduced by C. Peterson, 35.

PURPOSE: The purpose of this resolution is to study the method in which child care home providers receive reimbursement for nutritious meals served under the Child and Adult Care Food Program (CACFP), which changes are effective on July 1, 1997.

The changes in the reimbursement rates are a direct result of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, also known as the Welfare Reform Act. The restructuring of the child care home payment system is an effort by the federal government to cut $2.2 billion over five years.

Under the new system, there will be a two-tiered rate structure for payments to child care homes. Under this structure, the level of reimbursement for meals served to enrolled children will be determined by economic need based on the location of the child care home, the income of the child care provider, or the income of individual children's households.

Constituents have requested additional information regarding these new guidelines and it was determined that further study of the issues would be helpful in ensuring that their concerns were being met.

The study shall include, but not be limited to, the following issues:

1. The rationale behind why meals served to children in Tier I homes will be reimbursed at a higher rate than meals served to children in Tier II homes;

2. The different levels available for requesting reimbursement, submission of information to sponsoring organizations, and determination in which tier a provider will be reimbursed based on that criteria;

3. Low-income household guidelines;

4. The options and methods which the child care division could use while handling violations of the regulations governing this program; and

5. Any other issues necessary or appropriate for a full and complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative appointment:

Maloney, Kathleen M. - Foster Care Review Board -- Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
General Affairs

Wednesday, May 28, 1997 1:30 p.m.
Kam-Ching Leung - Nebraska Arts Council
Jack Crowley - Nebraska Liquor Control Commission

(Signed) Stan Schellpeper, Chairperson

VISITORS

Visitors to the Chamber were Margaret King and Ruth Lorez from Omaha; 46 fourth, fifth, and sixth grade students and teachers from Fairmont; 44 fourth grade students and teachers from Hitchcock Elementary School, Omaha; 15 fourth grade students and teacher from Polk-Hordville School, Polk; and Senator Beutler's mother, Dorothy Beutler, from Omaha.

RECESS

At 11:57 a.m., on a motion by Mr. Vrtiska, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Kiel, Robak, Messrs. Cudaback, Jensen, Landis, Maurstad, Dw. Pedersen, Robinson, Schrock, and Will who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 271. E & R amendment, AM7153, printed separately and referred to on page 1949, was adopted.

Mr. Chambers renewed his pending amendment, AM2004, found on page 1968.

PRESIDENT ROBAK PRESIDING

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will asked unanimous consent to bracket LB 271 until May 22, 1997.

Mr. Kristensen objected.

Mr. Will moved to bracket LB 271 until May 22, 1997.

Mr. Abboud and Mrs. Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Will moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Will requested a record vote on his motion to bracket.

Voting in the affirmative, 17:

Bromm
Chambers
Dierks
Hilgert
Hudkins
Jones
Peterson, C.
Preister
Raikes
Schimek
Schmitt
Schrock
Stuhr
Suttle
Wesely
Will
Withem

Voting in the negative, 24:

Bohlke
Brashear
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hillman
Janssen
Kristensen
Landis
Lynch
Matzke
McKenzie
Pederson, D.
Robinson
Schellpeper
Tyson
Vrtiska
Wehrbein
Wickersham
Witek

Present and not voting, 4:

Beutler
Brown
Maurstad
Pedersen, Dw.

Excused and not voting, 4:

Abboud	Jensen	Kiel	Robak

The Will motion to bracket failed with 17 ayes, 24 nays, 4 present and not voting, and 4 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 169. Introduced by Wickersham, 49; Hillman, 48.

PURPOSE: To conduct an actuarial study of the Medicaid Program to assist with planning for future costs. From 1985 through 1995, annual increases in the Medicaid Program ranged from four to twenty-five percent. The study will generate information to assist the Legislature in determining a level of future annual obligations. The study shall include, but not be limited to, the examination of the following components:

1. Acute health care;
2. Long-term care; and
3. Services for the developmentally disabled.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 170. Introduced by Raikes, 25.

PURPOSE: To review existing statutes, sections 10-711 and 10-712, Reissue Revised Statutes of Nebraska, relating to the liability for the payment of preexisting bond debt of territory moving from one school district to another in both the original school district and the new school district into which it has been annexed. The key definitional section, section 10-712, has not been substantially changed in over a century with the result that it may no longer adequately address issues of fairness and equity under modern circumstances. Questions raised by the Supreme Court of the State of Nebraska in 1883 still have not been addressed by the Legislature. The whole matter raises serious constitutional questions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mr. D. Pederson filed the following amendment to LB 873:
AM2317

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 66-1344, Reissue Revised Statutes of Nebraska, is amended to read:

66-1344. (1) Each producer of ethanol shall receive a credit pursuant to this section of twenty cents per gallon of ethanol produced in Nebraska, which credit shall be in the form of a nonrefundable transferable motor vehicle fuel tax credit certificate. After July 1, 1994, no such credit shall be given for ethanol produced at an ethanol facility which was in production on or before January 1, 1992, unless on or before July 1, 1994, the name plate design capacity for the production of ethanol, before denaturing, at the facility has been expanded to equal at least two times the name plate design capacity for production of ethanol, before denaturing, existing at the facility as of January 1, 1992.

(2) Any ethanol facility which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1992, shall receive a credit of twenty cents per gallon of ethanol produced beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 1997.

(3) Any ethanol facility which is not in production on or before December 31, 1992, but which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1995, shall receive a credit of twenty cents per gallon of ethanol produced for sixty months beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 2000, if the ethanol facility maintains an average production rate of at least twenty-five percent of its name plate design capacity for at least six months after the first month for which it is eligible to receive such credit.

(4) Any ethanol facility which was under construction on or before December 31, 1995, but which is in production at the rate

of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before July 1, 1998, shall receive a credit of twenty cents per gallon of ethanol produced until December 31, 2000, if the ethanol facility maintains an average production rate of at least twenty-five percent of its name plate design capacity for at least six months after the first month for which it is eligible to receive such credit.

(5) Any ethanol facility eligible for a credit under subsection (1), (2), or (3) of this section shall also receive a credit of twenty cents per gallon of ethanol produced in excess of the original name plate design capacity which results from expansion of the facility completed on or before December 31, 1995. Such credit shall be for sixty months beginning with the first month for which production from the expanded facility is eligible to receive such credit and ending not later than December 31, 2000. Any ethanol facility eligible for a credit under subsection (4) of this section shall also receive a credit of twenty cents per gallon of ethanol produced in excess of the original name plate design capacity which results from construction of the facility completed on or before July 1, 1998. Such credit shall end not later than December 31, 2000.

~~(5)~~ (6) The credit shall be given only for ethanol produced at a plant in Nebraska at which all fermentation, distillation, and dehydration takes place. No credit shall be given on ethanol produced for or sold for use in the production of distilled spirits. Not less than two million gallons and not more than twenty-five million gallons of ethanol produced annually at an ethanol facility shall be eligible for the credit, and the credit may only be claimed by a producer for the period specified in subsection (2), (3), ~~or~~ (4), or (5) of this section. Not more than one hundred twenty-five million gallons of ethanol produced at an ethanol facility by the end of the ~~sixty-month~~ period set forth in subsection (3), ~~or~~ (4), or (5) of this section shall be eligible for the credit under such subsection, in addition to the ethanol entitled to credit under subsection (1) or (2) of this section.

~~(6)~~ (7) The Department of Revenue shall prescribe an application form and procedures for claiming the credit and shall adopt and promulgate rules and regulations to carry out this section.

~~(7)~~ (8) For purposes of ascertaining the correctness of any application for claiming the credit provided in this section, the Tax Commissioner (a) may examine or cause to have examined, by any agent or representative designated by him or her for that purpose, any books, papers, records, or memoranda bearing upon such matters, (b) may by summons require the attendance of the person responsible for rendering the application or other document or any officer or employee of such person or the attendance of any other person having knowledge in the premises, and (c) may take testimony and require proof material for his or her information, with power to administer oaths or affirmations to such person or persons. The time and place of examination pursuant to this subsection shall be such time and place as may be fixed by the Tax Commissioner and as are reasonable under the circumstances. In the case of a summons, the date fixed for appearance before the Tax Commissioner shall not be less than twenty days from the time of service of the summons. No taxpayer shall be subjected to unreasonable or unnecessary examinations or investigations. All records obtained pursuant to this subsection shall be subject to the confidentiality requirements and exceptions thereto as provided in section 77-27,119.

Sec. 2. Original section 66-1344, Reissue Revised Statutes of Nebraska, is repealed.".

2. On page 1, strike beginning with "sanitary" in line 1 through line 3 and insert "ethanol; to amend section 66-1344, Reissue Revised Statutes of Nebraska; to provide an ethanol production credit;".

Mr. Bromm filed the following amendments to LB 590:

AM2019

(Amendments to E & R amendments, AM7146)

1. On page 9, line 9, strike "assure" through "providing" and insert "provide".

AM2021

(Amendments to E & R amendments, AM7146)

1. On page 13, line 11, after the period insert "A contract shall not be approved which prohibits a state agency from providing the public access to public records directly from the state agency.".

AM2022

(Amendments to E & R amendments, AM7146)

1. On page 15, line 26, after "state" insert "and local"; and in line 27 strike the new matter and insert "records".

AM2018

(Amendments to E & R amendments, AM7146)

1. On page 5, line 15, strike "and"; and in line 18 after "information" insert "; and

(8) Electronic access shall supplement, but not replace, the public's access to public information through whatever means state agencies are reasonably capable of providing such information".

AM2020

(Amendments to E & R amendments, AM7146)

1. On page 13, strike beginning with "subscriber" in line 4 through "(d)" in line 6; and in line 7 strike "(e)" and insert "(d)".

AM1780

(Amendments to E & R amendments, AM7146)

1. On page 5, lines 4, 5, 8, 11, 14, and 18; page 8, lines 4, 7, and 25; page 9, lines 1, 4, 10, 12, 14, and 16; page 11, line 18; page 12, lines 10, 17, 18, and 26; page 13, lines 3, 5, 13, and 21; page 14, line 14; page 15, line 27; and page 16, lines 9, 14, 16, 18, and 22, strike each occurrence of "information" and insert "records".

2. On page 8, strike beginning with "information" in line 9 through "files" in line 13 and insert "records includes all records and documents, regardless of physical form, of or belonging to this state or any agency, branch, department, board, bureau, commission, council, subunit, or committee of this state except when any other statute expressly provides that particular information or records shall not be made public. Data which is a public record in its original form shall remain a public record when maintained in computer files".

AM2028

(Amendments to E & R amendments, AM7146)

1. Insert the following new section:

"Sec. 12. No request to a state agency for a copy of public records in any medium commonly utilized by such agency shall be denied on the ground the custodian prefers to make the public records available elsewhere.".

2. On page 14, line 4, strike "11" and insert "12".

3. Renumber the remaining sections accordingly.

AM2030

(Amendments to E & R amendments, AM7146)

1. On page 12, after line 3 insert the following new subsection:

"(4) The general public shall have access to public records from state agencies, in any medium commonly utilized by such agencies, to the extent practicable, as well as through a network manager.".

AM2029

(Amendments to E & R amendments, AM7146)

1. Insert the following new section:

"Sec. 12. No request to a state agency for a copy of public records in any medium commonly utilized by such agency shall be denied on the ground the custodian prefers to make the public records available in another medium.".

2. On page 14, line 4, strike "11" and insert "12".

7 3. Renumber the remaining sections accordingly.

SELECT FILE

LEGISLATIVE BILL 271. The Chambers pending amendment, AM2004, found on page 1968 and considered in this day's Journal, was renewed.

Mr. Engel asked unanimous consent to be excused. No objections. So ordered.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Mr. Bruning requested the roll call vote be taken in reverse order.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Present and not voting, 2:

Schimek
Schmitt

Excused and not voting, 6:

Abboud
Engel
Jensen
Kiel
Robak
Cudaback

The Chambers amendment lost with 1 aye, 40 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, AM2005, found on page 1980.

Messrs. Landis, Withem, Jones, Wickersham, Will, Coordsen, and Bruning asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 171. Introduced by Wehrbein, 2.

PURPOSE: Legislative Bill 695, Ninety-fifth Legislature, First Session, has been introduced to limit reimbursement to counties by the state. This legislation, along with state statutes regarding reimbursement for feeding and boarding state prisoners in county jails, are in need of review. This includes defining what services are included in the reimbursement and at what rate. To that end, the Appropriations Committee of the Legislature should conduct a comprehensive study of existing law and report to the full Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 389.

Enrollment and Review Change to LB 389
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER9074

1. In the Chambers-Maurstad amendment, FA354, in amendment 3., a comma has been inserted after "Santee Tribe".

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARING
Natural Resources

Thursday, May 29, 1997 8:00 a.m.
Nebraska Aquatic Habitat Plan
Neb. Rev. Stat.
Section 37-216.07

(Signed) Chris Beutler, Chairperson

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska State Board of Health
  Dr. Jerry Vaughan, O.D.

Nebraska Commission for the Hearing Impaired
  Janet Haun
  Esther Seanor
  Leonard Smith
  Tricia Tighe

VOTE: Aye: Senators Wesely, Matzke, Dierks, Jensen, Peterson, Suttle, Witek. Nay: None. Absent: None.

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 271. The Chambers pending amendment, AM2005, found on page 1980 and considered in this day's Journal, was renewed.

Mr. Wehrbein moved to recommit LB 271 to the Revenue Committee.

Messrs. Dierks, Lynch, and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Wehrbein withdrew his motion to recommit LB 271 to the Revenue Committee.

Mr. Chambers withdrew his amendment, AM2005, found on page 1980.

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

Messrs. Kristensen and Coordsen withdrew their amendment, AM2292, found on page 2108.

Mr. Kristensen withdrew his amendment, AM2305, found on page 2110.

Mr. Chambers renewed his pending amendment, AM2306, found on page 2110.

Messrs. Lynch and Elmer asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Withem requested a record vote on the Chambers amendment.

Voting in the affirmative, 26:

Brashear
Bromm
Brown
Chambers
Coordsen
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Kristensen
Landis
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Schellpeper
Schimek
Schmitt
Stuhr
Suttle
Wehrbein
Wesely
Will
Witek

Voting in the negative, 3:

Crosby
Janssen
Withem

Present and not voting, 9:

Beutler
Bohlke
Elmer
Matzke
McKenzie
Robinson
Tyson
Vrtiska
Wickersham

Excused and not voting, 11:

Abboud
Bruning
Cudaback
Dierks
Engel
Jones
Kiel
Lynch
Pederson, D.
Robak
Schrock

The Chambers amendment was adopted with 26 ayes, 3 nays, 9 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen offered the following amendment:
AM2313

(Amendments to E & R amendments, AM7153)

1. Insert the following new sections:

"Sec. 9. Section 13-504, Revised Statutes Supplement, 1996, is amended to read:

13-504. (1) Each governing body shall prepare in writing and file with its secretary or clerk, in the year of its organization and each year thereafter, not later than the first day of August of each year on forms prescribed and furnished by the auditor following consultation with representatives of such governing bodies or as otherwise authorized by state law, a proposed budget statement containing the following information, except as provided by state law:

(a) For the immediate two prior fiscal years, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to each of the several funds and separately stated as to each such source, and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation of personal and real property allocated to each fund; and the amount of actual expenditure for each fund;

(b) For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to each of the several funds and separately stated as to each such source, and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from personal and real property taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable. For fiscal year 1997-98 only, the estimated receipts for motor vehicle taxes shall be no less than ninety percent of the receipts from motor vehicle taxes in the prior fiscal year. Such statement shall contain the cash reserve for each such fund for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed fifty percent of the total budget adopted for such fund exclusive of capital outlay items;

(c) For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source, to be allocated to each of the several funds, and for each fund: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed fifty percent of the total budget adopted exclusive of capital outlay items;

(d) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property (i) for the purpose of paying the principal or interest on bonds issued by the governing body and (ii) for all other purposes;

(e) A uniform summary of the proposed budget statement which shall include a separate total for each fund, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the governing body; and

(f) For municipalities, a list of the proprietary functions which are not included in the budget statement. Such proprietary functions shall have a separate budget statement which is approved by the city council or village board as provided in the Municipal Proprietary Function Act.

(2) Any governing body required by a final order of a court, the State Board of Equalization and Assessment, the Tax Commissioner, the Tax Equalization and Review Commission, or the Property Tax Administrator from which no appeal is taken to reimburse property taxes to a taxpayer may certify to the county clerk of the county in which any part of the political subdivision is situated, not later than September 10, an itemized estimate of the amount necessary to be expended to reimburse the property taxes. Such amounts shall be levied by the county board of equalization. The taxes shall be collected by the county treasurer at the same time and in the same manner as county taxes are collected and, when collected, shall be paid to the treasurer of the political subdivision and used to cover the reimbursement of the property taxes.

Any governing body which submits an itemized estimate shall establish a property tax reimbursement fund. Taxes collected pursuant to this section shall be credited to such fund to cover the reimbursement of the property taxes.

The authority conferred by this section shall apply only to reimbursements made during fiscal years 1993-94 through 1999-2000.

(3) The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this section shall include deposits and investments of the political subdivision as well as any funds held by the county treasurer for the political subdivision and shall be accurately stated on the proposed budget statement.

(4) The political subdivision shall correct any material errors in the budget statement detected by the auditor or by other sources.

Sec. 10. Section 13-505, Revised Statutes Supplement, 1996, is amended to read:

13-505. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property and the estimated amount for reimbursements of property tax pursuant to subsection (2) of section 13-504 shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement and the itemized estimate for reimbursement of property taxes filed pursuant to section 13-504. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, ~~other~~ ~~than~~ ~~taxation~~ and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year.

Sec. 11. Section 13-506, Revised Statutes Supplement, 1996, is amended to read:

13-506. Each governing body, after the filing of the proposed budget statement with its secretary or clerk, shall each year conduct a public hearing on such proposed budget statement and the itemized estimate for reimbursement of property taxes pursuant to subsection (2) of section 13-504. Notice of place and time of such hearing, together with a summary of the proposed budget statement and the itemized estimate for reimbursement of property taxes pursuant to subsection (2) of section 13-504, shall be published at least five days prior to the date set for hearing, in a newspaper of general circulation within the governing body's jurisdiction or by direct mailing of the notice to each resident within the community. When the total operating budget, including the amount necessary for reimbursement of property taxes, not including reserves, does not exceed ten thousand dollars per year, the proposed budget summary may be posted at the governing body's principal headquarters. After such hearing, the proposed budget statement, including the amount necessary for reimbursement of property taxes, shall be adopted, or amended and adopted as amended, and a written record shall be kept of such hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement, including the amount necessary for reimbursement of property taxes, is adopted, or is amended and adopted as amended, and if the levying board represents more than one county, a member or a representative of the governing board shall appear and present its budget at the hearing of each county in which is located a major area of the county affected by its budget. The certification of the amount to be received from personal and real property taxation shall specify separately (1) the amount to be applied to the payment of principal or interest on bonds issued by the governing body and (2) the amount to be received for all other purposes. If the adopted budget statement, including the amount necessary for reimbursement of property taxes, reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within twenty days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for such changes.

Sec. 12. Section 13-509, Revised Statutes Supplement, 1996, as amended by section 2, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997, is amended to read:

13-509. On or before August 31 of each year, the county assessor shall certify to each governing body or board empowered to levy or certify a tax levy the current taxable value of the taxable real and personal property subject to the applicable levy. Current taxable value for real property shall mean the value established by the county assessor and equalized by the county board of equalization, the agricultural and horticultural land valuation board, and the Tax Equalization and Review Commission. Current taxable value for tangible personal property other than motor vehicles shall mean the net book value reported by the taxpayer and certified by the county assessor, and current taxable value for motor vehicles shall mean the value certified by the county assessor pursuant to section 77-1514.

Sec. 56. Original sections 13-504 to 13-506, Revised Statutes Supplement, 1996, and section 13-509, Revised Statutes Supplement, 1996, as amended by section 2, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997, are repealed.

Sec. 57. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with the comma in line 20 through "county" in line 21 and insert "the tax district".

3. On page 3, line 19, strike "county" and insert "tax district"; and in line 22 after "in" insert "the tax district in".

4. On page 4, line 19, after "vans" insert "up to five tons".

5. On page 7, line 25, strike "salvage" through "title" and insert "title branded as previous salvage pursuant to section 60-130".

6. On page 9, after line 9 insert the following new subsection:

"(5) Beginning on January 1, 1998, the powers and duties of the Property Tax Administrator under this section shall be transferred to the Department of Motor Vehicles. The personnel of the property tax division of the Department of Revenue involved in such powers and duties shall become personnel of the Department of Motor Vehicles on such date. The furniture, equipment, books, files, records, and other property used by the property tax division in carrying out the powers and duties of this section shall be transferred and delivered to the Department of Motor Vehicles on or before such date. The rules, regulations, and orders of the Property Tax Administrator under this section shall remain in effect unless changed or eliminated by the Department of Motor Vehicles.".

7. On page 13, line 20, after the comma insert "upon a trade-in or surrender of a motor vehicle under a lease,"; and in line 26 after the first comma insert "the lessee, in the case of a trade-in or surrender under a lease,".

8. On page 14, line 3, after the comma insert "date of trade-in or surrender under a lease,"; in line 5 after the last comma insert "the motor vehicle is traded in or surrendered under a lease,"; in lines 9, 10, and 12 after "transferor" insert "or lessee"; in line 10 after the comma insert "trade-in, or surrender"; in line 13 strike "assessor" and insert "treasurer or designated county official pursuant to section 23-186"; in line 15 after the second comma insert "lessee,"; in line 18 after the last comma insert "date of trade-in or surrender,"; strike beginning with "The" in line 22 through the period in line 24; and in line 24 after "treasurer" insert "or designated county official pursuant to section 23-186".

9. On page 15, strike lines 3 through 6.

10. On page 36, line 27, strike "plate", show as stricken, and insert "plates issued after January 1, 1999".

11. Correct the operative date section so that the sections added by this amendment become operative on their effective date with the emergency clause.

12. Renumber the remaining sections accordingly.

Messrs. Kristensen, Schellpeper, and Hartnett offered the following amendment to the Kristensen pending amendment:
FA356
Amend AM2313
On page 2, line 5, strike "ninety" and insert "eighty-five"

Mr. Kristensen moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Kristensen-Schellpeper-Hartnett amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

The Kristensen amendment, AM2313, as amended, was adopted with 28 ayes, 0 nays, 11 present and not voting, and 10 excused and not voting.

Mrs. Bohlke, Messrs. Dw. Pedersen, and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler offered the following amendment:
FA355
Amend (AM7153) as follows:
On page 11, line 26 & 27 strike "road, bridge and street" and insert "any legal"

Mr. Beutler moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The Beutler amendment lost with 8 ayes, 21 nays, 9 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen offered the following amendment:
AM2340
(Amendments to E & R amendments, AM7153)

1. On page 12, strike lines 3 through 19 and insert:

"(5) The motor vehicle fee schedules are set out in this section. Except for passenger cars, trucks, utility vehicles, and vans, up to five tons, with a value when new of less than $20,000, the fee shall be calculated by multiplying the base fee times the fraction which corresponds to the age category of the vehicle as shown in the following table:

YEAR	FRACTION
First through fifth	1.00
Sixth through tenth	.70
Eleventh and over	.35

(6) The base fee shall be:

(a) Passenger cars, trucks, utility vehicles, and vans -- Up to five tons, with a value when new of $20,000 through $39,999 -- $20

(b) Passenger cars, trucks, utility vehicles, and vans -- Up to five tons, with a value when new of $40,000 or more -- $30

(c) Motorcycles -- $10

(d) Recreational vehicles -- Cabin trailers and self-propelled mobile homes -- $10

(e) Trucks and buses -- $30

(f) Trailers other than semitrailers -- $20

(g) Semitrailers -- $30

The fee for passenger cars, trucks, utility vehicles, and vans, up to five tons, with a value when new of less than $20,000, shall be five dollars.".

The Kristensen amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Beutler offered the following amendment:
FA357

On page 11, line 26 & 27 strike "road, bridge and street" and insert "any infrastructure"

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 172. Introduced by Tyson, 19; Beutler, 28.

PURPOSE: The purpose of this study is to examine the state's natural resources districts. This interim study will complement the study by the Nebraska Natural Resources Commission authorized by LB 1085 in 1996. The study will review the history and the objectives of natural resources districts, examine the process natural resources districts use to prioritize projects and allocate funds, examine methods for resolving disputes over natural resources districts' decisions, review the reports regarding the existence of drainage districts submitted to the Legislature by natural resources districts pursuant to section 31-378, and review the report submitted to the Legislature by the commission pursuant to section 2-1506.01.

The first purpose of the study is to examine the history and objectives of natural resources districts. This will include a discussion of the original purposes of the natural resources districts, how natural resources districts have fulfilled the original purposes, how the purposes of natural resources districts have changed over time, and the effect changes in the purposes of natural resources districts have had on projects completed by the districts.

The second purpose of the study is to examine the process natural resources districts use to prioritize projects and allocate funds.

The third purpose of the study is to examine methods of dispute resolution regarding the decisions by the natural resources districts.

The fourth purpose of the study is to review the reports regarding the existence of drainage districts and consider LB 682 (1997) to determine whether drainage districts should be merged into the natural resources districts.

The fifth purpose of the study is to review the report submitted by the commission prior to September 1, 1997, pursuant to section 2-1506.01.

The study will include how potential projects are identified, what criteria is used to prioritize projects, how requests by entities, including citizens, private businesses, and governmental agencies, for cooperative projects within the districts are addressed, how opportunities for cooperative arrangements and cost share between districts and other entities can be facilitated, the availability of federal funds to districts and how district policies enhance or deter utilization of federal funds, and how disagreements surrounding natural resources district board's decisions can be resolved, including a procedure for appealing board decisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 173. Introduced by Revenue Committee: Coordsen, 32; Hartnett, 45; Schellpeper, 18; Wickersham, 49.

PURPOSE: In 1997, the property tax issue remains important to a majority of Nebraskans. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. As a result, the Legislature commenced a multiyear process designed to permanently reduce local government demands on property tax. Legislative proposals which have been enacted dramatically reduce the number of entities allowed to independently levy property taxes, place absolute dollar and cents limits on the actual tax levy, change the process by which property taxes are levied, shift responsibilities from local to state tax bases, or otherwise alter the state-local or interlocal relationships. Other legislative proposals are being considered and may be enacted by the Ninety-fifth Legislature, First Session, 1997, which change the taxation of motor vehicles, revise aid formulas to provide state assistance to local governments, and create mechanisms for joint or state oversight of local construction projects. These proposals raise a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and
3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion. Included among these issues is the possible need and use of the Property Tax Reduction Incentive Fund as proposed by Legislative Bill 180, Ninety-fifth Legislature, First Session, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee consisting of the members of the Revenue Committee;

the Chairpersons of the Committees on Judiciary, Transportation, Government, Military and Veterans Affairs, Education, Urban Affairs, Health and Human Services, Appropriations, and Natural Resources; the Chairperson of the Executive Board of the Legislative Council; and the Speaker of the Legislature be designated to coordinate the research undertaken pursuant to this project. The committee may include up to seven representatives of local government in conducting its responsibilities under this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 174. Introduced by Revenue Committee: Coordsen, 32; Hartnett, 45; Schellpeper, 18; Wickersham, 49.

PURPOSE: In 1997, the property tax issue remains important to a majority of Nebraskans. It has become apparent over the last twenty-five years of work in this area, that the traditional approaches, including lids and state aid to political subdivisions, while effective are not sufficient in and of themselves to adequately address the concerns of Nebraskans over the long term. Frustration with the current system has led to proposals to severely limit the availability of property tax for funding public services. As a result, the Legislature commenced a multiyear process designed to permanently reduce local government demands on property tax. Legislative proposals which have been enacted dramatically reduce the number of entities allowed to independently levy property taxes, place absolute dollar and cents limits on the actual tax levy, change the process by which property taxes are levied, shift responsibilities from local to state tax bases, or otherwise alter the state-local or interlocal relationships. Other legislative proposals are being considered and may be enacted by the Ninety-fifth Legislature, First Session, 1997, which change the taxation of motor vehicles, revise aid formulas to provide state assistance to local governments, and create mechanisms for joint or state oversight of local construction projects. These proposals raise a number of issues which must be addressed to substantially and permanently reduce Nebraska's dependence on property tax. These issues cover a very broad spectrum of the committees organized to carry out the business of the Legislature.

Resolution of the property tax issue involves a serious look at public services in Nebraska and the methods we use to pay for them. Efforts to provide property tax relief must be directed toward achieving the following goals:

1. Restructuring local and state governmental services in Nebraska;
2. Reducing the use of property tax to finance public services; and
3. Restructuring state aid to local government and local revenue authority as is necessary to achieve goals 1 and 2.

Such a project involves a detailed examination of most governmental services and the jurisdiction and expertise of most committees of the

Legislature. Coordination and execution of such a research effort is critical to delivering results that will provide property tax relief that is adequate and permanent and that can be implemented in an orderly fashion.

Included among the issues which must be addressed are the proper distribution of the property tax levying authority under the constraints proposed by Legislative Bills 1085 and 1114, Ninety-fourth Legislature, Second Session, 1996; the proper balance of revenue sources to pay for state and local public services; the matching of revenue to services in a way that provides adequate, but not extravagant, public services; and the possible need and use of the Property Tax Reduction Incentive Fund as proposed by Legislative Bill 180, Ninety-fifth Legislature, First Session, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 175. Introduced by Bromm, 23; Robinson, 16; Vrtiska, 1; Dierks, 40.

PURPOSE: The Legislature provided in Laws 1996, LB 1114, that Nebraska's public school districts are to substantially reduce the expenditure of property tax dollars used in general fund expenditures for kindergarten through grade twelve education. School districts expend in excess of one hundred million dollars annually for the purchase of group medical insurance coverage for employees. For the vast majority of public school districts, the group medical insurance coverage is provided as a practical matter under policies offered by only one vendor. This study shall include, but not be limited to, examination of the following:

1. Whether a public school district which purchases group medical insurance coverage for its employees should be required periodically to open such coverage to a public bidding procedure;
2. Whether an insurance company which sells group medical insurance coverage to public school districts for their employees should be required to periodically disclose financial experience data related to such coverage;
3. Whether an insurance company which sells group medical insurance coverage to public school districts for their employees should be required to annually submit to the Department of Insurance a financial summary report for such coverage for the preceding calendar year; and
4. Any other issues necessary or appropriate for a full and complete examination of this matter.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 176. Introduced by Stuhr, 24.

PURPOSE: The purpose of this resolution is to study state statutes related to the relationship between the agricultural and horticultural land valuation boards and the Tax Equalization and Review Commission. The study shall include, but not be limited to, a review and analysis of the consistency of the policy objectives of the boards and the commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 752:
(Amendment, AM2307, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Messrs. Beutler, Tyson, and Schellpeper filed the following amendment to LB 658:
(Amendment, AM2330, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

SELECT FILE

LEGISLATIVE BILL 23. Mr. Maurstad asked unanimous consent to replace the Kiel pending amendment, AM1968, found on page 1903 and considered on page 1979, with a substitute amendment. No objections. So ordered.

Mr. Maurstad withdrew the Kiel amendment, AM1968, found on page 1903.

Messrs. Maurstad, Hilgert, Mmes. Brown, and Witek offered the following substitute amendment:
AM2325

(Amendments to Standing Committee amendments, AM0748)

1. Insert the following new section:

"Sec. 6. Section 71-155, Reissue Revised Statutes of

Nebraska, is amended to read:

71-155. The proceeding under section 71-150 shall be summary in its nature and triable as an equity action and shall be heard by the Director of Regulation and Licensure or by a hearing officer designated by the director under rules and regulations of the department. Affidavits may be received in evidence in the discretion of the director or hearing officer. The department shall have the power to administer oaths, to subpoena witnesses and compel their attendance, and to issue subpoenas duces tecum and require the production of books, accounts, and documents in the same manner and to the same extent as the district courts of the state. Depositions may be used by either party. Upon the completion of any hearing held under this section, the director shall, if the petition is brought with respect to subdivision (15) of section 71-148, make findings as to whether the licensee's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, and shall have the authority through entry of an order to exercise in his or her discretion any or all of the following powers, irrespective of the petition:

(1) Issue a censure or reprimand against the licensee, certificate holder, or registrant;

(2) Suspend judgment;

(3) Place the licensee, certificate holder, or registrant on probation;

(4) Place a limitation or limitations on the license, certificate, or registration and upon the right of the licensee, certificate holder, or registrant to practice the profession to such extent, scope, or type of practice, for such time, and under such conditions as are found necessary and proper;

(5) Impose a civil penalty not to exceed ten thousand dollars. The amount of the penalty shall be based on the severity of the violation;

(6) Enter an order of suspension of the license, certificate, or registration;

(7) Enter an order of revocation of the license, certificate, or registration; and

(8) Dismiss the action.

If the director determines that guilt has been established, the director may, at his or her discretion, consult with the board of examiners for the profession involved concerning sanctions to be imposed or terms and conditions of the sanctions. When the director consults with a board of examiners, the licensee or certificate holder shall be provided with a copy of the director's request, the recommendation of the board of examiners, and an opportunity to respond in such manner as the director determines.

The licensee, certificate holder, or registrant shall not engage in the practice of a profession after a license, certificate, or registration to practice such profession is revoked or during the time for which it is suspended. If a license, certificate, or registration is suspended, the suspension shall be for a definite period of time to be set by the director. The director may provide that the license, certificate, or registration shall be automatically reinstated upon expiration of such period, reinstated if the terms and conditions as set by the director are satisfied, or reinstated subject to probation or limitations or conditions upon the practice of the licensee, certificate holder, or registrant. If such license, certificate, or registration is revoked, such revocation shall be for all times, except that at any time after the expiration of two years, application may be made for reinstatement pursuant to section 71-161.04.".

2. On page 3, line 17, after "delivery" insert ". For purposes of this subdivision, the term partially delivers vaginally a living unborn child before killing the unborn child means deliberately and intentionally delivering into the vagina a living unborn child, or a substantial portion thereof, for the purpose of performing a procedure that the person performing such procedure knows will kill the unborn child and does kill the unborn child".

3. On page 3, lines 21 and 22; and page 6, lines 13 and 14, strike ", and no other medical procedure would suffice for that purpose".

4. On page 4, after line 6, insert the following new subsection:

"(5) Upon the filing of criminal charges under this section by the Attorney General or a county attorney, the Attorney General shall also file a petition to suspend and revoke the attending physician's license to practice medicine pursuant to section 71-150. A hearing on such administrative petition shall be set in accordance with section 71-153. At such hearing, the attending physician shall have the opportunity to present evidence that the physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. A defendant against whom criminal charges are brought under this section may bring a motion to delay the beginning of the trial until after the entry of an order by the Director of Regulation and Licensure pursuant to section 71-155. The findings of the Director of Regulation and Licensure as to whether the attending physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, shall be admissible in the criminal proceedings brought pursuant to this section.".

5. On page 8, line 21, after the last comma insert "71-155,".

6. Renumber the remaining sections accordingly.

Mr. Robinson and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Will requested a division of the question on the Maurstad et al. amendment.

The Chair sustained the division of the question.

The first Maurstad et al. amendment is as follows:
FA358
(Amendments to Standing Committee amendments, AM0748)

2. On page 3, line 17, after "delivery" insert ". For purposes of this subdivision, the term partially delivers vaginally a living unborn child before killing the unborn child means deliberately and intentionally delivering into the vagina a living unborn child, or a substantial portion thereof, for the purpose of performing a procedure that the person performing such procedure knows will kill the unborn child and does kill the unborn child".

MR. BRASHEAR PRESIDING

SPEAKER WITHEM PRESIDING

Mr. Chambers requested a record vote on the first Maurstad et al. amendment, FA358.

Voting in the affirmative, 29:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Dierks
Hilgert
Hillman
Jensen
Jones
Kristensen
Landis
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Schimek
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 2:

Chambers
Will

Present and not voting, 10:

Hartnett
Hudkins
Janssen
Lynch
Matzke
Pederson, D.
Schellpeper
Schmitt
Schrock
Wickersham

Excused and not voting, 8:

Abboud
Bruning
Cudaback
Elmer
Engel
Kiel
McKenzie
Robinson

The first Maurstad et al. amendment, FA358, was adopted with 29 ayes, 2 nays, 10 present and not voting, and 8 excused and not voting.

The second Maurstad et al. amendment is as follows:
FA359

(Amendments to Standing Committee amendments, AM0748)

1. Insert the following new section:

"Sec. 6. Section 71-155, Reissue Revised Statutes of Nebraska, is amended to read:

71-155. The proceeding under section 71-150 shall be summary in its nature and triable as an equity action and shall be heard by the Director of Regulation and Licensure or by a hearing officer designated by the director under rules and regulations of the department. Affidavits may be received in evidence in the discretion of the director or hearing officer. The department shall have the power to administer oaths, to subpoena witnesses and compel their attendance, and to issue subpoenas duces tecum and require the production of books, accounts, and documents in the same manner and to the same extent as the district courts of the state. Depositions may be used by either party. Upon the completion of any hearing held under this section, the director shall, if the petition is brought with respect to subdivision (15) of section 71-148, make findings as to whether the licensee's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, and shall have the authority through entry of an order to exercise in his or her discretion any or all of the following powers, irrespective of the petition:

(1) Issue a censure or reprimand against the licensee, certificate holder, or registrant;

(2) Suspend judgment;

(3) Place the licensee, certificate holder, or registrant on probation;

(4) Place a limitation or limitations on the license, certificate, or registration and upon the right of the licensee, certificate holder, or registrant to practice the profession to such extent, scope, or type of practice, for such time, and under such conditions as are found necessary and proper;

(5) Impose a civil penalty not to exceed ten thousand dollars. The amount of the penalty shall be based on the severity of the violation;

(6) Enter an order of suspension of the license, certificate, or registration;

(7) Enter an order of revocation of the license, certificate, or registration; and

(8) Dismiss the action.

If the director determines that guilt has been established, the director may, at his or her discretion, consult with the board of examiners for the profession involved concerning sanctions to be imposed or terms and conditions of the sanctions. When the director consults with a board of examiners, the licensee or certificate holder shall be provided with a copy of the director's request, the recommendation of the board of examiners, and an opportunity to respond in such manner as the director determines.

The licensee, certificate holder, or registrant shall not engage in the practice of a profession after a license, certificate, or registration to practice such profession is revoked or during the time for which it is suspended. If a license, certificate, or registration is suspended, the suspension shall be for a definite period of time to be set by the director. The director may provide that the license, certificate, or registration shall be automatically reinstated upon expiration of such period, reinstated if the terms and conditions as set by the director are satisfied, or reinstated subject to probation or limitations or conditions upon the practice of the licensee, certificate holder, or registrant. If such license, certificate, or registration is revoked, such revocation shall be for all times, except that at any time after the expiration of two years, application may be made for reinstatement pursuant to section 71-161.04.".

3. On page 3, lines 21 and 22; and page 6, lines 13 and 14, strike ", and no other medical procedure would suffice for that purpose".

4. On page 4, after line 6, insert the following new subsection:

"(5) Upon the filing of criminal charges under this section by the Attorney General or a county attorney, the Attorney General shall also file a petition to suspend and revoke the attending physician's license to practice medicine pursuant to section 71-150. A hearing on such administrative petition shall be set in accordance with section 71-153. At such hearing, the attending physician shall have the opportunity to present evidence that the physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. A defendant against whom criminal charges are brought under this section may bring a motion to delay the beginning of the trial until after the entry of an order by the Director of Regulation and Licensure pursuant to section 71-155. The findings of the Director of Regulation and Licensure as to whether the attending physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, shall be admissible in the criminal proceedings brought pursuant to this section.".

5. On page 8, line 21, after the last comma insert

"71-155,".

6. Renumber the remaining sections accordingly.

Mr. Chambers requested a division of the question on the second Maurstad et al. amendment.

The Chair sustained the division of the question.

The first Maurstad et al. amendment is as follows:
FA360
(Amendments to Standing Committee amendments, AM0748)

3. On page 3, lines 21 and 22; and page 6, lines 13 and 14, strike ", and no other medical procedure would suffice for that purpose".

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

The first Maurstad et al. amendment, FA360, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The second Maurstad et al. amendment is as follows:
FA361
(Amendments to Standing Committee amendments, AM0748)

1. Insert the following new section:

"Sec. 6. Section 71-155, Reissue Revised Statutes of Nebraska, is amended to read:

71-155. The proceeding under section 71-150 shall be summary in its nature and triable as an equity action and shall be heard by the Director of Regulation and Licensure or by a hearing officer designated by the director under rules and regulations of the department. Affidavits may be received in evidence in the discretion of the director or hearing officer. The department shall have the power to administer oaths, to subpoena witnesses and compel their attendance, and to issue subpoenas duces tecum and require the production of books, accounts, and documents in the same manner and to the same extent as the district courts of the state. Depositions may be used by either party. Upon the completion of any hearing held under this section, the director shall, if the petition is brought with respect to subdivision (15) of section 71-148, make findings as to whether the licensee's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, and shall have the authority through entry of an order to exercise in his or her discretion any or all of the following powers, irrespective of the petition:

(1) Issue a censure or reprimand against the licensee,

certificate holder, or registrant;

(2) Suspend judgment;

(3) Place the licensee, certificate holder, or registrant on probation;

(4) Place a limitation or limitations on the license, certificate, or registration and upon the right of the licensee, certificate holder, or registrant to practice the profession to such extent, scope, or type of practice, for such time, and under such conditions as are found necessary and proper;

(5) Impose a civil penalty not to exceed ten thousand dollars. The amount of the penalty shall be based on the severity of the violation;

(6) Enter an order of suspension of the license, certificate, or registration;

(7) Enter an order of revocation of the license, certificate, or registration; and

(8) Dismiss the action.

If the director determines that guilt has been established, the director may, at his or her discretion, consult with the board of examiners for the profession involved concerning sanctions to be imposed or terms and conditions of the sanctions. When the director consults with a board of examiners, the licensee or certificate holder shall be provided with a copy of the director's request, the recommendation of the board of examiners, and an opportunity to respond in such manner as the director determines.

The licensee, certificate holder, or registrant shall not engage in the practice of a profession after a license, certificate, or registration to practice such profession is revoked or during the time for which it is suspended. If a license, certificate, or registration is suspended, the suspension shall be for a definite period of time to be set by the director. The director may provide that the license, certificate, or registration shall be automatically reinstated upon expiration of such period, reinstated if the terms and conditions as set by the director are satisfied, or reinstated subject to probation or limitations or conditions upon the practice of the licensee, certificate holder, or registrant. If such license, certificate, or registration is revoked, such revocation shall be for all times, except that at any time after the expiration of two years, application may be made for reinstatement pursuant to section 71-161.04.".

4. On page 4, after line 6, insert the following new subsection:

"(5) Upon the filing of criminal charges under this section by the Attorney General or a county attorney, the Attorney General shall also file a petition to suspend and revoke the attending physician's license to practice medicine pursuant to section 71-150. A hearing on such administrative petition shall be set in accordance with section 71-153. At such hearing, the attending physician shall have the opportunity to present evidence that the physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself. A defendant against whom criminal charges are brought under this section may bring a motion to delay the beginning of the trial until after the entry of an order by the Director of Regulation and Licensure pursuant to section 71-155. The findings of the Director of Regulation and Licensure as to whether the attending physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, shall be admissible in the criminal proceedings brought pursuant to this section.".

5. On page 8, line 21, after the last comma insert "71-155,".

6. Renumber the remaining sections accordingly.

Mr. Maurstad moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The second Maurstad et al. amendment, FA361, was adopted with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Chambers renewed his pending amendment, FA252, found on page 1903.

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 4:

Chambers
Wesely
Wickersham
Will

Voting in the negative, 25:

Brashear
Bromm
Crosby
Dierks
Hilgert
Jensen
Jones
Kristensen
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Witek
Withem

Present and not voting, 12:

Bohlke
Brown
Coordsen
Hartnett
Hillman
Hudkins
Janssen
Landis
Lynch
Matzke
Schimek
Suttle

Excused and not voting, 8:

Abboud
Beutler
Bruning
Cudaback
Elmer
Engel
Kiel
Robinson

The Chambers amendment lost with 4 ayes, 25 nays, 12 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 271A:
AM2320

1. Strike the original section and insert the following new sections:

"Section 1. There is hereby appropriated (1) $155,962 from the Department of Motor Vehicles Cash Fund for FY1997-98 and (2) $55,962 from the Department of Motor Vehicles Cash Fund for FY1998-99 to the Department of Motor Vehicles, for Program 70, to aid in carrying out the provisions of Legislative Bill 271, Ninety-fifth Legislature, First Session, 1997.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $31,793 for FY1997-98 or $31,793 for FY1998-99.

Sec. 2. The General Fund appropriation for FY1997-98 to the Department of Revenue, for Program 103, is hereby reduced by $54,962. The General Fund appropriation for FY1998-99 to the Department of Revenue, for Program 103, is hereby reduced by $54,962.

The salary limit for FY1997-98 for the Department of Revenue, for Program 103, is hereby reduced by $31,793. The salary limit for FY1998-99 for the Department of Revenue, for Program 103, is hereby reduced by $31,793.".

Mmes. Crosby, McKenzie, and Mr. Bromm filed the following amendment to LB 851:
AM2329

(Amendments to Final Reading copy)

1. Strike sections 5, 10, and 11.

2. On page 1, strike lines 6 through 11 and insert "Statutes Supplement, 1996; to define, redefine, and eliminate terms; to change the name, membership, and duties of the Commission

for the Hearing Impaired; to rename".

3. On page 2, lines 14 and 20; and page 8, lines 2 and 25, strike "sections 5, 8, 10, and 11" and insert "section 7".

4. On page 2, after line 10 insert the following:

"It is the intent of the Legislature to assure that qualified educational interpreters are provided to deaf and hard of hearing children in kindergarten-through-grade-twelve public school districts and educational service units. Prior to September 1, 1998, the State Department of Education, in cooperation with the Commission for the Deaf and Hard of Hearing, shall develop qualified educational interpreter guidelines for distribution as well as a training program to implement the guidelines. By September 1, 2000, the State Department of Education shall adopt and promulgate rules and regulations to implement the guidelines and requirements for qualified educational interpreters, and such rules and regulations shall apply to all qualified educational interpreters employed for the 2001-02 school year and all school years thereafter."; and in lines 18 and 19 strike the new matter.

5. On page 3, strike beginning with "Qualified" in line 20 through "(7)" in line 28.

6. On page 4, strike beginning with the comma in line 1 through the comma in line 2; strike beginning with the period in line 5 through "act" in line 7; and in line 12 strike "(8)" and insert "(7)".

7. On page 7, strike beginning with "(1)" in line 4 through "(3)" in line 27; and in line 27 strike "commission" and insert "Commission for the Deaf and Hard of Hearing".

8. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 49:
AM2347

(Amendments to Final Reading copy)

1. Strike section 4 and insert the following new section:

"Sec. 12. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, line 3; and page 11, line 8, strike "49-1413,".

3. On page 1, line 10, strike "and" and after "sections" insert "; and to declare an emergency".

4. On page 2, lines 3 and 4, strike "7 and 8" and insert "6 and 7".

5. On page 3, line 16, strike "7" and insert "6".

Messrs. Matzke, Kristensen, Bromm, and Mrs. McKenzie filed the following amendment to LB 798:
AM2298

(Amendments to AM1989)

1. On page 8, line 24, strike "thirty" and insert

"sixty".

2. On page 9, line 1, after "centers" insert "and to any capital expenditure by a hospital to increase the number of surgical suites dedicated to the performance of outpatient surgical procedures".

Mr. Wickersham filed the following amendment to LB 138:
AM2312

1. Insert the following new sections:

"Sec. 46. Section 71-507, Reissue Revised Statutes of Nebraska, is amended to read:

71-507. For purposes of sections 71-507 to 71-513:

(1) Alternate facility means a facility other than a health care facility that receives a patient transported to the facility by an emergency services provider;

(2) Department ~~shall mean~~ means the Department of Health and Human Services Regulation and Licensure;

~~(2)~~ (3) Designated physician ~~shall mean~~ means the physician representing the emergency ~~medical~~ services provider as identified by name, address, and telephone number on the significant exposure report form. The designated physician shall serve as the contact for notification in the event an emergency services provider believes he or she has had significant exposure to an infectious disease or condition. Each emergency service provider shall designate a physician as provided in subsection (2) of section 71-509;

~~(3)~~ (4) Emergency ~~medical~~ services provider ~~shall mean a person certified to provide emergency medical services pursuant to sections 71-5101 to 71-5164, a person certified to provide emergency medical care pursuant to the Emergency Medical Technician-Paramedic Act, a first responder certified to provide prehospital care pursuant to the First Responders Emergency Rescue~~ means an out-of-hospital emergency care provider certified pursuant to the Emergency Medical Services Act, a sheriff, a deputy sheriff, a police officer, a state highway patrol officer, a funeral director, and a firefighter;

~~(4)~~ (5) Funeral director means a person licensed under section 71-1302 or employee of such a person with responsibility for transport or handling of a deceased human;

(6) Funeral establishment means a business licensed under section 71-1327;

(7) Health care facility ~~shall have~~ has the meaning found in subdivisions (2), (10), (11), and (21) of section 71-2017.01 or any facility that receives patients of emergencies who are transported to the facility by emergency services providers;

~~(5)~~ (8) Infectious disease or condition ~~shall mean~~ means hepatitis B, meningococcal meningitis, active pulmonary tuberculosis, human immunodeficiency virus, diphtheria, plague, hemorrhagic fevers, rabies, and such other diseases as the department may ~~from time to time~~ by rule and regulation specify;

~~(6)~~ (9) Patient ~~shall mean~~ means an individual who is sick, injured, wounded, deceased, or otherwise helpless or incapacitated;

~~(7)~~ (10) Patient's attending physician ~~shall mean~~ means the physician having the primary responsibility for the patient as indicated on the records of ~~the~~ a health care facility;

~~(8)~~ (11) Provider agency ~~shall mean~~ means any law enforcement agency, fire department, ~~ambulance~~ emergency medical service, funeral establishment, or other entity which ~~is in the business of providing emergency response services~~ employs or directs emergency services providers;

(12) Responsible person means an individual who has been designated by an alternate facility to carry out the facility's responsibilities under sections 71-507 to 71-513. A responsible person may be designated on a case-by-case basis;

~~(9)~~ (13) Significant exposure ~~shall mean~~ means a situation in which the body fluids, ~~such as~~ including blood, saliva, urine, respiratory secretions, or feces, of a patient have entered the body of an emergency ~~medical~~ services provider through a body opening ~~such as~~ including the mouth or nose, a mucous membrane, or a break in skin from cuts or abrasions, from a contaminated needlestick or scalpel, from intimate respiratory contact, or through any other situation when the patient's body fluids may have entered the emergency ~~medical~~ services provider's body or when an airborne pathogen may have been transmitted from the patient to the emergency services provider; and

~~(10)~~ (14) Significant exposure report form ~~shall mean~~ means the form used by the emergency ~~medical~~ services provider to document information necessary for notification of significant exposure to an infectious disease or condition.

Sec. 47. Section 71-508, Reissue Revised Statutes of Nebraska, is amended to read:

71-508. The department shall prescribe a form for use by the emergency ~~medical~~ services provider to notify the health care facility or alternate facility and the designated physician that the provider believes he or she has had a significant exposure to an infectious disease or condition. The form shall include identifying information for the emergency ~~medical~~ services provider, the provider agency, the designated physician, the patient, the patient's attending physician, and the receiving health care facility or alternate facility, a description of the exposure, a description of the protective measures and equipment used by the provider to minimize exposure hazard, and such other information as is necessary to protect the public health and safety and to implement sections 71-507 to 71-513.

Sec. 48. Section 71-509, Reissue Revised Statutes of Nebraska, is amended to read:

71-509. (1) If a health care facility or alternate facility determines that a patient treated or transported by an emergency services provider has been diagnosed or detected with an infectious airborne disease, the health care facility or alternate facility shall notify the department as soon as practical but not later than forty-eight hours after the determination has been made. The department shall investigate all notifications from health care facilities and alternate facilities and notify as soon as practical the physician medical director of each emergency medical service with an affected out-of-hospital emergency medical services provider employed by or associated with the service, the fire chief of each fire department with an affected firefighter employed by or associated with the department, the head of each law enforcement agency with an affected peace officer employed by or associated with the agency, the funeral director of each funeral establishment with an affected individual employed by or associated with the funeral establishment, and any emergency services provider known to the department with a significant exposure who is not employed by or associated with an emergency medical service, a fire department, a law enforcement agency, or a funeral establishment. Notification of affected individuals shall be made as soon as practical.

(2) Whenever an emergency services provider believes he or she has had a significant exposure ~~in the process of caring for a patient~~ while acting as an emergency services provider, he or she may complete a significant exposure report form. A copy of the completed form shall be given by the emergency ~~medical~~ services provider to the health care facility or alternate facility, to the emergency services provider's supervisor, and to the designated physician.

~~(2)~~ (3) Upon receipt of the significant exposure form, if a patient has been diagnosed during the normal course of treatment as having an infectious disease or condition or information is received from which it may be concluded that a patient has an infectious disease or condition, the health care facility or alternate facility receiving the form shall notify the designated physician pursuant to subsection ~~(4)~~ (5) of this section. If the patient has not been diagnosed as having an infectious disease or condition and upon the request of the designated physician, the health care facility ~~where the patient is hospitalized~~ or alternate facility shall request the patient's attending physician or other responsible person to order the necessary diagnostic testing of the patient to determine the presence of an infectious disease or condition. Upon such request, the patient's attending physician or other responsible person shall order the necessary diagnostic testing subject to section 71-510. Each health care facility shall develop a policy or protocol to administer such testing and assure confidentiality of such testing.

~~(3)~~ (4) Results of tests conducted under this section and section 71-510 shall be reported by the health care facility or alternate facility that conducted the test to the designated physician and to the patient's attending physician, if any.

~~(4)~~ (5) Notification of the patient's diagnosis of infectious disease or condition, including the results of any tests, shall be made orally to the designated physician within forty-eight hours of confirmed diagnosis. A written report shall be forwarded to the designated physician within seventy-two hours of confirmed diagnosis.

~~(5)~~ (6) Upon receipt of notification under subsection ~~(4)~~ (5) of this section, the designated physician shall notify the emergency ~~medical~~ services provider of the exposure to infectious disease or condition and the results of any tests conducted under this section and section 71-510.

~~(6)~~ (7) The notification to the emergency ~~medical~~ services provider shall include the name of the infectious disease or condition diagnosed but shall not contain the patient's name or any other identifying information. Any person receiving such notification shall treat the information received as confidential and shall not disclose the information except as provided in sections 71-507 to 71-513.

~~(7)~~ (8) The provider agency shall be responsible for the costs of diagnostic testing required under this section and section 71-510.

~~(8)~~ (9) The patient's attending physician shall inform the patient of test results for all tests conducted under such sections.

Sec. 49. Section 71-510, Reissue Revised Statutes of Nebraska, is amended to read:

71-510. (1) The patient shall be informed that he or she has the right to consent to the test for presence of an infectious disease or condition and that if the patient refuses the test, such refusal will be communicated to the emergency ~~medical~~ services provider.

(2) If the patient is unconscious or incapable of signing an informed consent form, the consent may be obtained from the patient's next of kin or legal guardian.

(3) If an emergency ~~medical~~ services provider has a significant exposure which, in the opinion of the designated physician, could involve the transmission of hepatitis B or human immunodeficiency virus, the patient's attending physician shall initiate the necessary diagnostic blood tests of the patient. If the patient or patient's representative refuses to grant consent for such test and a sample of the patient's blood is available, the blood shall be tested for hepatitis B or human immunodeficiency virus. If the patient or patient's guardian refuses to grant consent and a sample of the patient's blood is not available, the patient's refusal shall be communicated to the designated physician who shall inform the emergency ~~medical~~ services provider. The emergency ~~medical~~ services provider may petition the district court for an order mandating that the test be performed.

(4) If a patient ~~dies without the opportunity to consent to blood testing, testing for hepatitis B or human immunodeficiency virus shall be conducted~~ is deceased, no consent shall be required to test for the presence of an infectious disease or condition.

Sec. 50. Section 71-511, Reissue Revised Statutes of Nebraska, is amended to read:

71-511. (1) Information concerning any patient or test results obtained under sections 71-507 to 71-513 shall be maintained as confidential by the health care facility or alternate facility that received or tested the patient, the designated physician, the patient's attending physician, the emergency services ~~medical service~~ provider, and the provider agency except as provided by such sections and sections 71-503.01 and 71-2017 and the rules and regulations adopted and promulgated pursuant to such sections. Such information shall not be made public upon subpoena, search warrant, discovery proceedings, or otherwise except as provided by such sections.

(2) The information described in subsection (1) of this section may be released with the written consent of the patient or, if the patient is deceased or incapable of giving informed consent, with the written consent of his or her next of kin, legal guardian, or personal representative of his or her estate.

Sec. 51. Section 71-512, Reissue Revised Statutes of Nebraska, is amended to read:

71-512. All health care facilities and provider agencies subject to sections 71-507 to 71-513 shall adopt written procedures regarding infectious diseases or conditions which address preexposure safeguards, notification procedures, and postexposure risk-reduction methods.".

2. In the Wickersham amendment, AM1382, strike sections 46, 50, and 51 and all amendments thereto.

3. In the Standing Committee amendments, AM0380:

a. Strike sections 48 to 50 and all amendments thereto;

b. On page 4, line 21, after "actions" insert "or recertification";

c. On page 11, line 15, after the comma insert "qualified physician surrogates,"; and

d. On page 12, line 7, strike "his or her designee" and insert "qualified physician surrogate".

4. Correct the operative date section so that sections 46 to 51 added by this amendment become operative on July 1, 1998.

Messrs. Hartnett and D. Pederson filed the following amendment to LB 875:
AM2341

(Amendments to E & R amendments, AM7136)

1. Insert the following new section:

"Sec. 14. (1) In any suit, action, or proceeding involving the validity or enforceability of any bond of a city, village, or authority or the security therefor brought after the lapse of thirty days after the issuance of such bonds has been authorized, any such bond reciting in substance that it has been authorized by the city, village, or authority to aid in financing a redevelopment project shall be conclusively deemed to have been authorized for such purpose and such redevelopment project shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of the Community Development Law and sections 18-2145 to 18-2154.

(2) In any suit, action, or proceeding involving the validity or enforceability of any agreement of a city, village, or authority brought after the lapse of thirty days after the agreement has been formally entered into, any such agreement reciting in substance that it has been entered into by the city, village, or authority to provide financing for an approved redevelopment project shall be conclusively deemed to have been entered into for such purpose and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the purposes and provisions of the Community Development Law and sections 18-2145 to 18-2154.".

2. On page 17, strike lines 19 through 27 and insert the following new subsection:

"(2) The authority shall conduct a cost-benefit analysis for each redevelopment project (a) which is proposed or pending approval by the governing body on or after January 1, 1999, and (b) whose redevelopment plan includes the use of funds authorized by section 18-2147. In conducting the cost-benefit analysis, the authority shall use a cost-benefit model developed for use by local projects pursuant to the guidelines for cost-benefit analysis found in section 77-5104. One or more models for such use shall be developed by the Review Incentives Program Committee created in section 77-5102.".

3. On page 21, line 14, after the semicolon insert "and"; strike beginning with the semicolon in line 18 through "authority" in line 22; in line 24 after "to" insert "subdivisions (1)(b) through (d) of" and after "section" insert "along with relevant descriptive and identifying information regarding each project provided pursuant to subdivision (1)(a) of this section"; and in line 26 after the period insert "The report may include any recommendations of the Property Tax Administrator as to what other information should be included in the report from the cities so as to facilitate analysis of the uses, purposes, and effectiveness of tax-increment financing and the process for its implementation or to streamline the reporting process provided for in this section to eliminate unnecessary paperwork.".

SELECT FILE

LEGISLATIVE BILL 23. Mr. Wesely withdrew his amendment, FA322, found on page 1982.

Mr. Wesely offered the following amendment:
AM2342

(Amendments to Standing Committee amendments, AM0748)

1. Insert the following new section:

"Sec. 4. Section 3 of this act shall not be interpreted to apply to instances where medical care is provided to a woman as a result of a miscarriage or medical conditions associated with a miscarriage.".

2. On page 1, line 9; page 2, line 9; and page 4, line 11, strike "section 3" and insert "sections 3 and 4".

3. On page 3, line 13, after the semicolon insert:

"(9) Miscarriage means the premature birth of a fetus so that it does not live and such premature birth does not result from an abortion;"; and in line 14 strike "(9)" and insert "(10)".

4. Renumber the remaining sections accordingly.

Mr. Maurstad moved to invoke cloture on LB 23, pursuant to Rule 7, Section 10.

The Maurstad motion to invoke cloture prevailed with 34 ayes, 3 nays, 5 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a record vote on the Wesely amendment, AM2342.

Voting in the affirmative, 12:

Bohlke
Bromm
Brown
Chambers
Hillman
Janssen
Landis
Schimek
Suttle
Wesely
Wickersham
Withem

Voting in the negative, 20:

Coordsen
Crosby
Dierks
Hilgert
Hudkins
Jensen
Jones
Kristensen
Pedersen, Dw.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Witek

Present and not voting, 10:

Brashear
Hartnett
Lynch
Matzke
Maurstad
McKenzie
Pederson, D.
Raikes
Wehrbein
Will

Excused and not voting, 7:

Abboud
Beutler
Bruning
Cudaback
Elmer
Engel
Kiel

The Wesely amendment lost with 12 ayes, 20 nays, 10 present and not voting, and 7 excused and not voting.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 34:

Bohlke
Brashear
Bromm
Coordsen
Crosby
Dierks
Hartnett
Hilgert
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 7:

Brown
Hillman
Landis
Schimek
Suttle
Wesely
Will

Excused and not voting, 7:

Abboud
Beutler
Bruning
Cudaback
Elmer
Engel
Kiel

Advanced to E & R for engrossment with 34 ayes, 1 nay, 7 present and not voting, and 7 excused and not voting.

AMENDMENT - Print in Journal

Mr. Withem filed the following amendment to LB 232:
FA362
Amend AM1455
strike lines 3 through 6.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LR 152. No objections. So ordered.

VISITORS

Visitors to the Chamber were Henk Jooste, Barend Pretorius, Andre Brandmuller, Joe Grosel, and Ronnie DuPlessis from South Africa; 37 junior high students and teachers from Hildreth; 25 kindergarten through eighth grade students and teachers from Trinity Lutheran School, Hoskins; and fifth and sixth grade students and teacher from Fremont.

The Doctor of the Day was J. B. Ketner from Lincoln.

ADJOURNMENT

At 9:24 p.m., on a motion by Speaker Withem, the Legislature adjourned until 8:30 a.m., Wednesday, May 21, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTIETH DAY – MAY 21, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTIETH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 21, 1997

Pursuant to adjournment, the Legislature met at 8:30 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Don Hurray, First Presbyterian Church, Schuyler, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Engel and Mrs. Kiel who were excused; and Messrs. Abboud, Chambers, Dierks, Elmer, Hilgert, Kristensen, Landis, Lynch, Dw. Pedersen, Raikes, Robinson, Schrock, Tyson, Will, Withem, Mmes. Brown, Stuhr, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-ninth day was approved.

UNANIMOUS CONSENT - Member Excused

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 851A. E & R amendment, AM7152, found on page 1906, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 314A. Advanced to E & R for engrossment.
LEGISLATIVE BILL 517A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 307. E & R amendment, AM7117, found on page 1387, was adopted.

Mr. Wesely renewed his pending amendment, AM1303, found on page 1408.

The Wesely amendment was adopted with 25 ayes, 0 nays, 3 present and not voting, and 21 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 307A. Advanced to E & R for engrossment.

WITHDRAW - Amendment to LB 874

Mr. Hartnett withdrew his amendment, AM1607, found on page 1613, to LB 874.

MOTION - Return LB 874 to Select File

Mr. Hartnett moved to return LB 874 to Select File for his specific amendment, AM1984, printed separately and referred to on page 1887.

The Hartnett motion to return prevailed with 27 ayes, 0 nays, 3 present and not voting, and 19 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 874. The Hartnett specific amendment, AM1984, printed separately and referred to on page 1887, was adopted with 25 ayes, 0 nays, 5 present and not voting, and 19 excused and not voting.

Advanced to E & R for engrossment.

WITHDRAW - Amendment to LB 658

Messrs. Beutler, Tyson, and Schellpeper withdrew their amendment, AM2330, printed separately and referred to on page 2157, to LB 658.

MOTION - Return LB 658 to Select File

Mr. Beutler moved to return LB 658 to Select File for the following specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2356.)

The Beutler motion to return prevailed with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 658. The Beutler specific amendment, AM2356, on file and referred to in this day's Journal, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 49 to Select File

Ms. Schimek and Mr. Withem moved to return LB 49 to Select File for the Schimek-Withem specific amendment, AM2347, found on page 2167.

The Schimek-Withem motion to return prevailed with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 49. The Schimek-Withem specific amendment, AM2347, found on page 2167, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 546

Mr. Chambers withdrew his amendment, FA291, found on page 1981, to LB 546.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 546.

A BILL FOR AN ACT relating to emergency management; to amend section 81-829.65, Reissue Revised Statutes of Nebraska; to grant authority to law enforcement personnel; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes

Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers
Cudaback
Landis
Tyson

Excused and not voting, 7:

Abboud
Elmer
Engel
Kiel
Lynch
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 551

Mr. Chambers withdrew his amendment, FA292, found on page 1981, to LB 551.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 551.

A BILL FOR AN ACT relating to crimes and offenses; to amend sections 28-1006, 28-1011, and 28-1012, Reissue Revised Statutes of Nebraska; to provide for reimbursement for costs and disposition relating to animal offenses; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Cudaback
Tyson

Excused and not voting, 6:

Abboud
Elmer
Engel
Kiel
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 636

Mr. Chambers withdrew his amendment, FA293, found on page 1981, to LB 636.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 636.

A BILL FOR AN ACT relating to fire protection systems; to provide for certificates for contractors who work on water-based fire protection systems; to provide duties for the State Fire Marshal; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Bromm
Chambers
Cudaback
Dierks
Wesely

Excused and not voting, 6:

Abboud
Elmer
Engel
Kiel
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 643

Mr. Chambers withdrew his amendment, FA294, found on page 1981, to LB 643.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 643.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1926, Reissue Revised Statutes of Nebraska; to provide restrictions on the release or use of videotapes of child victims of sexual assault or child abuse as prescribed; to provide for a court order; to provide a penalty; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Hillman

Excused and not voting, 5:

Elmer
Engel
Kiel
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

WITHDRAW - Amendment to LB 740

Mr. Chambers withdrew his amendment, FA295, found on page 1981, to LB 740.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 740.

A BILL FOR AN ACT relating to insurance; to adopt the Mutual Insurance Holding Company Act; and to provide a duty for the Revisor of Statutes.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Preister

Excused and not voting, 5:

Elmer
Engel
Kiel
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 770

Mr. Chambers withdrew his amendment, FA296, found on page 1981, to LB 770.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 770.

A BILL FOR AN ACT relating to taxation of estates; to amend sections 30-2467, 30-2469, and 77-398, Reissue Revised Statutes of Nebraska; to require the personal representative to file a duplicate original of the inventory of the estate; to eliminate a duty of the county judge; to harmonize provisions; to repeal the original sections; and to outright repeal section 77-397, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Kristensen

Present and not voting, 1:

Chambers

Excused and not voting, 5:

Elmer
Engel
Kiel
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 856

Mr. Chambers withdrew his amendment, FA297, found on page 1981, to LB 856.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 856.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-3523, Reissue Revised Statutes of Nebraska; to provide for an expungement procedure of a person's criminal history record in cases of erroneous arrest; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Wickersham

Excused and not voting, 5:

Elmer
Engel
Kiel
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Suspend Rules

Mr. D. Pederson moved to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2317 to LB 873.

Pending.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 344. With Emergency.

A BILL FOR AN ACT relating to economic development; to amend section 77-4935, Reissue Revised Statutes of Nebraska, and sections 58-504 and 58-533, Revised Statutes Supplement, 1996; to change provisions relating to designated blighted and substandard areas; to eliminate termination date provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Bohlke
Tyson

Excused and not voting, 4:

Elmer
Engel
Kiel
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 256.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-311, 60-335, 60-462, and 60-479, Revised Statutes Supplement, 1996; to provide for undercover license plates and undercover driver's licenses; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Robinson
Tyson

Excused and not voting, 4:

Elmer
Engel
Kiel
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 256A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 256, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Robinson
Tyson

Excused and not voting, 4:

Elmer	Engel	Kiel	Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LR 17CA to Select File

Mr. Withem moved to return LR 17CA to Select File for the following specific amendment:
FA364
Strike the enacting clause.

Mr. Withem withdrew his motion to return.

RESOLUTIONS ON FINAL READING

The following resolutions were read and put upon final passage:

LEGISLATIVE RESOLUTION 17CA.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article III, section 27:

III-27 "No act shall take effect until three calendar months after the adjournment of the session at which it passed, unless in case of emergency, ~~to be~~ which is expressed in the preamble or body of the act, the Legislature shall~~,~~ by a vote of two-thirds of all the members elected otherwise direct. All laws shall be published ~~in book form~~ within sixty days after the adjournment of each session and distributed among the several counties in such manner as the Legislature may provide.".

Sec. 2. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To transfer Article XVII, section 6:

~~XVII-6~~ III-30 "The Legislature shall pass all laws necessary to carry into effect the provisions of this constitution.".

Sec. 3. At a special election on May 12, 1998, the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To repeal Article XVII, section 9:

"Article XVII, section 9, of the Constitution of Nebraska is repealed.".

Sec. 4. The proposed amendments shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to eliminate a provision relating to the form in which session laws are published.
For
Against".
"A constitutional amendment to transfer a provision from Article XVII, entitled 'Schedule', to Article III, entitled 'Legislative Power'.
For
Against".
"A constitutional amendment to repeal the requirements that the Constitution be enrolled and deposited in the Secretary of State's office and that printed copies of the Constitution be prefixed to books containing the laws of this state.
For
Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Dierks
Robak
Tyson

Excused and not voting, 3:

Elmer
Engel
Kiel

A constitutional four-fifths majority having voted in the affirmative, the resolution was declared passed for the special election.

SPEAKER WITHEM PRESIDING

Mr. Coordsen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE RESOLUTION 20CA.

THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION, RESOLVE THAT:

Section 1. At the general election in November 1998 the following proposed amendment to the Constitution of Nebraska shall be submitted to the electors of the State of Nebraska for approval or rejection:

To amend Article I, section 3:

I-3 "No person shall be deprived of life, liberty, or property, without due process of law, nor be denied equal protection of the laws.".

Sec. 2. The proposed amendment shall be submitted to the electors in the manner prescribed by the Constitution of Nebraska, Article XVI, section 1, with the following ballot language:

"A constitutional amendment to provide that no person shall be denied the equal protection of the laws.
For
Against".

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the resolution pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 2:

Dierks
Witek

Present and not voting, 2:

Jensen
Robak

Excused and not voting, 3:

Elmer
Engel
Kiel

A constitutional three-fifths majority having voted in the affirmative, the resolution was declared passed for the general election.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 70.

A BILL FOR AN ACT relating to revenue and fee collection; to amend sections 77-1702 and 81-118.01, Reissue Revised Statutes of Nebraska, and sections 23-1601, 60-302, and 60-6,322, Revised Statutes Supplement, 1996; to authorize the use of credit cards, charge cards, and debit cards for payments; to authorize a surcharge; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Kristensen

Present and not voting, 2:

Chambers
Maurstad

Excused and not voting, 4:

Coordsen
Elmer
Engel
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 372. With Emergency.

A BILL FOR AN ACT relating to exemptions; to amend sections 25-1552, 25-1556, 25-1557, 40-101, and 40-103, Reissue Revised Statutes of

Nebraska; to change execution and homestead exemption provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Peterson, C.

Excused and not voting, 4:

Coordsen
Elmer
Engel
Kiel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 255.

A BILL FOR AN ACT relating to rail carriers; to amend sections 75-410 to 75-418 and 75-427, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Highway-Rail Grade Crossing Safety and Consolidation Act; to transfer provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Jensen

Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 2:

Abboud
Janssen

Present and not voting, 2:

Pederson, D.
Schimek

Excused and not voting, 4:

Coordsen
Elmer
Engel
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 255A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 255, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Janssen
Pederson, D.
Schimek

Excused and not voting, 4:

Coordsen
Elmer
Engel
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 853.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-122 and 48-159, Reissue Revised Statutes of Nebraska; to change burial compensation; to change judges' salaries; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 4:

Jensen
Pederson, D.
Vrtiska
Witek

Excused and not voting, 4:

Coordsen
Elmer
Engel
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 853A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 853, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 0.

Present and not voting, 5:

Brown
Jensen
McKenzie
Pederson, D.
Witek

Excused and not voting, 4:

Coordsen
Elmer
Engel
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 53 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 53.

A BILL FOR AN ACT relating to title insurance; to amend sections 44-203 and 44-4802, Reissue Revised Statutes of Nebraska, and section 44-1525, Revised Statutes Supplement, 1996; to adopt the Title Insurers Act and Title Insurance Agent Act; to repeal the Title Insurance Act; to harmonize provisions; to provide severability; to repeal the original sections; and to outright repeal sections 44-1927 to 44-1977, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Crosby
Cudaback

Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 4:

Coordsen
Elmer
Engel
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills and resolutions: LBs 546, 551, 636, 643, 740, 770, 856, 344, 256, 256A, 70, 372, 255, 255A, 853, 853A, 53, LRs 17CA, and 20CA.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 273 with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 273.

A BILL FOR AN ACT relating to insurance; to amend sections 44-319.01, 44-5103 to 44-5105, 44-5110, 44-5112, 44-5115, 44-5117, 44-5118, 44-5120, 44-5122, 44-5127 to 44-5129, 44-5131, 44-5132, 44-5134, 44-5137, 44-5138, 44-5141, 44-5144, 44-5149, and 44-5151 to 44-5153, Reissue Revised Statutes of Nebraska; to change and eliminate investment provisions for insurance companies; to harmonize provisions; to repeal the original sections; and to outright repeal sections 44-5130, 44-5136, 44-5146, 44-5147, and 44-5148, Reissue Revised Statutes of Nebraska, and section 44-5133, Revised Statutes Supplement, 1996.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Brashear

Excused and not voting, 4:

Coordsen
Elmer
Engel
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 310 with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 310.

A BILL FOR AN ACT relating to child care; to amend sections 29-2264, 71-1909 to 71-1911, 71-1912, and 71-1914 to 71-1917, Reissue Revised Statutes of Nebraska, and sections 43-2606 and 43-2618, Revised Statutes Supplement, 1996; to provide for nonexpiring licenses; to add and change provisions relating to inspections and enforcement; to provide penalties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud
Beutler
Bohlke
Brashear
Bromm

Brown
Bruning
Chambers
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Matzke

Excused and not voting, 4:

Coordsen
Elmer
Engel
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 310A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 310, Ninety-fifth Legislature, First Session, 1997; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Jones
Wesely

Excused and not voting, 4:

Coordsen
Elmer
Engel
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 374 with 39 ayes, 1 nay, 5 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 374.

A BILL FOR AN ACT relating to hazardous substances; to adopt the Nebraska Emergency Planning and Community Right to Know Act; and to provide severability.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Elmer
Engel
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the

Speaker signed the following bills: LBs 273, 310, 310A, and 374.

AMENDMENT - Print in Journal

Mr. Chambers filed the following amendment to LB 23:
FA363
Strike enacting clause.

MOTION - Print in Journal

Mr. Chambers filed the following motion to LB 23:
Bracket until June 6, 1997.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 23:

AM2349

(Amendments to Final Reading copy)

1. Strike section 1.
2. Renumber the remaining sections and correct internal references accordingly.

AM2350

(Amendments to Final Reading copy)

1. Strike section 2.
2. Renumber the remaining sections and correct internal references accordingly.

AM2351

(Amendments to Final Reading copy)

1. Strike section 3.
2. Renumber the remaining sections and correct internal references accordingly.

AM2352

(Amendments to Final Reading copy)

1. Strike section 4.
2. Renumber the remaining sections and correct internal references accordingly.

AM2353

(Amendments to Final Reading copy)

1. Strike section 5.
2. Renumber the remaining sections and correct internal references accordingly.

AM2354

(Amendments to Final Reading copy)

1. Strike section 6.
2. Renumber the remaining sections and correct internal references accordingly.

Mrs. Bohlke filed the following amendment to LB 798:
AM2326

(Amendments to AM1989)

1. Insert the following new section:

"Sec. 37. The Health and Human Services Committee of the Legislature shall conduct a study as to ways to address health care costs in Nebraska. The study shall include innovations from other states, including the role of certificate of need in addressing health care costs. When studying the role of certificate of need, the study shall also look at ways to address health care needs on a regional basis in Nebraska and shall include revising and eliminating unnecessary, timely, and costly procedures in the current certificate of need process. The study shall be concluded by December 1, 1997, and shall include recommendations to the Legislature.".

2. Renumber the remaining sections accordingly.

RESOLUTION

LEGISLATIVE RESOLUTION 177. Introduced by Coordsen, 32; Bohlke, 33; Schellpeper, 18.

PURPOSE: The purpose of this resolution is to study the implication of the issues contained in Legislative Bill 306, Ninety-fifth Legislature, First Session, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee and the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 890. E & R amendment, AM7164, found on page 2103, was adopted.

Mr. Schrock renewed his pending amendment, AM2300, found on page 2104.

Mr. Landis asked unanimous consent to be excused until he returns. No

objections. So ordered.

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Schrock moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Schellpeper requested a roll call vote on the Schrock amendment.

Voting in the affirmative, 10:

Beutler
Cudaback
Hilgert
Maurstad
Robinson
Schimek
Schrock
Suttle
Wesely
Witek

Voting in the negative, 23:

Abboud
Bohlke
Brashear
Brown
Bruning
Chambers
Coordsen
Crosby
Hudkins
Janssen
Jensen
Jones
Kristensen
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robak
Tyson
Vrtiska
Wickersham
Will
Withem

Present and not voting, 12:

Bromm
Dierks
Hartnett
Hillman
Lynch
Matzke
Pederson, D.
Raikes
Schellpeper
Schmitt
Stuhr
Wehrbein

Excused and not voting, 4:

Elmer
Engel
Kiel
Landis

The Schrock amendment lost with 10 ayes, 23 nays, 12 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 178. Introduced by Hudkins, 21.

PURPOSE: The purpose of this resolution is to review the policy of the University of Nebraska system which provides for the use of university facilities, equipment, and staff by tenured faculty for private, personal financial gain. The study shall review whether or not there is an ongoing abuse of this policy and whether or not this policy is in conflict with statewide policy which prohibits the use of public property, equipment, and funds for private financial gain. The study shall also review whether or not the university should be reimbursed for the use of the facilities, equipment, and staff and whether or not the faculty and the university should share in the financial gain.

Further, the purpose of this study is to review whether or not this policy does, in fact, enhance the reputation of the university, whether the absence of this policy would make it impossible for the university to obtain the services of faculty to provide a quality education to the students of the university system, and whether the taxpayers of the State of Nebraska should subsidize the salaries of tenured faculty by providing them with the wherewithal to engage in a private enterprise without the expenses with which other businesses in the State of Nebraska must contend.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 179. Introduced by Janssen, 15.

PURPOSE: The purpose of this resolution is to study the issues associated with having natural resources districts become involved in settling minor disputes between landowners when one landowner's alleged failure to remove debris or obstructions from a manmade ditch or watercourse is causing damage or imminent damage to a neighboring landowner's property. Currently, the only legal recourse landowners have in these situations is to bring a civil court action. A civil action can be costly and time-consuming for the parties involved. This study shall include, but not be limited to: (1) The cost effectiveness of the natural resources districts' involvement in these situations; (2) what types of situations would trigger the natural resources district action; (3) whether the decision of the natural resources district would be binding or appealable; and (4) the procedural steps which would need to be created.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution. The Nebraska Natural Resources Commission shall assist the committee in conducting the study.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 180. Introduced by Maurstad, 30.

PURPOSE: To study issues related to LR 62CA, Ninety-fifth Legislature, First Session, 1997, dealing with highway trust funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 181. Introduced by Maurstad, 30.

PURPOSE: The electronics industry represents some ninety-four companies across Nebraska, employing approximately 12,500 people. Nebraska trails other states in the number of technology-related jobs and would need an additional 6,600 jobs to reach the national average. If design, engineering, pilot production, testing, and training resources could be shared among electronics firms and the post-secondary education sector, the opportunities for investment in job creation among individual companies and opportunities for the formation of new companies would be enhanced throughout the State of Nebraska. This study shall include, but is not limited to, examination of the following:

1. The development of a Nebraska Center for Excellence in Electronics in the University of Nebraska Technology Park through partnerships among private business, Southeast Community College, and the University of Nebraska;
2. The establishment of a nonprofit limited liability company under contract with Southeast Community College to operate the Nebraska Center for Excellence in Electronics; and
3. A determination of the costs, advantages, and disadvantages associated with such a project.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 182. Introduced by Will, 8.

PURPOSE: The purpose of this resolution is to study Nebraska's laws regarding the methods used to determine child support payments and the procedures used to collect those payments. This study shall include, but not be limited to:

(1) An examination of developing a voucher system in which both the custodial and noncustodial parents are responsible and accountable for funds designated for the care of their child or children;

(2) An examination of requiring divorcing parents to utilize a common child advocate to assist in determining the amount of any child support payments and to assist in recommending to the court any future changes to those payments; and

(3) An examination of other states' laws regarding child support payments and collection of those payments. The study should compare the administrative costs and the child support payment compliance level of other states with the administrative costs and compliance level under Nebraska's child support system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 183. Introduced by Crosby, 29.

PURPOSE:

WHEREAS, providing adequate health surveillance and professional expertise to all students enrolled in Nebraska schools is a challenge; and

WHEREAS, over 330,000 students attend Nebraska's 1,675 school sites; and

WHEREAS, today many students do not have health insurance or are underinsured and the school nurse acts as a crucial link to facilitate care for these students and their families; and

WHEREAS, currently, only 600 nurses (one-third working less than 20 hours per week) serve the majority of Nebraska's schools; and

WHEREAS, state statute currently requires mandatory health screening for vision, hearing, dental, and immunization record review; and

WHEREAS, Nebraska students experience a myriad of significant health conditions and special education needs including required nursing care procedures during the day; and

WHEREAS, students experiencing health problems may be adversely affected when they do not have regular access to qualified professionals who can intervene in a timely manner to ensure their safety and quality of care during the school day; and

WHEREAS, funding of school nursing services is currently tenuous with less than one percent of district budgets allocated for school health services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature and the Health and Human Services Committee of the Legislature will study and make recommendations as to how all students can be ensured of access to school nurses delivering quality school health services.

2. That the committees will study and make recommendations as to what can be done to ensure that the minimum mandates (vision, hearing, dental, and immunization record review) are being met and student safety, health promotion, and disease prevention assured.

3. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 184. Introduced by Hillman, 48; Wehrbein, 2; Brown, 6; Brashear, 4.

PURPOSE: To investigate, in conjunction with the Nebraska Commission on Law Enforcement and Criminal Justice, the Nebraska State Patrol, and other state or local entities with an interest in drug demand reduction programs, potential alternatives to the DARE Program in Nebraska, and potential federal funding for such a program, with the intent that such an alternative program be initiated beginning in FY1998-99.

The DARE program began in Nebraska in September 1989. Anti-Drug Abuse funds (BYRNE funds) have been utilized to operate the DARE program in Nebraska. These federal funds are received by the Nebraska Commission on Law Enforcement and Criminal Justice, are matched with twenty-five percent General Funds, and are administratively transferred to the Nebraska State Patrol. The DARE Program is no longer eligible for continued federal funding after September 30, 1997. However, the federal BYRNE dollars and the twenty-five percent General Fund match dollars are still available in the commission's budget for award to other agencies or entities for crime fighting or prevention, including other demand reduction programs.

The Nebraska State Patrol has received permission from the Nebraska Commission on Law Enforcement and Criminal Justice to utilize carryover federal funds and the General Fund twenty-five percent match for three months between September 30, 1997, and December 31, 1997. The Legislature included one-time General Funds in the amount of $260,468 and a PSL of $145,000 for an additional six months' operation of the program in FY1997-98 in Legislative Bill 389, Ninety-fifth Legislature, First Session, 1997, as a Select File amendment to the bill. Funding for the DARE program will cease as of June 30, 1998.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 185. Introduced by Hillman, 48; Wehrbein, 2; Brashear, 4.

PURPOSE: To review, in conjunction with the Criminal Justice Information System Advisory Committee of the Nebraska Commission on Law Enforcement and Criminal Justice, the progress made by the courts in the installation of the JUSTICE system, and the future plans, progress, and costs of court automation and the potential future integration with law enforcement/criminal justice applications at both the state and local levels.

Laws 1993, LB 832, was introduced by the Appropriations Committee to provide funding for the court-related expenses of installing and operating the JUSTICE system. The bill, as amended and passed, established a court automation fee of three dollars for each case filed in the various courts to be used to offset the cost of installing and operating the system. The bill had a sunset date of June 30, 1997. Legislative Bill 216, Ninety-fifth Legislature, First Session, 1997, as currently amended, eliminates the fee and the statutes authorizing the fee. The Legislature has included General Funds for FY1997-98 and FY1998-99 in Legislative Bill 389, Ninety-fifth Legislature, First Session, 1997, as replacement revenue for this fee.

Computerization of the courts and the statewide implementation of the JUSTICE system have significant implications and potential effects on law enforcement and criminal justice applications and costs at both the state and local levels.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PRESENTED TO THE SECRETARY OF STATE

Presented to the Secretary of State on May 21, 1997, at 11:00 a.m., were the following resolutions: LRs 17CA and 20CA.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 21, 1997, at 11:00 a.m., were the following bills: LBs 546, 551, 636, 643, 740, 770, 856, 344, 256, 256A, 70, 372, 255, 255A, 853, 853A, 53, 273, 310, 310A, and 374.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT FILE

LEGISLATIVE BILL 387. Messrs. Chambers, Brashear, Kristensen, and Mrs. C. Peterson offered the following amendment:
AM2358

(Amendments to Standing Committee amendments, AM1401)

1. On page 30, lines 26 and 27, strike "10,032,960 20,366,907" and insert "9,532,960 19,866,907".

2. On page 31, after line 7 insert:

"There is included in the General Fund appropriation to the University of Nebraska contained in this section and the General Fund appropriation to the University of Nebraska contained in Legislative Bill 389, Ninety-fifth Legislature, First Session, 1997, a $1,000,000 General Fund reduction to the FY1996-97 base level of funding for the University of Nebraska Central Administration, excluding state aid and the Nebraska Research Initiative/EPSCoR. It is further intended that the $1,000,000 General Fund reduction at Central Administration not be offset in whole or in part by other sources of revenue available to the University of Nebraska.

There is included in the General Fund appropriation to the University of Nebraska contained in this section and the General Fund appropriation to the University of Nebraska contained in Legislative Bill 389, Ninety-fifth Legislature, First Session, 1997, $500,000 General Funds for FY1997-98 and $500,000 General Funds for FY1998-99 for educational equipment, computing, and networking for the University of Nebraska at Kearney in order to increase the potential for interconnections to support receipt of the Information Science and Technology and Engineering programs.".

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. WILL PRESIDING

Mrs. Robak and Mr. Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wesely requested a division of the question on the Chambers et al. amendment.

The Chair sustained the division of the question.

The first Chambers et al. amendment is as follows:
FA366

(Amendments to Standing Committee amendments, AM1401)

1. On page 30, lines 26 and 27, strike "10,032,960 20,366,907" and insert "9,532,960 19,866,907".

2. On page 31, after line 7 insert:

"There is included in the General Fund appropriation to the University of Nebraska contained in this section and the General Fund appropriation to the University of Nebraska contained in Legislative Bill 389, Ninety-fifth Legislature, First Session, 1997, a $1,000,000 General Fund reduction to the FY1996-97 base level of funding for the University of Nebraska Central Administration, excluding state aid and the Nebraska Research Initiative/EPSCoR. It is further intended that the $1,000,000 General Fund reduction at Central Administration not be offset in whole or in part by other sources of revenue available to the University of Nebraska.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 186. Introduced by Wesely, 26; Beutler, 28.

PURPOSE: The purpose of this resolution is to study health care availability for uninsured children.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 187. Introduced by Wesely, 26.

PURPOSE: To study the eight area agencies on aging in Nebraska. The study shall include:

1. How the area agencies on aging are funded with a review of the intrastate funding formula;
2. What services are provided by the area agencies on aging and the effectiveness of those services;
3. What role the area agencies on aging should have in the health and human services system and in efforts to contain the rising cost of medicaid

in long-term care plan implementation; and

4. How the area agencies on aging are organized and the effectiveness and efficiency of this organizational structure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 188. Introduced by Wesely, 26; Matzke, 47.

PURPOSE: The purpose of this study resolution is to study the current role and the possible future role of the State of Nebraska and its citizens in the oversight and regulation of hospital and health-care-related mergers, acquisitions, and affiliations. This study will also evaluate the effect of the systems' changes which have occurred in the health care industry and its delivery system and the impact these changes have had and will have on the health care marketplace, on providers of health care services, on health care costs, and on health care consumers in Nebraska and in adjoining states.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 189. Introduced by Schellpeper, 18.

PURPOSE: Insurance fraud has become a major economic issue in Nebraska. The Department of Insurance has the responsibility of monitoring, licensing, and regulating the insurance industry in Nebraska. This study shall include, but is not limited to:

(1) Examination of the way insurance agents are licensed in Nebraska;

(2) Review of the definitions of "agent" and "independent contractor" and how they apply to the insurance industry in Nebraska;

(3) Examination of the liability of insurance companies with respect to fraudulent acts of their agents and independent contractors;

(4) Examination of the safeguards, if any, required of insurance companies by the state to prevent fraudulent acts by insurance agents; and

(5) Review of the administrative procedures used in cases of violations and a determination of what changes are necessary to prevent future fraudulent acts by agents.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 190. Introduced by Robinson, 16.

PURPOSE: To identify the potential consequences of adopting into the School Employees Retirement System the "Rule of Eighty-five" with a minimum retirement age of fifty-five. An actuarial study would provide the most accurate information as regards the subject of this resolution, but funds for such study are not available at this time. Barring an actuarial study, however, this resolution proposes that the Nebraska Retirement Systems Committee identify potential consequences for system members, employers, and the State of Nebraska, if the School Employees Retirement System adopts the "Rule of Eighty-five" with a minimum retirement age of fifty-five.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 191. Introduced by Schimek, 27.

PURPOSE: The purpose of this study is to include additional considerations in the interim study proposed under Legislative Resolution 144, Ninety-fifth Legislature, First Session, 1997. Reliance on property taxes to fund local governments is a concern. Studying the feasibility of allowing a local option income tax is a reasonable course of action. However, the state must also protect its tax base and not slowly chip away at the foundation of this base. Political subdivisions have long had the power to impose a property tax. Thirty years ago the Legislature allowed municipalities the ability to impose a sales tax. Now the Legislature is considering the possibility of permitting a local option income tax. The study should include, to the extent possible:

(1) The impact that a local option income tax would have on the state's

income tax base;

(2) A review of other states which have a local option tax and how this has affected the state's tax base;

(3) The impact of such a tax on the economy of the community; and

(4) The ramifications of adding one more revenue source into the existing tax structure.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 192. Introduced by Schimek, 27; Suttle, 10; Wesely, 26; Stuhr, 24.

PURPOSE: Diabetes is a common disease in Nebraska, with one in fifteen Nebraskans having diabetes and one in three Nebraskans at risk of developing diabetes. Diabetes causes serious complications, such as the majority of cases of adult blindness and end-stage kidney disease, and contributes to nerve damage, to heart disease, and to lower extremity disease and amputation. In Nebraska, diabetes costs $787 million in medical care, loss of productivity, and premature mortality. Research has demonstrated that by using known prevention measures, the complications of diabetes can be reduced by as much as sixty percent. The study shall include, but not be limited to:

(1) Researching and making recommendations as to what can be done to ensure that persons with diabetes will have third-party reimbursement for diabetes-related equipment, medications, and education to prevent the complications from the disease;

(2) Researching and making recommendations as to the state's responsibility for reducing the complications and burden of diabetes in Nebraska; and

(3) Researching and making recommendations as to the integration of diabetes services for the visually impaired and Native Americans and as to diabetes prevention services within the newly organized health and human services system.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 193. Introduced by Schimek, 27; Suttle, 10; Wesely, 26.

PURPOSE: Osteoporosis prevention strategies center on improving nutrition, increasing weight-bearing exercises, and promoting the appropriate use of supplemental estrogen after menopause. Exercises and good nutrition can reduce the risk of osteoporosis at any age. Preventive lifestyle changes need to be promoted and supported on a broad scale through changes in social and physical environments. In 1995, there were forty-two hip fractures among Nebraskans ages 65-74 and three hundred hip fractures among Nebraskans age 75 and older. These hip fractures, due to osteoporosis, are one of the leading causes of nursing home admissions. The purpose of this study is to review and make recommendations as to what Nebraska's responsibility is to reduce the disabilities due to osteoporosis. The study shall also include recommendations concerning personal and economic burdens to the state and to individuals relating to osteoporosis.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 194. Introduced by Hartnett, 45; Brashear, 4.

PURPOSE: The Nebraska Retirement Systems Committee heard two bills during this session (Legislative Bill 365 and Legislative Bill 650, Ninety-fifth Legislature, First Session, 1997) which would provide for cost-of-living adjustments for Nebraska State Patrol retirees. Public hearings on these bills raised several issues which will require further analysis and investigation, including an actuarial study, before it will be possible to take further action to improve the retirement benefits for former Nebraska State Patrol members.

The purpose of this study is to provide an opportunity to inquire into the status of the Nebraska State Patrol Retirement System, to receive additional information from retirees, and to determine the most appropriate legislation for recommendation to the Legislature in the 1998 legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Retirement Systems Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 195. Introduced by Dierks, 40; Schrock, 38.

PURPOSE: To study whether the Nebraska Livestock Dealer Licensing Act and the Nebraska Livestock Sellers Protective Act can or should be amended to protect sellers of livestock in situations where the buyer's financial creditors foreclose on the buyer before payment is perfected. Certain provisions of the Uniform Commercial Code appear to vest title in the buyer to property upon delivery, thus leaving the seller in the position of an unsecured creditor until payment is perfected. Situations have occurred whereby this provision of the UCC may have been misused to enable buyers' creditors to unfairly gain a security interest in livestock which have not been paid for by the buyer. The study shall also examine statutes regarding agister's liens (Neb. Rev. Stat. section 54-201), the protection afforded to persons who file such a lien, and the difference of treatment between instate and out-of-state parties against whom such liens are applied.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mr. Hilgert filed the following amendment to LB 386:
FA365

Amendment to AM7158

On page 32, line 14, insert:

It is the intent of the Nebraska Legislature that all citizens of the state of Nebraska share in and directly benefit from the prosperity of state government expenditures. As such, the Legislature supports and encourages the hiring of Nebraska-based firms and employees for all construction of buildings and facilities associated with the Science, Technology and Engineering Building for which this and future related capital construction appropriations are intended.

Renumber subsequent lines accordingly.

Mr. Coordsen filed the following amendment to LB 752:
AM2357

(Amendments to Standing Committee amendments, AM1359)

1. On page 145, line 18, after the period insert "If a party is self-employed, the court shall only allow the accelerated component of depreciation claimed on an income tax return to be added back to income or loss from a business or farm to arrive at an annualized total monthly income.".

VISITORS

Visitors to the Chamber were 37 fourth grade students and teachers from Mockingbird Elementary School, Omaha; Betty Paulson, Marilyn and Linda Carberry from Council Bluffs, Audrey Shuh, and Carol Ritchard from Omaha; members of the Beatrice Chamber of Commerce; 35 fourth grade students and teachers from Oakvalley Elementary School, Omaha; Thayer County Leadership Group; and Mark Blackledge, Linda Rousey, and Paul Brochtrup from North Platte.

RECESS

At 12:01 p.m., on a motion by Mr. Wehrbein, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:33 p.m., Mr. Coordsen presiding.

ROLL CALL

The roll was called and all members were present except Mr. Engel and Mrs. Kiel who were excused; and Mmes. Crosby, Robak, Witek, Messrs. Landis, Dw. Pedersen, Wesely, Wickersham, and Will who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 196. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Preister, 5; Robak, 22; Schimek, 27; Will, 8.

PURPOSE: During the last two legislative sessions, the Urban Affairs Committee has considered two proposals dealing with law enforcement costs. Both were aimed at reducing the cost of providing law enforcement in Nebraska's municipalities through merger and consolidation with county law enforcement agencies. One bill (Legislative Bill 825, Ninety-fifth Legislature, First Session, 1997) would mandate that municipal and county jails be maintained only through interlocal cooperation agreements. The other bill (Legislative Bill 826, Ninety-fifth Legislature, First Session, 1997) would have eliminated the authority for cities and villages to maintain their own police departments, thereby making all law enforcement on the local level a county responsibility.

Because of the complexity of the issues involved and the implications for local law enforcement as well as property tax costs, it is important that these bills receive a more careful and detailed study than is possible within the time constraints of a legislative session.

The purpose of this study will be to review these and other proposals for local law enforcement consolidation and cooperation to determine their feasibility, their impact on public safety, and the possible cost savings that could be realized by their implementation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 197. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Preister, 5; Robak, 22; Schimek, 27; Will, 8.

PURPOSE: During the past two legislative sessions, the Urban Affairs Committee has considered and advanced to the full legislature the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act. This legislation would provide the authority for cities, villages, and fire protection districts to develop and implement programs aimed at recruiting and retaining volunteer firefighters. Testimony provided to the committee during public hearings on the issue has revealed that the greatest challenge to our system of volunteer fire protection is the declining level of recruitment and the difficulty of keeping volunteers after they join.

Discussions at the public hearing have indicated a willingness on the part of the various public bodies involved, as well as the volunteer departments, to work with the committee to further refine the language of the bill to make it more workable and to answer several potential legal impediments to the successful operation of the proposal.

The purpose of this study will be to work with interested parties to review and clarify various provisions of the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act, to answer concerns about the legal implications of certain provisions of the act, to further define potential incentive programs, and to solicit public input and comment with regard to the act's adoption.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council

or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 198. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Preister, 5; Robak, 22; Schimek, 27; Will, 8.

PURPOSE: Over the last ten years, the Urban Affairs Committee has been responsible for recommending numerous changes to the handicapped parking statutes which have been enacted into law. Since many of those changes have been made on a piecemeal basis, the resulting statute has convoluted language and is difficult to understand or interpret without an extensive knowledge of the legislative history.

In addition, as the role of the Department of Motor Vehicles has increased in the process of granting and issuing the permits, numerous questions have arisen as what the appropriate role of the cities and counties should be in the process and how the process should be modified to expedite the issuance of the permits and minimize the inconvenience and delays for applicants.

Several bills regarding these issues (Legislative Bills 298, 299, and 836, Ninety-fifth Legislature, First Session, 1997) were heard by the Urban Affairs Committee in this session and Legislative Bill 299 was declared a committee priority bill. Additional issues were also raised at the public hearing which need further discussion and investigation.

The purpose of this study is to review and recodify the existing handicapped parking statutes and formalize additional changes to address concerns raised by the public, local government officials, the committee, and various individual members of the Legislature during the course of this session. The committee shall provide the opportunity for public input on proposed changes before the start of the 1998 legislative session.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 199. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Preister, 5; Robak, 22; Schimek, 27; Will, 8.

Purpose: Natural gas regulation has been one of the primary concerns of the Urban Affairs Committee since the creation by the committee of the Municipal Natural Gas Regulation Act in 1987 and its adoption by the Legislature.

Over the course of the past few years, regulatory changes on the national level (due to both market forces and the Federal Energy Regulatory Commission) have made the existing system increasingly unworkable and unresponsive to market forces and consumer needs.

In an attempt to resolve the many issues involved and to begin to develop a workable system of regulation for natural gas rates that guarantees access by the consumer to competitive sources of natural gas and a level playing field for providers, the Urban Affairs Committee advanced Legislative Bill 318 in 1997 to the full Legislature with the understanding that it would serve as the template for future discussion and analysis as to the best form of a new natural gas regulatory system for Nebraska. It was the desire of the committee to conduct a study on that basis during the 1997 interim period with the goal being the development of a legislation for introduction and consideration early in 1998.

The purpose of this study will be to create a task force under the leadership of the Urban Affairs Committee to review the provisions of Legislative Bill 318, Ninety-fifth Legislature, First Session, 1997, and the proposed committee amendments, using them as the basis for the development of a new, comprehensive natural gas regulation system for Nebraska. Members of the task force shall include representatives from natural gas utilities; municipal natural gas utilities; the Metropolitan Utilities District; natural gas providers; natural gas marketers; natural gas pipeline owners, natural gas demand aggregators; municipalities, rural and urban natural gas consumers; residential, commercial, and industrial consumers; the Energy Office; the Public Service Commission; and such other interested parties as may express an interest in participating.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 200. Introduced by Urban Affairs Committee: Hartnett, 45, Chairperson; Abboud, 12; Janssen, 15; Preister, 5; Robak, 22; Schimek, 27; Will, 8.

PURPOSE: The Urban Affairs Committee sponsored the Nebraska Housing Agency Act, a comprehensive re-write of Nebraska's housing authority statutes in Legislative Bill 876, Ninety-fifth Legislature, First Session, 1997. As a result of major changes in federal legislation and patterns of financing, it will become increasingly difficult for Nebraska to meet the housing needs of its less fortunate citizens without substantial changes in our laws to enable housing authorities to diversify their activities and take advantage of cooperative developments with private businesses and developers.

The Urban Affairs Committee has declared Legislative Bill 876 as one of its committee priority bills for 1997 and has embarked upon a major review of the provisions of the original bill. In order to provide the opportunity for more careful analysis of the bill and its implications and to afford members of the public and interested parties the opportunity to participate in the process, the committee determined that it would be most appropriate to defer the adoption of committee amendments until an interim study on the bill could be conducted.

The purpose of this study is to continue a committee study and review of the bill and its implications, to draft appropriate committee amendments to the original bill, and to solicit comments, suggestions, and recommendations from the state's current housing authorities, members of the construction and housing industry, and members of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 150:
AM2331

1. Insert the following new section:

"Sec. 4. The Board of Parole shall place one hundred minimum-security inmates into a community-based intensive supervision parole program. Inmates in such program shall have full-time employment and be monitored by an electronic device or system of which the inmate shall pay the cost of such device or system. It is the intent of the Legislature that part of the savings realized in inmate per diems from having one hundred inmates on parole rather than in an adult correctional facility be utilized by the Department of Correctional Services to provide this community-based intensive supervision parole program. It is the intent of the Legislature that five intensive supervision parole officers shall be hired to supervise the one hundred inmates in the intensive supervision parole program. The cost of the program shall not exceed $212,250 General Funds for FY1997-98 and $200,000 General Funds for FY1998-99.

Total expenditures for permanent and temporary salaries and per diems from funds authorized in this section shall not exceed $138,025 for FY1997-98 or $138,025 for FY1998-99.".

2. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 269A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 271. Mr. Beutler withdrew his amendment, FA357, found on page 2152.

Mr. Withem offered the following amendment:
AM2361

(Amendments to E & R amendments, AM7153)

1. Strike beginning on page 4, line 18, through page 7, line 7, and all amendments thereto, and insert:

"(3) The base tax shall be:

(a) Passenger cars, trucks, utility vehicles, and vans, up to five tons -- An amount determined using the following table:

Value when new	Base tax
Up to $9,999	$ 80
$10,000 to $11,999	120
$12,000 to $13,999	160
$14,000 to $15,999	200
$16,000 to $17,999	240
$18,000 to $19,999	280
$20,000 to $21,999	320
$22,000 to $23,999	360
$24,000 to $25,999	400
$26,000 to $27,999	440
$28,000 to $29,999	480
$30,000 to $31,999	520
$32,000 to $33,999	560
$34,000 to $35,999	600
$36,000 to $37,999	640
$38,000 to $39,999	680
$40,000 to $41,999	720
$42,000 to $43,999	760
$44,000 to $45,999	800
$46,000 to $47,999	840
$48,000 to $49,999	880
$50,000 to $51,999	920
$52,000 to $53,999	960
$54,000 to $55,999	1,000
$56,000 to $57,999	1,040
$58,000 to $59,999	1,080
$60,000 to $61,999	1,120
$62,000 to $63,999	1,160
$64,000 to $65,999	1,200
$66,000 to $67,999	1,240
$68,000 to $69,999	1,280
$70,000 to $71,999	1,320
$72,000 to $73,999	1,360
$74,000 to $75,999	1,400
$76,000 to $77,999	1,440
$78,000 and over	1,480

(b) Motorcycles -- $60

(c) Recreational vehicles -- Cabin trailers, up to one thousand pounds -- $10

(d) Recreational vehicles -- Cabin trailers, one thousand pounds and over and less than two thousand pounds -- $25

(e) Recreational vehicles -- Cabin trailers, two thousand pounds and over -- $40

(f) Recreational vehicles -- Self-propelled mobile homes, less than eight thousand pounds -- $180

(g) Recreational vehicles -- Self-propelled mobile homes, eight thousand pounds and over and less than twelve thousand pounds -- $430

(h) Recreational vehicles -- Self-propelled mobile homes, twelve thousand pounds and over -- $880

(i) Trucks -- Five tons and over and less than ten tons -- $280

(j) Trucks -- Ten tons and over and less than sixteen tons -- $580

(k) Trucks -- Sixteen tons and over and less than thirty tons -- $880

(l) Trucks -- Thirty tons and over -- $1,180

(m) Buses -- $380

(n) Trailers other than semitrailers -- Less than four thousands pounds -- $5

(o) Trailers other than semitrailers -- Four thousand pounds and over and less than nine thousand pounds -- $30

(p) Trailers other than semitrailers -- Nine thousand pounds and over -- $55

(q) Semitrailers -- $130

(r) All other motor vehicles not listed in subdivisions (3)(a) through (q) of this section -- $330".

Mr. Withem withdrew his amendment.

Mr. Withem offered the following amendment:
AM2348

(Amendments to E & R amendments, AM7153)

1. Strike beginning on page 4, line 18, through page 7, line 7, and all amendments thereto, and insert:

"(3) The base tax shall be:

(a) Passenger cars, trucks, utility vehicles, and vans, up to five tons -- An amount determined using the following table:

Value when new	Base tax
Up to $9,999	$ 85
$10,000 to $11,999	119
$12,000 to $13,999	153
$14,000 to $15,999	187
$16,000 to $17,999	221
$18,000 to $19,999	255
$20,000 to $21,999	289

$22,000 to $23,999	323
$24,000 to $25,999	357
$26,000 to $27,999	391
$28,000 to $29,999	425
$30,000 to $31,999	459
$32,000 to $33,999	493
$34,000 to $35,999	527
$36,000 to $37,999	561
$38,000 to $39,999	595
$40,000 to $41,999	629
$42,000 to $43,999	663
$44,000 to $45,999	697
$46,000 to $47,999	731
$48,000 to $49,999	765
$50,000 to $51,999	799
$52,000 to $53,999	833
$54,000 to $55,999	867
$56,000 to $57,999	901
$58,000 to $59,999	935
$60,000 to $61,999	969
$62,000 to $63,999	1,003
$64,000 to $65,999	1,037
$66,000 to $67,999	1,071
$68,000 to $69,999	1,105
$70,000 to $71,999	1,139
$72,000 to $73,999	1,173
$74,000 to $75,999	1,207
$76,000 to $77,999	1,241
$78,000 and over	1,275

(b) Motorcycles -- $68

(c) Recreational vehicles -- Cabin trailers, up to one thousand pounds -- $25.50

(d) Recreational vehicles -- Cabin trailers, one thousand pounds and over and less than two thousand pounds -- $38.25

(e) Recreational vehicles -- Cabin trailers, two thousand pounds and over -- $51

(f) Recreational vehicles -- Self-propelled mobile homes, less than eight thousand pounds -- $170

(g) Recreational vehicles -- Self-propelled mobile homes, eight thousand pounds and over and less than twelve thousand pounds -- $383

(h) Recreational vehicles -- Self-propelled mobile homes, twelve thousand pounds and over -- $765

(i) Trucks -- Five tons and over and less than ten tons -- $255

(j) Trucks -- Ten tons and over and less than sixteen tons -- $510

(k) Trucks -- Sixteen tons and over and less than thirty tons -- $765

(l) Trucks -- Thirty tons and over -- $1,020

(m) Buses -- $340

(n) Trailers other than semitrailers -- Less than four thousands pounds -- $21.25

(o) Trailers other than semitrailers -- Four thousand pounds and over and less than nine thousand pounds -- $42.50

(p) Trailers other than semitrailers -- Nine thousand pounds and over -- $64

(q) Semitrailers -- $128

(r) All other motor vehicles not listed in subdivisions (3)(a) through (q) of this section -- $298".

2. In the Kristensen amendment, AM2340:

a. On page 1, lines 15 and 22, strike "$20" and insert "$17"; lines 17, 21, and 23 strike "$30" and insert "$25.50"; and in lines 18 and 20 strike "$10" and insert "$8.50"; and

b. On page 2, line 3, strike "five dollars" and insert "four dollars and twenty-five cents".

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek asked unanimous consent to be excused. No objections. So ordered.

Mr. Withem withdrew his amendment.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 201. Introduced by Withem, 14.

PURPOSE: The purpose of this interim study is to determine how the Legislature can encourage joint cooperative efforts, similar to those noted in the spirit of discussion and passage of Laws 1996, LB 1085, between political subdivisions in order to provide necessary services such as water, sewer, gas, or solid waste disposal systems. The study shall include, but not be limited to, whether such efforts should be mandated, the cost efficiencies of joint efforts, financing options in light of consolidated efforts, and the need to receive public input from citizens receiving such services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 202. Introduced by Dierks, 40; Schrock, 38; Schellpeper, 18; Preister, 5; Bromm, 23.

PURPOSE: To study issues of the placement of a low-level radioactive waste repository proposed to be sited in Boyd County. It shall include, but not be limited to, the following issues:

(1) Specifically, the study shall attempt to determine what alternatives may exist to locating the proposed low-level radioactive waste site in Boyd County;

(2) The study shall also attempt to determine the necessity of Nebraska remaining in the Central Interstate Low-level Radioactive Waste Compact and the liability issues if the state withdraws from the compact;

(3) The study shall attempt to determine what exactly the escalating costs of the project amount to, including the funds spent by US Ecology, the Central Interstate Low-level Radioactive Waste Compact, and the Nebraska power companies, OPPD and NPPD, and the final projected costs of the project, if carried to completion; and

(4) The study shall attempt to determine the costs of waste disposal if the facility is licensed and constructed.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 203. Introduced by Schmitt, 41.

PURPOSE: In the past five years, the number of counties offering traffic diversion programs (STOP) to minor traffic violators in lieu of a court appearance and fine has more than doubled. STOP programs are established at the discretion of county or city prosecutors and are not available in all counties. Without statutory change, there is no statute that outlines program cost or county accountability for revenue generated by the programs. The purpose of this resolution is to examine issues addressed by Legislative Bill 565, Ninety-fifth Legislature, First Session, 1997, and to study the general philosophy and policy of traffic diversion programs. The study shall specifically examine the procedures and policies of current traffic diversion programs and determine methods to require accountability on both a state and county level and mechanisms to make the programs accessible to minor traffic violators in all counties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 204. Introduced by Cudaback, 36; Robinson, 16; Coordsen, 32.

PURPOSE: To study and review the cost of state and political subdivision vehicles and vehicles of the University of Nebraska system and associated expenses for purposes of transportation, performance of job-related duties, or both. During these times of ever-increasing taxes and government expenditures, it is important to scrutinize uses of taxpayers' money to ensure practicality and efficiency. This study should specifically include:

(1) The total number and value of state and political subdivision vehicles and vehicles of the University of Nebraska system;

(2) A list of the costs and a brief description of all vehicles purchased during the previous three years;

(3) A breakdown, by agency, of vehicles and the uses of such vehicles;

(4) A determination of the appropriate number, types, and costs of vehicles;

(5) A review of all statutes relating to vehicle purchase;

(6) A review of the sources of funding vehicle purchases; and

(7) All issues related to the use and cost of vehicles subject to the study.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 205. Introduced by Landis, 46; Wesely, 26.

PURPOSE: The purpose of this resolution is to study Nebraska's regulatory authority over the various types of managed care arrangements and examine whether such authority is adequate for appropriate oversight and regulation of managed care arrangements in the public interest.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 206. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact legislation to provide for regulation of medical and health risk-bearing entities such as provider service organizations (PSOs) and provider service networks (PSNs). The study should include a review of any model legislation on this subject developed by the National Association of Insurance Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 207. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact legislation to provide for regulation on the subject of insurance discrimination against victims of abuse. The study should include a review of any model legislation on this subject in the areas of life insurance, health insurance, property and casualty insurance, and disability income insurance developed by the National Association of Insurance Commissioners.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 208. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact legislation to allow for a new kind of state-chartered financial institution to be known as a savings bank. The study should include a review of issues raised by LB425 (Banking, Commerce and Insurance Committee) introduced in the 1997 session and held in the Banking, Commerce and Insurance Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 209. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should revise its statutes regarding the filing system for the perfecting of liens and security interests. The study should include a review of issues raised by LB731 (Landis) introduced in the 1997 session and held in the Banking, Commerce and Insurance Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 210. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should revise and update its version of the Nebraska Uniform Limited Partnership Act, sections 67-233 to 67-296.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 211. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should revise and update its statutes regarding banking and finance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 212. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether Nebraska should enact legislation regarding cancellation of insurance agency contracts and appointments.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 213. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study changes occurring in the profession of public accountancy in Nebraska and nationally, and to study whether there are appropriate and timely legislative responses for Nebraska to the changes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214. Introduced by Landis, 46.

PURPOSE: The purpose of this resolution is to study whether there are practical and appropriate methods to encourage owners of motor vehicles to maintain automobile liability coverage or proof of financial responsibility during the entire registration period of the motor vehicles.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 215. Introduced by Preister, 5; Hilgert, 7.

PURPOSE: This study shall:

1. Examine the territorial rating practices of the automobile insurance industry;

2. Review state statutes regarding the setting, approval, and review of rates in Nebraska; and

3. Examine the policies of the Department of Insurance in carrying out current statutes to protect policyholders and the public against the adverse affects of excessive, inadequate, or unfairly discriminatory rates and premiums.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 216. Introduced by Hartnett, 45; Elmer, 44.

PURPOSE: Actions taken by the Legislature in the 1996 legislative session to reduce and limit property tax levies have led to increasing interest on the part of some villages to investigate the possibility of disincorporation or dissolution. Such activity has only rarely been contemplated, much less implemented in the past. This new interest, plus the financial implications for the residents and the county in which the dissolved village resides, makes it important that the Legislature review the current statutes governing the dissolution of villages and determine whether changes may be necessary.

This study will investigate the level of interest in village dissolution, the recent experience by villages which considered that course of action and implemented it, the statutes governing the process, and the implications for other political subdivisions of such dissolutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 217. Introduced by Hartnett, 45.

PURPOSE: While significant progress has been made in dealing with the problems of financing rural and suburban fire protection districts, key issues remain to be resolved. The unique nature of such districts in terms of the diversity of the services they provide, the impact of those services not only upon property tax levies but upon insurance costs, the multicounty and cross-county nature of many districts, the variety of legal arrangements between such districts and neighboring municipalities, the role of volunteers in the provision of services, and the impact of interlocal and mutual aid agreements in the cost of providing emergency response services makes it necessary for the Legislature to (1) review existing property tax limits as they relate to such districts and (2) determine what changes, if any, should be made either to their structure or to the property tax statutes to enable them to continue to operate at their current level of effectiveness, and to permit them to retain their local character and the unique savings flowing from their reliance on volunteer service providers.

This study will review the current structure of such districts and the statutes governing their operation, the impact of current levy restrictions and the manner in which their budgets and levies are set, the role of mutual aid associations and interlocal agreements in reducing costs, the synergistic nature of fire protection district and municipal fire protection arrangements, and the range of possible solutions to perceived problems in guaranteeing a stable and predictable stream of property tax revenue. The study shall encourage the participation of volunteer fire fighters, emergency response personnel, fire protection district board members, and municipal and county officials.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 218. Introduced by Hartnett, 45.

PURPOSE: One of the key elements in the 1996 package of property tax reduction bills crafted by the Revenue Committee and adopted by the Legislature was the encouragement of merger and consolidation. It was believed that substantial savings in property tax costs could be realized through mergers of public bodies and through structural or functional consolidations in the provision of services. One of the principal tools available in Nebraska statutes to accomplish this is the Interlocal Cooperation Act. It is important to the success of legislative efforts to reduce property taxes that activity with regard to merger and consolidation through the operation of the Interlocal Cooperation Act be monitored and evaluated.

The purpose of this study is to review current merger and consolidation activity, determine the effectiveness of such efforts in reducing property taxes and bringing about new efficiency in local government, identify barriers to such activity whether by reason of current statutory restrictions or practical concerns, and recommend changes in the statutes to facilitate and expedite merger and consolidation initiatives.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 219. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Matzke, 47; C. Peterson, 35; Suttle, 10; Witek, 31; and Tyson, 19; Bohlke, 33; Schimek, 27.

PURPOSE: To study the Behavioral Mental Health Redesign as proposed by the Department of Health and Human Services. This study should include an examination of:

(1) The transition process needed to establish the infrastructure for community services clients before transfer from the state regional centers;

(2) Access to regional center services after the implementation of the redesign;

(3) The possible return to Nebraska of children currently receiving services in out-of-state placements;

(4) Advantages or problems associated with the new policy to purchase services for recipients of state services;

(5) The role and disposition of state employees, including the utilization of experienced workers at the regional centers to preserve the necessary institutional safety net while enhancing outpatient services;

(6) The use of the regional centers as the hub for community-based outpatient services;

(7) An analysis of potential conflicts of interest of for-profit managed care consultants and consideration of direct provision by the state of managed care services for mental health;

(8) The cost effectiveness of the full-time-equivalent employee cap in the Department of Health and Human Services, Department of Health and Human Services Regulation and Licensure, and Department of Health and Human Services Finance and Support; and

(9) State funding of mental health programs for the redesign and for long-term mental health needs.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 220. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Matzke, 47; C. Peterson, 35; Suttle, 10; Witek, 31.

PURPOSE: To oversee the implementation of the Nebraska Partnership Project as enacted in Legislative Bill 1044, Ninety-fourth Legislature, Second Session, 1996.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 221. Introduced by Health and Human Services Committee: Wesely, 26, Chairperson; Dierks, 40; Jensen, 20; Matzke, 47; C. Peterson, 35; Suttle, 10; Witek, 31.

PURPOSE: To study health and human services issues. The State of Nebraska is affected fiscally, morally, and socially by the need for, and provision of, human service programs and by the health status of its citizens. The health and human services issues to be studied shall include, but not be limited to: Cost containment for health care services; availability of health care providers; health care for emergency service and trauma system development; affordable housing; mental health; developmental disabilities;

the role of counties in health and human services programs; the Nebraska Partnership Project; substance abuse; poverty; welfare reform; regulation of health professions; foster care; the comprehensive health insurance pool; rural health care availability; health care purchasing pools; teenage pregnancy; child abuse; adult abuse; medicaid services; disabled persons and family support programs; child care; the Nebraska Mental Health Commitment Act; certificate of need; and health and human services and economic opportunities on Indian reservations. These issues need review by the Legislature to determine the appropriate legislative responses.

In addition, the study shall include an examination of: The regulation and oversight of hospitals, especially those which are not surveyed by the Joint Commission on Hospital Accreditation; the child care licensing system to determine whether the process should be consolidated and whether there are ways to simplify the licensing process; the role and mission of the regional centers in the mental health care delivery system; the issues associated with the regulation of design professionals; drinking water contamination and methods for the prevention or alleviation of contamination of drinking water; and issues associated with grandparents raising grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 222. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Bruning, 3; Elmer, 44; McKenzie, 34; Preister, 5; Schrock, 38.

PURPOSE: The purpose of this study is to examine the legal authority of the Game Parks Commission, including the Game Law, other provisions of Chapter 37, and sections 81-801 to 81-815.65, to determine which sections need to be updated, rewritten, and recodified.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223. Introduced by Beutler, 28; Preister, 5.

PURPOSE: The purpose of this study is to review the development of and current sources of funding for recreational trails within Nebraska and to determine future sources of stable funding for trail development, operation, and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 224. Introduced by Beutler, 28; Wesely, 26; Preister, 5.

PURPOSE: The purpose of this study is to examine Nebraska's administration of the federal Safe Drinking Water Act, including an analysis of how the programs and requirements in the federal act can be most efficiently and effectively managed at the state and local levels.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee and the Health and Human Services Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of the study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 225. Introduced by Beutler, 28; Engel, 17; Kiel, 9; Preister, 5; Bohlke, 33; Bromm, 23.

PURPOSE: To study issues related to the Leaking Underground Storage Tank (LUST) program, including, but not limited to: (1) Administration and enforcement of the Petroleum Release Remedial Action Act and the Petroleum Products and Hazardous Substances Storage and Handling Act; (2) recommendations from the technical advisory committee created pursuant to sections 81-15,189 and 81-15,190; (3) a review of insurance requirements for petroleum tank owners; (4) whether the statutory and regulatory structure sufficiently addresses risks to third parties of petroleum releases and compensation for damages sustained by third parties from such releases; and (5) whether the petroleum release remedial action fee pursuant to section 66-1521 and the tank registration fee pursuant to section

81-15,121 are adequate to fund the liability for petroleum releases and remediation of such releases.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 226. Introduced by Beutler, 28; Preister, 5.

PURPOSE: The purpose of this study is to examine the implications of ethanol production and use in Nebraska, including consideration of the environmental, economic, and energy security benefits of ethanol. The study will include a comparison of the costs of production, distribution, and sale of oxygenated and nonoxygenated fuels.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. Introduced by Judiciary Committee: Brashear, 4, Chairperson; Hilgert, 7; Hudkins, 21; Jones, 43; Robak, 22.

PURPOSE: The purpose of this study is to consider the Protection From Domestic Abuse Act and other relevant statutes that relate to victims of domestic abuse. Even with the Protection From Domestic Abuse Act and other laws enacted for the purpose of protecting victims of domestic abuse, domestic abuse continues to be prevalent and increasing in Nebraska. Our laws may be ill-equipped to address domestic abuse in Nebraska. This interim study will include, but is not limited to, the following:

(1) Making domestic abuse a distinct crime;

(2) Amending the definition of "family or household member";

(3) Implementing mandatory minimum sentences for domestic abuse;

(4) Considering termination of parental rights when there is evidence of domestic abuse;

(5) Expanding the economic support of victims by their abusers;

(6) Establishing a fund and a funding source for domestic abuse shelters

and services;

(7) Establishing a statewide system for registering protection orders; and

(8) Providing for the enforcement of foreign protection orders.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. Introduced by Judiciary Committee: Brashear, 4, Chairperson; Hilgert, 7; Hudkins, 21; Jones, 43; Robak, 22.

PURPOSE: During the 1997 legislative session, Legislative Bills 291 and 439, Ninety-fifth Legislature, First Session, were introduced to provide an enhanced penalty for an offense committed by a person or persons if such offense was committed while in the course of gang activity. The interim study will include, but will not be limited to, the following:

(1) An overview of gang activity in Nebraska;

(2) A study of how other states address crimes committed by gangs;

(3) The merits of enacting provisions in the Nebraska Criminal Code directly related to gangs and gang activity, including definitions of "gang" and "gang activity"; and

(4) The necessity of such legislation in relationship to the laws already available for prosecuting gang members for gang activity.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 229. Introduced by Judiciary Committee: Brashear, 4, Chairperson; Hilgert, 7; Hudkins, 21; Jones, 43; Robak, 22.

PURPOSE: The purpose of this interim study is to consider whether Nebraska should enact the Uniform Common Interest Ownership Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council

or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 230. Introduced by Judiciary Committee: Brashear, 4, Chairperson; Hilgert, 7; Hudkins, 21; Jones, 43; Robak, 22.

PURPOSE: Pursuant to section 42-364.16, Revised Statutes Supplement, 1996, the Nebraska Supreme Court has the authority to establish the guidelines for determining child support obligations. The purpose of this interim study is to consider whether the Nebraska Supreme Court is the appropriate agency of government to establish child support guidelines or whether another agency of government would be better suited and able to assume such responsibility. This study will include, but not be limited to, the following:

(1) The current process used by the Nebraska Supreme Court to establish the child support guidelines;

(2) The effectiveness and efficiency of the current process;

(3) The possibility and desirability of creating a commission or committee for the purpose of establishing such guidelines for adoption by either the Nebraska Supreme Court or the Legislature; and

(4) A review of how other states establish such guidelines.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 231. Introduced by Judiciary Committee: Brashear, 4, Chairperson; Hilgert, 7; Hudkins, 21; Jones, 43; Robak, 22.

PURPOSE: During the 1997 legislative session, Legislative Bills 149 and 790, Ninety-fifth Legislature, First Session, were introduced to protect a former and current employer from civil liability if such employer provides a job reference or employment information for a past or present employee to a prospective employer of such employee. The interim study will include, but is not limited to:

(1) An overview of whether other states have such legislation;

(2) The effect, if any, of legislation in other states; and

(3) The desirability of enacting similar legislation in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 232. Introduced by Judiciary Committee: Brashear, 4, Chairperson; Hilgert, 7; Hudkins, 21; Jones, 43; Robak, 22.

PURPOSE: The Administrative Procedure Act (APA) requires that certain agency standards, criteria, guidelines, rules, regulations, policies, and procedures of government be promulgated pursuant to the APA. The Department of Correctional Services is currently permitted to implement certain administrative regulations beyond the purview of the APA. However, some administrative regulations adopted by the department affect the rights, privileges, and opportunities of inmates incarcerated in state penal facilities. Therefor, the purpose of this interim study is to study the public policy considerations that are the basis for the promulgation requirements of the APA to determine whether such considerations are also applicable to those administrative regulations adopted by the department. The study will include, but will not be limited to, the following:

(1) The content and objective of the department's administrative regulations;

(2) The applicability, or absence thereof, of the APA to such administrative regulations; and

(3) The desirability or feasibility of promulgating pursuant to the APA some or all administrative regulations adopted by the department beyond the purview of the APA.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall conduct the interim study in conjunction with the staff of the Public Counsel and the Legislative Research Division and that the committee shall seek input from outside sources, including input from representatives of the Department of Correctional Services and affected inmates.

3. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 233. Introduced by Bohlke, 33; Wickersham, 49.

PURPOSE: During this and past legislative sessions, the Legislature has spent a great deal of time discussing school finance. It is evident that a method is needed to evaluate how effective schools utilize funding provided by state and local sources. A study will be conducted during the interim to design and implement statewide assessment of school spending. The study will survey methods used by other states to determine what techniques and evaluations are available and effective. After review and analysis of data obtained nationally and locally, a determination of an appropriate mechanism to assess school spending in Nebraska would be instituted.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 234. Introduced by Bohlke, 33.

PURPOSE: In cooperation with the Coordinating Commission for Postsecondary Education, the Education Committee will study the implementation of section 85-9,139.02. This study would consider the effects of this section on particular types of institutions and the appropriateness of an excess default rate fee. Included would be the procedures that institutions may follow to reduce cohort default rates for the Federal Family Education Loan Program and the Federal Direct Student Loan Program in Nebraska. Public input shall be solicited in the study process.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 235. Introduced by Bohlke, 33.

PURPOSE: A number of bills passed and pending make major changes in the budgeting process for schools. It is evident that we need to study how these changes impact school systems. This study should include, but not be limited to, evaluation of time lines established by past and present legislation and reinstatement of budget growth provisions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council

or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Messrs. Wehrbein and Chambers filed the following amendment to LB 387:
AM2363

(Amendments to Standing Committee amendments, AM1401)

1. On page 31, after line 7 insert:

"There is included in the General Fund appropriation to the University of Nebraska contained in this section and the General Fund appropriation to the University of Nebraska contained in Legislative Bill 389, Ninety-fifth Legislature, First Session, 1997, a $500,000 General Funds for FY1997-98 for the University of Nebraska Central Administration, excluding state aid and the Nebraska Research Initiative/EPSCoR, to be transferred to the Minority Scholarships Fund, administered by the University of Nebraska Foundation.".

SELECT FILE

LEGISLATIVE BILL 271. Messrs. Withem and Kristensen offered the following amendment:
AM2367

(Amendments to E & R amendments, AM7153)

1. Strike beginning on page 4, line 18, through page 7, line 7, and all amendments thereto, and insert:

"(3) The base tax shall be:

(a) Passenger cars, trucks, utility vehicles, and vans, up to five tons -- An amount determined using the following table:

Value when new	Base tax
Up to $9,999	$ 60
$10,000 to $11,999	100
$12,000 to $13,999	140
$14,000 to $15,999	180
$16,000 to $17,999	220
$18,000 to $19,999	260
$20,000 to $21,999	300
$22,000 to $23,999	340
$24,000 to $25,999	380
$26,000 to $27,999	420
$28,000 to $29,999	460
$30,000 to $31,999	500
$32,000 to $33,999	540
$34,000 to $35,999	580
$36,000 to $37,999	620
$38,000 to $39,999	660
$40,000 to $41,999	700

$42,000 to $43,999	740
$44,000 to $45,999	780
$46,000 to $47,999	820
$48,000 to $49,999	860
$50,000 to $51,999	900
$52,000 to $53,999	940
$54,000 to $55,999	980
$56,000 to $57,999	1,020
$58,000 to $59,999	1,060
$60,000 to $61,999	1,100
$62,000 to $63,999	1,140
$64,000 to $65,999	1,180
$66,000 to $67,999	1,220
$68,000 to $69,999	1,260
$70,000 to $71,999	1,300
$72,000 to $73,999	1,340
$74,000 to $75,999	1,380
$76,000 to $77,999	1,420
$78,000 and over	1,460

(b) Motorcycles -- $40

(c) Recreational vehicles -- Cabin trailers, up to one thousand pounds -- $10

(d) Recreational vehicles -- Cabin trailers, one thousand pounds and over and less than two thousand pounds -- $15

(e) Recreational vehicles -- Cabin trailers, two thousand pounds and over -- $20

(f) Recreational vehicles -- Self-propelled mobile homes, less than eight thousand pounds -- $160

(g) Recreational vehicles -- Self-propelled mobile homes, eight thousand pounds and over and less than twelve thousand pounds -- $410

(h) Recreational vehicles -- Self-propelled mobile homes, twelve thousand pounds and over -- $860

(i) Trucks -- Five tons and over and less than ten tons -- $260

(j) Trucks -- Ten tons and over and less than sixteen tons -- $560

(k) Trucks -- Sixteen tons and over and less than thirty tons -- $860

(l) Trucks -- Thirty tons and over -- $1,160

(m) Buses -- $360

(n) Trailers other than semitrailers -- Less than four thousands pounds -- $5

(o) Trailers other than semitrailers -- Four thousand pounds and over and less than nine thousand pounds -- $10

(p) Trailers other than semitrailers -- Nine thousand pounds and over -- $35

(q) Semitrailers -- $110

(r) All other motor vehicles not listed in subdivisions

(3)(a) through (q) of this section -- $310".

Mrs. Hillman and Mr. Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

The Withem-Kristensen amendment was adopted with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Mr. Will requested a record vote on the advancement of the bill.

Voting in the affirmative, 30:

Abboud
Bohlke
Bruning
Coordsen
Crosby
Cudaback
Elmer
Hartnett
Hilgert
Hillman
Janssen
Jensen
Kristensen
Landis
Lynch
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robinson
Schellpeper
Schimek
Schrock
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Withem

Voting in the negative, 2:

Preister
Will

Present and not voting, 12:

Beutler
Brashear
Bromm
Brown
Chambers
Dierks
Hudkins
Jones
McKenzie
Robak
Schmitt
Stuhr

Excused and not voting, 5:

Engel
Kiel
Maurstad
Wesely
Witek

Advanced to E & R for engrossment with 30 ayes, 2 nays, 12 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 271A. Mr. Kristensen renewed his pending amendment, AM2320, found on page 2166.

The Kristensen amendment was adopted with 27 ayes, 1 nay, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 236. Introduced by Hartnett, 45; Dw. Pedersen, 39; Abboud, 12.

PURPOSE: Several cities and villages in Nebraska still follow the practice of sounding sirens in their communities for the purpose of summoning volunteer firefighters and rescue squad personnel to respond to emergency calls. Arguments have been posed in favor of the practice by cities that have concerns about the reliability of various other forms of electronic notification and the need to be able to summon volunteers to emergencies when other pager or cellular phone systems may be down or inoperable for some reason. Citizens have interposed objections based upon the noise and interference to peace and quiet that results from their use, the presence of less intrusive alternatives, and the special hardships suffered by those living in close proximity to the sirens (including the effect on property values).

The Urban Affairs Committee advanced legislation to the floor which prohibited the use of such sirens in a restricted class of communities and the prohibition was adopted as a part of Legislative Bill 589, Ninety-fifth Legislature, First Session, 1997. Since its passage, the legislation has been the subject of considerable public controversy, discussion, and debate.

The purpose of this study will be to enable the committee to give more thorough consideration to the use by municipalities of sirens to summon volunteer personnel to respond to emergencies. The study will include consideration of expanding the prohibition to a wider variety of communities, the extent to which such sirens are currently in use, the restriction of such sirens to specified locations in communities, the restriction of sirens to only certain hours of use, the placements of volume restrictions on sirens, and any other issue regarding their use which may be brought to the attention of the committee during the course of this study. The study will provide the opportunity for public comment and input from cities and villages, fire protection districts, volunteer departments and personnel, and the general public.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 237. Introduced by Hartnett, 45.

PURPOSE: This study, following a decade-long tradition, would provide the opportunity for the committee to investigate and review matters and issues arising during the interim which are within the jurisdiction of the Urban Affairs Committee and which may be the subject of legislative bills to be introduced during the next legislative session. This would provide the opportunity for a careful review of proposed legislation and the drafting of such legislation before time constraints and the pace of legislative activity makes studied review more problematic. This process has also served to facilitate a review of legislative bills during the session and has helped the committee avoid the need for committee amendments which slow down the consideration of legislative bills by the full legislature.

The study will involve:

(1) A review of legislation considered by the Urban Affairs Committee during the 1997 regular session which was either killed by the committee or held in committee to determine what other further action by the committee might be warranted with regard to the particular subjects of the individual bills;

(2) A review of problems, concerns, or legislation proposed for introduction by senators or other parties for study, technical discussion, or conceptual refinement within the committee's jurisdiction before the start of the next legislative session; and

(3) The conduct of at least one public hearing to provide on opportunity for public comment and discussion with members of the committee and the public on issues involving matters within the committee's jurisdiction.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 238. Introduced by Hartnett, 45.

PURPOSE: To study issues regarding students with disabilities and special education students under the option enrollment program, most particularly the issues raised by Legislative Bill 444, Ninety-fifth Legislature, First Session, 1997, with regard to transportation services and option enrollment students who are later diagnosed with a severe disability who cannot be served in the option district.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 239. Introduced by Hartnett, 45.

PURPOSE: To study the legal and public policy issues raised by section 1 of Legislative Bill 711, Ninety-fifth Legislature, First Session, 1997, with regard to requiring school districts to admit pupils who are in the actual physical custody of a resident of the district.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 240. Introduced by Beutler, 28.

PURPOSE: The purpose of this study is to examine methods of resolving interstate water conflicts. The study shall include consideration of whether, in the event payment of damages to resolve such conflicts is necessary, state sales and income taxes or imposition of fees on water use in the area of conflict might be utilized to pay such damages.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 241. Introduced by Beutler, 28; Bohlke, 33.

PURPOSE: The purpose of this resolution is to examine the annual emission fee collected from major sources of air pollution pursuant to section 81-1505.04 and the changes proposed by LB 707, Ninety-fifth Legislature, First Session, 1997. The study shall include consideration of the impacts of the fee on consumers, businesses, and industries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 242. Introduced by Beutler, 28; Preister, 5.

PURPOSE: The purpose of this study is to examine state policies relating to solid waste and the recycling of plastic containers in Nebraska. The study shall include consideration of the implications of requiring a minimum recycled content for plastic containers sold in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 243. Introduced by Beutler, 28; Elmer, 44.

PURPOSE: The purpose of this study is to examine water issues in connection with the state's natural resources districts, including, but not limited to, water quality, water quantity, integrated management of ground water and surface water, and the use of fees on chemicals to fund programs and projects addressing the management of water contaminated with such chemicals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 244. Introduced by Beutler, 28; Preister, 5.

PURPOSE: The purpose of this study is to consider the implications of allowing transfer of surface water appropriations, either through purchase, lease, or donation, including the legal, institutional, regulatory, and socioeconomic effects of such a system. The study may also consider the implications of allowing development for other uses of salvaged water derived from water conservation practices and a review of constitutional and statutory preferences relating to water use.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 245. Introduced by Beutler, 28.

PURPOSE: The purpose of this study is to consider uses for scrap tires and the use of tire-derived fuel to produce or recover energy. The study shall include an examination of the public health, environmental, and economic effects of encouraging the use of scrap tires as tire-derived fuel or for other purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 246. Introduced by Beutler, 28; Elmer, 44.

PURPOSE: The purpose of this study is to analyze safety awareness among propane consumers and propane industry personnel in Nebraska and to examine means by which to provide a coordinated effort to address both consumer safety issues and employee training on a broad basis. Topics for safety awareness may include: Uncapped lines; oven explosions; undetected leaks; unsafe cylinder transportation; improperly maintained outdoor grills; odor fade; lighting appliances; failure to observe ignition sources when filling tanks; unapproved appliances installed in mobile homes; static electricity; overfilling tanks and cylinders; improper installations; line corrosion; and failure to follow out-of-gas procedures. The study will also include an examination of how the provisions of LB 699, Ninety-fifth Legislature, First Session, 1997, address safety awareness among propane consumers and propane industry personnel.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be

designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 247. Introduced by Schrock, 38; Elmer, 44; Beutler, 28.

PURPOSE: The purpose of this resolution is to study the possibility of sharing responsibility of cloud seeding with natural resources districts and others when weather conditions dictate its practicality.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 248. Introduced by Wesely, 26.

PURPOSE:

WHEREAS, screening of newborn infants for metabolic and other disorders prevents infant death, disability, and mental retardation, and reduces the effects of chronic illness; and

WHEREAS, screening of newborn infants is a cost-effective Department of Health and Human Services program; and

WHEREAS, screening of newborn infants for metabolic disorders is mandated under Neb. Rev. Stat. sections 71-519 to 71-524; and

WHEREAS, the system of screening of newborn infants in Nebraska has greatly improved with the adoption of rules and regulations in 1996, and the voluntary reduction from twenty-one laboratories to three laboratories; and

WHEREAS, Nebraska remains the only state in the United States to not adopt the best practice standard, recommended by a federal Department of Health and Human Service select panel, which is to utilize a single/centralized newborn infant screening laboratory system; and

WHEREAS, the present system of screening of newborn infants includes several questionable practices and the agency responsible for oversight of the program, the Department of Health and Human Services Regulation and Licensure, lacks the legislative authority to ensure quality such as accurate analyses and timely communication of both normal and abnormal results, which are expectations of newborn infant screening programs nationwide; and

WHEREAS, the cost to consumers for laboratory testing in Nebraska has decreased in the last year, yet it remains higher in Nebraska than that paid by consumers in every other state; and

WHEREAS, centralization of a newborn infant screening system can enhance the program's quality to ensure no affected infants are missed and reduce the costs to the consumer, and a fee-based system could reduce reliance on federal dollars and the need for state appropriations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature will study and make recommendations as to Nebraska's existing system of screening of newborn infants and options for a centralized newborn infant screening laboratory system.

2. That the Legislature will study and make recommendations as to what can be done to ensure quality metabolic screening in Nebraska.

3. That the Legislature will study funding methods and make recommendations as to the most stable strategies to ensure cost-effective quality newborn infant screening services from the testing to follow-up and treatment.

4. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

5. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 249. Introduced by Stuhr, 24; Dierks, 40.

PURPOSE: The purpose of this resolution is to study incentive programs for encouraging the use of vegetative filter strips to enhance water quality. The study shall include, but not be limited to, a review of National Resource Conservation Service and United States Department of Agriculture programs and studies related to vegetative filter strips.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Agriculture Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 250. Introduced by Hilgert, 7; Preister, 5.

PURPOSE: The purpose of this study is to review: How territorial ratings are currently determined, with specific attention to innercity areas; how rates are determined within territories; how the Department of Insurance currently monitors such territorial ratings by insurance companies; and how the Legislature may address, through future legislation, if needed, any changes that may be required to more effectively ensure that homeowners, particularly in innercity areas, are treated fairly and to ensure that homeowners' insurance remains available and affordable in relation to legitimate market forces.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 251. Introduced by Robinson, 16; Bromm, 23.

PURPOSE: Article III, section 5 of the Constitution of Nebraska sets forth a general framework for establishing legislative district boundaries. The drawing of congressional and legislative district boundaries is a difficult but necessary task of the Legislature. The process has historically had little further basis to consider in determining those boundaries.

Various ideas have been introduced as legislation, including those contained in Legislative Bill 607, Ninety-fifth Legislature, First Session, 1997, the purposes of which are to make the redistricting process more scientific and efficient. It is important that the Legislature study this issue in an expeditious manner in order to be as prepared as possible for the next redistricting which must occur in the year 2001. Such study should include, but not be limited to:

(1) An examination of the redistricting process used previously in Nebraska;

(2) An examination of the redistricting process used in other states;

(3) An examination of any problems encountered in past redistricting in Nebraska and what steps were taken to deal with those problems;

(4) The effectiveness of an advisory commission being formed to assist the Legislature in the redistricting process; and

(5) Other relevant issues involved in the process of redistricting of congressional and legislative district boundaries.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENT - Print in Journal

Mr. Wehrbein filed the following amendment to LB 150:
AM2359
1. Strike the Dwite Pedersen amendment, FA329.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 314A, 517A, and 851A.

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARINGS
Health and Human Services

Wednesday, June 4, 1997 1:00 p.m.
Foster Care Review Board
Barbara A. Moore
Susan E. Gilmore
James R. Ganz Jr.
Joyce Bunger
Kathleen M. Maloney

(Signed) Don Wesely, Chairperson

SELECT FILE

LEGISLATIVE BILL 752. E & R amendment, AM7155, found on page 1904, was adopted.

Mrs. Brown offered the following amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2364.)

Messrs. Abboud, Landis, and Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

CEREMONIES

The Chair introduced a group from the Nebraska Association of Former State Legislators.

EASE

The Legislature was at ease from 3:57 p.m. until 4:09 p.m.

SELECT FILE

LEGISLATIVE BILL 752. The Brown pending amendment, AM2364, on file and referred to in this day's Journal, was renewed.

Mr. Chambers requested a division of the question on the Brown amendment.

The Chair sustained the division of the question.

The first Brown amendment is as follows:
FA370

(Amendments to Standing Committee amendments, AM1359)

Sec. 71. Section 43-512.12, Revised Statutes Supplement, 1996, is amended to read:

43-512.12. Child support orders in cases in which a party has applied for services under Title IV-D of the federal Social Security Act, as amended, shall be reviewed by the Department of Health and Human Services Finance and Support to determine whether to refer such orders to the county attorney or authorized attorney for filing of an application for modification. An order shall be reviewed by the department upon its own initiative or at the request of either parent when such review is required by Title IV-D of the federal Social Security Act, as amended. After review the department shall refer an order to a county attorney or authorized attorney when the verifiable financial information available to the department indicates:

(1) The present child support obligation varies from the Supreme Court child support guidelines pursuant to section 42-364.16 by more than the percentage, amount, or other criteria established by Supreme Court rule, and the variation is due to financial circumstances which have lasted at least three months and can reasonably be expected to last for an additional six months; or

(2) Health insurance is available to the obligor as provided in subsection (2) of section 42-369 and the children are not covered by health insurance other than the medical assistance program under sections 68-1018 to 68-1025.

An order shall not be reviewed by the department if it has not been three years since the present child support obligation was ordered. An order shall not be reviewed by the department more than once every three years~~,~~ ~~except~~ ~~that~~ unless the requesting party demonstrates a substantial change in circumstances, and an order may be reviewed after one year if the department's determination after the previous review was not to refer to the county attorney or authorized attorney for filing of an application for modification because financial circumstances had not lasted or were not expected to last for the time periods established by subdivision (1) of this section.

Messrs. Wesely, Tyson, Dw. Pedersen, Will, Lynch, Withem, and Mrs. McKenzie asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Pending.

RESOLUTIONS

LEGISLATIVE RESOLUTION 252. Introduced by Wesely, 26.

PURPOSE: Local governments are being asked to deliver services with fewer resources, especially property taxes. Local governments must find efficiencies and develop cooperative arrangements. Since local schools are often the center of a community, the resources of a school district may be utilized to the benefit of both the school district and other units of local government.

This study proposes to examine how local schools can be better utilized for governmental and community services. The study shall examine:

(1) Whether school buses can be utilized for human service transportation needs;

(2) Whether school buildings can house or provide some governmental services without disrupting educational opportunities; and

(3) The feasibility of joint school-local government projects such as libraries, parking, or the sharing of equipment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 253. Introduced by Wesely, 26.

PURPOSE: The city of Lincoln, in cooperation with the Lower Platte South Natural Resources District and the University of Nebraska, is examining Lincoln's future planning, development, and infrastructure needs in the Antelope Creek Valley study. The study may have a dramatic impact on the economic development of Nebraska's second largest city and thus the economic development of the State of Nebraska.

This study shall examine the potential state impacts of proposals in the Antelope Creek Valley study such as the state and the university budgets, increased or decreased state tax revenue, and efficiencies developed from the sharing of resources between entities.

Further, this study shall also examine whether the community organizational effort in the Antelope Creek Valley study can help other Nebraska communities determine their future.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 254. Introduced by Wesely, 26.

PURPOSE: City planning for roadways can have a dramatic impact on the state's economic development and tax revenue. Increased traffic can allow for greater commerce and transportation ease. New roadways can also have negative impacts such as the removal of land from the tax rolls and environmental impacts.

This study proposes to examine the city of Lincoln's plans for a south and east beltway from a state perspective. Areas to be examined include:

(1) The timeline and prioritization of the Lincoln Beltway Project with the State Roads Plan;

(2) The potential for increased economic development opportunities as a result of construction in Lincoln and the surrounding communities;

(3) How much land will be removed from the property tax rolls, its effect on the revenue-generating abilities of local governments, and its environmental impact; and

(4) The ability of local governments to provide services to any future development which will likely occur as a result of the beltway, especially in face of state-imposed property tax lids.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 255. Introduced by Wesely, 26.

PURPOSE: Efforts to create economic development opportunities are shared by various entities. Cities and counties use tax increment financing; the state grants various tax incentives; and community colleges and the University of Nebraska provide support through customized education, applied technology, and the preparation of skilled workers.

This study proposes to examine how economic development links can be better established between these entities. The study shall examine:

(1) The success of previous joint economic development projects;

(2) Academic resources which could be better utilized in economic development functions;

(3) Whether formal structures exist to coordinate these efforts;

(4) The coordination efforts of other peer states and their success; and

(5) Whether state statutes restrict or hinder this type of cooperation.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 256. Introduced by Wesely, 26.

PURPOSE: Law enforcement is one of the most important functions of local governments. Communities may not be able to adequately fulfill this most fundamental mission of local government because of budget and levy limitations imposed by the Legislature. Therefor, the Legislature should examine alternatives to providing for the safety of local communities.

This study shall examine how cooperative arrangements between the State Patrol, the county sheriff, and local police departments could operate and whether such cooperation could be effective in responding to crime.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 257. Introduced by McKenzie, 34.

PURPOSE: The purpose of this study resolution is to examine the issues surrounding delinquent payment of property taxes. The study shall include, but not be limited to, the issues brought to the Legislature through Legislative Bill 187, Ninety-fifth Legislature, First Session, 1997, to review the rate of interest assessed on certificates for unpaid property taxes. The study shall also explore the process by which out-of-state investors determine tax certificate availability.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 258. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to study the impact and implementation of Legislative Bill 271, Ninety-fifth Legislature, First Session, 1997. LB 271 provides motor vehicle tax and fee schedules to create greater consistency in the manner in which motor vehicles are taxed throughout the state. Among other issues, this study should specifically examine:

(1) How best to implement the provisions of LB 271; and

(2) The level of progressivity or regressivity of the respective tax and fee schedules contained in LB 271.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 259. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to conduct a study to examine the effects of changes in telecommunications technologies and in services which are provided through the use of such technologies, as such changes relate to state and local tax policy.

Issues subject to study shall include:

1. The revenue impact on state and local government of the taxation of telecommunications technologies and the services provided through such technologies;

2. The revenue impact to state and local government of state and federal regulatory changes related to telecommunications technologies and the services provided through such technologies;

3. The impact of current state and local government tax policy on the availability and affordability of telecommunications technology and the services which are provided through such technologies; and

4. The extent to which current state tax policy impacting

telecommunications technology and services provided through such technologies may be avoided by businesses without an instate presence.

In conducting this study all forms of telecommunications technology and the services provided through such technology shall be considered including, but not limited to, voice, data, text, audio, and video.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 260. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to continue the study of Nebraska's implementation and administration of the responsibilities and authority delegated to the state pursuant to the federal Telecommunications Act of 1996.

The study shall include, but not be limited to:

(1) Monitoring and reviewing the implementation of legislation enacted by the Ninety-fifth Legislature, First Session, 1997;

(2) Monitoring and evaluating actions proposed or taken by the Federal Communications Commission, the Nebraska Universal Service Task Force, and the Public Service Commission in the establishment and implementation of state universal service support mechanisms to ensure the delivery of affordable telecommunications services to all Nebraskans, including low-income consumers, eligible schools and libraries, and rural health care providers;

(3) Examining and considering issues relating to the reform of intrastate access charges; and

(4) Examining and considering issues relating to the certification and entry of political subdivisions of the state into the business of providing for-hire common carrier telecommunications services.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 261. Introduced by Kristensen, 37.

PURPOSE: To study the provision of 911 telephone service in Nebraska, which may include an examination of:

(1) The current funding of 911 telephone service in Nebraska, and whether expenditures for such service comply with the language and intent of subsection (5) of section 86-1003;

(2) The advisability of funding 911 and Enhanced 911 telephone service through the provisions of the Nebraska Telecommunications Universal Service Fund Act contained in Legislative Bill 686, Ninety-fifth Legislature, First Session, 1997;

(3) The Federal Communications Commission rule issued on June 12, 1996, (CC Docket No. 94-102) to implement Enhanced 911 service for wireless telecommunications services; and

(4) The establishment of an appropriate cost recovery mechanism to fund the implementation of Enhanced 911 service for wireless telecommunications services in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 262. Introduced by Kristensen, 37.

PURPOSE: The purpose of this resolution is to provide for a study of issues surrounding the enactment of legislation which would authorize and recognize the use of digital signatures.

The study shall specifically consider the policy options presented by LB 42 and LB 286 pending in the Transportation Committee of the Legislature at the conclusion of the Ninety-fifth Legislature, First Session, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 263. Introduced by Kristensen, 37.

PURPOSE: The purpose of this study is to consider issues relevant to the authorization, manufacture, issuance, and administration of requirements related to motor vehicle license plates. The study shall include, but not be limited to, the examination of the following areas:

(1) The study of specialty license plates, including LB 231 (the authorization of "generic" specialty license plates), LB 74 (the authorization of personalized Cornhusker Spirit License Plates), LB 494 (the authorization of Environmental Heritage License Plates), and LB 640 (the authorization of brand license plates). The study shall also examine the policy implications of repealing all currently existing specialty license plate authority; and

(2) The study of issues surrounding the manufacture, distribution, and issuance of all classes of motor vehicle license plates. The study shall specifically examine the cost of manufacture of license plates, fees paid when new license plates are issued, and issues related to the distribution of license plates, including county storage issues.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Transportation Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 264. Introduced by Bohlke, 33; Wickersham, 49; Suttle, 10; McKenzie, 34; Bromm, 23; Stuhr, 24; Beutler, 28.

PURPOSE: A task force shall be appointed by the Chair of the Education Committee to study quality education and core curriculum issues. The chair of the Education Committee shall serve as its chairperson and the membership of the task force should include the members of the Education Committee, the Commissioner of Education, the Dean of the Teacher's College--UNL, and one representative from each of the following, recommended by the Governor: The Nebraska Council of School Administrators; the Nebraska Association of School Boards; the Nebraska State Education Association; the Greater Nebraska Schools Association; the Nebraska Rural Community Schools Association; and the Nebraska Congress of Parents and Teachers.

The study shall consider issues including, but not limited to, the following:

(1) The development of a definition of Quality Core Curriculum, which includes specific course offerings high school graduates must complete and which, at a minimum, will provide each high school graduate with the opportunity to acquire the same or similar skills to meet the entry requirements of the University of Nebraska, and with a reasonable chance to successfully complete a college education, be enrolled in a community college, or enter the job market on an equal footing with other Nebraska high school graduates;

(2) Having defined Quality Core Curriculum, the task force shall estimate

the cost of providing Quality Core Curriculum in representative school systems across the state, taking into consideration the varying costs influenced by legitimate factors which impact cost;

(3) The task force shall investigate, examine, and evaluate assessments to measure individual student performance and progress. This study shall include the ability of parents, community members, and state funding entities to assess effectiveness of a school's academic program; and

(4) The task force shall provide to the Education Committee a series of recommendations designed to ensure equitable access to the defined Quality Core Curriculum, and recommendations on assessment policies designed to measure student progress in areas included in the Quality Core Curriculum.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 265. Introduced by Hartnett, 45; Preister, 5; Lynch, 13; Withem, 14.

PURPOSE: A continuing matter of statewide controversy and debate is the lack of representation on municipal decision-making bodies by the citizens who reside in areas subject to municipal control and regulation which are located outside of the boundaries of the municipalities. Under Nebraska law, cities exercise jurisdiction for a number of purposes over areas outside of their boundaries. The citizens who live in such an area are subject to the decisions of a municipality, often paying higher fees or taxes as a result of the municipality's action, but they lack representation on the governing board of the municipality or any real influence over the course of debate or the final decision.

This is a matter of particular concern with regard to municipal decisions involving expansions of facilities that provide water, sewer, gas, or solid waste disposal services. Such activities can have a significant influence on the cost and quality of life of persons both inside and outside municipality limits, but nonresidents of a municipality have little or no voice in the process and often find themselves paying higher fees for the same service than do residents.

The purpose of this study will be to investigate how widespread the differential fee system is being implemented for the financing of utility facility expansions and to determine what is the appropriate public policy with regard to such developments. The study will involve an investigation of possible mechanisms for granting nonresidents of a municipality a greater voice or better representation in the decisionmaking process to insure that their legitimate concerns are heard and addressed in the planning and implementation of utility expansion plans. The study should focus on how to encourage, if not mandate, intercommunity cooperation in utility developments to insure a more efficient and economic utilization of system capacity and local financial resources. Opportunities should be provided for input by citizens who have been impacted by such developments or who are facing such situations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 266. Introduced by Hudkins, 21; Hartnett, 45; Lynch, 13; Withem, 14.

PURPOSE: During this session, the Urban Affairs Committee considered Legislative Bill 763, the Plumbing License Law. This legislation would license plumbers on a statewide basis through the Department of Health and Human Services, as opposed to the current system of licensure on a city-by-city basis according to local standards.

Because of the implications of the changes proposed in the legislation, it was deemed most appropriate by the committee to defer action on the bill pending a more thorough review that would be afforded by an interim study on the issues raised by the proposal.

The purpose of this study will be to review the provisions of Legislative Bill 763 and determine whether it would be feasible or advisable to adopt it as an alternative to current Nebraska law and practice.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 267. Introduced by McKenzie, 34; Schimek, 27; Bruning, 3; Bohlke, 33; Bromm, 23; Suttle, 10; Beutler, 28; Brown, 6.

PURPOSE: The purpose of this study resolution is to provide information to the Legislature on the development and need for services and programs in our public schools for learners with high ability. This study shall include, but not be limited to, possible funding sources and distribution mechanisms to support services and programs for learners with high ability as required under Neb. Rev. Stat. sections 79-1105 to 79-1109. Also included in the study shall be changes to the certification requirements for an entry-level teacher or administrator.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

SELECT FILE

LEGISLATIVE BILL 752. The first Brown amendment, FA370, found in this day's Journal, was renewed.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Brown moved for a call of the house. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

Mr. Chambers requested a record vote on the first Brown amendment.

Voting in the affirmative, 28:

Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Kristensen
Matzke
Pederson, D.
Preister
Robak
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 6:

Beutler
Janssen
Jones
Raikes
Schellpeper
Schmitt

Excused and not voting, 15:

Abboud
Engel
Kiel
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Robinson
Tyson
Wesely
Will
Witek
Withem

The first Brown amendment was adopted with 28 ayes, 0 nays, 6 present

and not voting, and 15 excused and not voting.

The Chair declared the call raised.

Mmes. Hudkins and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

The second Brown amendment is as follows:
FA368

(Amendments to Standing Committee amendments, AM1359)

1. Strike sections 30, 31, 48 to 69, 81, 83, 99, 140, and 149, and all amendments thereto and insert the following new sections:

"Sec. 30. A financial institution shall receive from the department a listing of obligors to be used in matches within the financial institution's system. The listing from the department shall include the name, social security number or taxpayer identification number, and any other identifying information of each obligor to be used in matches within the financial institution's system. The financial institution shall receive the listing within thirty days after the end of each calendar quarter subsequent to January 1, 1998, and shall match the listing to its records of accounts held in one or more individuals' names which are open accounts and such accounts closed within the preceding calendar quarter within thirty days after receiving the listing and provide the department with a match listing of all matches made within five working days of the match. The match listing from the financial institution shall include the name, address, social security number or taxpayer identification number, and any other identifying information of each obligor matched. The financial institution shall also provide the names and addresses of all other owners of accounts in the match listing as reflected on a signature card or other similar document on file with the financial institution. The financial institution shall submit all match listings by disk, magnetic tape, or other medium approved by the department. Nothing in this section shall (a) require a financial institution to disclose the account number assigned to the account of any individual or (b) serve to encumber the ownership interest of any person in or impact any right of setoff against an account. The financial institution shall maintain the confidentiality of all records supplied and shall use the records only for the purposes of this section. To maintain the confidentiality of the listing and match listing, the department shall implement appropriate security provisions for the listing and match listing which are as stringent as those established under the Federal Tax Information Security Guidelines for federal, state, and local agencies.

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

MR. WESELY PRESIDING

Mr. Chambers offered the following amendment to the Brown pending amendment:
FA374
Amend FA368
P. 1, lines 8, 9 & 19, 20, strike "and any other identifying information of each obligor.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 6 ayes, 0 nays, and 43 not voting.

The Chambers amendment was adopted with 27 ayes, 1 nay, 7 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

Messrs. Matzke and Wickersham asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

The second Brown amendment, FA368, as amended, was adopted with 25 ayes, 1 nay, 8 present and not voting, and 15 excused and not voting.

Pending.

The Chair declared the call raised.

RESOLUTIONS

LEGISLATIVE RESOLUTION 268. Introduced by Beutler, 28.

PURPOSE: The purpose of this resolution is to study issues related to electric utility service areas in Nebraska, including, but not limited to, an examination of the formula in section 70-1010 for compensating an electric utility for transfer of facilities and customers to another utility and whether mergers, consolidations, or joint ventures between two or more consumer-owned electric utilities would benefit consumers in a restructured electric utility industry. The examination of the formula in section 70-1010 will include consideration of the economic impacts of service area acquisition on affected consumers and utilities.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be

designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 269. Introduced by Beutler, 28.

PURPOSE: The purpose of this study is to review the progress of implementing the General Management Plans for the Niobrara National Scenic River and the Missouri/Niobrara/Verdigre Creek National Recreational Rivers to determine what state assistance may be necessary and helpful.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 270. Introduced by Beutler, 28; Preister, 5.

PURPOSE: The purpose of this study is to examine the public health and environmental effects of hydrogen sulfide gas and other airborne sulfur compounds to determine the appropriate legislative and regulatory responses to incidents of exposure to these chemicals. The study will include consideration of the appropriate levels of sulfur compounds to include in health-based air quality standards. In addition, the study will review cooperative efforts between industrial and commercial operations and persons impacted by those operations to mitigate adverse health effects and adverse living conditions near the operations.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 271. Introduced by Preister, 5; Jensen, 20.

PURPOSE: Tobacco use in Nebraska results in the death of over 2,400 Nebraskans each year and thus presents a major health issue. Nebraska youth who smoke report that the primary way they obtain cigarettes is to buy them. Nebraska's current system of licensing and enforcement of the sale of tobacco products too often is uneven and weak. Currently, state statutes do not allow for administrative hearings or license suspension for illegal tobacco sales. As a result, no sanctions are imposed on the stores that sell tobacco to minors. Because tobacco permits are issued locally and not at the state level, Nebraska does not have a statewide registry of tobacco retail licenses. This lack of a central registry results in obstacles to enforcement and tracking. This study shall:

(1) Review the current tobacco licensing system and examine alternatives, including, but not limited to, a state registry of tobacco retail licenses;

(2) Review funding mechanisms that would cover the costs of administration, prevention, and compliance activities; and

(3) Review enforcement alternatives, including, but not limited to, sanction or suspension of a retail tobacco license.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Health and Human Services Committee and the Judiciary Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.
2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 272. Introduced by Judiciary Committee: Brashear, 4, Chairperson; Hilgert, 7; Hudkins, 21; Jones, 43; Robak, 22.

PURPOSE: During the 1997 legislative session, Legislative Bills 390 and 462 were introduced for the purpose of limiting the number of post-conviction petitions a prisoner can file to one petition in the three-year period following sentencing. The purpose of this interim study is to study the current law on post-conviction petitions; the present results thereunder indicating the desirability of limiting such petitions, if so indicated; and the consequences and implications of limiting such petitions to only one.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 273. Introduced by Judiciary Committee: Brashear, 4, Chairperson; Hilgert, 7; Hudkins, 21; Jones, 43; Robak, 22.

PURPOSE: Sections 69-201 to 69-211, Nebraska Revised Statutes, make provision for pawnbrokers and junk dealers. During the 1997 legislative session, Legislative Bills 283 and 728 were introduced to amend such sections. Based on the intent of such bills and the testimony presented, there exist issues requiring consideration with regard to pawnbrokers and junk dealers, including inconsistencies that exist within and among the statutory sections that regulate such. Testimony during the public hearing on LB 283 and LB 728 demonstrated that businesses which deal in secondhand goods should work together in the community to deter the criminal activity prevalent with regard to secondhand goods. Further testimony was received that statutory changes are needed to aid law enforcement agencies in ensuring that such businesses do not encourage criminal activity involving secondhand goods and to alleviate the frustration experienced by property owners in attempting to reclaim stolen property from dealers in secondhand goods. Therefore, the purpose of this interim study is to consider the inconsistencies within the statute sections and the necessity for the adoption of Legislative Bills 283 and 728, Ninety-fifth Legislature, First Session, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 274. Introduced by Judiciary Committee: Brashear, 4, Chairperson; Hilgert, 7; Hudkins, 21; Jones, 43; Robak, 22.

PURPOSE: Public concern over the high recidivism rate of sexual offenders prompted the introduction of Legislative Bill 323, the Sexual Predator Act (Act), during the 1997 legislative session. The intent of the Act is to establish procedures for the incarceration and treatment of sexual offenders. The Act establishes a sentence enhancement point system which may result in increased mandatory sentences, including a possible life sentence, for habitual sexual offenders. At the public hearing there was significant support for the Act. However, a number of issues with regard to the Act need further study. The purpose of this interim study is to consider those issues involved with the enactment of the Act and shall include, but not be limited to, the following issues:

(1) The relationship between the Act and the habitual criminal statutes;
(2) The relationship between the Act and the Convicted Sex Offender Act;
(3) The sexual offenses and the point system provided for by the Act;
(4) The inclusion of "attempt, solicitation, or conspiracy" to commit one

of the sexual offenses provided for in the Act;

(5) The evaluation of an individual charged with the offense of being a habitual sexual offender; and

(6) The eligibility for parole for an individual sentenced as a habitual sexual offender.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 275. Introduced by Judiciary Committee: Brashear, 4, Chairperson; Hilgert, 7; Hudkins, 21; Jones, 43; Robak, 22.

PURPOSE: During the 1997 legislative session, Legislative Bill 331 was introduced, which would repeal the death penalty. The testimony received during the public hearing on LB 331 evidenced significant policy considerations and questions of fact that are worthy of additional study and review by the Legislature. The purpose of this interim study is to gather additional information as to such policy considerations and factual issues, including, but not limited to, the following: (1) Provision of competent defense counsel in capital cases; (2) assurance of due process in capital cases; (3) discrimination, racial, economic, or otherwise, if any, inherent in the imposition of capital punishment; and (4) issues involved with the possible execution of juveniles and mentally retarded individuals.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 276. Introduced by Beutler, 28; Preister, 5; Hartnett, 45; McKenzie, 34.

PURPOSE: The purpose of this resolution is to study renewable energy, including an examination of the role of renewable energy in a restructured electric utility industry, development of Nebraska's wind and biomass resources for generating electricity, the status of technology development for wind and biomass energy conversion systems, environmental costs and benefits of renewable energy, and the economic development potential of renewable energy, particularly in rural areas of Nebraska. The study shall also consider the implications of allowing different rates, charges, or contributions from ratepayers for electricity generated from renewable energy sources, which is sometimes referred to as "green pricing" and which is the subject of LB 571, Ninety-fifth Legislature, First Session, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 277. Introduced by Wesely, 26.

PURPOSE: Nebraska's victim notification laws were enacted to protect victims from potential harm after the release from prison or jail of crime perpetrators. Victims of domestic violence and sexual assault are many times placed in jeopardy by these releases. Automated victim notification can speed the process of notifying victims and potentially save people from further victimization by immediately informing victims by telephone.

This study proposes to examine:

(1) Whether a statewide automated victim notification system can be developed;

(2) The costs associated with the implementation of an automated victim notification system and its continued maintenance;

(3) The success of other states in protecting victims as a result of their automated victim notification systems; and

(4) Whether an automated victim notification system can be part of a larger criminal justice information system in Nebraska.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 278. Introduced by Wesely, 26.

PURPOSE: Current landlord-tenant law provides for an eviction process that restricts the landlord's ability to immediately evict tenants who commit violent acts against other tenants or the landlord, who sell drugs on the premises, or who are convicted of violent felonies. As a result, landlords do not have adequate means of protecting the health and safety of their tenants.

This study proposes to examine:

(1) How landlords currently handle evictions of tenants whose behavior threatens the health and safety of others;

(2) How other states and Nebraska's housing authorities manage tenant threats to the health and safety of others;

(3) Whether tenants have recourse in situations where their personal health and safety has been threatened by other tenants; and

(4) Whether changes in landlord-tenant law are necessary to protect the health and safety of landlords and tenants.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 279. Introduced by Wesely, 26.

PURPOSE: Sex crimes are the most intrusive and personal of crimes committed against victims. The high recidivism rate of the perpetrators of these crimes indicate that a relatively small group of offenders commit a large majority of the crimes. This study proposes to examine whether the State of Nebraska is actively reducing the recidivism rates of sex offenders. Specifically, the study shall address, but is not limited to:

(1) The number of sex offenders in our correctional facilities, their average sentences, and the number of repeat offenders;

(2) The average number of people victimized by sex offenders;

(3) The number of sex offenders paroled by the State of Nebraska and the recidivism rate of those parolees who have not participated in sex offender treatment;

(4) The number of sex offenders who have participated in sex offender treatment in both the Department of Correctional Services and the Department of Health and Human Services and the recidivism rate of such offenders;

(5) A comparison of the recidivism rates of those offenders sentenced to more than five years in prison to the rates of those offenders sentenced to less than five years; and

(6) The effectiveness of mandatory minimum sentences given to offenders convicted of multiple first degree sexual assaults in reducing recidivism.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 280. Introduced by Wesely, 26.

PURPOSE: The increases in juvenile crime are outpacing the ability of the juvenile justice system to adequately deal with juvenile offenders. The increased county court costs and workload for the county attorneys are paid with county property taxes, and the resulting increase in property taxes is difficult for many taxpayers to absorb. This study will examine whether county attorneys should be given the dispositional option of victim-offender mediation to protect the public in a cost-effective manner while providing guidance and discipline to juvenile offenders.

Specifically, the study shall examine, but not be limited to:

(1) The statutory and informal dispositional options used by county attorneys;

(2) Whether the juvenile justice community members, including court officials, county attorneys, police departments, and social workers, need a juvenile offender-victim mediation dispositional option to reduce the number of juvenile offenders who face court hearings;

(3) Whether victim-offender mediation is a cost-effective means of dealing with nonviolent juvenile crime;

(4) The record of the state's Office of Dispute Resolution in dealing with mediation cases; and

(5) The success of juvenile offender-victim mediation in other states in reducing their juvenile recidivism rates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 281. Introduced by Wesely, 26.

PURPOSE: According to the "Development Report Card on the States", Nebraska ranks 45th nationally in wages earned by its full-time workers. In some cases, low-wage earners have difficulty affording basic provisions for living, such as food, shelter, and clothing.

This study proposes to study the reasons behind Nebraska's low wages. The study shall examine:

(1) The number of low-wage earners in Nebraska and their ability to maintain a minimum standard of living;

(2) The amount of state government aid currently required to maintain a minimum standard of living for low-wage, full-time workers;

(3) How state policy effects the earnings of low-wage earners, including minimum wage laws and tax policy;

(4) Steps that can be taken to raise wages for low-income Nebraska workers; and

(5) The feasibility of establishing a state commission on wages to recommend strategies to improve wages and benefits for low-wage earners.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 282. Introduced by Wesely, 26; Schimek, 27; Brown, 6; Hillman, 48; McKenzie, 34; Beutler, 28; Stuhr, 24; Wehrbein, 2; Bohlke, 33; Suttle, 10; Raikes, 25; Crosby, 29; Robak, 22; Landis, 46; Janssen, 15; Chambers, 11; Dw. Pedersen, 39.

PURPOSE: There is growing concern that Nebraska needs to address a number of issues regarding women in Nebraska. Among these issues are:

1. The diversity of faculty and administrators at the University of Nebraska;
2. The appointment of women and minorities to judgeships and state agency leadership positions;
3. Nebraska's high percentage of working women with children, but low percentage of women in management and professional positions;
4. The prevalence of sexual harassment, domestic violence, and abuse;
5. The impact of wages and working conditions on women and children;
6. The affect of Welfare Reform on women and children; and
7. The availability and affordability of child care.

To address these issues, a special committee of the Legislature shall be established by the Executive Board of the Legislative Council. The committee is authorized to utilize legislative staff and other resources necessary to carry out this study. The committee may also establish an advisory group to assist the committee in identifying issues, securing information, and developing recommendations to address concerns and issues raised.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a special committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 283. Introduced by Chambers, 11.

PURPOSE: To develop more accurate cost projections for the creation of a supplemental or hybrid retirement plan for employees of the Legislature and other constitutional offices, and to study specific needs that such a plan should address.

The Benefit Adequacy Report issued to the Nebraska Retirement Systems Committee in 1993 by Buck Consultants proposed providing retirement benefits through a combination of a defined benefit plan acting in conjunction with a defined contribution plan, similar to the operation of many private-sector retirement programs. Preliminary estimates by the Nebraska Retirement Systems Committee actuary of the cost of a supplemental defined benefit plan have ranged from four to five percent of pay (Legislative Bill 844, Ninety-fourth Legislature, First Session, 1995) to seven to ten percent (Legislative Bill 459, Ninety-fifth Legislature, First Session, 1997). Given this discrepancy, the actual cost of creating a supplemental plan requires a more thorough actuarial study. The subsequent Buck study issued in 1994 proposed a floor plan, which could be implemented at an increased total cost of one and one-half percent of salary, with the potential for allowing prior service to be included at an additional total cost of two percent of salary. As a result, further analysis is required to create a plan that serves the unique needs of employees of elected constitutional offices. Specific issues to be studied include the following:

1. Whether the current vesting requirement of six years (one year employment plus five years membership) in the current state plan should be lowered, and if doing so for legislative and constitutional offices only will result in an IRS plan discrimination issue, and, whether the one-year waiting period requirement to be admitted to the plan is excessive for employees of elected constitutional offices;
2. What should be considered an appropriate career length for employees of elected constitutional offices to enable them to receive an adequate retirement benefit, as established by the Buck Consultants study and the Nebraska Retirement Systems Committee's General Principles of Sound Retirement Planning. Consideration should be given to a normal retirement service requirement after six and one-half terms (of four years duration) for an elected officeholder;
3. Whether a supplemental defined benefit plan or a floor plan, rather than a defined contribution plan, would better serve employees of elected constitutional offices, particularly those employees who have served long careers with the Legislature and were penalized by restrictive admission requirements that existed at the time they started employment with the Legislature;
4. Whether other options than retirement should be available to at-will employees whose employment terminates when they are over age fifty-five and have five years of service. Currently the statutes assume every member over age fifty-five is retiring; and
5. What would be an appropriate level to establish employee contribution rates.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE

NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 752:
AM2373

(Amendments to Standing Committee amendments, AM1359)

1. Strike sections 1 to 26, and 78 and insert the following new sections:

"Section 1. It is the intent of the Legislature to encourage the enforcement of support orders. The Legislature finds that the potential suspension of a professional, occupational, or recreational license or a motor vehicle operator's license for failure to pay child, spousal, and medical support is an effective technique for the enforcement of support orders, particularly for non-wage-earning and self-employed license holders who are not in compliance with support orders. It is the intent of the Legislature to encourage license holders to comply with their legal obligations and to add to the tools available for the enforcement of support orders. Therefor, courts of competent jurisdiction are authorized to suspend licenses of individuals who are not in compliance with support orders.

Sec. 2. For purposes of sections 1 to 20 of this act, the definitions found in sections 3 to 12 of this act apply.

Sec. 3. Authorized attorney has the same meaning as found in section 43-1704.

Sec. 4. Child support has the same meaning as found in section 43-1705.

Sec. 5. Medical support has the same meaning as found in section 43-512.

Sec. 6. Operator's license has the same meaning as found in section 60-474 and includes a commercial driver's license as defined in section 60-464 and a restricted commercial driver's license as defined in section 60-476.03 except as specifically provided otherwise in section 15 of this act.

Sec. 7. Professional or occupational license means a license, certificate, registration, permit, or other similar document evidencing admission to or granting authority to engage in a profession or occupation in the State of Nebraska.

Sec. 8. Recreational license means a license, certificate, registration, permit, tag, sticker, or other similar document or identifier evidencing permission to hunt, fish, or trap for furs in the State of Nebraska.

Sec. 9. Relevant licensing authority means a board, bureau, commission, committee, department, political subdivision, or other public or private entity that is authorized under the laws of the State of Nebraska to grant, issue, or renew a professional, occupational, or recreational license.

Sec. 10. Spousal support has the same meaning as found in section 43-1715.

Sec. 11. Support order has the same meaning as found in section 43-1717.

Sec. 12. Support in the definitions of child support, medical support, and spousal support means providing necessary shelter, food, clothing, care, medical support, medical attention, education expenses, or funeral expenses or any other reasonable and necessary expense and includes interest as provided by law.

Sec. 13. (1) When a county attorney or authorized attorney has made reasonable efforts to verify and has reason to believe that a license holder in a case receiving services under Title IV-D of the Social Security Act, as amended, (a) is delinquent on a support order in an amount equal to the support due and payable for more than a three-month period of time, (b) is not in compliance with a payment plan for amounts due as determined by a county attorney, an authorized attorney, or the Department of Health and Human Services for such past-due support, or (c) is not in compliance with a payment plan for amounts due under a support order pursuant to a court order for such past-due support, and therefor determines to refer the license holder to the court of competent jurisdiction, the county attorney or authorized attorney shall file a petition to enforce child support with the court and serve a summons with a copy of the petition to the license holder by certified mail to the last-known address of the license holder or to the last-known address of the license holder available to the court pursuant to section 42-364.13. For purposes of this section, reasonable efforts to verify means reviewing the case file and having written or oral communication with the clerk of the court of competent jurisdiction and with the license holder. Reasonable efforts to verify may also include written or oral communication with custodial parents.

(2) The petition shall specify:

(a) That the court intends to certify the license holder to the Department of Motor Vehicles and to relevant licensing authorities pursuant to subsection (2) of section 15 of this act as a license holder described in subsection (1) of this section;

(b) The court or agency of competent jurisdiction which issued the support order or in which the support order is registered;

(c) That an enforcement action for a support order will incorporate any amount delinquent under the support order which may accrue in the future;

(d) That a license holder who is in violation of a support order can come into compliance by:

(i) Paying current support; and

(ii) Paying all past-due support or, if unable to pay all past-due support and if a payment plan for such past-due support has not been determined, by making payments in accordance with a payment plan determined by the county attorney, the authorized attorney, or the Department of Health and Human Services for such past-due support; and

(e) That within thirty days after filing of the petition to enforce child support, the license holder shall respond by filing an answer in the court of competent jurisdiction of the county where the support order was issued or registered or, in the case of a foreign support order not registered in Nebraska, the court of competent jurisdiction of the county where the child resides if the child resides in Nebraska or the court of competent jurisdiction of the county where the license holder resides if the child does not reside in Nebraska.

Sec. 14. If the license holder files a timely answer under section 13 of this act, the court of competent jurisdiction shall hear the petition to enforce child support.

Sec. 15. (1) The court of competent jurisdiction may certify a license holder to the Department of Motor Vehicles and relevant licensing authorities if a license holder is found to be in contempt of court by failing to comply with subpoenas or warrants relating to paternity or child support proceedings or found guilty of contempt of court for failure to pay temporary or permanent child support payments.

(2) If the court of competent jurisdiction determines to certify a license holder to the appropriate licensing authority, then the court shall certify a license holder in the following order and in compliance with the following restrictions:

(a) To the Department of Motor Vehicles to suspend the license holder's operator's license, except the Department of Motor Vehicles shall not suspend the license holder's commercial driver's license or restricted commercial driver's license. If a license holder possesses a commercial driver's license or restricted commercial driver's license, the court shall certify such license holder pursuant to subdivision (b) of this subsection. If the license holder fails to come into compliance with the support order as provided in section 13 of this act or subpoenas and warrants relating to paternity or child support proceedings within ten working days after the date on which the license holder's operator's license suspension becomes effective, then the court may certify the license holder pursuant to subdivision (b) of this subsection without further notice;

(b) To the relevant licensing authority to suspend the license holder's recreational license once the Game and Parks Commission has operative the electronic or other automated retrieval system necessary to suspend recreational licenses. If the license holder does not have a recreational license, the court may certify the license holder pursuant to subdivision (c) of this subsection. If the license holder fails to come into compliance with the support order as provided in section 13 of this act or subpoenas and warrants relating to paternity or child support proceedings within ten working days after the date on which the license holder's recreational license suspension becomes effective, the court may certify the license holder pursuant to subdivision (c) of this subsection without further notice; and

(c) To the relevant licensing authority to suspend the license holder's professional license, occupational license, commercial driver's license, or restricted commercial driver's license.

(3) If the court certifies the license holder to the Department of Motor Vehicles, the Department of Motor Vehicles shall suspend the operator's license of the license holder ten working days after the date of certification. The Department of Motor Vehicles shall without undue delay notify the license holder by certified mail that the license holder's operator's license will be suspended and the date the suspension becomes effective. No person shall be issued an operator's license by the State of Nebraska if at the time of application for a license the person's operator's license is suspended under this section. Any person whose operator's license has been suspended shall return his or her license to the Department of Motor Vehicles within five working days after receiving the notice of the suspension. If any person fails to return the license, the Department of Motor Vehicles shall direct any peace officer to secure possession of the operator's license and to return it to the Department of Motor Vehicles. The peace officer who is directed to secure possession of the license shall make every reasonable effort to secure the license and return it to the Department of Motor Vehicles or shall show good cause why the license cannot be returned. A license holder whose operator's license has been suspended under this section may apply for an employment driving permit as provided by sections 60-4,129 and 60-4,130, except that the license holder is not required to fulfill the driver improvement or driver education and training course requirements of subsection (2) of section 60-4,130.

(4) If the court of competent jurisdiction certifies the license holder to a relevant licensing authority, the relevant licensing authority, notwithstanding any other provision of law, shall suspend the license holder's professional, occupational, or recreational license and the license holder's right to renew the professional, occupational, or recreational license ten working days after the date of certification. The relevant licensing authority shall without undue delay notify the license holder by certified mail that the license holder's professional, occupational, or recreational license will be suspended and the

date the suspension becomes effective.

(5) The court of competent jurisdiction shall send by certified mail to the license holder at the license holder's last-known address a copy of any certification filed with the Department of Motor Vehicles or a relevant licensing authority and a notice which states that the license holder's operator's license will be suspended ten working days after the date of certification and that the suspension of a professional, occupational, or recreational license pursuant to subsection (4) of this section becomes effective ten working days after the date of certification.

Sec. 16. If the license holder files a motion or application to modify a support order, the court of competent jurisdiction upon notification by the license holder, shall stay the action to certify the license holder under section 15 of this act until disposition of the motion or application by the court.

Sec. 17. (1) When a license holder comes into compliance with the support order as provided in section 13 of this act, the Department of Health and Human Services, county attorney, or authorized attorney shall provide the license holder and the court of competent jurisdiction with written confirmation that the license holder is in compliance.

(2) When a license holder comes into compliance with subpoenas and warrants relating to paternity or child support proceedings, the court of competent jurisdiction shall provide the license holder with written confirmation that the license holder is in compliance.

Sec. 18. (1) Upon presentation by the license holder of a written confirmation of compliance to the Department of Motor Vehicles, the license holder may have his or her operator's license reinstated upon payment of a fee of ninety-five dollars. The Department of Motor Vehicles shall remit the fee to the State Treasurer. The State Treasurer shall credit fifty dollars of each fee to the General Fund and forty-five dollars of each fee to the Department of Motor Vehicles Cash Fund.

(2) Upon presentation by the license holder of a written confirmation of compliance to the relevant licensing authority and upon payment of any fee which may be prescribed by the relevant licensing authority, the license holder may have his or her professional, occupational, or recreational license reinstated or renewed. The professional, occupational, or recreational license may be automatically reinstated or renewed pursuant to the relevant licensing authority's least restrictive reinstatement or renewal procedure applicable to license suspension, probation, or other licensing authority disciplinary action, except that the license holder must meet any other customary or standard requirement for reinstatement or renewal as required by the relevant licensing authority.

Sec. 19. If a motor vehicle operator's license or a professional, occupational, or recreational license is found to have been suspended erroneously, the license holder shall have his or her license reinstated or renewed without the payment of any reinstatement or renewal fee, but if a fee was paid because of the error, such fee shall be returned to the license holder by the relevant licensing authority.

Sec. 20. Nothing in sections 1 to 20 of this act shall prevent the Department of Health and Human Services, the county attorney, the authorized attorney, or the court of competent jurisdiction from taking other enforcement actions.".

2. On page 53, line 7, strike the new matter; and in line 10 after "sections" insert "1 to 20 and".

3. On page 67, line 10; page 69, line 22; and page 70, line 14, strike "18" and insert "15".

4. On page 71, line 8, strike "60-4,105,".

5. Correct the operative date provision so that the sections added by this amendment become operative on their effective date.

6. Renumber the remaining sections and correct internal references accordingly.

Mr. Wickersham filed the following amendment to LB 583:
AM2261

1. On page 5, lines 8 and 9, strike "the first day of" and show as stricken; and in line 9 after "August" insert "20".

Mr. Wesely filed the following amendment to LB 569:
AM2375

1. Insert the following new section:

"Sec. 3. An employer who has a federal certificate as provided in 40 C.F.R. 519.1 to 519.10 to employ full-time students at subminimum wages, may employ a full-time high school student who is dependent on his or her parents or guardians for support. The subminimum wage rate paid under this section shall be no less than eighty-five percent of the minimum wage rate provided in subsections (1) and (2) of section 48-1203, and such employment shall meet the requirements of the federal Fair Labor Standards Act and regulations.".

2. On page 2, line 4, after "48-1203.01" insert "and section 3 of this act".

3. Renumber the remaining section accordingly.

Mr. Wickersham filed the following amendment to LB 724A:
AM2374

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $3,150 from the School Expense Fund, and $1,100 from the State Employees Retirement System Expense Fund, $450 from the County Employees Retirement System Expense Fund, $50 from the Judges Expense Fund,

$50 from the State Patrol Expense Fund, and $200 from the Deferred Compensation Expense Fund for FY1997-98 and (2) $3,150 from the School Expense Fund, $1,100 from the State Employees Retirement System Expense Fund, $450 from the County Employees Retirement System Expense Fund, $50 from the Judges Expense Fund, $50 from the State Patrol Expense Fund, and $200 from the Deferred Compensation Expense Fund for FY1998-99 to the Public Employees Retirement Board, for Program 42, for educational expenses of the appointed members of the Public Employees Retirement Board.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. On page 1, line 1, strike beginning with "aid" in line 1 through "1997" in line 3 and insert "the Public Employees Retirement Board as prescribed".

SELECT FILE

LEGISLATIVE BILL 752. The third Brown amendment is as follows:
FA369

(Amendments to Standing Committee amendments, AM1359)

Sec. 31. A financial institution is not liable under any state or local law to any individual or to the department for disclosure or release of information to the department for the purpose of establishing, modifying, or enforcing a support order or for any other action taken in good faith to comply with the requirements of section 30 of this act regardless of whether such action was specifically authorized or described by such section. Sections 28 to 39 of this act shall not be construed to make a financial institution responsible or liable to any extent for assuring that the department maintains the confidentiality of information disclosed under section 30 of this act.

Messrs. Janssen and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

PRESIDENT ROBAK PRESIDING

Mr. Beutler offered the following amendment to the Brown pending amendment:
FA375

Amend AM2364
On page 2, line 19 strike the language "regardless of whether such"
On page 2, strike line 20

Mr. Beutler moved for a call of the house. The motion prevailed with 7 ayes, 0 nays, and 42 not voting.

The Beutler amendment was adopted with 25 ayes, 0 nays, 8 present and not voting, and 16 excused and not voting.

The Chair declared the call raised.

The third Brown amendment, FA369, as amended, was adopted with 26 ayes, 0 nays, 7 present and not voting, and 16 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Mr. Raikes filed the following amendment to LB 752:
AM2379

(Amendments to AM1359)

1. On page 30, line 3, after the second comma insert "upon the substantial noncompliance by the employer with the reporting requirement,"; and in line 7 after "to" insert "substantially".

MOTION - Adjournment

Mrs. Robak moved to adjourn until 9:00 a.m., Thursday, May 22, 1997.

Mrs. Brown requested a roll call vote on the Robak motion to adjourn.

Voting in the affirmative, 5:

Dierks
Pederson, D.
Robak
Schmitt
Tyson

Voting in the negative, 18:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Elmer
Hartnett
Hillman
Maurstad
Peterson, C.
Preister
Raikes
Schimek
Wehrbein
Withem

Present and not voting, 10:

Chambers
Hilgert
Jensen
Jones
Kristensen
Schrock
Stuhr
Suttle
Vrtiska
Wesely

Excused and not voting, 16:

Abboud
Bruning
Engel
Hudkins
Janssen
Kiel
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Robinson
Schellpeper
Wickersham
Will
Witek

The Robak motion to adjourn failed with 5 ayes, 18 nays, 10 present and not voting, and 16 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 752. The fourth Brown amendment is as follows:
FA371

(Amendments to Standing Committee amendments, AM1359)

Sec. 106. Section 9-332, Revised Statutes Supplement, 1996, is amended to read:

9-332. A manufacturer shall obtain a license from the department prior to manufacturing or selling or supplying to any licensed distributor in this state any pickle cards or pickle card units or engaging in any interstate activities relating to such pickle cards or pickle card units, except that nothing in this section shall prohibit a manufacturer from marketing, selling, or otherwise providing pickle cards or pickle card units to a federally recognized Indian tribe for use in a Class II gaming activity authorized by the federal Indian Gaming Regulatory Act. The applicant shall include with the application form prescribed by the department a license fee of one thousand five hundred twenty-five dollars, a sworn statement by the applicant or appropriate officer of the applicant that the applicant will comply with all provisions of the Nebraska Pickle Card Lottery Act and all rules and regulations adopted and promulgated pursuant to the act, and such other information as the department deems necessary. If the applicant is an individual, the application shall include the applicant's social security number.

The applicant shall notify the department within thirty days of any change in the information submitted on or with the application form. The applicant shall comply with all applicable laws of the United States and the State of Nebraska and all applicable rules and regulations of the department.

Manufacturers' licenses shall expire on September 30 of each year or such other date as the department may prescribe by rule and regulation and may be renewed annually. An application for license renewal shall be submitted to the department at least forty-five days prior to the expiration date of the license.

Sec. 109. Section 9-642.01, Revised Statutes Supplement, 1996, is amended to read:

9-642.01. (1) Prior to a county, city, village, or lottery operator conducting a lottery at a location other than the location of the lottery operator (a) the county, city, or village shall, by ordinance or resolution, establish qualification standards which shall be met by any individual, sole proprietorship, partnership, limited liability company, or corporation seeking to have its location qualify as an authorized sales outlet location for conducting a lottery and (b) the county, city, or village shall approve or disapprove each sales outlet location and individual, sole proprietorship, partnership, limited liability company, or corporation which desires to conduct the lottery at its sales outlet location solely on the basis of the qualification standards. A copy of the ordinance or resolution setting forth the qualification standards shall be filed with the department within thirty days of its adoption. A county, city, or village shall notify the department of all approved lottery locations within thirty days of approval.

(2) An authorized sales outlet location shall obtain a license issued by the department prior to conducting any lottery activity at such location pursuant to the Nebraska County and City Lottery Act. An applicant for a license as an authorized sales outlet location shall apply on a form prescribed by the department containing the information the department deems necessary, including documentation that reflects that the location has been approved by the county, city, or village in accordance with the qualification standards required by this section. If the applicant is an individual, the application shall include the applicant's social security number. No fee shall be charged for such license. All licenses for authorized sales outlet locations shall expire on September 30 of every odd-numbered year or such other date as the department may prescribe by rule and regulation and may be renewed biennially. An application for license renewal shall be submitted to the department at least sixty days prior to the expiration date of the license.

Sec. 151. Section 45-905, Revised Statutes Supplement, 1996, is amended to read:

45-905. (1) An applicant for a license shall submit an application, under oath, to the director on forms prescribed by the director. The forms shall contain such information as the director may prescribe, including, but not limited to:

(a) The applicant's financial condition;

(b) The qualifications and business history of the applicant and of its officers, directors, shareholders, partners, or members;

(c) Whether the applicant or any of its officers, directors, shareholders, partners, or members have ever been convicted of any (i) misdemeanor involving any aspect of a delayed deposit services business or any business of a similar nature or (ii) felony;

(d) Whether the applicant or any of its officers, directors, shareholders, partners, or members have ever been permanently or temporarily enjoined by a court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of a delayed deposit services business or any business of a similar nature; ~~and~~

(e) A description of the applicant's proposed method of doing business; and

(f) If the applicant is an individual, the applicant's social security number.

(2) The director shall cause a criminal history record information check to be conducted of the applicant, its officers, directors, shareholders, partners, or members. The direct cost of the criminal history record information check shall be paid by the applicant.".

10. On page 72, line 15; page 80, line 9; page 81, line 27; page 83, lines 10 and 27; page 88, line 3; page 97, line 21; page 123, line 26; page 125, lines 4 and 22; page 126, line 11; page 131, line 7; page 143, line 8; page 165, line 26; page 166, line 8; page 183, line 27; page 184, line 16; page 186, line 7; page 187, line 21; page 188, line 5; page 191, line 14; page 193, line 11; page 196, lines 4 and 11; page 221, line 17; page 223, line 1; page 232, line 12; page 235, line 22; page 243, line 16; page 226, line 12; page 290, line 14; page 293, line 1; page 300, line 23; and page 301, lines 10 and 21, strike "The" and insert "If the applicant is an individual, the".

11. On page 74, line 1, after "and" insert ", if the applicant is an individual,"; and in line 27 strike "All applications" and insert "If the applicant is an individual, the application".

12. On page 76, line 4, strike beginning with "All" through "persons" and insert "If the applicant is an individual who is"; and in line 5 strike "shall" and insert ", the application".

13. On page 78, lines 10 and 11, strike the new matter.

14. On page 83, line 27, before "social" insert "applicant's".

15. On page 84, strike beginning with "numbers" in line 1 through line 2 and insert "number.".

16. On page 104, lines 14 through 16; page 107, lines 2 through 4; page 108, lines 25 through 27; page 117, lines 7 and 8; and page 118, lines 16 and 17, strike beginning with "The" through the semicolon and insert "If the applicant is an individual, the applicant's social security number;".

17. On page 110, strike beginning with "The" in line 26 through line 27 and insert "if the applicant is an individual, the applicant's social security number.".

18. On page 111, line 1, strike beginning with "officers" through the second comma.

19. On page 114, strike beginning with "the" in line 2 through "appropriate" in line 4 and insert ", if the applicant is an individual, the applicant's social security number"; and in line 25 after "applicant" insert "and, if the applicant is an individual, his or her social security number".

20. On page 115, line 2, strike the new matter and reinstate the stricken matter.

21. On page 121, lines 20 through 23; page 133, lines 14 through 16; page 134, lines 18 through 21; page 142, lines 10 through 13; page 162, lines 5 through 7 and lines 16 through 18;

page 163, lines 19 through 22; page 167, lines 11 through 13; page 180, lines 25 through 27; page 182, lines 9 through 11; page 197, lines 13 through 15; page 199, lines 1 through 3; page 201, lines 2 through 4; page 215, lines 26 and 27; page 236, lines 21 through 24; page 265, lines 16 through 18; page 267, lines 10 through 12 and line 27; page 284, lines 15 through 17; page 289, lines 3 through 5 and 25 through 27; page 294, lines 15 through 18; page 299, lines 19 through 22; page 305, lines 5 through 8; and page 306, lines 12 through 14, strike the new matter and insert "If the applicant is an individual, the application shall include the applicant's social security number.".

22. On page 122, line 4, strike beginning with "All" through "licenses" and insert "If the applicant is an individual, an application for a license".

23. On page 123, lines 8 and 17, strike "All license applications" and insert "If the applicant is an individual, an application for a license".

24. On page 125, strike lines 5 and 6 and insert "applicant's social security number."; and strike beginning with "social" in line 23 through the period in line 25 and insert "applicant's social security number.".

25. On page 126, strike beginning with "social" in line 12 through the period in line 14 and insert "applicant's social security number".

26. On page 130, strike beginning with "All" in line 26 through line 27 and insert "If the applicant is an individual, an application for a permit issued under this section shall include the applicant's social security number.".

27. On page 131, lines 1 and 2, strike the new matter; and in lines 24 through 26 strike the new matter and insert "If the applicant is an individual, each application shall include the applicant's social security number.".

28. On page 154, lines 18 through 23, strike the new matter and insert "If the applicant is an individual, the application for a certificate or license shall include the applicant's social security number.".

29. On page 158, lines 9 through 11; page 161, lines 7 through 10; strike the new matter and insert "If the applicant is an individual, the application for the license shall also include the applicant's social security number.".

30. On page 164, lines 12 and 13, strike the new matter and reinstate the stricken matter; in line 14 strike "and" and show as stricken; and in line 15 after "require" insert ", and (d) if the applicant is an individual, his or her social security number".

31. On page 169, lines 10 and 11, strike the new matter and insert ". If the applicant is an individual, the application shall include the applicant's social security number.".

32. On page 170, line 21; and page 171, line 18, after "and" insert ", if the applicant is an individual, the

applicant's".

33. On page 173, line 9, strike the new matter; and in line 10 after "lobbyist" insert "and, if the applicant is an individual, the applicant's social security number".

34. On page 174, lines 12 and 13, strike the new matter; in line 14 after "section" insert "and, if the applicant is an individual, the applicant's social security number".

35. On page 183, line 5, strike the new matter and reinstate the stricken matter; and in line 6 after "applicant" insert "and, if the applicant is an individual, his or her social security number".

36. On page 192, line 21, after "which" insert ", if the applicant is an individual,".

37. On page 193, line 26, strike the new matter and reinstate the stricken matter; and in line 27 after "applicant" insert ", if the applicant is an individual, his or her social security number,".

38. On page 196, line 25, after the period insert "If the applicant is an individual, the application shall include the applicant's social security number."; and in lines 25 through 27 strike the new matter.

39. On page 198, line 5, after the period insert "If the applicant is an individual, the application shall include the applicant's social security number."; and in lines 6 through 8 strike the new matter.

40. On page 202, line 14, strike the new matter and reinstate the stricken matter; and in line 15 after "business" insert "and, if the applicant is an individual, the applicant's social security number".

41. On page 203, line 19, after the first comma insert "if the applicant is an individual"; and in lines 20 through 25 strike the new matter and reinstate the stricken matter.

42. On page 205, line 3, strike the new matter; and in line 19 after the period insert "If the applicant is an individual, the application shall include the applicant's social security number.".

43. On page 216, lines 1 through 3, strike the new matter.

44. On page 222, line 15, strike "His" and insert "If the applicant is an individual, his".

45. On page 239, line 3, after the comma insert "if the applicant is an individual".

46. On page 243, lines 1 through 7, strike the new matter and reinstate the stricken matter; and in line 10 after the period insert "If the applicant is an individual, the application shall include the applicant's social security number.".

47. On page 251, lines 25 and 26, strike "and" through "number"; and in line 26 after the period insert "If the applicant is an individual, the application shall include the applicant's

social security number.".

48. On page 254, line 23, strike the new matter.

49. On page 255, line 1, after the period insert "If the applicant is an individual, the application shall include the applicant's social security number.".

50. On page 264, strike beginning with "The" in line 8 through "appropriate" in line 10 and insert "If the applicant is an individual, his or her social security number".

51. On page 268, lines 1 through 3, strike the new matter.

52. On page 284, line 26, strike the new matter and reinstate the stricken matter.

53. On page 285, line 2, strike "and" and show as stricken; and in line 4 after "require" insert "; and

(d) If the retailer is an individual, his or her social security number".

54. On page 295, lines 23 through 26, strike the new matter and insert ". If the applicant is an individual, the application shall include the applicant's social security number".

55. On page 307, lines 20 through 23, strike the new matter and reinstate the stricken matter.

56. On page 308, line 2, after the period insert "If the applicant is an individual, the application shall include the applicant's social security number.".

57. Correct the operative date and repealer provisions so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

58. Renumber the remaining sections and correct internal references accordingly.

Mrs. Robak and Mr. D. Pederson asked unanimous consent to be excused. No objections. So ordered.

Messrs. Vrtiska and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown moved for a call of the house. The motion prevailed with 4 ayes, 0 nays, and 45 not voting.

The fourth Brown amendment was adopted with 25 ayes, 1 nay, 3 present and not voting, and 20 excused and not voting.

The Chair declared the call raised.

The fifth Brown amendment is as follows:
FA372

(Amendments to Standing Committee amendments, AM1359)

2. On page 18, line 17, strike "(a)"; and strike beginning with "or" in line 20 through "department" in line 22.

3. On page 22, line 2, after "act" insert "and may charge a fee, not to exceed actual cost, to be paid by the department for the necessary upgrades to an existing system that are directly related to compliance with section 30 of this act and that have been approved by the department".

4. On page 24, line 16, after "ownership" insert "interest"; and in line 17 after "five" insert "business".

5. On page 25, line 25, strike "first-class mail" and insert "certified mail, return receipt requested".

6. On page 26, line 2, strike "ten" and insert "fifteen".

7. On page 27, line 5, after "individual" insert "or to the department"; and strike beginning with "A" in line 12 through line 16.

8. On page 61, line 9, after "date" insert "on" and strike "is served;", show as stricken, and insert an underscored semicolon.

Mrs. Brown moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

The fifth Brown amendment was adopted with 27 ayes, 0 nays, 3 present and not voting, and 19 excused and not voting.

The Chair declared the call raised.

The sixth Brown amendment is as follows:
FA373

(Amendments to Standing Committee amendments, AM1359)

9. On page 67, line 12, after the period insert "An employment driving permit issued due to a suspension of an operator's license under section 18 of this act is valid for no more than three months and cannot be renewed.".

Pending.

AMENDMENT - Print in Journal

Mr. Coordsen filed the following amendment to LB 752:
AM2377

(Amendments to AM2307)

1. On page 5, line 15, after the period insert "If a party is self-employed, the court shall only allow the accelerated component of depreciation claimed on an income tax return to be added back to income or loss from a business or farm to arrive at an annualized total monthly income.".

RESOLUTIONS

LEGISLATIVE RESOLUTION 284. Introduced by Brown, 6.

PURPOSE: The purpose of this study is to examine the relationship between the costs to the State of Nebraska for mental health services and the lack of coverage or lower coverage for mental health treatment by third-party payment plans, either insurance providers or self-funded plans.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 285. Introduced by McKenzie, 34.

PURPOSE: The purpose of this study resolution is to provide information regarding special education and assist the State Department of Education in adopting rules and regulations to define educational benefit. This study shall also include, but not be restricted to, giving direction to school districts in making the distinction between health or medical services which are not the responsibility of school districts and educational services which are the responsibility of school districts.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

VISITORS

Visitors to the Chamber were Mary and Howard Johnson and Esther and Vigo Christensen from Fremont; 16 fourth grade students and sponsors from Pleasanton; 10 high school students and teacher from Platte Valley Christian Academy, Hershey; Carroll Dischner from Lincoln; and Judge Gerald Rouse from Columbus.

ADJOURNMENT

At 8:04 p.m., on a motion by Mr. Beutler, the Legislature adjourned until 9:00 a.m., Thursday, May 22, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIRST DAY - MAY 22, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 22, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Dan Cate, Southview Baptist Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Mrs. Kiel who was excused; and Messrs. Abboud, Brashear, Bromm, Hilgert, Landis, Will, and Mrs. Robak who were excused until they arrive.

SPEAKER WITHEM PRESIDING

CORRECTIONS FOR THE JOURNAL

The Journal for the eightieth day was approved.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 384. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of the salaries and benefits of certain state officers for FY1997-98 and FY1998-99; to define terms; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Cudaback

Excused and not voting, 8:

Abboud
Brashear
Bromm
Hilgert
Kiel
Landis
Robak
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 385. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds for the payment of salaries of members of the Nebraska Legislature and payments to be made as provided by Chapter 68, article 6, for FY1997-98 and FY1998-99; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Excused and not voting, 7:

Abboud
Bromm
Hilgert
Kiel
Landis
Robak
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 388 with 36 ayes, 1 nay, 5 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 388. With Emergency.

A BILL FOR AN ACT relating to appropriations; to amend section 90-511, Revised Statutes Supplement, 1996; Laws 1995, LB 391, sections 12 and 13; Laws 1995, LB 392, sections 68, 74, 79, 85, 113, 122, 148, 214, and 245; Laws 1996, LB 1044A, section 37; and Laws 1996, LB 1189, sections 46, 67 to 69, 73, 76, 83, 89, 90, 99, 102, 103, 105, 113 to 115, 124 to 127, and 129; to define terms; to change appropriations as prescribed; to provide for deficit appropriations; to appropriate funds for the expenses of state government, postsecondary education, capital construction, and state aid; to state and eliminate intent; to repeal the original sections; to outright repeal Laws 1996, LB 1189, section 47; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Abboud Kiel Landis Robak Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT ROBAK PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 389 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 389. With Emergency.

A BILL FOR AN ACT relating to appropriations; to state intent; to define terms; to make appropriations for the expenses of Nebraska State Government for the biennium ending June 30, 1999; to transfer funds; to provide duties; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 41:

Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 2:

Maurstad Witek

Present and not voting, 1:

Brown

Excused and not voting, 5:

Abboud Kiel Landis Robak Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 384, 385, 388, and 389.

SELECT FILE

LEGISLATIVE RESOLUTION 7CA. Ms. Schimek renewed her reconsidered amendment, AM1831, found on page 1847 and considered on pages 1850 and 2008.

Messrs. Schellpeper, Maurstad, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Schimek pending amendment:
FA376
(AM1831)
In line 2, strike "three and one-half" and insert "fourteen"; and in line 3, strike "five" and insert "twenty".

Ms. Schimek asked unanimous consent to pass over LR 7CA. No objections. So ordered.

RESOLUTION

LEGISLATIVE RESOLUTION 286. Introduced by Vrtiska, 1.

WHEREAS, the City of Peru has donated property located in Nemaha County, Nebraska, to the Game and Parks Commission; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all real estate as donated by the City of Peru.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

That the Legislature approves the gift from the City of Peru to the Game and Parks Commission of all of the real estate described as:

A 5-acre tract of ground lying North of the South line of Olive Street, Peru, Nebraska, and West of the West bank of Missouri River; also being on the Accretion to Government Lots 1 and 2 in Section 16, Township 6 North, Range 15 East of the 6th Principal Meridian, Nemaha County, Nebraska.

Beginning at the intersection of the South line of Olive Street, Peru, Nebraska, and the West bank of the Missouri River; thence West on the South line of said Olive Street, a distance of 484 feet more or less to a point marked with a 3/4 x 36 inch rebar; thence Northerly, deflecting 113 degrees 41 minutes 04 seconds right, a distance of 585.61 feet to a point marked with a 3/4 x 36 inch rebar; thence East, parallel with Olive Street, a distance of 270 feet more or less to the West Bank of the Missouri River; thence Southerly, along said West bank, to the point of beginning.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 286 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LR	**Committee**
286	Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

NOTICE OF COMMITTEE HEARING
Transportation

Monday, June 2, 1997 12:00 noon
Motor Vehicle Industry Licensing Board
William Cannon
Jerry Haggadone
Gary Lambert
Kevin Langel

(Signed) Douglas A. Kristensen, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 22, 1997, at 10:15 a.m., were the following bills: LBs 384, 385, 388, and 389.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LR 7CA:
FA377

(AM1831)
In line 2, strike "two and one-half" and insert "ten".

Mr. Chambers filed the following amendment to LR 7CA:
FA378
(AM1831)
In line 7, strike "five" and insert "ten".

SELECT FILE

LEGISLATIVE BILL 138. E & R amendment, AM7137, found on page 1606, was adopted.

Mrs. Robak renewed her pending amendment, AM0518, found on page 788.

Mrs. Robak moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mrs. Robak requested a roll call vote on her amendment.

Voting in the affirmative, 25:

Bohlke
Bromm
Bruning
Chambers
Crosby
Cudaback
Dierks
Hilgert
Hudkins
Jensen
Lynch
Maurstad
McKenzie
Peterson, C.
Preister
Robak
Robinson
Schimek
Schmitt
Stuhr
Suttle
Tyson
Will
Witek
Withem

Voting in the negative, 7:

Abboud
Beutler
Engel
Jones
Landis
Schrock
Wickersham

Present and not voting, 14:

Brashear
Brown
Elmer
Hartnett
Hillman
Janssen
Kristensen
Matzke
Pedersen, Dw.
Pederson, D.
Raikes
Vrtiska
Wehrbein
Wesely

Absent and not voting, 1:

Coordsen

Excused and not voting, 2:

Kiel
Schellpeper

The Robak amendment was adopted with 25 ayes, 7 nays, 14 present and not voting, 1 absent and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Mr. Maurstad renewed his pending amendment, AM1329, found on page 1457.

Mr. Maurstad withdrew his amendment.

Mr. Abboud withdrew his amendments, AM1524, AM1681, and AM1682, found on pages 1625, 1627, and 1633.

Mr. Wickersham asked unanimous consent to replace his pending amendment, AM1705, found on page 1648, with a substitute amendment. No objections. So ordered.

Mr. Wickersham withdrew his amendment, AM1705, found on page 1648.

Mr. Wickersham renewed his pending substitute amendment, AM2312, found on page 2168.

The Wickersham amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Mr. Dw. Pedersen withdrew his amendments, AM1499, AM1685, and AM1956, found on pages 1655, 1681, and 1847.

Messrs. Wesely, Matzke, and Mrs. Hillman withdrew their amendment, AM2134, printed separately and referred to on page 1956.

Mr. Wickersham withdrew his amendment, AM2245, found on page 2061.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 875. E & R amendment, AM7136, printed separately and referred to on page 1608, was adopted.

Mr. Dierks renewed his pending amendment, AM1676, found on page 1669.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

The Dierks amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Cudaback renewed his pending amendment, AM1788, found on page 1725.

Mrs. Witek asked unanimous consent to be excused until she returns. No

objections. So ordered.

The Cudaback amendment was adopted with 25 ayes, 2 nays, 18 present and not voting, and 4 excused and not voting.

Messrs. Hartnett and D. Pederson withdrew their amendments, AM1677 and AM2297, found on pages 1754 and 2104.

Messrs. Hartnett and D. Pederson renewed their pending amendment, AM2341, found on page 2172.

Mr. Tyson and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

The Hartnett-D. Pederson amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Coordsen offered the following amendment:
AM2382

(Amendments to E & R amendments, AM7136)

1. Insert the following new sections:

"Sec. 14. Section 77-5102, Reissue Revised Statutes of Nebraska, is amended to read:

77-5102. The Review Incentives Program Committee is created. The committee shall consist of seven members, three appointed by the Executive Board of the Legislative Council, a legislative staff representative appointed by the executive board upon the recommendation of the Revenue Committee of the Legislature, a representative of the Tax Commissioner, a representative of the Director of Economic Development, and a representative of the Legislative Fiscal Analyst. All members shall have demonstrated expertise in economics, public finance, and financial analysis. The members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

The Review Incentives Program Committee shall exist for ~~two~~ three years after July 19, 1996, during which time it shall have the authority to examine models and methods for measuring the costs and benefits of tax incentive projects and statutory incentives. The committee shall consider, develop, and provide a brief review to the Legislature of a list of representative projects created under state law, including the Air and Water Pollution Control Tax Refund Act, the Community Development Law, the Employment and Investment Growth Act, the Employment Expansion and Investment Incentive Act, the Ethanol Development Act, the Local Option Municipal Economic Development Act, the Quality Jobs Act, the Research and Development Authority Act, the Small Business Development Authority Act, subdivisions (3)(a), (b), and (c) of section 58-219, and sections 18-418, 18-2147 to 18-2154, 58-251, and 70-655. In selecting and analyzing the representative projects, confidentiality requirements which are applicable to taxpayers by law are to be preserved.

Sec. 15. Section 77-5105, Reissue Revised Statutes of Nebraska, is amended to read:

77-5105. On or before ~~January~~ June 1, 1998, the Review Incentives Program Committee shall present a review of current incentives and a public outcomes financial feasibility report to the Legislature. The report shall include a cost-benefit analysis of representative projects selected by the committee pursuant to section 77-5102. The project or projects shall be reviewed using the model developed by the contractor chosen by the Executive Board of the Legislative Council. Prior to review using the model, a list of any specific projects chosen for review shall be presented to the executive board for approval or disapproval.".

2. On page 25, line 3, strike "and 18-2150" and insert "18-2150, 77-5102, and 77-5105".

3. Renumber the remaining sections accordingly.

The Coordsen amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Messrs. Kristensen, Wickersham, Will, and Coordsen offered the following amendment:
FA379
(AM1788)
1. On Page 2, line 12 after "members" insert "with the approval of the governing body."

Ms. Schimek asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Kristensen withdrew the Kristensen et al. amendment.

Messrs. Kristensen and Wickersham offered the following amendment:
FA380
(AM1788)
On page 1, line 23 and page 2 line 1, strike from "In" on page 1, line 23 through the period on page 2, line 1 and on page 2, line 12 after "members" insert "with the approval of the governing body"

The Kristensen-Wickersham amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Mr. Coordsen moved to reconsider the vote on the Dierks amendment, AM1676.

Mr. Jensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Abboud filed the following amendment to LB 590:
AM2376

(Amendments to E & R amendments, AM7146)

1. Strike section 8.
2. On page 9, strike lines 3 through 6 and insert the following new subdivision:

"(e) Make recommendations to the Legislature regarding the imposition of statutory fees for agencies currently not authorized to charge a fee and submit contracts for public bidding pursuant to section 9 of this act;".

3. On page 12, line 2, strike the first comma and insert "and"; and in line 3 strike beginning with the comma through "act".
4. On page 13, line 9, after "receipt" insert "and, if favorable, shall make recommendations to the Legislature, if in session, or to the next Legislature, if not in session, that enabling legislation be enacted".
5. Renumber the remaining sections and correct internal references accordingly.

Messrs. Withem and Bromm filed the following amendment to LB 590:
AM2381

(Amendments to E & R amendments, AM7146)

1. Insert the following new section:

"Sec. 12. (1) If a state agency is required to provide a copy of public records on request, a person requesting a copy of a public record may elect to obtain it in any and all media in which the agency is capable of providing it. No request for a copy of a public record in a particular medium shall be denied on the ground that the custodian has made or prefers to make the public record available in another medium.

(2) A state agency may deny a request for a copy of a public record in a particular medium if:

(a) The request is unreasonably complicated;

(b) The request specifies a medium not regularly used by the state agency and would cause undue time or expense for the state agency to comply with the request; or

(c) The public record is available in the requested medium from another source at a fee equal to or lower than any fee that would be charged by the state agency.

(3) The requester may appeal a decision by a state agency to deny a request for a copy of a public record in a particular medium in writing to the board. The denial shall then be subject to the approval of the board based upon its determination of the state agency's compliance with this section.

(4) If a state agency provides copies of public records

in a particular medium, the state agency shall provide notice not less than ninety calendar days prior to discontinuing such practice. The notice shall be published at least three times in a newspaper of general circulation.".

2. On page 14, line 4, strike "11" and insert "12".

3. Renumber the remaining sections accordingly.

Mr. Withem filed the following amendment to LB 590:
AM2304

(Amendments to E & R amendments, AM7146)

1. On page 3, strike beginning with "The" in line 13 through line 18, show the old matter as stricken, and insert "The department shall remit any revenue generated under this section to the State Treasurer for credit as follows:

(1) Eight and one-third percent to the Department of Motor Vehicles Cash Fund;

(2) Fifty-eight and one-third percent to the General Fund; and

(3) Thirty-three and one-third percent to the Records Management Cash Fund.".

2. On page 4, after line 12 insert the following new paragraph:

"The director may enter into an agreement with any person to provide the person information regarding adjudicated traffic citations or administrative actions from the records produced for or developed by the department for purposes related to maintenance of the driver record information data base. The agreement may determine the periodic basis, cost, and media on which the information will be provided.".

Mr. Withem filed the following amendment to LB 590:
AM1892

(Amendments to E & R amendments, AM7146)

1. On page 12, line 26, after "information" insert "through a gateway".

2. On page 13, line 9, after "request" insert "in accordance with section 8 of this act and after a public hearing".

Mr. Wesely filed the following amendment to LB 401:
AM2380

1. Strike the original sections and all amendments thereto and insert the following new section:

"Section 1. (1) It is the intent of the Legislature that surplus income tax revenue be used:

(a) To prepare for economic downturns which jeopardize funding for current General Fund programs by placing $58,000,000 in surplus funds in the Cash Reserve Fund; and

(b) To protect the state's infrastructure investments by placing surplus funds in the Building Renewal Allocation Fund to address the accumulation of state building maintenance needs.

(2) There is hereby appropriated (a) $23,000,000 from the General Fund for FY1997-98 and (b) $43,000,000 from the General Fund for FY1998-99 to the Building Renewal Allocation Fund.".

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 806 and 806A.

Enrollment and Review Change to LB 806

The following changes, required to be reported for publication in the Journal, have been made:
ER9073

1. In FA192:

a. Section 60 has been struck and the following new section inserted:
"Sec. 68. Original sections 77-27,119, 79-403, 79-413, 79-415, 79-418, 79-419, 79-431, 79-432, 79-437, 79-438, 79-440 to 79-446, 79-458, 79-479, 79-528, 79-611, 79-1001 to 79-1003, 79-1005, 79-1007 to 79-1011, 79-1014 to 79-1018, 79-1026, 79-1031, 79-1202 to 79-1204, 79-1209, and 79-1210, Reissue Revised Statutes of Nebraska, sections 23-3302 and 32-527, Revised Statutes Supplement, 1996, and section 79-1022, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 713, Ninety-fifth Legislature, First Session, 1997, are repealed.";

b. On page 46, lines 18 and 19, the matter beginning with "30" through "49" and all amendments thereto have been struck and "33, 35, 36, 38, 39, 45, 48, 50, and 54" inserted;

c. On page 49, line 26, "34" has been struck and "39" inserted;

d. On page 51, lines 19 through 21, the new matter has been struck;

e. On page 54, line 2, "district" has been struck and "local system" inserted; in line 3 "47" has been struck and "50" inserted; and in line 8 "30 and 49" has been struck and "33, 35, 36, 38, 39, 45, 48, and 50" inserted;

f. On page 58, line 2, the matter beginning with "35" through "49" has been struck and "38, 45, 48, and 50" inserted; and in line 3 "36" has been struck and "39" inserted;

g. On page 67, line 3, "groupings" has been struck and "grouping" inserted; and in line 26 "32" has been struck and "35" inserted;

h. On page 72, line 20, "36" has been struck and "39" inserted; in line 23 "32 and 33" has been struck and "35 and 36" inserted; in line 25 "42, 45, and 47" has been struck and "45, 48, and 50" inserted; and in line 26 "36" has been struck and "39" inserted;

i. On page 73, line 21, "35" has been struck and "38" inserted; and in lines 23 and 26 "30" has been struck and "33" inserted;

j. On page 74, line 2, "30" has been struck and "33" inserted; and in line 15 the comma has been struck and shown as stricken;

k. On page 75, line 3, "32" has been struck and "35" inserted;

l. On page 86, line 10, "47" has been struck and "50" inserted;

m. On page 88, line 19, "30" has been struck and "33" inserted; and in line 20 "36" has been struck and "39" inserted;

n. On page 91, line 27, "79-247" has been struck and "79-246" inserted; and

o. On page 94, line 13, "79-1007" has been struck, shown as stricken, and "36 of this act" inserted.

2. In the Bohlke et al. amendment, AM2269, on page 2, the matter beginning with "system" in line 21 through "hundred" in line 23 has been struck and "system's calculated state aid plus the product of a levy of one dollar and ten cents multiplied by the adjusted valuation divided by one hundred is below ninety percent of state aid plus property tax receipts received by the local system during the preceding school fiscal year" inserted; in line 24 "through this mechanism" has been struck and "pursuant to this subdivision" inserted; and in line 27 "greater" has been struck and "more of state aid plus property tax receipts received by the local system during the preceding school fiscal year" inserted.

3. In the Withem amendment, AM1389, on page 1, line 10, "their" has been struck and "its" inserted.

4. In the Bohlke-McKenzie amendment, AM2237:

a. On page 2, lines 14 and 17, "34" has been struck and "35" inserted; and

b. On page 3, line 14, "and" has been inserted after the semicolon.

5. In the Stuhr-Hartnett amendment, AM2198, on page 3, line 23, "61" has been struck and "63" inserted.

6. In the Hartnett-Wickersham amendment, AM2111, on page 1, line 2, "57" has been struck and "61" inserted.

7. In the Wickersham amendment, AM2106, on page 1, line 6, "(a)" has been struck and "(1)" inserted; and in line 7 "(b)" has been struck and "(2)" inserted and "(c)" has been struck and "(3)" inserted.

8. In the Jones amendment, AM1610, on page 1, the matter beginning with "5" in line 1 through "line" in line 5 has been struck; and in line 6 "district" has been struck and "local system" inserted.

9. In the Wickersham-Bohlke amendment, AM1738, on page 1, line 4, "or" has been struck.

10. In the E & R amendments, AM7150:

a. Section 53 has been struck;

b. On page 13, line 5, "13" has been struck and "14" inserted; and

c. On page 33, line 6, "3 and 52" has been struck and "4 and 67" inserted; in line 16 "Tax" has been struck and "the" inserted; and lines 18 through 23 have been struck and "and strike beginning with '77-1601.02' in line 2 through line 11 and insert '77-27,119, 77-3444, 79-403, 79-413, 79-415, 79-418, 79-419, 79-431, 79-432, 79-437, 79-438, 79-440 to 79-446, 79-458, 79-479, 79-528, 79-611, 79-1001 to 79-1003, 79-1005, 79-1007 to 79-1011, 79-1014 to 79-1018, 79-1026, 79-1031, 79-1202 to 79-1204, 79-1209, and 79-1210, Reissue Revised Statutes of Nebraska, sections 23-3302 and 32-527, Revised Statutes Supplement, 1996, and section 79-1022, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 713, Ninety-fifth Legislature, First Session, 1997; to change and eliminate provisions relating to state aid to schools, county superintendents, school district reorganization plans and petitions, freeholder petitions, and educational service units; to harmonize provisions; to eliminate a provision relating to the aggregate school tax; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 79-1004, 79-1006, 79-1013, and 79-1073, Reissue Revised Statutes of Nebraska.'" inserted.

11. In the Bohlke et al. amendment, AM1754, on page 8, line 13, "systems" has been struck and "system" inserted.

12. Sections have been renumbered accordingly.

(Signed) Jon C. Bruning, Chairperson

GENERAL FILE

LEGISLATIVE BILL 420. Title read. Considered.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler asked unanimous consent to replace his pending motion, found on page 1034, to layover LB 420 to April 15, 1997, with a substitute amendment. No objections. So ordered.

Mr. Beutler withdrew his motion, found on page 1034, to layover LB 420 to April 15, 1997.

Messrs. Brashear and Beutler renewed their pending substitute amendment, AM2264, printed separately and referred to on page 2064.

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

The Brashear-Beutler amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mr. Beutler withdrew his motion, found on page 1034, to indefinitely postpone LB 420.

Mr. Beutler withdrew his amendments, FA74, FA75, FA76, AM0937, AM0938, AM0939, AM0940, AM0941, AM0942, AM0943, AM0944, AM0945, AM0946, AM0947, and AM0948, found on pages 1034, 1045, 1046, 1048, 1049, 1051, 1055, 1058, 1060, and 1061.

Mr. Brashear withdrew his amendment, AM1549, printed separately and referred to on page 1565.

Advanced to E & R for review with 29 ayes, 1 nay, 15 present and not

voting, and 4 excused and not voting.

Messrs. Schmitt and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 512. Title read. Considered.

Mr. Will renewed his pending amendment, AM1703, found on page 2013.

MR. BRASHEAR PRESIDING

The Will amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Mr. Kristensen asked unanimous consent to be excused. No objections. So ordered.

Mr. Will offered the following amendment:
FA381
1. Add the following new section:
Sec. 5. This act shall become operative July 1, 1998.
2. Renumber remaining sections.

The Will amendment was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 512A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 835. Considered.

Mr. Bromm and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 835A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 1 nay, 14 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 854. Title read. Considered.

Standing Committee amendment, AM0739, found on page 879, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 854A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 327. Title read. Considered.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0436, found on page 700, was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Mr. Hilgert renewed his pending amendment, AM2239, found on page 2041.

SPEAKER WITHEM PRESIDING

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

The Hilgert amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 29 ayes, 1 nay, 11 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 327A. Title read. Considered.

Mr. Hilgert renewed his pending amendment, AM2251, found on page 2044.

The Hilgert amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 1 nay, 13 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 764. Title read. Considered.

Standing Committee amendment, AM0874, printed separately and referred to on page 993, was adopted with 25 ayes, 0 nays, 17 present and not voting, and 7 excused and not voting.

Ms. Schimek renewed her pending amendment, AM2105, found on page 1934.

The Schimek amendment was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

RESOLUTION

LEGISLATIVE RESOLUTION 287. Introduced by Wickersham, 49.

WHEREAS, the Friends of the White River Trail, Inc. has conveyed to the Game and Parks Commission, property located in Sioux and Dawes Counties, Nebraska, which will be maintained as an addition to Fort Robinson State Park for public outdoor recreation activities; and

WHEREAS, the Game and Parks Commission has the general authority to acquire real estate with the consent of the Governor by gift; and

WHEREAS, in the interest of promoting outdoor opportunities for Nebraskans, the Legislature wishes to grant approval for the Game and Parks Commission to obtain title to all or any part of such land presently held in trust by the Friends of the White River Trail, Inc.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature approves the gift from the Friends of the White River Trail, Inc. to the Game and Parks Commission of all of the real estate described as:

> The railroad right-of-way in Sections 13, 23, and 24 Township 31 North, Range 53 West and Sections 8, 9, 17, and 18 Township 31 North, Range 52 West all within the Fort Robinson State Park, representing approximately 4 miles.

2. That such approval is granted with the understanding that the land described shall be designated and utilized as an addition to Fort Robinson State Park.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Sec. 8, LR 287 was referred to the Reference Committee.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits this report of the following legislative resolution:

LR	Committee
287	Natural Resources

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

REPORTS

The following reports were received by the Legislature:

Roads, Department of
Board of Public Roads Classifications and Standards Minutes for April 1997

Treasurer, State
Treasurer's Reports

GENERAL FILE

LEGISLATIVE BILL 460. Title read. Considered.

Standing Committee amendment, AM0534, found on page 770, was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Ms. Schimek asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 829. Title read. Considered.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM1114, found on page 1200, was considered.

Mr. Brashear moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

The Standing Committee amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for review with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 583. Title read. Considered.

Mr. Wickersham renewed his pending amendment, AM1415, found on page 1492.

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

Mr. Wickersham withdrew his amendment, AM2261, found on page 2279.

Messrs. Lynch and Chambers asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Wickersham requested a roll call vote on the advancement of the bill.

Mrs. Witek requested the roll call vote be taken in reverse order.

Voting in the affirmative, 16:

Beutler
Bohlke
Coordsen
Elmer
Hartnett
Hilgert
Hillman
Janssen
Landis
Matzke
McKenzie
Robak
Schimek
Wesely
Wickersham
Withem

Voting in the negative, 15:

Abboud
Brashear
Crosby
Engel
Hudkins
Jensen
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Stuhr
Suttle
Tyson
Wehrbein
Witek

Present and not voting, 7:

Bromm
Brown
Dierks
Preister
Raikes
Robinson
Schrock

Excused and not voting, 11:

Bruning
Chambers
Cudaback
Jones
Kiel

Kristensen	Schellpeper	Schmitt	Vrtiska	Will
Lynch				

Failed to advance to E & R for review with 16 ayes, 15 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 91. Title read. Considered.

Mr. Maurstad and Mrs. Robak renewed their pending amendment, AM1943, found on page 1832.

The Maurstad-Robak amendment was adopted with 26 ayes, 0 nays, 11 present and not voting, and 12 excused and not voting.

Mr. Maurstad offered the following amendment:
AM2267

1. Insert the following new sections:

"Section 1. Section 60-321, Revised Statutes Supplement, 1996, is amended to read:

60-321. (1) It shall be unlawful for any owner of a motor vehicle which is being operated with In Transit decals pursuant to section 60-320, which is being operated pursuant to section 60-320.01, or which is required to be registered in this state and which is operated on a public highway of this state to allow the operation of the motor vehicle on a public highway of this state without having a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility. The owner shall be presumed to know of the operation of his or her motor vehicle on a public highway of this state in violation of this section when the motor vehicle is being operated by a person other than the owner. An owner of a motor vehicle who operates the motor vehicle or allows the operation of the motor vehicle in violation of this section shall be guilty of a Class II misdemeanor and shall be advised by the court that his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates will be suspended by the Department of Motor Vehicles until he or she complies with sections 60-505.02 and 60-528. Upon conviction the owner shall have his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates suspended by the department until he or she complies with sections 60-505.02 and 60-528. The owner shall also be required to comply with section 60-528 for a continuous period of three years after the violation. This subsection shall not apply to motor vehicles registered in another state.

(2) An owner who is unable to produce a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility upon the request of a law enforcement officer shall be allowed ten days after the date of the request to produce proof to the appropriate prosecutor or county attorney that a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle at the time of such request. Upon presentation of such proof, the citation shall be dismissed by the prosecutor or county attorney without cost to the owner and no prosecution for the offense cited shall occur.

(3) The department shall, for any person convicted for a violation of this section or of any city or village ordinance enacted in conformance with this section, reinstate such person's operator's license, motor vehicle certificate of registration, and license plates and rescind any order requiring such person to comply with section 60-528 without cost to such person upon presentation to the director that, at the time such person was cited for a violation of this section, a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle at the time the citation was issued.

(4) Any city or village may enact ordinances in conformance with this section. Upon conviction of any person of a violation of such a city or village ordinance, the provisions of this section with respect to the operator's license, motor vehicle certificate of registration, and license plates of such person shall be applicable the same as though it were a violation of this section.

Sec. 10. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 2, lines 3 and 4, strike the new matter and insert "and sections 4, 6, and 7 of this act".

3. On page 2, line 9; and page 3, line 24, strike "3" and insert "4".

4. On page 4, line 12, strike "5" and insert "6"; in line 13 strike "6" and insert "7"; and in line 15 after "sections" insert "60-321,".

5. Renumber the remaining sections accordingly.

The Maurstad amendment was adopted with 25 ayes, 0 nays, 12 present and not voting, and 12 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

Mr. Tyson asked unanimous consent to be excused. No objections. So ordered.

Mrs. Bohlke asked unanimous consent to be excused until she returns. No objections. So ordered.

LEGISLATIVE BILL 569. Title read. Considered.

MRS. CROSBY PRESIDING

Standing Committee amendment, AM0571, found on page 995, was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

Mr. Wesely withdrew his amendment, AM2375, found on page 2279.

Advanced to E & R for review with 25 ayes, 2 nays, 8 present and not voting, and 14 excused and not voting.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 626. Title read. Considered.

Standing Committee amendment, AM0655, found on page 1094, lost with 3 ayes, 13 nays, 18 present and not voting, and 15 excused and not voting.

Messrs. Wesely, Matzke, Wickersham, and Mrs. Hillman renewed their pending amendment, AM2189, printed separately and referred to on page 2005.

Mr. Wickersham offered the following amendment to the Wesely et al. pending amendment:
AM2253

(Amendments to AM2189)

1. On page 9, strike beginning with "chairperson" in line 15 through "each" in line 16 and insert "vice-chairperson whose term of office shall be for two years".
2. On page 10, line 24, strike "director" and insert "directors".
3. On page 13, line 16, after "system" insert "and have an on-line medical controller available to out-of-hospital emergency medical services twenty-four hours a day, seven days a week".

The Wickersham amendment was adopted with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

The Wesely et al. amendment, as amended, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 27 ayes, 0 nays, 8 present and not

voting, and 14 excused and not voting.

LEGISLATIVE BILL 729. Title read. Considered.

Standing Committee amendment, AM1323, found on page 1425, was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for review with 26 ayes, 0 nays, 9 present and not voting, and 14 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Kristensen filed the following amendment to LB 590:
AM2385

(Amendments to E & R amendments, AM7146)

1. On page 1, line 9, strike "in writing" and show as stricken and after "dollars" insert "and fifty cents".

2. On page 2, lines 3 through 5, strike the new matter; strike beginning with "Fees" in line 19 through the period in line 22 and show the old matter as stricken; in line 24 strike "means, two dollars" and insert "or other means, one dollar and fifty cents"; and in line 26 strike "and fifty cents".

3. On page 11, line 7, after the period insert "When making its decision to employ or contract with a network manager, the board shall first determine whether the gateway or electronic network will be provided by the private sector or the public sector. If the board's decision is to have the private sector provide the gateway or electronic network, no state agency or governmental subdivision may be employed or contracted with as a network manager.".

4. On page 17, line 15, strike "in writing" and show as stricken and after "dollars" insert "and fifty cents" and strike the new matter in lines 16 through 19.

5. On page 18, line 22, strike "section 9-403", show as stricken, and insert "sections 9-403, 9-408, and 9-411".

6. On page 19, lines 2 and 3, strike the new matter and insert "and except as otherwise specifically provided by law".

Mrs. Witek filed the following amendment to LB 622:
AM2392

1. Insert the following new sections:

"Sec. 16. Section 71-1,133, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,133. For purposes of the Uniform Licensing Law, the practice of optometry ~~is defined as being~~ means one or a combination of the following, without the use of surgery:

(1) The examination of the human eye to diagnose, treat, or refer for consultation or treatment any abnormal condition of

the human eye, ocular adnexa, or visual system; ~~or lid;~~

(2) The employment of instruments, devices, pharmaceutical agents, other than oral therapeutic agents used in the treatment of glaucoma, ~~excluding antiglaucoma agents,~~ and procedures intended for the purpose of investigating, examining, diagnosing, treating, managing, or correcting visual defects or abnormal conditions of the human eye, ocular adnexa, or visual system ~~or lid~~ or for the removal of superficial eyelid, conjunctival, and corneal foreign bodies and the ordering of procedures and laboratory tests rational to the diagnosis of conditions or diseases of the human eye, ocular adnexa, or visual system; or

(3) The prescribing and application of lenses, devices containing lenses, prisms, contact lenses, ophthalmic devices excluding laser surgery, orthoptics, vision training, pharmaceutical agents, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye, ocular adnexa, or visual system. ~~or lid.~~

The practice of optometry does not include the treatment of infantile/congenital glaucoma which means the condition is present at birth.

Sec. 17. Section 71-1,134 Reissue Revised Statutes of Nebraska, is amended to read:

71-1,134. Sections 71-1,133 to ~~71-1,136~~ 71-1,136.09 shall not be construed to (1) include merchants or dealers who sell glasses as merchandise in an established place of business or who sell contact lenses from a prescription for contact lenses written by an optometrist or a person licensed to practice medicine and surgery and who do not profess to be optometrists or practice optometry as defined in section 71-1,133~~,~~ or (2) restrict, expand, or otherwise alter ~~practices or acts~~ the scope of practice governed by other statutes.

Sec. 18. Section 71-1,135 Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135. Every applicant for a license to practice optometry shall: (1) Present proof that he or she is a graduate of an accredited school or college of optometry; and (2) pass an examination approved by the Board of Examiners in Optometry. After August 25, 1989, ~~such~~ the examination shall cover all subject matter included in the practice of optometry as defined in section 71-1,133 for applicants who have graduated from an accredited optometry school after such date. After October 1, 1997, the examination shall cover all subject matter included in the practice of optometry for applicants who have graduated from an accredited optometry school after such date.

Sec. 19. Section 71-1,135.01, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.01. For purposes of the Uniform Licensing Law, unless the context otherwise requires:

(1) Pharmaceutical agents, for diagnostic purposes, ~~shall mean~~ means anesthetics, cycloplegics, and mydriatics; and

(2) Pharmaceutical agents, for therapeutic purposes, ~~shall mean~~ means topical ophthalmic pharmaceutical agents which treat eye diseases, infection, inflammation, and superficial abrasions, or oral analgesics, including oral analgesics enumerated in Schedules III and IV of section 28-405 necessary to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, or oral pharmaceutical agents for the treatment of diseases or infections of the eye, ocular adnexa, or ~~and~~ visual system, or oral anti-inflammatory agents to treat conditions of the eye, ocular adnexa, or ~~and~~ visual system, excluding steroids and immunosuppressive agents.

Sec. 20. Section 71-1,135.02, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.02. (1) No optometrist licensed in this state, except an optometrist who has been certified by the department prior to April 30, 1987, or by another state with substantially equivalent requirements for certification as determined by the department upon recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes prior to April 30, 1987, shall use topical ocular pharmaceutical agents for diagnostic purposes authorized under subdivision (2) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a pharmacology course at an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure, (b) passes an examination approved by the department, and (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry as qualified to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (1)(a) of this section a pharmacology course if such course includes:

(i) A study of ocular anesthetics, mydriatics, cycloplegics, ocular toxicity of pharmaceutical agents, ocular allergies of ocular agents, and pharmacologic effects of ocular drug substances;

(ii) The consideration of the mechanism of action of anesthetics, cycloplegics, and mydriatics in human beings and the uses of such substances in the diagnosis of occurring ocular disorders;

(iii) At least one hundred hours of classroom education, clinical training, and examination; and

(iv) The correlation of the utilization of pharmaceutical agents and optical instrumentation and procedures.

The department may approve for certification pursuant to subdivision (1)(b) of this section an examination if such examination is:

(A) Based upon the competencies taught in a pharmacology course; and

(B) Administered by an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and approved by the Department of Health and Human Services Regulation and Licensure.

(2) No optometrist licensed in this state on or after April 30, 1987, shall use topical ocular pharmaceutical agents for therapeutic purposes authorized under subdivision (3) of section 71-1,133 unless such person (a) submits to the Board of Examiners in Optometry the fee of not less than twenty dollars nor more than one hundred dollars as determined by the department upon the recommendation of the board, together with evidence of satisfactory completion of a minimum of one hundred hours since January 1, 1984, of which forty hours shall be classroom education and sixty hours shall be supervised clinical training as it applies to optometry with particular emphasis on the examination, diagnosis, and treatment of the eye, ocular ~~and~~ adnexa, and visual system offered by a school or college approved by the department, (b) passes an examination approved by the department, (c) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for therapeutic purposes, and (d) has been certified by the department upon the recommendation of the Board of Examiners in Optometry to use topical ocular pharmaceutical agents for diagnostic purposes. The department may approve for certification pursuant to subdivision (2)(a) of this section a therapeutic course or courses of instruction, from an institution accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education, that have been completed after January 1, 1984. Such course or courses shall include, but not be limited to:

(i) Review of general pharmacology and therapeusis;

(ii) Review of ocular therapeutic pharmacology;

(iii) Diagnosis and treatment of diseases of the ~~lid, lacrimal system, conjunctiva, sclera, and episclera~~ eye, ocular adnexa, and visual system;

(iv) Diagnosis of corneal disease and trauma including corneal foreign bodies;

(v) Diagnosis and treatment of anterior segment eye diseases;

(vi) Clinical procedures related to the diagnosis and treatment of the eye, ocular ~~and~~ adnexa, and visual system;

(vii) Ocular manifestations of systemic disease;

(viii) Review of systemic disease syndromes;

(ix) Ocular therapy including management of acute systemic emergencies; and

(x) Consultation criteria in ocular disease and trauma.

(3)(a) An optometrist who is licensed and certified to use pharmaceutical agents for therapeutic purposes on the effective date of this act who graduated from an accredited school of optometry prior to January 1, 1996, shall complete the education requirements relative to the treatment of glaucoma, as determined by the board of examiners, prior to January 1, 2000, and shall complete such educational requirements prior to treating glaucoma. Failure to complete such education prior to January 1, 2000, shall result in the revocation of the licensee's certification to use pharmaceutical agents for therapeutic purposes.

(b) An optometrist who applies for licensure on or after the effective date of this act who graduated from an accredited school of optometry prior to January 1, 1996, shall complete the education requirements relative to the treatment of glaucoma, as determined by the board of examiners, prior to being issued a license to practice optometry.

(c) An optometrist who graduated from an accredited school of optometry after January 1, 1996, shall be deemed to have met the educational requirements for certification to use pharmaceutical agents for therapeutic purposes which includes the treatment and management of glaucoma.

Sec. 21. Section 71-1,135.03, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.03. (1) No course or courses in pharmacology shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless taught by an institution which is accredited by a regional or professional accrediting organization which is recognized by the United States Department of Education and the transcript credit for the course or courses is certified to the board by the institution.

(2) No course of instruction in the treatment of glaucoma shall be approved by the department upon the recommendation of the Board of Examiners in Optometry unless it is taught by an institution that is recognized by the United States Department of Education or its successor and the content for the course is certified to the board by the institution as being comparable in content to a course of instruction in the treatment of glaucoma required by other licensing boards for licensees or registrants allowed to treat glaucoma in the scope of their professional practice.

Sec. 22. Section 71-1,135.04, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.04. In issuing a license ~~of~~ or renewal, the board shall state whether such person licensed in the practice of optometry has been certified to use pharmaceutical agents pursuant to section 71-1,135.02 and shall determine an appropriate means to further identify those persons who are certified in the diagnostic use of such agents as provided in subdivision (2) of section 71-1,133 or therapeutic use of such agents as provided in subdivision (2) or (3) of section 71-1,133.

Sec. 23. Section 71-1,135.06, Reissue Revised Statutes of Nebraska, is amended to read:

71-1,135.06. (1) A licensed optometrist who administers or prescribes pharmaceutical agents for examination or for treatment shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for examination or treatment.

(2) A licensed optometrist who administers or prescribes pharmaceutical agents for the treatment of glaucoma shall provide the same standard of care to patients as that provided by a physician licensed in this state to practice medicine and surgery utilizing the same pharmaceutical agents for the examination and treatment of glaucoma.

Sec. 52. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.".

2. Amend the operative date and repealer sections so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

3. Renumber the remaining sections and correct internal references accordingly.

Mr. Landis filed the following amendment to LB 151:
AM2384

(Amendments to E & R amendments, AM7162)

1. Insert the following new section:

"Sec. 12. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.".

2. On page 2, line 11, after the first comma insert "44-4824,".

3. On page 4, line 24, strike "conclusion" and insert "commencement".

4. On page 5, line 1, after "member" insert "if the grounds were known or should have been known by the movant".

5. Renumber the remaining sections accordingly.

Mr. Chambers filed the following amendments to LB 882:

AM2394

(Amendments to Final Reading copy)

1. On page 2, line 7, strike "is deemed", show as stricken, and insert "has been determined by the court".

AM2395

(Amendments to Final Reading copy)

1. On page 2, line 19, after "occupation" insert "which pays at least minimum wage".

AM2396

(Amendments to Final Reading copy)

1. On page 2, line 27, strike "disreputable persons", show as stricken, and insert "persons of evil repute".

AM2397

(Amendments to Final Reading copy)

1. On page 3, line 1, strike "dangerous", show as stricken, and insert "deadly".

AM2398

(Amendments to Final Reading copy)

1. On page 3, line 3, strike the second occurrence of "the", show as stricken, and insert "his or her assigned".

AM2399

(Amendments to Final Reading copy)

1. On page 3, line 5, strike "a", show as stricken, and insert "his or her"; and in line 6 strike "the", show as stricken, and insert "such".

AM2400

(Amendments to Final Reading copy)

1. On page 3, line 12, after "performed" insert "and shall not be degrading in nature".

AM2401

(Amendments to Final Reading copy)

1. On page 3, line 26, after "by" insert "criteria established by".

AM2402

(Amendments to Final Reading copy)

1. On page 4, line 26, strike the period and insert three underscored exclamation points.

AM2403

(Amendments to Final Reading copy)

1. On page 6, lines 22 and 23, strike "detain the juvenile" and insert "deliver such juvenile to be detained".

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 626A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 626, Ninety-fifth Legislature, First Session, 1997.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Abboud asked unanimous consent to have his name added as cointroducer to LB 91. No objections. So ordered.

VISITORS

Visitors to the Chamber were 7 students and teacher from Millard North High School, Omaha; Gerry Hutchins from Dundee, Illinois; Keith and Norma Haist from Lincoln; 60 fourth grade students and teachers from Ashland-Greenwood Elementary School, Ashland; 44 fourth grade students and teachers from Oakdale Elementary School, Omaha; 29 seventh grade students and teacher from Henderson; and 23 third and fourth grade students and teachers from Trinity Lutheran School, Lincoln.

On May 21, 1997, visitor to the Chamber was Senator Jones's brother-in-law, Robert C. Runner, from Ashby.

ADJOURNMENT

At 3:26 p.m., on a motion by Speaker Withem, the Legislature adjourned until 9:00 a.m., Tuesday, May 27, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-SECOND DAY – MAY 27, 1997

LEGISLATIVE JOURNAL

EIGHTY-SECOND DAY - MAY 27, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-SECOND DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, May 27, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor M. L. "Bud" Christenson, Sheridan Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Engel, Kristensen, Landis, Lynch, Robinson, Schmitt, Wesely, Wickersham, Will, Mmes. Bohlke, McKenzie, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

Page 2298, line 6, after "AM1524" strike "and" and insert "," and after "AM1681," insert "and AM1682,"; and line 7, after "1625" strike "and" and insert "," and after "1627" insert ", and 1633".
The Journal for the eighty-first day was approved as corrected.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 23, 180, and 269.

Enrollment and Review Change to LB 23

The following changes, required to be reported for publication in the Journal, have been made:
ER9076
1. In the E & R amendments, AM7133, on page 1, line 3, "71-155,"

has been inserted after the third comma.

Enrollment and Review Change to LB 180

The following changes, required to be reported for publication in the Journal, have been made:
ER9072

1. The Coordsen-Bohlke amendment, FA352, was incorporated into the Standing Committee amendment, AM1213, on page 1, line 7.

Enrollment and Review Change to LB 269

The following changes, required to be reported for publication in the Journal, have been made:
ER9075

1. In the Will et al. amendment, AM2290:
   a. Section 14 has been renumbered as section 18;
   b. On page 1, line 8, an underscored comma has been inserted after "located"; and
   c. On page 3, line 1, "on" has been struck and "one" inserted.
2. In the Schellpeper-Coordsen amendment, AM2187, section 29 has been renumbered as section 34.
3. In the Kristensen et al. amendment, AM2285, on page 3, line 10, "societies" has been struck and "society" inserted.
4. In the Kristensen amendment, AM2241, on page 4, line 9, "1999-2000" has been struck and "1999-00" inserted.
5. In the E & R amendments, AM7148:
   a. On page 12, line 16, "participating" has been inserted after the first "and"; and in line 17 the matter beginning with "participating" through "agreement" has been struck;
   b. On page 59, line 14; and page 60, line 15, "commission" has been struck and "Tax Equalization and Review Commission" inserted;
   c. On page 64, line 12, the new matter has been struck and the stricken matter has been reinstated;
   d. On page 82, lines 23 and 24; page 83, line 14; page 90, line 9; page 92, line 2; page 93, line 10; page 94, line 14; page 95, lines 12 and 13 and 18; page 96, line 7; and page 99, lines 1 and 11, "59 and 68" has been struck and "67 and 76" inserted;
   e. On page 96, line 16; and page 105, line 4, "1999-2000" has been struck and "1999-00" inserted;
   f. On page 100, line 24; and page 103, line 19, "68" has been struck and "76" inserted;
   g. On page 106, the matter beginning with "1" in line 13 through "71" in line 14 has been struck and "1, 2, 4 to 9, 17, 19, 21, 30 to 33, 37 to 40, 54 to 58, 62, 63, 66 to 76, and 79" inserted; in line 17 "77-913," has been inserted after the second comma; in line 19 "79-528," has been inserted after the first comma, "and" has been struck, and "and 81-1113," has been inserted after the last comma; and in line 20 "2-2428," has been inserted after "sections" and "13-2304, 13-2305, 13-2307," has been inserted after

"13-804,";

h. On page 107, line 17, "14-1813," has been inserted after the third comma and "77-203" has been struck and "77-201, 77-203, 77-913" inserted; in line 20 "79-528," has been inserted after the first comma and "81-1113," has been inserted after "80-407,"; in line 22 "2-2428," has been inserted after the second comma; and in line 23 "13-2304, 13-2305, 13-2307," has been inserted after the third comma; and

i. On page 108, line 6, "budget documents" has been struck and "weather control districts, budget documents, transit authorities, local government innovation and restructuring," inserted; and in line 7 "to provide for taxation of replacement tangible personal property;" has been inserted after the semicolon.

(Signed) Jon C. Bruning, Chairperson

SELECT FILE

LEGISLATIVE BILL 387. Mr. Chambers withdrew the Chambers et al. amendment, FA366, found on page 2209.

The second Chambers et al. amendment is as follows:

(Amendments to Standing Committee amendments, AM1401)

FA367

There is included in the General Fund appropriation to the University of Nebraska contained in this section and the General Fund appropriation to the University of Nebraska contained in Legislative Bill 389, Ninety-fifth Legislature, First Session, 1997, $500,000 General Funds for FY1997-98 and $500,000 General Funds for FY1998-99 for educational equipment, computing, and networking for the University of Nebraska at Kearney in order to increase the potential for interconnections to support receipt of the Information Science and Technology and Engineering programs.".

Mr. Chambers withdrew the Chambers et al. amendment.

Messrs. Wehrbein and Chambers renewed their pending amendment, AM2363, found on page 2240.

Mr. Kristensen offered the following amendment to the Wehrbein-Chambers pending amendment:

FA383

Amendment to AM2363

1. Insert the following new section:

"Section 1. It is the intent of the Legislature that any money appropriated by the Legislature to the Board of Regents of the University of Nebraska or the University of Nebraska to increase scholarships for minority students be expended to provide scholarships to eligible minority undergraduate students attending all campuses of the University of Nebraska.".

2. Renumber the remaining sections accordingly.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion failed with 10 ayes, 9 nays, and 30 not voting.

The Kristensen amendment was adopted with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

The Wehrbein-Chambers amendment, as amended, was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 386. Mr. Chambers withdrew his amendments, FA346, FA347, FA348, FA349, and AM2294, found on pages 2083 and 2119.

Mr. Hilgert renewed his pending amendment, FA365, found on page 2214.

Mr. Hilgert moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Mr. Maurstad requested a roll call vote on the Hilgert amendment.

Voting in the affirmative, 25:

Abboud
Beutler
Brashear
Bruning
Chambers
Cudaback
Elmer
Engel
Hartnett
Hilgert
Janssen
Kiel
Landis
Lynch
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schimek
Suttle
Wehrbein
Wesely
Withem

Voting in the negative, 10:

Bohlke
Bromm
Hillman
Jones
Kristensen
Matzke
Maurstad
Tyson
Wickersham
Witek

Present and not voting, 10:

Brown
Coordsen
Crosby
Dierks
Hudkins
Jensen
Raikes
Schrock
Stuhr
Vrtiska

Excused and not voting, 4:

McKenzie
Robinson
Schmitt
Will

The Hilgert amendment was adopted with 25 ayes, 10 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 216. E & R amendment, AM7160, found on page 2046, was adopted.

Mr. Chambers renewed his pending amendment, AM2287, found on page 2118.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers amendment was adopted with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

GENERAL FILE

LEGISLATIVE BILL 150. Mr. Chambers renewed his pending amendment, FA330, found on page 2012.

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers withdrew his amendment.

Mrs. Witek asked unanimous consent to be excused until she returns. No objections. So ordered.

Messrs. Dw. Pedersen and Jones renewed their pending amendment, AM2050, found on page 2034.

Messrs. Dierks, Brashear, Lynch, Mmes. Hudkins, and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 829A. Introduced by Hillman, 48.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 829, Ninety-fifth Legislature, First Session, 1997.

AMENDMENTS - Print in Journal

Mr. Robinson filed the following amendment to LB 595:
AM2371

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 6. Section 79-1016, Reissue Revised Statutes of Nebraska, is amended to read:

79-1016. (1) On or before July 1 of each year, the Property Tax Administrator shall compute and certify to the State Department of Education the adjusted valuation for the current calendar year of each district for each class of property in each such district so that the valuation of property for each district, for purposes of determining state aid pursuant to the Tax Equity and Educational Opportunities Support Act, shall reflect as nearly as possible state aid value as defined in subsection (2) of this section. The Property Tax Administrator shall also notify each school district of its adjusted valuation for the current calendar year by class on or before July 1 of each year. Establishment of the adjusted valuation shall be based on assessment practices established by rule and regulation adopted and promulgated by the Property Tax Administrator. The assessment practices may include, but not be limited to, the appraisal techniques listed in section 77-112.

(2) For purposes of this section, state aid value means:

(a) For real property other than agricultural land, one hundred percent of market value;

(b) For agricultural land, eighty percent of market value as provided in sections 77-1359 to 77-1365;

(c) For personal property other than motor vehicles, the net book value as defined in section 77-120; and

(d) For motor vehicles, the value established pursuant to section 77-1239.

(3) Prior to August 1 any school district may file with the Property Tax Administrator written objections to the adjusted valuations prepared by the Property Tax Administrator, stating the reasons why such adjusted valuations are not the valuations required by subsection (2) of this section. The Property Tax Administrator shall fix a time for a hearing. Either party shall be permitted to introduce any evidence in reference thereto. Prior to December 1, the Property Tax Administrator shall enter an order modifying or declining to modify, in whole or in part, the adjusted valuations and shall certify the order to the State Department of Education. Modification by the Property Tax Administrator shall be based upon the evidence introduced at hearing and shall not be limited to the modification requested in the written objections or at hearing. The final determination of the Property Tax Administrator may be appealed to the Tax Equalization and Review Commission.

(4) The Property Tax Administrator shall, on the date the adjusted valuations are certified to the State Department of Education under subsection (1) of this section, cause to be published notice of such adjusted valuations in a newspaper published or of general circulation in each county in Nebraska.

(5) No injunction shall be granted restraining the distribution of state aid based upon the adjusted valuations pursuant to this section.

(6) Beginning with the 1997-98 school fiscal year, in the school fiscal year beginning during the calendar year that a county board adopts special valuation for all qualifying property in the county pursuant to sections 77-1343 to 77-1348, the adjusted valuation used in the calculation of state aid shall not exceed one hundred eight percent of the assessed valuation for the property tax year on which the adjusted valuation is based.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with "Class" in line 1 through line 7 and insert "schools and school districts; to amend sections 79-550 and 79-1016, Reissue Revised Statutes of Nebraska, and sections 32-543 and 32-553 to 32-555, Revised Statutes Supplement, 1996; to provide for the nomination of members of the board of education of Class III school districts by district or ward and election at large; to change provisions relating to adjusted valuation used in the calculation of state aid; to harmonize provisions; to repeal the original sections; and to declare an emergency.".

3. On page 8, line 19, strike "section 79-550" and insert "sections 79-550 and 79-1016".

4. Renumber the remaining section accordingly.

Mr. Maurstad filed the following amendment to LB 23:
FA382
Strike the enacting clause.

Mr. Landis and Mrs. Hillman filed the following amendment to LB 182:
AM2423
(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 3. Section 77-3505.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-3505.02. Maximum value shall mean:

(1) For applicants eligible under ~~sections~~ section 77-3507, ~~and 77-3509,~~ one hundred fifty percent of the average assessed value of single-family residential property in the claimant's county of residence as determined in section 77-3506.02 or ninety-five thousand dollars, whichever is greater; and

(2) For applicants eligible under ~~section~~ sections 77-3508 and 77-3509, one hundred seventy-five percent of the

average assessed value of single-family residential property in the claimant's county of residence as determined in section 77-3506.02 or one hundred ten thousand dollars, whichever is greater.".

2. On page 1, line 2, after the first comma insert "77-3505.02,"; and in line 4 after the first semicolon insert "to redefine maximum value;".

3. On page 12, line 21, after the first comma insert "77-3505.02,".

4. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 49.

Correctly Engrossed

The following bills were correctly engrossed: LBs 269A, 307, 307A, 658, 874, and 890.

Enrollment and Review Change to LB 49

The following changes, required to be reported for publication in the Journal, have been made:
ER9077
1. Sections 5 to 12 have been renumbered as sections 4 to 11, respectively.

Enrollment and Review Change to LB 307

The following changes, required to be reported for publication in the Journal, have been made:
ER9079
1. In the E & R amendments, AM7117:
a. Amendment 1 has been struck;
b. Sections 232, 233, 239, and 240 have been renumbered as sections 228, 229, 235, and 236, respectively;
c. On page 4, line 9, "71-1,312," has been struck;
d. On page 5, line 1, "83-158.01, 83-164," has been struck; in line 2 "83-1068," has been inserted after the fourth comma; and in line 16 "71-1,312," has been struck; and
e. On page 6, line 8, "83-158.01, 83-164," has been struck; and in line 9 "83-1068," has been inserted after the fourth comma.
2. On page 105, line 21, an underscored comma has been inserted after the first "attorneys".

Enrollment and Review Change to LB 658

The following changes, required to be reported for publication in the Journal, have been made:
ER9069

1. In the McKenzie amendment, AM2148, on page 9, line 17, "18-412.07, 18-412.08, 18-2458, 18-2459," has been inserted after "sections" and "70-628.02 to 70-628.04," has been inserted after the last comma.

2. On page 1, the matter beginning with "the" in line 1 through line 6 has been struck and "energy production; to amend sections 18-412.07, 18-412.08, 18-2458, 18-2459, 70-601, 70-604, 70-625, 70-628.02 to 70-628.04, and 71-3505, Reissue Revised Statutes of Nebraska, and section 81-15,113.01, Revised Statutes Supplement, 1996; to change provisions relating to powers of public power districts, nuclear power plant fees, and radioactive waste compensation; to change and eliminate provisions relating to sale or lease of equipment and property of public power districts; to harmonize provisions; to repeal the original sections; to outright repeal sections 70-646 and 70-657, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

Enrollment and Review Change to LB 874

The following changes, required to be reported for publication in the Journal, have been made:
ER9078

1. In the Hartnett amendment, AM1984, on page 9, line 3, an underscored comma has been inserted after "district".

2. On page 1, line 2, "31-735, Reissue Revised Statutes of Nebraska, and sections 31-740, 31-744, and" has been inserted after "section"; in line 4 "to change provisions relating to the election of members; to authorize contracts for intersection and traffic control improvements;" has been inserted after the semicolon; and in line 5 "and" has been struck and "section" has been struck and "sections; and to declare an emergency" inserted.

(Signed) Jon C. Bruning, Chairperson

VISITORS

Visitors to the Chamber were 35 fourth grade students and teachers from Christ the King School, Omaha; and Tom Klein and Adam Hunke from Crete.

RECESS

At 12:01 p.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:31 p.m., President Robak presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Bromm, Coordsen, Cudaback, Dierks, Kristensen, Landis, Matzke, Robinson, Schmitt, Schrock, Will, Mmes. Bohlke, McKenzie, Robak, and Witek who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 138.

Enrollment and Review Change to LB 138

The following changes, required to be reported for publication in the Journal, have been made:

ER9082

1. In the Wickersham amendment, AM2312:

a. On page 1, line 16, "service" has been struck and "services" inserted; and

b. On page 2, line 6, "an" has been inserted after "or".

2. On page 1, line 9, "define and" has been inserted after the first "to"; and in line 10 "to change provisions relating to exposure to infectious diseases or conditions;" has been inserted after the first semicolon.

(Signed) Jon C. Bruning, Chairperson

EXECUTIVE BOARD ANNOUNCEMENTS

The Executive Board announces Senator Bromm has been appointed to the Legislative Program Evaluation Committee.

The Executive Board announces Senator Withem has been appointed to the Midwestern Higher Education Compact Commission.

GENERAL FILE

LEGISLATIVE BILL 150. The Dw. Pedersen-Jones pending amendment, AM2050, found on page 2034 and considered in this day's Journal, was renewed.

Mr. Chambers asked unanimous consent to bracket LB 150 until June 12, 1997.

Mr. Withem objected.

Mr. Chambers moved to bracket LB 150 until June 12, 1997.

Mr. Landis and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 420. Placed on Select File as amended.
E & R amendment to LB 420:
AM7167

1. In the Brashear-Beutler amendment, AM2264:

a. On page 13, line 7, strike "commission" and insert "Nebraska Accountability and Disclosure Commission"; and

b. On page 16, line 21, strike "subsection (5)" and insert "subdivision (5)(a)".

2. On page 1, strike beginning with "campaign" in line 1 through line 12 and insert "campaign finance; to amend sections 32-1601 to 32-1608, 32-1609, 32-1611, 49-1428, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1463.01, and 49-14,123, Revised Statutes Supplement, 1996; to state intent; to define and redefine terms; to change spending and contribution limitations and filing procedures; to provide, change, and eliminate penalties; to provide for enforcement; to harmonize provisions; to provide severability; and to repeal the original sections.".

LEGISLATIVE BILL 512. Placed on Select File as amended.
E & R amendment to LB 512:
AM7165

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 43-284, Revised Statutes Supplement, 1996, is amended to read:

43-284. When any juvenile is adjudged to be under subdivision (3) of section 43-247, the court may permit such juvenile to remain in his or her own home subject to supervision or may make an order ~~committing the juvenile~~ placing the care and custody of the juvenile with ~~to the~~ (1) ~~care of some~~ a suitable institution, (2) ~~care of some~~ a reputable citizen of good moral character, (3) ~~care of some~~ an association willing to receive the juvenile embracing in its objects the purpose of caring for or obtaining homes for such juveniles, which association ~~shall have been~~ is accredited as provided in section 43-296, (4) ~~care of~~ a suitable family, or (5) ~~care and custody of~~ the Department of Health and Human Services.

Under subdivision (1), (2), (3), or (4) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, education, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, education, and maintenance of the juvenile to be paid by the Office of Juvenile Services ~~out of a fund which shall be appropriated annually by the county where the petition is filed~~ until suitable provisions may be made for the juvenile without such payment. The county shall not be liable for any costs for the care, custody, education, or maintenance of a juvenile pursuant to this section.

~~The amount to be paid by a county for education pursuant to this section shall not exceed the average cost for education of a public school student in the county in which the juvenile is placed and shall be paid only for education in kindergarten through grade twelve.~~

The court may enter a dispositional order removing a juvenile from his or her home only upon a written determination that continuation in the home would be contrary to the welfare of such juvenile and that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from his or her home and to make it possible for the juvenile to return.

Sec. 2. Section 43-286, Revised Statutes Supplement, 1996, is amended to read:

43-286. Notwithstanding the provisions of sections 43-251 and 43-253 to 43-257, no juvenile shall be confined in any jail as a disposition of the court. When any juvenile is adjudicated to be a juvenile described in subdivision (1), (2), (3)(b), or (4) of section 43-247:

(1) The court may continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged when the same is in the interest of the juvenile's reformation or rehabilitation, and, subject to the further order of the court, may:

(a) Place the juvenile on probation subject to the supervision of a probation officer;

(b) Permit the juvenile to remain in his or her own home, subject to the supervision of the probation officer; or

(c) Cause the juvenile to be placed in a suitable family home or institution, subject to the supervision of the probation officer. If the court has committed the juvenile to the care and custody of the Department of Health and Human Services, the department shall pay the costs of the suitable family home or institution which are not otherwise paid by the juvenile's parents.

Under subdivision (1)(a), (1)(b), or (1)(c) of this section, upon a determination by the court that there are no parental, private, or other public funds available for the care, custody, and maintenance of a juvenile, the court may order a reasonable sum for the care, custody, and maintenance of the juvenile to be paid by the Office of Juvenile Services ~~out of a fund which shall be appropriated annually by the county where the petition is filed~~ until a suitable provision may be made for the juvenile without such payment. The county shall not be liable for any costs for the care, custody, education, or maintenance of a juvenile pursuant to this section;

(2) Except as provided in section 43-287, the court may commit such juvenile to the Office of Juvenile Services, but a juvenile under the age of twelve years shall not be committed to the Youth Rehabilitation and Treatment Center-Geneva or to the Youth Rehabilitation and Treatment Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the juvenile and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter;

(3) When a juvenile is placed on probation or under the supervision of the court and it is alleged that the juvenile is again a juvenile as defined by subdivision (1), (2), (3)(b), or (4) of section 43-247, a petition may be filed and the same procedure followed and rights given at a hearing on the original petition. If an adjudication is made that the allegations of the petition are true, the court may make any disposition authorized by this section for such adjudications; or

(4) When a juvenile is placed on probation or under the supervision of the court for conduct under subdivision (1), (2), (3)(b), or (4) of section 43-247 and it is alleged that the juvenile has violated a term of probation or supervision or that the juvenile has violated an order of the court, a motion to revoke probation or supervision or to change the disposition may be filed and proceedings held as follows:

(a) The motion shall set forth specific factual allegations of the alleged violations and a copy of such motion shall be served on all persons required to be served by sections 43-262 to 43-267;

(b) The juvenile shall be entitled to a hearing before the court to determine the validity of the allegations set forth pursuant to subdivision (4)(a) of this section. At such hearing the juvenile shall be entitled to those rights relating to counsel provided by section 43-272 and those rights relating to detention provided by sections 43-254 to 43-256. The juvenile shall also be entitled to speak and present documents, witnesses, or other evidence on his or her own behalf. He or she may confront persons who have given adverse information concerning the alleged violations, may cross-examine such persons, and may show that he or she did not violate the conditions of his or her probation or, if he or she did, that mitigating circumstances suggest that the violation does not warrant revocation. The revocation hearing shall be held within a reasonable time after the juvenile is taken into custody;

(c) The hearing shall be conducted in an informal manner and shall be flexible enough to consider evidence, including letters, affidavits, and other material, that would not be admissible in an adversary criminal trial;

(d) The juvenile shall be given a preliminary hearing in all cases when the juvenile is confined, detained, or otherwise significantly deprived of his or her liberty as a result of his or her alleged violation of probation. Such preliminary hearing shall be held before an impartial person other than his or her probation officer or any person directly involved with the case. If as a result of such preliminary hearing probable cause is found to exist, the juvenile shall be entitled to a hearing before the court in accordance with subdivisions (4)(b) and (4)(c) of this section;

(e) If the juvenile is found by the court to have violated the terms of his or her probation, the court may modify the terms and conditions of the probation order, extend the period of probation, or enter any order of disposition that could have been made at the time the original order of probation was entered or, in the case of the juvenile adjudicated to be within the definitions of subdivision (3)(b) of section 43-247, the court, after considering the dispositions available, may in addition commit such juvenile to the Office of Juvenile Services under section 43-287; and

(f) In cases when the court revokes probation, it shall enter a written statement as to the evidence relied on and the reasons for revocation.

Sec. 3. Section 43-290, Revised Statutes Supplement, 1996, is amended to read:

43-290. It is the purpose of this section to promote parental responsibility and to provide for the most equitable use and availability of public money.

Pursuant to the petition filed by the county attorney or any reputable person in accordance with section 43-274, whenever the care or custody of a juvenile is given by the court to someone other than his or her parent, which shall include placement with a state agency, or when a juvenile is given medical, psychological, or psychiatric study or treatment under order of the court, the court shall make a determination of support to be paid by a parent for the juvenile at the same proceeding at which placement, study, or treatment is determined or at a separate proceeding. Such proceeding, which may occur prior to, at the same time as, or subsequent to adjudication, shall be in the nature of a disposition hearing.

At such proceeding, after summons to the parent of the time and place of hearing served as provided in sections 43-262 to 43-267, the court may order and decree that the parent shall pay, in such manner as the court may direct, a reasonable sum that will cover in whole or part the support, study, and treatment of the juvenile, which amount ordered paid shall be the extent of the liability of the parent. The court in making such order shall give due regard to the cost of study, treatment, and maintenance of the juvenile, the ability of the parent to pay, and the availability of money for the support of the juvenile from previous judicial decrees, social security benefits, veterans benefits, or other sources. Support thus received by the court shall be transmitted to the person, agency, or institution having financial responsibility for such study, treatment, or maintenance and, if a state agency or institution, remitted by such state agency or institution quarterly to the Director of Administrative Services for credit to the proper fund.

Whenever medical, psychological, or psychiatric study or treatment is ordered by the court, whether or not the juvenile is placed with someone other than his or her parent, or if such study or treatment is otherwise provided as determined necessary by the custodian of the juvenile, the court shall inquire as to the availability of insured or uninsured health care coverage or service plans which include the juvenile. The court may order the parent to pay over any plan benefit sums received on coverage for the juvenile. The payment of any deductible under the health care benefit plan covering the juvenile shall be the responsibility of the parent. If the parent willfully fails or refuses to pay the sum ordered or to pay over any health care plan benefit sums received, the court may proceed against him or her as for contempt, either on the court's own motion or on the motion of the county attorney or authorized attorney as provided in section 43-512, or execution shall issue at the request of any person, agency, or institution treating or maintaining such juvenile. The court may afterwards, because of a change in the circumstances of the parties, revise or alter the order of payment for support, study, or treatment.

If the juvenile has been committed to the care and custody of the Department of Health and Human Services, the department shall pay the costs for the support, study, or treatment of the juvenile which are not otherwise paid by the juvenile's parent.

If no provision is otherwise made by law for the support or payment for the study or treatment of the juvenile, compensation for the study or treatment shall be paid, when approved by an order of the court, by the Office of Juvenile Services. The county shall not be liable for any costs for the care, custody, education, or maintenance of a juvenile pursuant to this section. ~~out of a fund which shall be appropriated by the county in which the petition is filed~~

The juvenile court shall retain jurisdiction over a parent ordered to pay support for the purpose of enforcing such support order for so long as such support remains unpaid but not to exceed ten years from the nineteenth birthday of the youngest child for whom support was ordered.

Sec. 4. Section 43-2,101, Revised Statutes Supplement, 1996, is amended to read:

43-2,101. Unless otherwise ordered by the court pursuant to section 43-290, ~~each county~~ the state shall bear all the expenses incident to the transportation of each juvenile ~~from such county~~ to the Department of Health and Human Services, together with such fees and costs as are allowed by law in similar cases. ~~The fees, costs, and expenses shall be paid from the county treasury upon itemized vouchers certified by the judge of the juvenile court.~~

Sec. 5. This act becomes operative on July 1, 1998.

Sec. 6. Original sections 43-284, 43-286, 43-290, and 43-2,101, Revised Statutes Supplement 1996, are repealed.".

2. On page 1, line 3, after the semicolon insert "to provide an operative date;".

LEGISLATIVE BILL 512A. Placed on Select File.

LEGISLATIVE BILL 835. Placed on Select File as amended.
E & R amendment to LB 835:
AM7168

1. On page 3, line 1, strike "instruction" and insert "instructional".

LEGISLATIVE BILL 835A. Placed on Select File.

LEGISLATIVE BILL 854. Placed on Select File as amended.
E & R amendment to LB 854:
AM7166

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 48-118, Revised Statutes Supplement, 1996, is amended to read:

48-118. When a third person is liable to the employee or to the dependents, for the injury or death, the employer shall be subrogated to the right of the employee or to the dependents against such third person, and the recovery by such employer shall not be limited to the amount payable as compensation to such employee or dependents, but such employer may recover any amount which such employee or his or her dependents should have been entitled to recover. Any recovery by the employer against such third person, in excess of the compensation paid by the employer after deducting the expenses of making such recovery, shall be paid forthwith to the employee or to the dependents, and shall be treated as an advance payment by the employer, on account of any future installments of compensation. Nothing ~~; PROVIDED, that nothing~~ in the Nebraska Workers' Compensation Act shall be construed to deny the right of an injured employee or of his or her personal representative to bring suit against such third person in his or her own name or in the name of the personal representative based upon such liability, but in such event an employer having paid or paying compensation to such employee or his or her dependents shall be made a party to the suit for the purpose of reimbursement, under the above provided right of subrogation, of any compensation paid. Before the making of a claim or the bringing of suit against such third person by the employee or his or her personal representative or by the employer or his or her insurer, each shall give to all others, unless waived in writing, notice of not less than thirty days, by certified or registered mail, an opportunity to join in the making of such claim or the instituting of an action and to be represented by counsel. If a party entitled to notice cannot be found, the clerk of the Nebraska Workers' Compensation Court shall become the agent of such party for the giving of such notice as required in this section, and the notice when given to the clerk of the Nebraska Workers' Compensation Court shall include an affidavit setting forth the facts, including the steps taken to locate such party. After the expiration of thirty days, for failure to receive notice or other good cause shown, the district court before which the action is pending shall allow either party to intervene in such action, and if no action is pending then the district court in which it could be brought shall allow either party to commence such action. Each shall have an equal voice in the claim and the prosecution of such suit and any dispute arising shall be passed upon by the court before which the case is pending and if no action is pending then by the district court in which such action could be brought. If either party after the giving of such notice fails, by and through his or her attorney, to join in the making of such claim and the prosecuting of the suit, such party shall waive any and all claims or causes of action for improper prosecution of such suit or inadequacy of a settlement made in accordance herewith, and the party bringing the claim or prosecuting the suit shall be entitled to deduct from any amount recovered the reasonable expenses of making such recovery, including a reasonable sum for attorney's fees, which expenses and attorney's fees shall be prorated to the amounts payable to the employer or his or her insurer under the above right of subrogation and to the amount in excess of such amount payable to the employer or his or her insurer under his or her right of subrogation, and which expenses and attorney's fees shall be apportioned by the court between the parties as their interests appear at the time of such recovery. If either party makes the claim or prosecutes such action without the giving of a notice to the other party, the party bringing the claim and prosecuting such action shall not deduct expenses or attorney's fees from the amount payable to the other party.

If the employee or his or her personal representative or the employer or his or her compensation insurer join in the prosecuting of such claim and are represented by counsel, the reasonable expenses and the attorney's fees shall be, unless otherwise agreed upon, divided between such attorneys as directed by the court before which the case is pending and if no action is pending then by the district court in which such action could be brought. A settlement of any lawsuit commenced under this section shall be void unless (1) such settlement is agreed upon in writing by the employee or his or her personal representative and the insurer of the employer if there is one, and if there is no insurer, then by the employer, or (2) in the absence of such agreement, the court before which the action is pending determines that the settlement offer is fair and reasonable considering liability, damages, and the ability of the third person and his or her liability insurance carrier to satisfy any judgment.

If the employee or his or her personal representative and the insurer of the employer if there is one, and if there is no insurer, then the employer, do not agree in writing upon distribution of the proceeds of any judgment or settlement, the court upon application shall order a fair and equitable distribution of the proceeds of any judgment or settlement.

In any case in which an injured employee is entitled to benefits from the Second Injury Fund for injuries occurring before December 1, 1997, as provided in section 48-128 and recovery is had against the third party liable to the employee for the injury, the Second Injury Fund shall be subrogated to the rights of the employee against such third party to the extent of the benefits due to him or her or which shall become due to him or her from such fund, subject to the rights of the employer and his or her insurer.

Sec. 2. Section 48-128, Reissue Revised Statutes of Nebraska, is amended to read:

48-128. (1) For injuries occurring before December 1, 1997:

(a) If an employee who has a preexisting permanent partial disability whether from compensable injury or otherwise, which is or is likely to be a hindrance or obstacle to his or her obtaining employment or obtaining reemployment if the employee should become unemployed and which was known to the employer prior to the occurrence of a subsequent compensable injury, receives a subsequent compensable injury resulting in additional permanent partial or in permanent total disability so that the degree or percentage of disability caused by the combined disabilities is substantially greater than that which would have resulted from the last injury, considered alone and of itself, and if the employee is entitled to receive compensation on the basis of the combined disabilities, the employer at the time of the last injury shall be liable only for the degree or percentage of disability which would have resulted from the last injury had there been no preexisting disability. For the additional disability, the employee shall be compensated out of a special trust fund created for that purpose which shall be known as the Second Injury Fund which is hereby created. If the subsequent compensable injury of such an employee shall result in the death of the employee and it shall be determined that the death would not have occurred except for such preexisting permanent partial disability, the employer shall pay the compensation benefits prescribed by this ~~section~~ subsection for a period not exceeding three hundred twenty-five weeks, and for any compensation benefits payable after such period of three hundred twenty-five weeks, the dependents shall be compensated out of the fund.

~~(2)~~ (b) In order to qualify under this ~~section~~ subsection, the employer must establish by written records that the employer had knowledge of the preexisting permanent partial disability at the time that the employee was hired or at the time the employee was retained in employment after the employer acquired such knowledge.

~~(3)~~ (c) As used in this ~~section~~ subsection, preexisting permanent partial disability shall mean any preexisting permanent condition, whether congenital or the result of injury or disease, of such seriousness as to constitute a hindrance or obstacle to obtaining employment or to obtaining reemployment if the employee should become unemployed. No condition shall be considered a preexisting permanent partial disability under this ~~section~~ subsection unless it would support a rating of twenty-five percent loss of earning power or more or support a rating which would result in compensation payable for a period of ninety weeks or more for disability for permanent injury as computed under subdivision (3) of section 48-121.

~~(4)~~ (2)(a) The Second Injury Fund shall be for the purpose of making payments in accordance with subsection (1) of this section and for paying administrative expenses relating to such fund. The State Treasurer shall be the custodian of the fund, and all money and securities in the fund shall be held in trust by the State Treasurer and shall not be money or property of the state. The fund shall be raised and derived as follows: Every insurance company which is transacting business in this state shall on or before March 1 of each year pay to the Director of Insurance an amount equal to two percent of the workers' compensation benefits paid by it during the preceding calendar year in this state. Every risk management pool providing workers' compensation group self-insurance coverage to any of its members shall on or before March 1 of each year pay to the Director of Insurance an amount equal to two percent of the workers' compensation benefits paid by it during the preceding calendar year in this state but in no event less than twenty-five dollars.

~~(5)~~ (b) The computation of the amounts as provided in this ~~section~~ subsection shall be made on forms furnished by the Department of Insurance and shall be forwarded to the department together with a sworn statement by an appropriate fiscal officer of the company attesting the accuracy of the computation. The department shall furnish such forms to the companies and risk management pools prior to the end of the year for which the amounts are payable together with any information relative to the amounts as may be needed or desirable. Upon receipt of the payment, the director shall audit and examine the computations and satisfy himself or herself that the amounts have been properly paid in conformity with this ~~section~~ subsection.

~~(6)~~ (c) The Director of Insurance, after notice and hearing pursuant to sections 44-2301 and 44-2312, may rescind or refuse to reissue the license of any company which fails to remit the amounts due in conformity with this ~~section~~ subsection.

~~(7)~~ (d) The Director of Insurance shall remit the amounts paid, in conformity with this ~~section~~ subsection, to the State Treasurer for credit to the Second Injury Fund promptly upon completion of his or her audit and examination, and in no event later than May 1 of the year in which the amounts have been received, except that when there is a dispute as to the amount payable, the proceeds may not be deposited by the director with the State Treasurer until disposition of the controversy. One percent of the amount received shall be credited to the Department of Insurance to cover the costs of administration.

~~(8)~~ (e) Every employer in the occupations described in section 48-106 who qualifies as a self-insurer and who is issued a permit to self-insure shall furnish to the State Treasurer for the benefit of the fund an annual amount equal to two percent of the workers' compensation benefits paid by it during the preceding calendar year in this state but in no event less than twenty-five dollars.

~~(9)~~ (f) The amounts required to be paid by the insurance companies, risk management pools, and self-insurers under this ~~section~~ subsection shall be in addition to any other amounts, either in taxes, assessments, or otherwise, as required under any other law of this state.

~~(10)~~ (3)(a) The presiding judge of the Nebraska Workers' Compensation Court shall be charged with the conservation of the assets of the Second Injury Fund. In furtherance of this purpose the Attorney General shall appoint a member of his or her staff to represent the Second Injury Fund in all proceedings brought to enforce claims for or against such fund.

~~(11)~~ (b) The Department of Administrative Services shall furnish monthly to the Nebraska Workers' Compensation Court a statement of the Second Injury Fund setting forth the balance of the fund as of the beginning of each month while such fund is in existence, the income and its sources, the payments from such fund in itemized form, and the balance of the fund on hand as of the last day of the preceding month. The State Treasurer may receive and credit to the fund any sum or sums which may at any time be contributed to the state or the fund by the United States of

America or any agency thereof to which the state may be or become entitled under any act of Congress or otherwise, by reason of any payment made from the fund.

~~(12)~~ (c) When the fund equals or exceeds eight hundred thousand dollars, no further contributions thereto shall be required by employers, risk management pools, or insurance carriers. Thereafter whenever the amount of the fund is reduced below four hundred thousand dollars by reason of payments made pursuant to this section or otherwise or whenever the presiding judge of the Nebraska Workers' Compensation Court determines that payments likely to be made from the fund in the next succeeding year will probably cause the fund to be reduced below four hundred thousand dollars, the presiding judge of the compensation court shall notify all self-insurers and the Director of Insurance, who shall notify all workers' compensation insurance carriers and risk management pools, that such contributions are to be resumed as of the date set in such notice and such contributions shall continue as provided in this section after the effective date of such notice. Such contributions shall continue until the fund again equals eight hundred thousand dollars. Out of the Second Injury Fund, the additional compensation payments shall be made to such employee or dependent by the compensation court once each month in the same manner as the salaries of the employees of the compensation court are paid. In all cases when a claim is asserted by the state on behalf of the Second Injury Fund against an employer, employer's insurer, or risk management pool under this section or when a claim is made against such fund, the State of Nebraska shall be impleaded as a party plaintiff or defendant, as the case may require, and when so impleaded as a defendant, service of summons shall be had upon the Attorney General. It shall be the duty of the Attorney General to act as attorney for the state.

~~(13)~~ (d) Any expenses necessarily incurred by the Second Injury Fund or by the Attorney General on behalf of such fund in any case when a claim is asserted by the state on behalf of the Second Injury Fund against an employer, employer's insurer, or risk management pool under this section or when a claim is made against the Second Injury Fund may be paid out of such fund. Such expenses may be taxed as costs and recovered by the Second Injury Fund in any such case in which the Second Injury Fund prevails.

Sec. 3. Section 48-144.04, Reissue Revised Statutes of Nebraska, is amended to read:

48-144.04. Any employer, risk management pool, or insurance carrier who fails, neglects, or refuses to file any report required of him or her by the Nebraska Workers' Compensation Court shall be guilty of a Class II misdemeanor for each such failure, neglect, or refusal. It shall be the duty of the Attorney General to act as attorney for the state. In addition to the penalty, where an employer, risk management pool, or insurance carrier has been given notice, or the employer, risk management pool, or the insurance carrier has knowledge, of any injury or death of an employee and fails, neglects, or refuses to file a report thereof, the limitations in ~~sections 48-128 and~~ section 48-137 and for injuries occurring before December 1, 1997, the limitations in section 48-128 shall not begin to run against the claim of the injured employee or his or her dependents entitled to compensation or against the State of Nebraska on behalf of the Second Injury Fund, or in favor of either the employer, risk management pool, or the insurance carrier until such report shall have been furnished as required by the compensation court.

Sec. 4. Original sections 48-128 and 48-144.04, Reissue Revised Statutes of Nebraska, and section 48-118, Revised Statutes Supplement, 1996, are repealed.".

LEGISLATIVE BILL 854A. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

NOTICE OF COMMITTEE HEARINGS
Natural Resources

LR 286 Tuesday, June 3, 1997 12:00 noon
LR 287 Tuesday, June 3, 1997 12:00 noon

Thursday, May 29, 1997 Cancelled 8:00 a.m.
Aquatic Habitat Plan

Tuesday, June 3, 1997 Rescheduled 12:00 noon
Aquatic Habitat Plan

Wednesday, June 4, 1997 12:00 noon
Nebraska Environmental Quality Council
Darlene Kiefer
Kathleen Wittler
Richard Galyen
Galen Frenzen
Spencer Morrissey
David Sands
Bill Podraza
Ken Gnadt

(Signed) Chris Beutler, Chairperson

GENERAL FILE

LEGISLATIVE BILL 99. Title read. Considered.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Standing Committee amendment, AM0804, found on page 975, was adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

Mrs. Brown offered the following amendment:
AM1999

1. On page 2, lines 12 through 28, reinstate the stricken matter; and in lines 13 and 17 strike the reinstated "two", show as stricken, and insert "one".

2. On page 3, reinstate the stricken matter in line 1 through the stricken "(3)" in line 2.

Pending.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 729A. Introduced by Landis, 46.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 729, Ninety-fifth Legislature, First Session, 1997.

AMENDMENTS - Print in Journal

Mr. D. Pederson filed the following amendment to LB 517:
AM2408

(Amendments to Second Final Reading copy)

1. Insert the following new section:

"Section 1. Section 66-1344, Reissue Revised Statutes of Nebraska, is amended to read:

66-1344. (1) Each producer of ethanol shall receive a credit pursuant to this section of twenty cents per gallon of ethanol produced in Nebraska, which credit shall be in the form of a nonrefundable transferable motor vehicle fuel tax credit certificate. After July 1, 1994, no such credit shall be given for ethanol produced at an ethanol facility which was in production on or before January 1, 1992, unless on or before July 1, 1994, the name plate design capacity for the production of ethanol, before denaturing, at the facility has been expanded to equal at least two times the name plate design capacity for production of ethanol, before denaturing, existing at the facility as of January 1, 1992.

(2) Any ethanol facility which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1992, shall receive a credit of twenty cents per gallon of ethanol produced beginning with the first month for which it is eligible to receive such credit and ending not later

than December 31, 1997.

(3) Any ethanol facility which is not in production on or before December 31, 1992, but which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before December 31, 1995, shall receive a credit of twenty cents per gallon of ethanol produced for sixty months beginning with the first month for which it is eligible to receive such credit and ending not later than December 31, 2000, if the ethanol facility maintains an average production rate of at least twenty-five percent of its name plate design capacity for at least six months after the first month for which it is eligible to receive such credit.

(4) Any ethanol facility which has not received a credit under this section but which was under construction on or before December 31, 1995, and which is in production at the rate of at least twenty-five percent of its name plate design capacity for the production of ethanol, before denaturing, on or before July 1, 1998, shall receive a credit of twenty cents per gallon of ethanol produced until December 31, 2000, if the ethanol facility maintains an average production rate of at least twenty-five percent of its name plate design capacity for at least six months after the first month for which it is eligible to receive such credit.

(5) Any ethanol facility eligible for a credit under subsection (1), (2), or (3) of this section shall also receive a credit of twenty cents per gallon of ethanol produced in excess of the original name plate design capacity which results from expansion of the facility completed on or before December 31, 1995. Such credit shall be for sixty months beginning with the first month for which production from the expanded facility is eligible to receive such credit and ending not later than December 31, 2000.

~~(5)~~ (6) The credit shall be given only for ethanol produced at a plant in Nebraska at which all fermentation, distillation, and dehydration takes place. No credit shall be given on ethanol produced for or sold for use in the production of distilled spirits. Not less than two million gallons and not more than twenty-five million gallons of ethanol produced annually at an ethanol facility shall be eligible for the credit, and the credit may only be claimed by a producer for the period specified in subsection (2), (3), ~~or~~ (4), or (5) of this section. Not more than one hundred twenty-five million gallons of ethanol produced at an ethanol facility by the end of the ~~sixty-month~~ period set forth in subsection (3), ~~or~~ (4), or (5) of this section shall be eligible for the credit under such subsection, in addition to the ethanol entitled to credit under subsection (1) or (2) of this section.

~~(6)~~ (7) The Department of Revenue shall prescribe an application form and procedures for claiming the credit and shall adopt and promulgate rules and regulations to carry out this section.

~~(7)~~ (8) For purposes of ascertaining the correctness of any application for claiming the credit provided in this section, the Tax Commissioner (a) may examine or cause to have examined, by any agent or representative designated by him or her for that purpose, any books, papers, records, or memoranda bearing upon such matters, (b) may by summons require the attendance of the person responsible for rendering the application or other document or any officer or employee of such person or the attendance of any other person having knowledge in the premises, and (c) may take testimony and require proof material for his or her information, with power to administer oaths or affirmations to such person or persons. The time and place of examination pursuant to this subsection shall be such time and place as may be fixed by the Tax Commissioner and as are reasonable under the circumstances. In the case of a summons, the date fixed for appearance before the Tax Commissioner shall not be less than twenty days from the time of service of the summons. No taxpayer shall be subjected to unreasonable or unnecessary examinations or investigations. All records obtained pursuant to this subsection shall be subject to the confidentiality requirements and exceptions thereto as provided in section 77-27,119.".

2. On page 1, line 1, after "sections" insert "66-1344,"; and in line 3 after the semicolon insert "to provide an ethanol production credit;".

3. On page 42, line 6, after "sections" insert "66-1344,".

4. Renumber the remaining sections and correct internal references accordingly.

Mr. Coordsen filed the following amendment to LB 182:
AM2427

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 6. There is hereby appropriated (1) $3,388,232 from the General Fund for FY1997-98 and (2) $3,651,732 from the General Fund for FY1998-99 to the Department of Revenue, for Program 108, to aid in carrying out the provisions of this legislative bill.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. On page 1, line 4, after the last semicolon insert "to appropriate funds;".

3. Renumber the remaining sections accordingly.

GENERAL FILE

LEGISLATIVE BILL 99. The Brown pending amendment, AM1999, found in this day's Journal, was renewed.

Mrs. Bohlke and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?"

Mr. Tyson moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Mr. Will requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 39:

Abboud
Beutler
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 6:

Bruning
Chambers
Janssen
Lynch
Schimek
Wehrbein

Excused and not voting, 4:

Bohlke
Elmer
Kristensen
Schmitt

The motion to cease debate prevailed with 39 ayes, 6 nays, and 4 excused and not voting.

Mr. Will requested a roll call vote, in reverse order, on the Brown amendment.

Voting in the affirmative, 16:

Abboud
Brown
Coordsen
Hillman
Hudkins
Jensen
Landis
Matzke
Maurstad
Schrock
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 26:

Beutler
Bromm
Bruning
Crosby
Cudaback
Dierks
Engel
Hartnett
Hilgert
Janssen
Jones
Kiel
Lynch
McKenzie
Pedersen, Dw.

Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Stuhr
Tyson
Will
Withem

Present and not voting, 3:

Brashear
Chambers
Raikes

Excused and not voting, 4:

Bohlke
Elmer
Kristensen
Schmitt

The Brown amendment lost with 16 ayes, 26 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Mmes. Crosby, Hillman, and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved to reconsider the vote on the Brown amendment, AM1999.

Mrs. Kiel and Mr. Hilgert asked unanimous consent to be excused until they return. No objections. So ordered.

MR. COORDSEN PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

SPEAKER WITHEM PRESIDING

Mr. Chambers requested a roll call vote on his motion to reconsider.

Voting in the affirmative, 14:

Abboud
Brashear
Brown
Chambers
Coordsen
Hudkins
Matzke
Maurstad
Schrock
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham

Voting in the negative, 24:

Beutler
Bromm
Bruning
Cudaback
Dierks
Engel
Hartnett
Janssen
Jones
Lynch
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Stuhr
Tyson
Will
Witek
Withem

Present and not voting, 3:

Jensen
McKenzie
Schmitt

Excused and not voting, 8:

Bohlke
Crosby
Elmer
Hilgert
Hillman
Kiel
Kristensen
Landis

The Chambers motion to reconsider failed with 14 ayes, 24 nays, 3 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mrs. C. Peterson, Messrs. Robinson, Lynch, Engel, and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA384
P. 2, line 4, strike the new matter and reinstate original language.

Messrs. Jones, Schmitt, Coordsen, Dierks, and Mrs. Hudkins asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Will moved for a call of the house. The motion prevailed with 5 ayes, 0 nays, and 44 not voting.

Mr. Will requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 28:

Abboud
Bohlke
Brashear
Bruning
Crosby
Cudaback
Hartnett
Hilgert
Hillman
Janssen
Landis
Lynch
McKenzie
Pedersen, Dw.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Will
Witek
Withem

Voting in the negative, 6:

Beutler
Chambers
Jensen
Kristensen
Wesely

Wickersham

Present and not voting, 4:

Brown
Matzke
Maurstad
Vrtiska

Excused and not voting, 11:

Bromm
Coordsen
Dierks
Elmer
Engel
Hudkins
Jones
Kiel
Pederson, D.
Peterson, C.
Schmitt

Advanced to E & R for review with 28 ayes, 6 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

AMENDMENTS - Print in Journal

Mr. Coordsen filed the following amendment to LB 182A:
(Amendment, AM2435, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Messrs. Tyson, Schellpeper, Mrs. Bohlke, and Ms. Schimek filed the following amendment to LB 314:
AM2391

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Sec. 4. Section 73-304, Reissue Revised Statutes of Nebraska, is amended to read:

73-304. The Director of Administrative Services may approve a proposed contract if:

(1) The potential economic advantage of contracting is a measurable cost savings of at least fifteen percent, achieved for twelve-month and sixty-month timeframes and is not outweighed by the public's interest in having the particular services performed directly by the state agency;

(2) The contract does not adversely affect the state's affirmative action efforts;

(3) A measureable improvement in the quality of services is achievable;

(4) The contract will include adequate control mechanisms to insure that the services are provided pursuant to the terms of the contract, including clauses that require:

(a) The contractor to submit to the jurisdiction of the Public Counsel with respect to the provision of services under the contract; and

(b) All documents or information created as a result of the contract, including names, job titles, salaries, and benefits, are open and a matter of public record; and

~~(4)~~ (5) The private entity is fairly compensating its employees.

Sec. 5. Any contract for personal services entered into without meeting the requirements of sections 73-301 to 73-306 shall be considered null and void. In addition, any person aggrieved may bring a civil action for relief in the district court to enforce sections 73-301 to 73-306 and to prevent the implementation of contracts for personal services referred to in such sections. For purposes of this section, person means any individual, corporation, partnership, limited liability company, or association.".

2. On page 1, line 2, after the first comma insert "73-304,"; and in line 9 after the first comma insert "personal service contracts,".

3. On page 31, line 11, after "sections" insert "73-304,".

4. Correct the operative date section so that the sections added by this amendment become operative three calendar months after adjournment of this legislative session.

5. Renumber the remaining sections and correct internal references accordingly.

Mr. Maurstad filed the following amendment to LB 182A:
AM2436

(Amendments to Final Reading copy)

1. Insert the following new section:

"Section 1. Section 77-24,142.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-27,142.01. (1) The governing body of any incorporated municipality which, after January 1, 1978, and prior to February 14, 1978, authorizes a sales and use tax pursuant to section 77-27,142, shall submit the question of continuing such tax at the first regular city, county, or state election held within such incorporated municipality after such tax is imposed. If a majority of those voting on the question shall be opposed to such tax, the governing body of the incorporated municipality shall immediately discontinue the tax.

(2) The governing body of any incorporated municipality may submit the question of changing any terms and conditions of a sales and use tax previously authorized under section 77-27,142. The question of modification shall be submitted to the voters at any primary or general election or at a special election if the governing body submits a certified copy of the resolution proposing modification to the election commissioner or county clerk within a reasonable time prior to the primary, general, or special election.".

2. Renumber the remaining sections accordingly.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 327. Placed on Select File as amended.
E & R amendment to LB 327:
AM7169

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. This act shall be known and may be cited as the Microenterprise Development Act.

Sec. 2. The Legislature finds that:

(1) There is a need to encourage microenterprise entrepreneurship for microenterprise development;

(2) There is a need to create employment and employment opportunities in areas of chronic economic distress and in low-income urban and rural areas;

(3) There is a need to build an environment conducive to business development and growth;

(4) Microenterprises, including self-employment and startup businesses, are important elements of the Nebraska economy and play a vital role in job production, entrepreneurial skill development, and enhancing low-income households' capacity to become more self-sufficient;

(5) Nebraska's microenterprises often do not have access to commercial sources of credit because of a lack of business experience or training, collateral to secure business loans, or business records to demonstrate their loan repayment potential;

(6) Community-based microenterprise programs have demonstrated cost-effective delivery methods for providing microenterprise training and microloans;

(7) Commercial lending institutions are developing innovative ways to respond to this sector of the economy, including working with nonprofit community-based organizations; and

(8) Local and state charitable and foundation support, various federal programs, and private sector support could be leveraged by a statewide program for the development of the microenterprise and self-employment sectors.

Sec. 3. The purposes of the Microenterprise Development Act are to:

(1) Better assure that Nebraska's microenterprises are able to realize their full potential to create jobs, enhance entrepreneurial skills and activity, and increase low-income households' capacity to become self-sufficient;

(2) Provide funding to foster the creation of microenterprises;

(3) Establish the Department of Economic Development as the coordinating office for the facilitation of microlending and microenterprise development;

(4) Facilitate the development of a permanent, statewide

infrastructure of microlending support organizations to serve Nebraska's microenterprise and self-employment sectors;

(5) Enable the department to provide grants to community-based microenterprise development organizations in order to encourage the development and growth of microenterprises throughout Nebraska; and

(6) Enable the department to engage in contractual relationships with statewide microlending support organizations which have the capacity to administer grants subject to the requirements of the act and where such relationships would leverage additional nonstate support funds.

Sec. 4. For purposes of the Microenterprise Development Act:

(1) Commercial lending institution means any financial institution as defined in subsection (4) of section 8-157;

(2) Department means the Department of Economic Development;

(3) Microenterprise means any business, whether new or existing, with five or fewer employees and includes startup, home-based, and self-employed businesses;

(4) Microloan means any business loan up to twenty-five thousand dollars;

(5) Microloan delivery organization means any community-based or nonprofit program which has developed a viable plan for providing training, access to financing, and technical assistance for microenterprises and which meets the criteria and qualifications established for the act;

(6) Operating costs means the costs associated with administering a loan or a loan guaranty, administering a revolving loan program, or providing for business training and technical assistance to a microloan recipient;

(7) Program means the Microenterprise Partnership Program; and

(8) Statewide microlending support organization means any community-based or nonprofit organization which has a demonstrated capacity and a plan for providing and administering grants or loans to microloan delivery organizations.

Sec. 5. The department shall establish the Microenterprise Partnership Program. In order to implement the program, the department:

(1) Shall provide grants of up to twenty-five thousand dollars to microloan delivery organizations for the purposes specified in the Microenterprise Development Act;

(2) May engage in contractual relationships with statewide microlending support organizations which shall serve as agents for the department in order to effect the purposes and fulfill the requirements of the act; and

(3) May identify and coordinate other state and federal sources of funds which may be available to the department to

enhance the state's ability to facilitate program grants pursuant to the program.

Sec. 6. To establish the criteria for making a grant to a microloan delivery organization, the department shall consider:

(1) The plan for providing business development services and microloans to microenterprises;

(2) The scope of services to be provided by the microloan delivery organization;

(3) The plan for coordinating the services and loans provided by the microloan delivery organization with commercial lending institutions;

(4) The geographic representation of all regions of the state, including both urban and rural communities and neighborhoods;

(5) The ability of the microloan delivery organization to provide for business development in areas of chronic economic distress and low-income regions of the state;

(6) The ability of the microloan delivery organization to provide business training and technical assistance to microenterprise clients;

(7) The ability of the microloan delivery organization to monitor and provide financial oversight of recipients of microloans; and

(8) Sources and sufficiency of operating funds for the microenterprise development organization.

Sec. 7. Grants made by the department or agent to a microloan delivery organization may be used to:

(1) Satisfy matching fund requirements for other federal or private grants;

(2) Establish a revolving loan fund from which the microloan delivery organization may make loans to microenterprises;

(3) Establish a guaranty fund from which the microloan delivery organization may guarantee loans made by commercial lending institutions to microenterprises; and

(4) Provide funding for the operating costs of a microloan delivery organization.

Sec. 8. The granting of any appropriated funds to a microloan delivery organization must meet the following qualifications:

(1) Granted funds must be matched by nonstate funds equivalent in money or in kind equal to one dollar for each one dollar of the grant funds requested. Such matching funds can come from any nonstate source, including private foundations, federal or local government sources, quasi-governmental entities or commercial lending institutions, or any other funds whose source does not include funds appropriated from the Legislature; and

(2) At least fifty percent of microloan funds must be disbursed by the microloan delivery organizations in microloans which do not exceed ten thousand dollars.

Sec. 9. When engaging in contractual relationships with a statewide microlending support organization the department shall:

(1) Require that appropriated funds to a statewide microlending support organization be matched by nonstate funds equivalent in money or in kind equal to one dollar for each one dollar of the grant funds requested. Such matching funds can come from any nonstate source, including private foundations, federal or local government sources, quasi-governmental entities or commercial lending institutions, or any other funds whose source does not include funds appropriated from the Legislature. Such appropriated funds and matched funds shall be determined in the contractual agreement to be subject to the matching requirements required by the Microenterprise Development Act for the purposes of making grants to microloan delivery organizations;

(2) Require the statewide microlending support organization to make and administer grants as specified by the purposes and granting criteria provided by the act; and

(3) Require that no greater than ten percent of the appropriated or contracted funds are used for operating or administering the grant program provided by the act.

Sec. 10. The department shall submit an annual report to the Governor and the Legislature on or before January 1 of each year which shall include, but not be limited to, a description of the demand for the program from microenterprises and grant recipients in Nebraska, a listing of the recipients and amounts of grants made pursuant to the Microenterprise Development Act in the previous fiscal year, the impact of the grants, a description of the partnerships between commercial lending institutions and microloan delivery organizations that have resulted from grants made by the program, and an evaluation of the program's performance based on the documented goals of the recipients. The department may require program recipients to provide periodic performance reports to enable the department to fulfill the requirements of this section.

Sec. 11. The department shall adopt and promulgate rules and regulations to carry out the Microenterprise Development Act.".

LEGISLATIVE BILL 327A. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

MESSAGES FROM THE GOVERNOR

May 27, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 546, 551, 636, 643, 740, 770, 856, 344, 256, 256A, 70, 372, 255, 853, 53, 273, 310, 310A, and 374 were received in my office on May 21, 1997.

These bills were signed by me on May 27, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 27, 1997

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 255A with line item reductions. LB 255A appropriates $98,100 for FY 97-98 and $87,500 for FY 98-99 from the Highway Cash Fund, through the Roads Operations Cash Fund, to increase the railroad engineering staff capacity at the Nebraska Department of Roads. The proposed addition of two Engineer III positions would support implementation of the comprehensive safety program for highway-rail crossings provided in LB 255.

I applaud the Legislature for recognizing the importance of providing for safe and efficient highway travel across Nebraska's busy rail corridors. The livelihood of our communities and the vitality of the state's economy depend on meeting the challenges presented by increased rail and highway traffic. I have been an active partner in that process, beginning with the Nebraska Transportation Efficiency Project and following with the LB 265 Highway-Rail Crossing Safety Task Force study.

My reduction of $43,750 for each year of the biennium leaves funding for one additional Engineer III position in support of this important new program. Expanding state government must always be the last resort, and the Department of Roads must implement the activities set forth in LB 255 as efficiently as possible.

I urge your support of this line item reduction.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 27, 1997

Madam President, Mr. Speaker and

Members of the Legislature
State Capitol
Lincoln, Nebraska 68509

Dear Madam President and Senators:

I am returning LB 853A to you without my signature and with my objections. An increase in the salaries of the Nebraska Workers' Compensation Court Judges has not been approved through our budget process. I am reviewing all such salary increases for a potential veto.

The proposed increase to the Nebraska Workers Compensation Court Judges's salaries was not included in the budget, introduced as a bill nor has it had any public hearing. The Nebraska Workers' Compensation Court is subject to the jurisdiction of the state court system and the salaries of the judges are tied to the salaries of the Supreme Court. The Supreme Court has not reviewed nor agreed to this change. Since judicial salaries are changed with the court term there will be no salary increase until a new judge is appointed or until terms expire in January 1999. I will request that the reconvened Governor's Task Force on Workers Compensation Reform study the issue as a part of their review of the LB 757 (1993) changes this summer. Based on their recommendations I will either propose funding the increase in 1998 or changing the statutory provision back to the current language.

Judges currently earn $80,659 annually and under LB 62A will receive increases of 3% and 4%. The change in LB 362A when added to the percentage increase in LB 853 would mean a salary of $94,026 when any change in the court judges occurs or a 16.6% salary increase in two years or less.

I urge the members of the Legislature to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

GENERAL FILE

LEGISLATIVE BILL 90. Title read. Considered.

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

MR. LANDIS PRESIDING

Mr. Will, Mmes. Hillman, and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Standing Committee amendment, AM1358, found on page 1437, was considered.

Mr. Beutler offered the following amendment to the Standing Committee

amendment:
FA389
Insert a period after "property" in line 12 page 1 and strike the remainder of the sentence.

Messrs. Abboud and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler withdrew his amendment.

Mr. Beutler offered the following amendment to the Standing Committee amendment:
FA390
To amend the committee amendment as follows:
On line 12 page 1 strike the word 'because' and insert the word 'regardless'.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Abboud asked unanimous consent to be excused. No objections. So ordered.

The Beutler amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 216, 386, and 387.

Enrollment and Review Change to LB 216

The following changes, required to be reported for publication in the Journal, have been made:
ER9085
1. On page 1, the matter beginning with the second "to" in line 1 through line 4 and all amendments thereto have been struck and "to amend section 24-228, Reissue Revised Statutes of Nebraska; to change provisions relating to district court expenses; to eliminate a fund and a court automation fee; to repeal the original section; and to outright repeal

sections 24-227 and 33-106.04, Reissue Revised Statutes of Nebraska." inserted.

Enrollment and Review Change to LB 386

The following changes, required to be reported for publication in the Journal, have been made:
ER9084
1. In the Hilgert amendment, FA365, on page 1, "Nebraska Legislature" has been struck and "Legislature" inserted and "Science, Technology" has been struck and "Information Science, Technology," inserted.

Enrollment and Review Change to LB 387

The following changes, required to be reported for publication in the Journal, have been made:
ER9083
1. In lieu of the Kristensen amendment, FA383, in the Wehrbein-Chambers amendment, AM2363, on page 1, line 10, after the first period the following new paragraph has been inserted:
"It is the intent of the Legislature that any money appropriated by the Legislature to the Board of Regents of the University of Nebraska or the University of Nebraska to increase scholarships for minority students be expended to provide scholarships to eligible minority undergraduate students attending all campuses of the University of Nebraska.".
2. In the Wehrbein-Chambers amendment, AM2363, on page 1, line 6, "a" has been struck.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 99:

FA385
Page 8, line 10, strike, beginning with "Sec." through the period

FA386
Page 2, lines 12-28; page 3, line 1
Reinstate the stricken matter.

FA387
Page 2, line 4, strike "three" and insert "five".

FA388
Page 2, line 4, strike "three" and insert "four".

Mr. Withem filed the following amendment to LB 875:
AM2445

(Amendments to E & R amendments, AM7136)

1. Insert the following new sections:

"Sec. 19. Whenever a city of the first class which is located within or adjacent to the service territory of a metropolitan utilities district decides to undertake any project, the governing body of the city shall act in conformity with the provisions of sections 19 to 24 of this act.

Sec. 20. For purposes of sections 19 to 24 of this act:

(1) Political subdivision means any city, village, county, metropolitan utilities district, or sanitary and improvement district; and

(2) Project means the purchase, construction, renovation, or expansion of a water supply or distribution facility with an estimated total cost of either five hundred thousand dollars or more or equivalent to ten percent or more of the total general fund expenditures of the city in the most current year available, whichever is greater, which would serve any territory or persons within or outside of the corporate boundaries of the city.

Sec. 21. (1) The governing body of the city shall formally adopt a resolution indicating its intent and authorizing the conduct of such engineering studies and the development of such plans or alternative proposals as are necessary to proceed with the development of the project. Any consultant that is employed to conduct such a study or develop such plans or proposals shall not enter into any other contract or maintain any other contractual relationship related to the project with such city other than with regard to such studies, plans, or proposals. The consultant shall identify potential alternatives to the proposed project with specific emphasis on whether or not it would be more cost efficient to enter into a cooperative effort with another political subdivision and shall review and report to the governing body on the feasibility and costs associated with the proposed project and all reasonable alternative proposals likely to meet the needs identified by the governing body as requiring the undertaking of the project.

(2) The resolution shall specify (a) the particular existing and future needs of the city and any surrounding areas which necessitate the proposed project, (b) the location or locations of the proposed project, (c) the physical boundaries of the area to be served by the project, (d) the proposed nature of the project and any possible alternative courses of action other than the proposed project which would meet the needs set forward, (e) the estimated cost of the project and of any other possible alternative courses of action, and (f) a description of how the project will be financed. The resolution shall also authorize the clerk of the city to advertise for requests for proposals to consultants to conduct the studies on the project.

Sec. 22. (1) The governing body of the city shall receive the report of the consultant at a public meeting and copies of the report shall be filed with the clerk of the city and made available for review by the public during normal business hours. At such meeting the governing body shall schedule a public hearing to be held not sooner than twenty-one days following the date of the receipt of the report. The governing body shall cause notice of the public hearing to be published in a newspaper of general circulation in the city at least once a week for two consecutive weeks, the time of the hearing to be at least seven days following the last date of publication. The notice shall describe the time, date, place, and purpose of the hearing and shall specifically identify the project and all reasonable alternatives reviewed in the report. All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views respecting the proposed project and the alternatives.

(2) The governing body shall cause copies of the original resolution and the consultant's report to be transmitted to the clerk of each political subdivision exercising jurisdiction over territory or persons to be served by the proposed project or whose residents would be responsible in any fashion to bear any portion of the costs associated with the project. Such transmission shall be accomplished within seven days after the date on which the governing body receives the report.

Sec. 23. The city shall not undertake the project if, within thirty days after the date upon which the governing body of the city approves the project, a three-fifths majority of the elected members of the governing body of any political subdivision receiving notice as provided for in subsection (2) of section 22 of this act votes to reject the project.

Sec. 24. If any political subdivision votes to reject the project as provided in section 23 of this act, the governing body of the city may call for the approval of the project to be placed on the ballot of the next primary or general election or at a special election to be called for that purpose. All registered voters residing within the city and within all areas outside of the corporate boundaries of the city identified by the governing body as being the area to be served by the project shall be entitled to vote on the matter. If a majority of the voters voting on the matter at the election approve the project, the city may proceed to undertake the project, notwithstanding the objections of the political subdivision. If a majority of the voters voting on the matter reject the project, the city shall not undertake the project for a period of at least twelve calendar months after the date of the election, and if the governing body at that time decides to pursue the project, it shall only do so following the procedure provided for in sections 19 to 24 of this act.".

2. Renumber the remaining sections and correct internal references accordingly.

UNANIMOUS CONSENT - Member Excused

Mr. Beutler asked unanimous consent to be excused. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 90. Standing Committee amendment, AM1358, as amended, was adopted with 26 ayes, 0 nays, 13 present and not voting, and 10 excused and not voting.

Mrs. Robak moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mrs. Robak requested a roll call vote on the advancement of the bill.

Mr. Chambers requested the roll call vote be taken in reverse order.

Voting in the affirmative, 26:

Brashear
Brown
Crosby
Cudaback
Hartnett
Hilgert
Hillman
Janssen
Jensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robak
Schimek
Schmitt
Schrock
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 10:

Chambers
Coordsen
Hudkins
Jones
Kristensen
Landis
Maurstad
Raikes
Tyson
Witek

Present and not voting, 6:

Bohlke
Dierks
Elmer
Engel
Pederson, D.
Stuhr

Excused and not voting, 7:

Abboud
Beutler
Bromm
Bruning
Kiel
Robinson
Schellpeper

Advanced to E & R for review with 26 ayes, 10 nays, 6 present and not voting, and 7 excused and not voting.

AMENDMENTS - Print in Journal

Mr. Beutler filed the following amendment to LB 90:
FA391

On page 3, line 8 strike the period and add "and the motivation for the act".

Messrs. Dierks, Cudaback, and Schrock filed the following amendment to LB 875:
AM2429
(Amendments to E & R amendments, AM7136)

1. Insert the following new section:

"Section 1. Section 17-405.01, Reissue Revised Statutes of Nebraska, is amended to read:

17-405.01. (1) Except as provided in subsection (2) of this section, the ~~The~~ mayor and council of any city of the second class or the ~~chairman~~ chairperson and members of the board of trustees of any village may by ordinance, except as provided in sections 13-1111 to 13-1118, ~~and amendments thereto,~~ at any time, include within the corporate limits of such city or village any contiguous or adjacent lands, lots, tracts, streets, or highways as are urban or suburban in character, and in such direction as may be deemed proper. Such grant of power shall not be construed as conferring power to extend the limits of any municipality over any agricultural lands which are rural in character.

(2) The mayor and city council of any city of the second class or the chairperson and members of the board of trustees of any village may, by ordinance, annex any lands, lots, tracts, streets, or highways which constitute a redevelopment project area so designated by the city or village or its community redevelopment authority in accordance with the provisions of the Community Development Law and sections 18-2145 to 18-2154 when such annexation is for the purpose of implementing a lawfully adopted redevelopment plan containing a provision dividing ad valorem taxes as provided in subsection (1) of section 18-2147 and which will involve the construction or development of an agricultural processing facility, notwithstanding that such lands, lots, tracts, streets, or highways are not contiguous or adjacent or are not urban or suburban in character. Such annexation shall comply with all other provisions of law relating to annexation generally for cities of the second class and villages. The city or village shall not, in consequence of the annexation under this subsection of any noncontiguous land, exercise the authority granted to it by statute to extend its jurisdiction beyond its corporate boundaries for purposes of planning, zoning, or subdivision development without the agreement of any other city, village, or county currently exercising such jurisdiction over the area surrounding the annexed redevelopment project area. The annexation of any noncontiguous land undertaken pursuant to this subsection shall not result in any change in the service area of any electric utility without the express agreement of the electric utility serving the annexed noncontiguous area at the time of annexation, except that at such time following the annexation of the noncontiguous area as the city

or village lawfully annexes sufficient intervening territory so as to directly connect the noncontiguous area to the main body of the city or village, such noncontiguous area shall, solely for the purposes of section 70-1008, be treated as if it had been annexed by the city or village on the date upon which the connecting intervening territory had been formally annexed.

(3) For the purposes of subsection (2) of this section, agricultural processing facility means a plant or establishment where value is added to agricultural commodities through processing, fabrication, or other means and where eighty percent or more of the direct sales from the facility are to other than the ultimate consumer of the processed commodities. A facility shall not qualify as an agricultural processing facility unless its construction or development involves the investment of more than one million dollars derived from nongovernmental sources.".

2. On page 25, line 2, after "sections" insert "17-405.01,".

3. Renumber the remaining sections and correct internal references accordingly.

GENERAL FILE

LEGISLATIVE BILL 90A. Title read. Considered.

Advanced to E & R for review with 27 ayes, 3 nays, 12 present and not voting, and 7 excused and not voting.

AMENDMENTS - Print in Journal

Mrs. Witek filed the following amendments to LB 798:

AM2446

(Amendments to AM1353)

1. Strike sections 1 and 2 and insert the following new sections:

"Section 1. Section 71-20,103, Reissue Revised Statutes of Nebraska, is amended to read:

71-20,103. For purposes of the Nonprofit Hospital Sale Act:

(1) Department means the Department of Health;

(2) Hospital has the definition found in subdivision (3) of section 71-2017.01;

(3) Acquisition means any acquisition by a person or persons of an ownership or controlling interest in a hospital, whether by purchase, merger, lease, gift, or otherwise, which results in a change of ownership or control of twenty percent or greater or which results in the acquiring person or persons holding a fifty percent or greater interest in the ownership or control of a hospital, but acquisition does not include the acquisition of an

ownership or controlling interest in a hospital owned by a nonprofit corporation if the transferee (a) is a nonprofit corporation having a substantially similar charitable health care purpose as the transferor or is a governmental entity, (b) is exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or as a governmental entity, and (c) will maintain representation from the affected community on the local board; and

(4) Person has the meaning found in section ~~71-5822~~ 16 of this act.

Sec. 2. Section 71-20,107, Reissue Revised Statutes of Nebraska, is amended to read:

71-20,107. (1) If the Attorney General determines to review the application, he or she shall review the application in accordance with the standards enumerated in section 71-20,108. Within sixty days after receipt of an application, the Attorney General shall approve or disapprove the acquisition.

If the Attorney General does not act within sixty days after receipt of an application, the application shall be deemed approved. If the Attorney General approves or disapproves the acquisition, the applicant, or any person who has submitted comments under section 71-20,106, if the person has a legal interest in the hospital being acquired or in another hospital that has contracted with the acquired hospital for the provision of essential health services, may bring an action for declaratory judgment under the Uniform Declaratory Judgments Act for a determination that the acquisition is or is not in the public interest as provided in section 71-20,108.

(2) The department shall review the completed application in accordance with the standards enumerated in section 71-20,109. Within sixty days after receipt of a completed application, the department shall:

(a) Approve the acquisition, with or without any specific modifications; or

(b) Disapprove the acquisition.

The department shall not make its decision subject to any condition not directly related to criteria enumerated in section 71-20,109, and any condition or modification shall bear a direct and rational relationship to the application under review.

The applicant or any affected person may contest a denial in the manner provided in the Administrative Procedure Act for contested cases. The findings, conclusions, and decisions of the department shall constitute the determination of the department, except that the applicant, or any affected person who has intervened in the contested case before the department, may seek judicial review as provided in sections 84-917 to 84-919. ~~The department shall adopt and promulgate rules and regulations establishing procedures by which any affected person may appeal a final decision by the department under the Nonprofit Hospital Sale~~

~~Act to the Certificate of Need Review Committee created under section 71-5859.01 under procedures substantially similar to those for appeals of health care certificate of need decisions. The committee shall have the same powers and duties with respect to appeals under the Nonprofit Hospital Sale Act as exist for appeals to the committee under the Nebraska Health Care Certificate of Need Act. The findings, conclusions, and decisions of the committee shall constitute the determination of the department, except that the department, the applicant, or any affected person who has intervened in the matter before the committee may seek judicial review as provided in sections 84-917 to 84-919.~~

Sec. 3. Section 71-5801, Reissue Revised Statutes of Nebraska, is amended to read:

71-5801. Sections 71-5801 to 71-5870 and sections 5 to 25 of this act shall be known and may be cited as the Nebraska Health Care Certificate of Need Act.

Sec. 4. Section 71-5803, Reissue Revised Statutes of Nebraska, is amended to read:

71-5803. For purposes of the Nebraska Health Care Certificate of Need Act, unless the context otherwise requires, the definitions found in sections ~~71-5804~~ ~~to~~ ~~71-5828~~ 5 to 19 of this act shall be used.".

2. On page 19, line 1, after "sections" insert "71-20,103, 71-20,107,".

3. Renumber the remaining sections and correct internal references accordingly.

AM2447

(Amendments to AM1353)

1. Insert the following section:

"Sec. 5. Acute care bed means a bed in a hospital that is or will be licensed under Chapter 71, article 20, for acute care services or a bed that is part of a hospital or unit of a hospital that is excluded from prospective payment system under Title XVIII of the federal Social Security Act, as amended, as a rehabilitation hospital or rehabilitation unit.".

2. Renumber the remaining sections and correct internal references accordingly.

AM2448

(Amendments to AM1353)

1. Strike sections 3 to 8 and insert the following new sections:

"Sec. 6. Section 71-5804, Reissue Revised Statutes of Nebraska, is amended to read:

~~71-5804.~~ Ambulatory surgical center ~~shall have the definition found~~ has the same meaning as in section 71-2017.01.

Sec. 7. Section 71-5806, Reissue Revised Statutes of Nebraska, is amended to read:

~~71-5806.~~ Certificate of need ~~shall mean~~ means a written authorization by the department for a person to implement the project under review.

Sec. 8. Section 71-5808, Reissue Revised Statutes of Nebraska, is amended to read:

~~71-5808.~~ Department ~~shall mean~~ means the Department of Health and Human Services Regulation and Licensure.

Sec. 9. Section 71-5809.01, Reissue Revised Statutes of Nebraska, is amended to read:

~~71-5809.01.~~ Domiciliary facility ~~shall have~~ has the same meaning as in section 71-2017.01.

Sec. 10. Section 71-5810, Reissue Revised Statutes of Nebraska, is amended to read:

~~71-5810.~~ Health care facility means ~~shall include~~ hospitals, ~~psychiatric hospitals, tuberculosis hospitals,~~ skilled nursing facilities, ~~kidney disease treatment centers, including freestanding hemodialysis units,~~ intermediate care facilities, and nursing facilities. ~~; ambulatory surgical centers, inpatient facilities owned or controlled by health maintenance organizations, rehabilitation facilities, and other comparable facilities without regard to location or ownership.~~

~~Health care facility shall not include (1) Christian Science Sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts, (2) facilities operated solely as part of the professional practice of an independent practitioner, partnership, limited liability company, or professional corporation as defined in section 21-2202, (3) home health agencies, (4) residential care facilities, (5) domiciliary facilities, (6) alcoholism or drug abuse treatment facilities which do not offer medical services under professional supervision, or (7) physician clinics.~~".

2. On page 19, line 8, strike "71-5804,".

3. Renumber the remaining sections and correct internal references accordingly.

AM2449

(Amendments to AM1353)

1. Insert the following new section:

"Sec. 11. Health planning region means one of the twenty-six health planning regions established in the Nebraska State Health Plan, 1986-1991.".

2. Renumber the remaining sections and correct internal references accordingly.

AM2450

(Amendments to AM1353)

1. Strike sections 9 and 12 and insert the following new sections:

"Sec. 12. Section 71-5816, Reissue Revised Statutes of

Nebraska, is amended to read:

~~71-5816.~~ Hospital has the same meaning as in section 71-2017.01. ~~shall mean an institution or facility which is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or rehabilitation services for the rehabilitation of injured, disabled, or sick persons, but does not include psychiatric and tuberculosis hospitals.~~

Sec. 13. Section 71-5819, Reissue Revised Statutes of Nebraska, is amended to read:

~~71-5819.~~ Intermediate care facility has the same meaning as in section 71-2017.01 and ~~shall mean an institution or facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but who, because of their mental or physical condition, require health-related care and services above the minimum level of room and board. Intermediate care facility shall include~~ includes an intermediate care facility for the mentally retarded which has the same meaning as in section 71-2017.01. ~~A licensed intermediate care facility for the mentally retarded shall not be required to apply for and receive a certificate of need upon transfer to licensure as an intermediate care facility so long as such transfer does not involve the development or the offering of any new institutional health services in violation of the Nebraska Health Care Certificate of Need Act.~~".

2. Renumber the remaining sections and correct internal references accordingly.

AM2465

(Amendments to AM1989)

1. Strike section 40.

AM2466

(Amendments to AM1989)

1. On page 8, line 24, strike "thirty" and insert "fifty".

AM2467

(Amendments to AM1989)

1. Strike section 21.

2. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were Ron Nebriby and John Hassett from Omaha; 40 fourth grade students, principal, and teachers from Rockbrook

Elementary School, Omaha; and 20 fourth grade students and teachers from Bryant Elementary School, Kearney.

The Doctor of the Day was Cheryl Roth from Lincoln.

ADJOURNMENT

At 7:57 p.m., on a motion by Ms. Schimek, the Legislature adjourned until 8:00 a.m., Wednesday, May 28, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-THIRD DAY – MAY 28, 1997

LEGISLATIVE JOURNAL

EIGHTY-THIRD DAY - MAY 28, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, May 28, 1997

Pursuant to adjournment, the Legislature met at 8:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Rabbi Stanley Rosenbaum, Tifereth Israel Synagogue, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Bromm, Chambers, Cudaback, Dierks, Engel, Hilgert, Kristensen, Matzke, Schmitt, Wesely, Will, Withem, Mmes. Brown, Kiel, McKenzie, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-second day was approved.

REPORT OF THE EXECUTIVE BOARD

1997 Resolutions calling for an Interim Study

LR 67	Interim study of the process used in handling citizen complaints against law enforcement Judiciary
LR 73	Interim study to review management for the co-location of State Patrol training and local law enforcement training at the Law Enforcement Training Center in Grand Island Judiciary
LR 104	Interim study of laws relating to auto theft Judiciary

LR 117	Interim study of current sales and use tax statutes and regulations as they apply to sales involving wireless telecommunications equipment	Revenue
LR 123	Interim study to examine ways to locally control and encourage growth and development of livestock operations considering the environmental concerns	Natural Resources/Agriculture
LR 127	Interim study relating to horseracing	General Affairs
LR 128	Interim study relating to consumption of alcoholic liquor by individuals under the age permitted by law	General Affairs
LR 129	Interim study relating to gaming	General Affairs
LR 131	Interim study of existing law impacting small business	Business and Labor
LR 132	Interim study of the feasibility of LB 765, 1997, relating to reducing employer contributions to the Unemployment Trust Fund	Business and Labor
LR 133	Interim study of licensing and regulation of passenger carriers by the Public Service Commission	Transportation
LR 134	Interim study regarding erection of structures and towers and their possible interference with the use of preexisting private airstrips	Government, Military and Veterans Affairs
LR 135	Interim study to determine how to develop and implement a prepaid tuition program for postsecondary education	Revenue
LR 136	Interim study to review the state's laws on access to adoption records and information contained in them	Judiciary
LR 137	Interim study regarding the student dropout rate in Nebraska	Education

LR 138	Interim study to conduct a general examination of the Rules of the Nebraska Unicameral Legislature Rules
LR 139	Interim study of the germaneness rule in the Rules of the Nebraska Unicameral Legislature Rules
LR 140	Interim study of statutory provisions and procedures regarding bidding and purchasing by the state, local governments and other political subdivisions Government, Military and Veterans Affairs
LR 141	Interim study to review changes made by LB 757, 1993, to the Nebraska Workers' Compensation Act Business and Labor
LR 142	Interim study of the entire juvenile justice system in Nebraska Judiciary/Health and Human Services
LR 143	Interim study relating to the ruling by the Federal Communications Commission that all television franchises implement a transition to digital television Appropriations/Health and Human Services
LR 144	Interim study relating to expansion of the property tax base and granting local governments other tax bases Revenue
LR 145	Interim study regarding fees charged by sheriffs for serving and returning of summonses, subpoenas and other orders Government, Military and Veterans Affairs
LR 146	Interim study regarding retirement benefits, records kept by public entities and the means this information is conveyed to the Public Employee Retirement Board. Nebraska Retirement Systems
LR 147	Interim study of the Nebraska Judges Retirement System Nebraska Retirement Systems
LR 148	Interim study regarding creation of a uniform set of criteria to be used in determination of benefit adequacy for the retirement systems Nebraska Retirement Systems
LR 149	Interim study of the importance of vocational education at the secondary level Education

LR 150	Interim study of issues associated with providing attorney's fees for persons who prevail in amending an inaccurate maintained child abuse report Judiciary
LR 151	Interim study to review changes in child support obligations of parents Judiciary
LR 152	Interim study to examine the management and associated costs of information technology in state agencies Transportation
LR 153	Interim study to review the operations of and the statutory framework for the Tax Equalization and Review Commission Revenue
LR 154	Interim study to determine whether health insurance and accident losses should be included under pooling arrangements under the Intergovernmental Risk Management Act Banking, Commerce and Insurance
LR 155	Interim study relating to suspension of drivers licenses for failure to maintain proof of financial responsibility Transportation
LR 156	Interim study of the Secretary of State's implementation of publication of the Nebraska Register and Nebraska Administrative Code Government, Military and Veterans Affairs
LR 157	Interim study to examine resumption of a state meat and poultry inspection program Agriculture
LR 158	Interim study of the viability of the Nebraska Tractor Testing Laboratory Agriculture
LR 159	Interim study to examine economic development programs which can be targeted toward activities which enhance farm income Agriculture
LR 160	Interim study of the interrelationship of the Nebraska Right to Farm Act with proposed air quality standards which may impact agricultural production facilities Agriculture/Natural Resources

LR 161	Interim study to review the Nebraska brand law Agriculture
LR 162	Interim study to address issues addressed by the Nebraska Host Farm and Ranch Act Agriculture
LR 163	Interim study to examine methods of structuring debate on legislative bills, amendments, resolutions and constitutional amendments Rules
LR 164	Interim study relating to the impact of levy limits on providing public library services General Affairs
LR 165	Interim study to examine the extent and nature of Internet gaming in Nebraska General Affairs
LR 166	Interim study relating to acupuncture Health and Human Services
LR 167	Interim study to examine authorizing counties to sell tax certificates Revenue
LR 168	Interim study of the method in which child care home providers receive reimbursement for meals under the Child and Adult Care Food Program Health and Human Services
LR 169	Interim study to conduct an actuarial study of the Medicaid Program to assist planning for future costs Appropriations
LR 170	Interim study to review statutes relating to liability for payment of preexisting bond debt of territory moving from one school district to another Education
LR 171	Interim study relating to reimbursement to counties by the state for feeding and boarding state prisoners in county jails Appropriations
LR 172	Interim study to examine the state's natural resources districts Natural Resources

LR 173	Interim study by Legislative committees relating to property tax relief and examination of governmental services	Revenue
LR 174	Interim study of property tax issues	Revenue
LR 175	Interim study relating to the purchase of group medical insurance coverage for employees by school districts	Education
LR 176	Interim study of statutes related to the relationship between the agricultural and horticultural land valuation boards and the Tax Equalization Commission.	Revenue
LR 177	Interim study relating to LB 306, 1997, requiring state approval of certain capital construction projects	Revenue/Education
LR 178	Interim study to review the policy of the University of Nebraska which provides for use of facilities and equipment by tenured staff for personal financial gain	Education
LR 179	Interim study of issues associated with having natural resources districts become involved in settling certain disputes between land owners	Natural Resources
LR 180	Interim study relating to LR 62CA, 1997, dealing with highway trust funds	Revenue
LR 181	Interim study to examine development of a Nebraska Center for Excellence in Electronics in the University of Nebraska Technology Park	Education
LR 182	Interim study to examine Nebraska's laws regarding methods used to determine child support payments and procedures to collect payments	Judiciary
LR 183	Interim study to make recommendations as to how all students can be ensured of access to school nurses delivering quality school health services	Education/Health and Human Services

LR 184	Interim study to examine alternatives to the DARE program and potential federal funding for such a program Appropriations
LR 185	Interim study to review the plans, progress and costs of court automation Judiciary
LR 186	Interim study relating to health care availability for uninsured children Health and Human Services
LR 187	Interim study of the eight area agencies on aging in Nebraska Health and Human Services
LR 188	Interim study of the current role of the State of Nebraska in the oversight and regulation of hospital and health care related mergers Health and Human Services
LR 189	Interim study relating to monitoring, licensing and regulating the insurance industry Banking, Commerce and Insurance
LR 190	Interim study to identify the consequences of adopting into the School Employees Retirement System the "Rule of Eighty-Five" Nebraska Retirement Systems
LR 191	Interim study relating to permitting municipalities to impose a local option income tax Revenue
LR 192	Interim study relating to diabetes and ensuring persons have third- party reimbursement for equipment and medications Health and Human Services
LR 193	Interim study to review and make recommendations as to Nebraska's responsibility to reduce disabilities due to osteoporosis Health and Human Services
LR 194	Interim study to review providing for cost-of-living adjustments for Nebraska State Patrol retirees Nebraska Retirement Systems
LR 195	Interim study relating to protecting sellers of livestock in situations where the buyer's financial creditors foreclose on the buyer before payment is made Agriculture

LR 196	Interim study relating to law enforcement costs Urban Affairs
LR 197	Interim study to review provisions of the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act Urban Affairs
LR 198	Interim study relating to handicapped parking statutes Urban Affairs
LR 199	Interim study relating to regulation of natural gas rates Urban Affairs
LR 200	Interim study relating to Nebraska's housing authority statutes Urban Affairs
LR 201	Interim study to determine how the Legislature can encourage cooperative efforts between political subdivisions to provide necessary services Urban Affairs
LR 202	Interim study relating to placement of a low-level radioactive waste repository proposed to be sited in Boyd County Natural Resources
LR 203	Interim study to examine the general philosophy and policy of traffic diversion programs Transportation
LR 204	Interim study to review the cost of state and political subdivision vehicles and associated expenses Government, Military and Veterans Affairs
LR 205	Interim study of Nebraska's regulatory authority over various types of managed care arrangements Banking, Commerce and Insurance/Health and Human Services
LR 206	Interim study to examine whether Nebraska should enact legislation to provide for regulation of medical and health risk-bearing entities Banking, Commerce and Insurance
LR 207	Interim study to determine whether Nebraska should enact legislation to provide for regulation of insurance discrimination against victims of abuse Banking, Commerce and Insurance

LR 208	Interim study to determine whether Nebraska should enact legislation relating to allowing for a new kind of state-chartered institution known as a savings bank Banking, Commerce and Insurance
LR 209	Interim study to determine whether Nebraska should revise statutes relating to the filing system for the perfecting of liens and security interests Banking, Commerce and Insurance
LR 210	Interim study to determine if Nebraska should revise statutes relating to the Nebraska Uniform Limited Partnership Act Banking, Commerce and Insurance
LR 211	Interim study to determine if Nebraska should revise statutes relating to banking and finance Banking, Commerce and Insurance
LR 212	Interim study to determine if Nebraska should enact legislation regarding cancellation of insurance agency contracts and appointments Banking, Commerce and Insurance
LR 213	Interim study to examine changes in the profession of public accountancy Banking, Commerce and Insurance
LR 214	Interim study to examine methods to encourage owners of motor vehicles to maintain automobile liability coverage during the entire registration period Transportation
LR 215	Interim study to examine the territorial rating practices of the automobile insurance industry Banking, Commerce and Insurance
LR 216	Interim study to investigate the level of interest in village dissolution, as a result of limiting property tax levies Urban Affairs
LR 217	Interim study relating to financing rural and suburban fire protection districts Revenue
LR 218	Interim study relating to property tax reduction and merger and consolidation of public bodies Revenue

LR 219	Interim study to examine the Behavioral Mental Health Redesign as proposed by the Department of Health and Human Services Health and Human Services
LR 220	Interim study to oversee the implementation of the Nebraska Partnership Project Health and Human Services
LR 221	Interim study of health and human services issues Health and Human Services
LR 222	Interim study to examine the legal authority of the Game and Parks Commission to determine if statutes need to be updated Natural Resources
LR 223	Interim study to review development of current sources of funding for recreational trails Natural Resources
LR 224	Interim study to examine Nebraska's administration of the federal Safe Drinking Water Act Natural Resources/Health and Human Services
LR 225	Interim study relating to the Leaking Underground Storage Tank program Natural Resources
LR 226	Interim study to examine the implications of ethanol production and use in Nebraska Natural Resources
LR 227	Interim study to consider the Protection from Domestic Abuse Act and other relevant statutes that relate to victims of domestic abuse Judiciary
LR 228	Interim study relating to gang activity Judiciary
LR 229	Interim study to consider whether Nebraska should enact the Uniform Common Interest Ownership Act Judiciary
LR 230	Interim study to consider whether the Nebraska Supreme Court is the appropriate agency to establish child support guidelines Judiciary

LR 231	Interim study to examine legislation to protect a former and current employer from civil liability if such employer provides certain information Judiciary
LR 232	Interim study to examine the public policy considerations that are the basis for promulgation requirements of the Administrative Procedure Act relating to the Department of Correctional Services Judiciary
LR 233	Interim study to design and implement statewide assessment of school spending Education
LR 234	Interim study relating to postsecondary educational institutions and procedures to reduce cohort default rates for loan programs Education
LR 235	Interim study to review the budgeting process for schools Education
LR 236	Interim study to review use by municipalities of sirens to summon volunteer personnel to respond to emergencies Urban Affairs
LR 237	Interim study to review matters which are within the jurisdiction of the Urban Affairs Committee Urban Affairs
LR 238	Interim study of issues regarding students with disabilities and special education students under the option enrollment program Education
LR 239	Interim study of the legal and public policy issues raised, regarding requiring school districts to admit pupils who are in the actual custody of a resident of the district Education
LR 240	Interim study to examine methods of resolving interstate water conflicts Natural Resources
LR 241	Interim study to examine the annual emission fee collected from major sources of air pollution Natural Resources

LR 242	Interim study to examine state policies relating to solid waste and the recycling of plastic containers Natural Resources
LR 243	Interim study to examine water issues in connection with the state's natural resources districts Natural Resources
LR 244	Interim study to consider implications of allowing transfer of surface water appropriations Natural Resources
LR 245	Interim study to consider uses for scrap tires and use of tire-derived fuel to produce or recover energy Natural Resources
LR 246	Interim study to analyze safety awareness among propane consumers and propane industry personnel Natural Resources
LR 247	Interim study to examine the possibility of sharing responsibility of cloud seeding with natural resources districts and others Natural Resources
LR 248	Interim study relating to the screening of newborn infants for metabolic and other disorders Health and Human Services
LR 249	Interim study of incentive programs for encouraging use of vegetative filter strips to enhance water quality Natural Resources
LR 250	Interim study to examine territorial ratings by insurance companies Banking, Commerce and Insurance
LR 251	Interim study relating to congressional and legislative redistricting Government, Military and Veterans Affairs
LR 252	Interim study to examine how schools can be better utilized for governmental and community services Education
LR 253	Interim study to examine the potential state impacts of proposals in the Antelope Creek Valley study Natural Resources

LR 254	Interim study to examine the city of Lincoln's plans for a south and east beltway from a state perspective Transportation
LR 255	Interim study to examine how economic development links can be better established between various entities Revenue
LR 256	Interim studies to examine how cooperative arrangements between law enforcement agencies could operate in responding to crime Judiciary
LR 257	Interim study to examine issues surrounding delinquent payment of property taxes Revenue
LR 258	Interim study of the impact of LB 271, which provides motor vehicle tax and fee schedules Revenue
LR 259	Interim study to examine the effect of changes in telecommunications technologies and in services which are provided Revenue
LR 260	Interim study of Nebraska's implementation and administration of the authority delegated to the state pursuant to the federal Telecommunications Act of 1996 Transportation
LR 261	Interim study relating to the provision of 911 telephone service in Nebraska Transportation
LR 262	Interim study to examine enactment of legislation which would authorize and recognize use of digital signatures Transportation
LR 263	Interim study of issues relevant to authorization, manufacture and administration of requirements related to motor vehicle license plates Transportation
LR 264	Interim study to create a task force to study quality education and core curriculum issues Education

LR 265	Interim study to investigate how widespread the differential fee system is being implemented for the financing of utility facility expansions	Urban Affairs
LR 266	Interim study relating to legislation which would license plumbers on a statewide basis through the Department of Health and Human Services	Urban Affairs
LR 267	Interim study to provide information to the Legislature on development of programs in public schools for learners with high ability	Education
LR 268	Interim study of issues related to electric utility service areas in Nebraska	Natural Resources
LR 269	Interim study to review the progress of implementing the General Management Plans for the Niobrara National Scenic River and Missouri/Niobrara/ Verdigre Creek National Recreational Rivers	Natural Resources
LR 270	Interim study to examine the public health and environmental effects of hydrogen sulfide gas and other airborne sulfur compounds	Natural Resources
LR 271	Interim study to review the tobacco licensing system	Health and Human Services/Judiciary
LR 272	Interim study of the current law on post-conviction petitions	Judiciary
LR 273	Interim study to consider inconsistencies within the statues relating to pawnbrokers and junk dealers	Judiciary
LR 274	Interim study to consider issues related to the high recidivism rate of sexual offenders	Judiciary
LR 275	Interim study to gather information as to policy considerations relating to legislation which would repeal the death penalty	Judiciary
LR 276	Interim study relating to renewable energy	Natural Resources

LR 277	Interim study relating to victim notification laws Judiciary
LR 278	Interim study of the landlord-tenant law and the landlord's ability to evict tenants Judiciary
LR 279	Interim study to examine whether the State of Nebraska is actively reducing the recidivism rates of sex offenders Judiciary
LR 280	Interim study to examine whether county attorneys should be given the dispositional option of victim-offender mediation Judiciary
LR 281	Interim study to examine the reasons behind Nebraska's low wages Business and Labor
LR 282	Interim study to address a number of issues regarding women in Nebraska Executive Board
LR 283	Interim study to develop cost projections for creation of a supplemental retirement plan for employees of the Legislature and other constitutional offices Nebraska Retirement Systems
LR 284	Interim study to examine costs to the State of Nebraska for mental health services and lack of coverage for mental health treatment by third-party payment plans Appropriations
LR 285	Interim study to provide information regarding special education and assist the Department of Education in adopting rules to define educational benefit Education

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

WITHDRAW - Amendment to LB 94

Mr. Chambers withdrew his amendment, FA299, found on page 1981, to LB 94.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 94.

A BILL FOR AN ACT relating to corrections; to amend section 25-1233, Reissue Revised Statutes of Nebraska; to change provisions for inmate depositions and testimony; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Beutler
Bohlke
Brashear
Bruning
Coordsen
Crosby
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Lynch
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Robak

Excused and not voting, 17:

Abboud
Bromm
Brown
Chambers
Cudaback
Dierks
Engel
Hilgert
Kiel
Kristensen
Matzke
McKenzie
Schmitt
Wesely
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 94A

Mr. Chambers withdrew his amendment, FA300, found on page 1981, to LB 94A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 94A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 94, Ninety-fifth Legislature, First Session, 1997; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to

procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham

Voting in the negative, 0.

Present and not voting, 2:

Robak
Vrtiska

Excused and not voting, 12:

Abboud
Bromm
Chambers
Cudaback
Dierks
Engel
Kiel
Schmitt
Wesely
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 136

Mr. Chambers withdrew his amendment, FA301, found on page 1981, to LB 136.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 136. With Emergency.

A BILL FOR AN ACT relating to banks and banking; to amend section 8-157, Revised Statutes Supplement, 1996, as amended by section 1, Legislative Bill 56, Ninety-fifth Legislature, First Session, 1997, and section 9, Legislative Bill 351, Ninety-fifth Legislature, First Session, 1997; to provide for mobile branch banks; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 38:

Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham

Voting in the negative, 0.

Excused and not voting, 11:

Abboud
Bromm
Chambers
Cudaback
Dierks
Engel
Kiel
Wesely
Will
Witek
Withem

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB 527

Mr. Chambers withdrew his amendment, FA302, found on page 1981, to LB 527.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 527.

A BILL FOR AN ACT relating to civil procedure; to amend section 25-21,239, Reissue Revised Statutes of Nebraska; to change provisions relating to liability for damages involving leased trucks; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Suttle

Tyson
Vrtiska
Wehrbein

Voting in the negative, 0.

Present and not voting, 5:

Hilgert
Lynch
Pederson, D.
Schrock
Wickersham

Excused and not voting, 11:

Abboud
Bromm
Chambers
Cudaback
Dierks
Engel
Kiel
Wesely
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 543

Mr. Chambers withdrew his amendment, FA303, found on page 1981, to LB 543.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 543.

A BILL FOR AN ACT relating to insurance; to amend section 44-1540, Revised Statutes Supplement, 1996; to change provisions relating to unfair claims settlement practices; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Bromm
Chambers
Cudaback
Engel
Kiel
Wesely
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 558

Mr. Chambers withdrew his amendment, FA304, found on page 1981, to LB 558.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 558.

A BILL FOR AN ACT relating to certified industrial hygienists; to adopt the Certified Industrial Hygienist Title Protection Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Bromm
Chambers
Cudaback
Engel
Kiel
Wesely
Will
Witek
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 577.

A BILL FOR AN ACT relating to the Rural Health Systems and Professional Incentive Act; to amend sections 71-5654, 71-5662, 71-5663, 71-5665, and 71-5668, Reissue Revised Statutes of Nebraska; to change provisions relating to eligible professions under the act and membership of the Nebraska Rural Health Advisory Commission; to provide duties; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 6:

Abboud
Chambers
Cudaback
Engel
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 577A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 577, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Jensen

Excused and not voting, 5:

Abboud Chambers Cudaback Will Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 595

Mr. Chambers withdrew his amendment, FA305, found on page 1981, to LB 595.

MOTION - Return LB 595 to Select File

Mr. Robinson moved to return LB 595 to Select File for his specific amendment, AM2371, found on page 2327.

The Robinson motion to return prevailed with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 595. The Robinson specific amendment, AM2371, found on page 2327, was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 659

Mr. Chambers withdrew his amendment, FA306, found on page 1981, to LB 659.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 659.

A BILL FOR AN ACT relating to economic development; to amend section 81-1201.14, Reissue Revised Statutes of Nebraska; to create the Nebraska Industrial Competitiveness Alliance; to create the Nebraska Industrial Competitiveness Alliance Board; to provide powers and duties; to provide a limitation on liability; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 2:

Robinson
Vrtiska

Excused and not voting, 5:

Abboud
Chambers
Cudaback
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 724A to Select File

Mr. Wickersham moved to return LB 724A to Select File for his specific amendment, AM2374, found on page 2279.

The Wickersham motion to return prevailed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 724A. The Wickersham specific amendment, AM2374, found on page 2279, was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 741

Mr. Chambers withdrew his amendment, FA307, found on page 1981, to

LB 741.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 741.

A BILL FOR AN ACT relating to uninsured and underinsured motorist coverage; to amend section 44-6409, Revised Statutes Supplement, 1996; to change provisions relating to reduction of liability limits; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

McKenzie

Excused and not voting, 5:

Abboud
Chambers
Cudaback
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 758

Mr. Chambers withdrew his amendment, FA308, found on page 1981, to LB 758.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 758.

A BILL FOR AN ACT relating to state officers; to amend sections 23-1201, 49-14,133, and 55-161.01, Reissue Revised Statutes of Nebraska, and sections 32-1548, 49-14,123, and 84-205, Revised Statutes Supplement, 1996; to provide duties for the Attorney General; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 4:

Abboud
Chambers
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 771

Mr. Chambers withdrew his amendment, FA309, found on page 1981, to LB 771.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 771.

A BILL FOR AN ACT relating to garnishment; to amend section 25-1056, Revised Statutes Supplement, 1996; to change provisions relating to liens; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Excused and not voting, 4:

Abboud
Chambers
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 772

Mr. Chambers withdrew his amendment, FA310, found on page 1981, to LB 772.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 772.

A BILL FOR AN ACT relating to sentencing; to amend sections 28-1467 to 28-1469, 60-4,108, 60-4,109, and 60-698, Reissue Revised Statutes of Nebraska; to change penalty provisions relating to operating an aircraft while under the influence of liquor or drug, operating a motor vehicle during a period of suspension, revocation, or impoundment, and failing to stop after a motor vehicle accident; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel

Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Witek

Excused and not voting, 4:

Abboud
Chambers
Will
Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 802

Mr. Chambers withdrew his amendment, FA311, found on page 1981, to LB 802.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 802.

A BILL FOR AN ACT relating to assistive devices; to adopt the Assistive Technology Regulation Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 1:

Raikes

Excused and not voting, 4:

Abboud	Chambers	Will	Withem

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 852 to Select File

Mrs. Crosby moved to return LB 852 to Select File for her specific amendment, AM1812, found on page 1766.

The Crosby motion to return prevailed with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 852. The Crosby specific amendment, AM1812, found on page 1766, was adopted with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

GENERAL FILE

LEGISLATIVE BILL 626A. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 829A. Title read. Considered.

Advanced to E & R for review with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

MOTION - Print in Journal

Mr. Brashear filed the following motion to LB 420:

To suspend the rules, Rule 6, Section 5, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 420 without further amendment or debate.

AMENDMENT - Print in Journal

Messrs. Beutler and Schellpeper filed the following amendment to LB 517:
AM2470

(Amendments to Second Final Reading copy)

1. On page 6, line 27, strike "any".

2. On page 7, line 9; and page 8, line 10, strike "act" and insert "Drinking Water State Revolving Fund Act".

3. On page 7, line 10, after "activities" insert "related to financial administration of the fund, administration or provision of technical assistance through public water supply system source water assessment programs, and implementation of a source water petition program" and strike "section 1452 of".

4. On page 8, line 10, after "may" insert ", in consultation with the Director of Regulation and Licensure,"; and in line 11 after "activities" insert "other than the making of loans".

5. On page 10, line 15, after "plan" insert "which shall include the funding priorities established in subsection (6) of section 71-5302".

6. On page 12, line 17, after "(7)" insert "The power to develop an intended use plan, in consultation with the Director of Regulation and Licensure, for adoption by the council;
(8)"; and in line 20 strike "(8)" and insert "(9)".

7. On page 15, line 22; page 18, lines 4 and 26; page 19, lines 3, 4, 8, and 11; page 20, line 18; and page 21, lines 2, 4, 5, 9, 11, 12, 15, 18, 20, and 22, strike "director", show as stricken, and insert "Director of Regulation and Licensure".

8. On page 20, lines 4, 7, 11, 14, and 15; page 21, line 27; page 22, line 24; page 23, line 8; and page 24, lines 14 and 18, strike "director" and insert "Director of Regulation and Licensure".

9. On page 20, line 10, after "Licensure" insert "or the Department of Environmental Quality".

10. On page 24, strike beginning with "all" in line 11 through "under" in line 13; and in line 13 after "Act" insert "and rules and regulations adopted and promulgated under the act".

REPORT OF COMMITTEE ON COMMITTEES

May 27, 1997

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Patrick:

Pursuant to Rule 3(2)(e) which states that "During session, all vacancies on standing or select committees created by the death...of a member shall be filled by a majority vote of all members of the Committee on Committees unless it is a member of the Appropriations Committee...", the Committee on Committees met on May 27 at 4:30 P.M. to fill the vacancies created by the death of Senator Jerome Warner. The vacancies are with the Education and Revenue Committees.

As the Chair of the Committee on Committees, I am reporting the Committee's actions to the Legislature. The Committee appointed Senator Brashear to the Education Committee and Senator Raikes to the Revenue Committee and Banking Committee (vacancy created when Brashear was appointed to the Education Committee).

Would you please make this report part of the record and the Legislative Journal.

Best wishes,
(Signed) Senator LaVon Crosby
Chair of Committee on Committees

GENERAL FILE

LEGISLATIVE BILL 150. Mr. Chambers withdrew his motion, found on page 2331, to bracket until June 12, 1997.

MRS. CROSBY PRESIDING

Mr. Dw. Pedersen renewed the Dw. Pedersen-Jones pending amendment, AM2050, found on page 2034 and considered on pages 2326 and 2331.

Mr. Chambers offered the following amendment to the Dw. Pedersen-Jones pending amendment:
FA397
Amend (AM2050)
Page 1, lines 9, 13, strike "eight" and insert "seven".

Mmes. Bohlke, McKenzie, and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Mr. Chambers offered the following amendment to the Dw. Pedersen-Jones pending amendment:
FA398
Amend (AM2050)
Page 1, lines 9 & 13, strike "eight" and insert "four"

SPEAKER WITHEM PRESIDING

Mr. Dierks asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 94, 94A, 136, 527, 543, 558, 577, 577A, 659, 741, 758, 771, 772, and 802.

GENERAL FILE

LEGISLATIVE BILL 150. The Chambers pending amendment, FA398, found in this day's Journal, to the Dw. Pedersen-Jones pending amendment, AM2050, was renewed.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers withdrew his amendment.

Messrs. Dw. Pedersen and Jones withdrew their amendment, AM2050.

Mr. Dw. Pedersen withdrew his amendment, AM2289, found on page 2089.

Mr. Dw. Pedersen asked unanimous consent to replace his pending amendment, AM2331, found on page 2219, with a substitute amendment. No objections. So ordered.

Mr. Dw. Pedersen withdrew his amendment, AM2331, found on page 2219.

Mr. Brashear offered the following substitute amendment:
AM2479

1. Insert the following new sections:

"Section 1. Section 29-2204, Reissue Revised Statutes of Nebraska, is amended to read:

29-2204. (1) Except when a term of life is required by law, in imposing an indeterminate sentence upon an offender the court shall:

(a) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law, ~~except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum~~ but the minimum limit fixed by the court shall not be greater than one-third of the statutory maximum limit;

(b) Advise the offender on the record the time the offender will serve on his or her minimum term before attaining parole eligibility assuming that no good time for which the offender will be eligible is lost; and

(c) Advise the offender on the record the time the offender will serve on his or her maximum term before attaining mandatory release assuming that no good time for which the offender will be eligible is lost.

If any discrepancy exists between the statement of the minimum limit of the sentence and the statement of parole eligibility or between the statement of the maximum limit of the sentence and the statement of mandatory release, the statements of the minimum limit and the maximum limit shall control the calculation of the offender's term. If the court imposes more than one sentence upon an offender or imposes a sentence upon an offender who is at that time serving another sentence, the court shall state whether the sentences are to be concurrent or consecutive.

(2)(a) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with subsection (1) of this section. The term of the sentence shall run from the date of original commitment under this subsection.

(b) In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subsection shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

(3) Except when a term of life is required by law, whenever the defendant was under eighteen years of age at the time he or she committed the crime for which he or she was convicted, the court may, in its discretion, instead of imposing the penalty provided for the crime, make such disposition of the defendant as the court deems proper under the Nebraska Juvenile Code.

Sec. 2. Except when a term of life is required by law, in imposing an indeterminate sentence upon the offender, the court shall:

(1) Fix the minimum and maximum limits of the sentence, but the minimum limit fixed by the court shall not be less than the minimum provided by law nor more than one-third of the maximum term and the maximum limit shall not be greater than the maximum provided by law;

(2) Impose a definite term of years, in which event the maximum term of the sentence shall be the term imposed by the court and the minimum term shall be the minimum sentence provided by law; or

(3) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report, commit an offender to the department for a period not exceeding ninety days. For purposes of this section, offender shall mean both juveniles and adults. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with any applicable provision of law. The term shall run from the date of original commitment under this section. In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the defendant is held in a state institution under this subdivision shall be a responsibility of the state and the county shall be liable only for the cost of delivering the defendant to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

Sec. 3. Section 83-1,135, Revised Statutes Supplement, 1996, is amended to read:

83-1,135. Sections 83-170 to 83-1,135 and section 2 of this act shall be known and may be cited as the Nebraska Treatment and Corrections Act.

Sec. 6. Original section 29-2204, Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes Supplement, 1996, are repealed.".

2. Insert underscoring in the original sections.

3. Renumber the original sections accordingly.

Messrs. Janssen, Wesely, Tyson, Robinson, Hartnett, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendment to LB 610A:
AM2332

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $42,000 from the General Fund for FY1997-98 and (2) $42,000 from the General Fund for FY1998-99 to the Department of Health and Human Services, for Program 33, to aid in carrying out the provisions of Legislative Bill 610, Ninety-fifth Legislature, First Session, 1997.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Hilgert filed the following amendment to LB 861:
AM2474

(Amendments to Final Reading copy)

1. Insert the following new sections:

"Section 1. This act shall be known and may be cited as the Microenterprise Development Act.

Sec. 2. The Legislature finds that:

(1) There is a need to encourage microenterprise entrepreneurship for microenterprise development;

(2) There is a need to create employment and employment opportunities in areas of chronic economic distress and in low-income urban and rural areas;

(3) There is a need to build an environment conducive to business development and growth;

(4) Microenterprises, including self-employment and startup businesses, are important elements of the Nebraska economy and play a vital role in job production, entrepreneurial skill development, and enhancing low-income households' capacity to become more self-sufficient;

(5) Nebraska's microenterprises often do not have access to commercial sources of credit because of a lack of business experience or training, collateral to secure business loans, or business records to demonstrate their loan repayment potential;

(6) Community-based microenterprise programs have demonstrated cost-effective delivery methods for providing microenterprise training and microloans;

(7) Commercial lenders are developing innovative ways to

respond to this sector of the economy, including working with nonprofit community-based organizations; and

(8) Local and state charitable and foundation support, various federal programs, and private sector support could be leveraged by a statewide program for the development of the microenterprise and self-employment sectors.

Sec. 3. The purposes of the Microenterprise Development Act are to:

(1) Better assure that Nebraska's microenterprises are able to realize their full potential to create jobs, enhance entrepreneurial skills and activity, and increase low-income households' capacity to become self-sufficient;

(2) Provide funding to foster the creation of microenterprises;

(3) Establish the Department of Economic Development as the coordinating office for the facilitation of microlending and microenterprise development;

(4) Facilitate the development of a permanent, statewide infrastructure of microlending support organizations to serve Nebraska's microenterprise and self-employment sectors;

(5) Enable the department to provide grants to community-based microenterprise development organizations in order to encourage the development and growth of microenterprises throughout Nebraska; and

(6) Enable the department to engage in contractual relationships with statewide microlending support organizations which have the capacity to administer grants subject to the requirements of the act and where such relationships would leverage additional nonstate support funds.

Sec. 4. For purposes of the Microenterprise Development Act:

(1) Commercial lending institution means any financial institution as defined in subsection (4) of section 8-157;

(2) Department means the Department of Economic Development;

(3) Microenterprise means any business, whether new or existing, with five or fewer employees and includes startup, home-based, and self-employed businesses;

(4) Microloan delivery organization means any community-based or nonprofit program which has developed a viable plan for providing training, access to financing, and technical assistance for microenterprises and which meets the criteria and qualifications established for the act;

(5) Microloan means any business loan up to twenty-five thousand dollars;

(6) Operating costs means the costs associated with administering a loan or a loan guaranty, administering a revolving loan program, or providing for business training and technical assistance to a microloan recipient;

(7) Program means the Microenterprise Partnership Program; and

(8) Statewide microlending support organization means any community-based or nonprofit organization which has a demonstrated capacity and a plan for providing and administering grants or loans to microloan delivery organizations.

Sec. 5. The department shall establish the Microenterprise Partnership Program. In order to implement the program, the department:

(1) Shall provide grants of up to twenty-five thousand dollars to microloan delivery organizations for the purposes specified in the Microenterprise Partnership Act;

(2) May engage in contractual relationships with statewide microlending support organizations which shall serve as agents for the department in order to effect the purposes and fulfill the requirements of the act; and

(3) May identify and coordinate other state and federal sources of funds which may be available to the department to enhance the state's ability to facilitate program grants pursuant to the Microenterprise Development Program.

Sec. 6. To establish the criteria for making a grant to a microloan delivery organization, the department shall consider:

(1) The plan for providing business development services and microloans to microenterprises;

(2) The scope of services to be provided by the microloan delivery organization;

(3) The plan for coordinating the services and loans provided by the microloan delivery organization with commercial lending institutions;

(4) The geographic representation of all regions of the state, including both urban and rural communities and neighborhoods;

(5) The ability of the microloan delivery organization to provide for business development in areas of chronic economic distress and low-income regions of the state;

(6) The ability of the microloan delivery organization to provide business training and technical assistance to microenterprise clients;

(7) The ability of the microloan delivery organization to monitor and provide financial oversight of recipients of microloans; and

(8) Sources and sufficiency of operating funds for the microenterprise development organization.

Sec. 7. Grants made by the department or agent to a microloan delivery organization may be used to:

(1) Satisfy matching fund requirements for other federal or private grants;

(2) Establish a revolving loan fund from which the microloan delivery organization may make loans to microenterprises;

(3) Establish a guaranty fund from which the microloan delivery organization may guarantee loans made by financial institutions to microenterprises; and

(4) Provide funding for the operating costs of a microloan delivery organization.

Sec. 8. The granting of any appropriated funds to a microloan delivery organization must meet the following qualifications:

(1) Granted funds must be matched by nonstate funds equivalent in money or in kind equal to one dollar for each one dollar of the grant funds requested. Such matching funds can come from any nonstate source, including private foundations, federal or local government sources, quasi-governmental entities or commercial lending institutions, or any other funds whose source does not include funds appropriated from the Legislature; and

(2) At least fifty percent of microloan funds must be disbursed by the microloan delivery organizations in microloans which do not exceed ten thousand dollars.

Sec. 9. When engaging in contractual relationships with a statewide microlending support organization the department shall:

(1) Require that appropriated funds to a statewide microlending support organization be matched by nonstate funds equivalent in money or in kind equal to one dollar for each one dollar of the grant funds requested. Such matching funds can come from any nonstate source, including private foundations, federal or local government sources, quasi-governmental entities or commercial lending institutions, or any other funds whose source does not include funds appropriated from the Legislature. Such appropriated funds and matched funds shall be determined in the contractual agreement to be subject to the matching requirements required by the Microenterprise Development Act for the purposes of making grants to microloan delivery organizations;

(2) Require the statewide microlending support organization to make and administer grants as specified by the purposes and granting criteria provided by the act; and

(3) Require that no greater than ten percent of the appropriated or contracted funds are used for operating or administering the grant program provided by the act.

Sec. 10. The Department of Economic Development shall submit an annual report to the Governor and the Legislature on or before January 1 of each year which shall include, but not be limited to, a description of the demand for the program from microenterprises and grant recipients in Nebraska, a listing of the recipients and amounts of grants made pursuant to the Microenterprise Development Act in the previous fiscal year, the impact of the grants, a description of the partnerships between commercial lenders and microloan delivery organizations that have resulted from grants made by the program, and an evaluation of the program's performance based on the documented goals of the recipients. The department may require program recipients to provide periodic performance reports to enable the department to fulfill the requirements of this section.

Sec. 11. The department shall adopt and promulgate rules and regulations to carry out the Microenterprise Development Act.".

2. On page 1, line 1, strike "the Department of Economic Development" and insert "economic development"; and in line 3 after the semicolon insert "to adopt the Microenterprise Development Act;".

3. Renumber the remaining sections accordingly.

Mr. Hilgert filed the following amendment to LB 861A:
AM2476

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $250,000 from the General Fund for FY1997-98 and (2) $250,000 from the General Fund for FY1998-99 to the Department of Economic Development, for Program 600, to aid in carrying out the provisions of Legislative Bill 861, Ninety-fifth Legislature, First Session, 1997.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

Mr. Landis filed the following amendment to LB 729:
AM2443

(Amendments to Standing Committee amendments, AM1323)

1. On page 1, line 20, strike "provided" and insert "prescribed".

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1997, at 10:15 a.m., were the following bills: LBs 94, 94A, 136, 527, 543, 558, 577, 577A, 659, 741, 758, 771, 772, and 802.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ATTORNEY GENERAL'S OPINION

Opinion No. 97029

DATE:	May 21, 1997
SUBJECT:	Extent of Legislature's Power, Under Article VII, Section 1 of the Nebraska Constitution, to Provide for Free Instruction in the Common Schools

REQUESTED BY:	Senator Floyd P. Vrtiska Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General Lauren L. Hill, Assistant Attorney General

You have requested an opinion from this office regarding the extent to which the Legislature is limited in exercising its duties under Article VII, Section 1 of the Nebraska Constitution. Specifically, the question you have posed is whether "Article VII or any other section of the Nebraska Constitution limit[s] the Legislature's power to establish the duties and obligations of local school boards or to restrict their authority to set budgets or levy taxes to provide the financial support for those budgets." As we have not been advised of any legislation prompting your inquiry, our response is necessarily broad and is not directed to specific legislation.[1] ***See*** Op. Att'y Gen. No. 96-003 (January 11, 1996); Op. Att'y Gen. No. 95-004 (January 18, 1995); and Op. Att'y Gen. No. 82-214 (March 15, 1982).

Pursuant to the Nebraska Constitution, the "Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years." Neb. Const. art. VII, § 1. Our analysis of this provision is governed by several canons of constitutional construction which have been adopted by the Nebraska Supreme Court. First, we are bound by the cardinal rule that the state Constitution must be applied and enforced as it is written. ***State ex rel. Spire v. Conway***, 238 Neb. 766, 472 N.W.2d 403 (1991). Next, the provisions of the Constitution must be read as a whole. ***Jaksha v. State***, 222 Neb. 690, 385 N.W.2d 922 (1986). Finally, because the Nebraska Constitution "is not a grant but, rather, a restriction on legislative power, . . . the Legislature is free to act on any subject not inhibited by the Constitution." ***State ex rel. Stenberg v. Douglas Racing Corp.***, 246 Neb. 901, 905, 524 N.W.2d 61, 64 (1994); ***State ex rel. Creighton University v. Smith***, 217 Neb. 682, 353 N.W.2d 267 (1984); ***Cf. Lenstrom v. Thone***, 209 Neb. 783, 311 N.W.2d 884 (1981). In so acting, however, the court has established that "[t]he people of the state, by adopting a constitution, have put it beyond the power of the [L]egislature to pass laws in violation thereof." ***State ex rel. Randall v. Hall***, 125 Neb. 236, 243, 249 N.W. 756, 759 (1933); ***see also State ex rel. Stenberg v. Murphy***, 247 Neb. 358, 527 N.W.2d 185 (1995).

Discussion

In accordance with these guidelines, we now address your inquiry. The supreme court has specifically determined that the Article VII, § 1 provision is not self-executing given that subsequent legislation was clearly necessary to carry the provision into effect. ***State ex rel. Shineman v. Bd. of Education***, 152 Neb. 644, 42 N.W.2d 168 (1950). Therefore, the court has concluded that "the method and means to be adopted in order to furnish free instruction to the children of this state have been left by [Article VII, § 1] to the Legislature." ***Id.*** at 648, 42 N.W.2d at 170; ***Affholder v. State***, 51 Neb. 91, 70 N.W. 544 (1897). The Legislature has elected to execute Article VII, § 1 by creating a statewide system of school districts which are governed at the local level.[2]

---

[1] In addition, this opinion is limited to a discussion of the Legislature's authority to structure school finance mechanisms. We do not address issues implicating the extent of the State Department of Education's authority to regulate local school districts on other matters. ***See*** Neb. Const. art. VII, § 2 - § 4.

With regard to the powers and duties of local school districts, the supreme court has consistently held that "[a] school district in this state is a creature of statute and possesses no other powers than those granted by the Legislature." ***School Dist. of Seward Educ. Ass'n v. School Dist. of Seward***, 188 Neb. 773, 779, 199 N.W.2d 752, 757 (1972) (quoting ***State ex rel. School Dist. v. Bd. of Equalization***, 166 Neb. 785, 90 N.W.2d 421 (1958); ***see also School Dist. of Waterloo v. Hutchinson***, 224 Neb. 665, 508 N.W.2d 832 (1993); ***Banks v. Bd. of Educ. of Chase County***, 202 Neb. 717, 277 N.W.2d 76 (1979). Therefore, it is clear that "[t]he Legislature has plenary power and control over school districts, including provision for the appointment or election of governing bodies thereof. Consequently, [the Unicameral] may provide limitations on any authority to be exercised by a school board." ***School Dist. of Seward Educ. Ass'n***, 188 Neb. at 779, 199 N.W.2d at 757; ***Farrell v. School Dist. No. 54***, 164 Neb. 852, 84 N.W.2d 126 (1957).

"[T]he term 'free instruction' in right to education cases [is] pertinent to the issue of constitutionality of school financing, including collection of fees, tuition, and taxes." ***Kolesnick v. Omaha Public School Dist.***, 251 Neb. 575, 581, ____ N.W.2d ____ (1997). The parameters within which the Legislature may act under Article VII, § 1 have been delimited in several supreme court decisions.

In ***Peterson v. Hancock***, 155 Neb. 801, 54 N.W.2d 85 (1952), the court invalidated a legislative enactment which had sought to establish statutory incentives for consolidation or reorganization of local districts. The statutes at issue imposed a "blanket mill tax levy" on all taxable property located in elementary school districts, which levy was in addition to the regular school levy. ***Id.*** at 804-805, 54 N.W.2d at 88. Although most of the revenue raised by the blanket mill tax levy came from elementary school districts enrolling fewer than five students, only those districts which enrolled at least five students received revenues from the tax. ***Id.*** at 805-806, 54 N.W.2d at 89. In its review of that statutory finance formula, the ***Peterson*** court acknowledged the Unicameral's broad authority under Article VII, § 1, but also determined that when enacting legislation under that provision, "the Legislature is of course restrained by other related limitations of the Constitution." ***Id.*** at 810, 54 N.W.2d at 91. After analyzing the finance formula, the court concluded that application of the formula under review (1) produced a commutation of taxation in some school districts, in violation of Article VIII, § 4 of the Nebraska Constitution; and (2) was not levied uniformly, and, thus, violated Article VIII, § 1 of the Constitution. ***Id.*** at 812, 814, 54 N.W.2d at 92-93.

---

[2] ***See Gaddis v. School Dist.***, 92 Neb. 701, 139 N.W. 280 (1912), for an extensive history of the creation and variation of public school districts from 1855 through 1912.

In ***Gould v. Orr***, 244 Neb. 163, 506 N.W.2d 349 (1993), a family whose children attended the Raymond Central School District, attempted to challenge the state school finance formula which existed prior to the 1990 enactment of LB 1059 on the basis that the formula denied them equal protection of the law, equal educational opportunities, and the right to uniform and proportionate taxation. ***Id.*** at 164, 506 N.W.2d at 350. While the dispute was ultimately resolved on procedural grounds, the court determined that an unequal method of financing a school district's instruction budget is not a per se violation of Article VII, § 1. ***Id.*** at 169, 506 N.W.2d at 353.

More recently, in ***Swanson v. State***, 249 Neb. 466, 544 N.W.2d 333 (1996), the court assessed a challenge to the "common levy" financing mechanism which resulted from the 1993 enactment of LB 839. At issue were the plaintiff's claims that (1) the common levy constituted a commutation of property tax, in violation of Neb. Const. art. VIII, § 4; (2) that the levy was nonuniform and, thus, in violation of Neb. Const. art. VIII, § 1; (3) that the levy created a state property tax, in violation of Article VIII, § 1A; and (4) that the common levy constituted "special legislation," in violation of Article III, § 18. ***Id.*** at 468, 544 N.W.2d at 336.

In reviewing the plaintiff's Article VIII, § 4 challenge, the court reaffirmed the principle that an impermissible commutation of taxes occurs "when tax funds raised in one [school] district are diverted entirely to the benefit of another [school] district." ***Id.*** at 471, 544 N.W.2d at 337 (citing ***State ex rel. School Dist. v. Ellis***, 160 Neb. 400, 70 N.W.2d 320 (1955); ***State ex rel. Groves v. School Dist.***, 101 Neb. 263, 162 N.W. 640 (1917)). The court, however, did not find the "common levy" financing method to be violative of the Article VIII, § 4 proscription against commutation of taxes. 249 Neb. at 472-474, 544 N.W.2d at 338-339. Specifically, the court determined that "[a] tax levy does not equal a commutation merely because the taxing district is broadened to reflect the actual benefits to the public. So long as all taxpayers receive the benefit of the taxes they remit, the taxing district passes constitutional muster without offending the prohibition against commutation." ***Id.*** at 474, 544 N.W.2d at 339.

The court also rejected the plaintiff's uniformity clause challenge as being without merit given that, by its very definition, the common levy taxed all Class I school districts at the same rate. ***Id.*** at 475, 544 N.W.2d at 339.

With regard to the plaintiff's third claim, the court reiterated that "[t]he State cannot . . . avoid or circumvent [the Article VIII, § 1A prohibition against creation of a state property tax] by converting the traditional state functions into local functions supported by property taxes." ***Id.*** at 476, 544 N.W.2d at 340. Given that nothing in the common levy tax formula granted state control over individual school district budget decisions, the court rejected Swanson's state property tax challenge. The court further rejected the plaintiff's Article III, § 18 challenge and, ultimately, upheld the "common levy" financing formula. ***Id.*** at 480, 544 N.W.2d at 342.

Based upon the supreme court's interpretation of Article VII, § 1 in these cases, it is clear that the Legislature has full plenary authority over local school districts. In enacting legislation pursuant to Article VII, § 1, the Unicameral must comply with other limits imposed upon it by the Nebraska Constitution.

Sincerely,
DON STENBERG
Attorney General
(Signed) Lauren L. Hill
Assistant Attorney General

24-32-14.op
cc: Patrick J. O'Donnell
Clerk of the Legislature

VISITORS

Visitors to the Chamber were Aline Passarini from Brazil, Lena Ribaux, Gregor Urech, and Kim Pattynama from Switzerland, and Barb Merryman from Kearney; David and Brandon Morfeld from Stanton; 50 fourth grade students and teachers from Skinner Elementary School, Omaha; Olga Dwehus from Oldenburg, Germany and John Luethje from York; Senator Tyson's daughter-in-law and granddaughter, Tammy and Chloe Tyson, from California; and Bertha Johnson from Columbus and Herbert and Carola Unbefunde from Melle, Germany.

RECESS

At 12:00 noon, on a motion by Mr. Will, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Mrs. Crosby presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Chambers, Coordsen, Cudaback, Dierks, Engel, Hartnett, Janssen, Jones, Lynch, Schellpeper, Vrtiska, Will, Mmes. Hudkins, and Robak who were excused until they arrive.

SPEAKER WITHEM PRESIDING

PRESIDENT ROBAK PRESIDING

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 764. Placed on Select File as amended.
(E & R amendment, AM7175, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 460. Placed on Select File as amended.
(E & R amendment, AM7170, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 829. Placed on Select File as amended.
E & R amendment to LB 829:
AM7171

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 42-901, Reissue Revised Statutes of Nebraska, is amended to read:

42-901. Sections 42-901 to 42-929 and sections 11 and 13 of this act shall be known and may be cited as the Protection from Domestic Abuse Act.

Sec. 2. Section 42-902, Reissue Revised Statutes of Nebraska, is amended to read:

42-902. The Legislature hereby finds and declares that there is a present and growing need to develop services which will lessen and reduce the trauma of domestic abuse. It is the intent of the Protection from Domestic Abuse Act ~~sections 42-901 to 42-927~~ to provide abused family and household members necessary services including shelter, counseling, social services, and limited medical care and legal assistance.

Sec. 3. Section 42-918, Reissue Revised Statutes of Nebraska, is amended to read:

42-918. Under ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act, strict confidence shall be observed in all contact with victims of spouse abuse and their families. Any record, report, or files maintained by the department pursuant to ~~sections 42-901 to 42-927~~ the act shall be confidential, except that the department may release statistical information, while not revealing names. Violation of this section shall be a Class V misdemeanor.

Sec. 4. Section 42-919, Reissue Revised Statutes of Nebraska, is amended to read:

42-919. All programs under ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act shall be separate and administered independent of any welfare assistance program.

Sec. 5. Section 42-920, Reissue Revised Statutes of Nebraska, is amended to read:

42-920. The department may construct, lease, purchase, purchase on contract, utilize vendor payment, and contract for services connected with the operation of ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act as needs and interest demand.

Sec. 6. Section 42-921, Reissue Revised Statutes of Nebraska, is amended to read:

42-921. The department may accept gifts, grants, devises, and bequests of real and personal property from public or private sources to carry out the purposes of ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act. The department may sell, lease, exchange, invest, or expend such gifts, grants, devises, and bequests or the proceeds, rents, profits, and income therefrom according to the terms and conditions thereof.

Sec. 7. Section 42-922, Reissue Revised Statutes of Nebraska, is amended to read:

42-922. The department shall adopt and promulgate such rules and regulations and perform all other acts as may be necessary or appropriate to carry out ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act. Such rules and regulations shall include, but not be limited to, rules and regulations relating to fees charged, training of personnel, and administration of the program.

Sec. 8. Section 42-923, Reissue Revised Statutes of Nebraska, is amended to read:

42-923. The department shall determine the ability of the spouses or individuals to pay for services but shall not charge more than the actual cost. The department shall prepare and adopt a uniform fee schedule to be used. The scheduled fees may be reduced or waived by authorization of the department according to the rules of the department and as may be considered necessary to further the objective of ~~sections 42-901 to 42-927~~ the Protection from Domestic Abuse Act. The use of facilities and services established by ~~sections 42-901 to 42-927~~ the act shall not be denied residents of Nebraska because of inability to pay scheduled fees. Any fees received under this section shall be deposited in the General Fund.

Sec. 9. Section 42-924, Reissue Revised Statutes of Nebraska, is amended to read:

42-924. (1) Any victim of domestic abuse or any victim who has been willfully and maliciously harassed by a person who had the intent to terrify, threaten, or intimidate the victim as prohibited by section 28-311.03 may file an application and affidavit for a protection order by making a showing of such conduct with any judge of a district court or a conciliation court. Upon the filing of such an application and affidavit in support thereof, the judge or court may issue a protection order without bond enjoining the adverse party from (a) imposing any restraint upon the person or liberty of the applicant or (b) threatening, assaulting, molesting, attacking, or otherwise disturbing the peace of the applicant.

(2) Application for a protection order providing for removal of the adverse party from the premises occupied by the victim of domestic abuse shall require notice and hearing. Such hearing shall be scheduled as soon as possible after entry of the protection order but in no event later than fourteen days after entry of the protection order. The court may order either party excluded from the premises occupied by the other upon a showing that physical or emotional harm would otherwise result. Any such order issued shall specifically set forth the location of the premises and shall be personally served, and a return thereof shall be filed in district court.

(3) An application made pursuant to subsection (1) or (2) of this section may not be withdrawn except upon order of the court. An order issued pursuant to subsection (1) or (2) of this section or section 13 of this act shall specify that it is effective for a period of one year unless otherwise modified by the court. Except as provided in section 28-311.04, any person who knowingly violates an order issued pursuant to subsection (1) or (2) of this section after service shall be guilty of a Class II misdemeanor.

(4) If there is any conflict between sections 42-924 to 42-926 and any other provision of law, sections 42-924 to 42-926 shall govern.

Sec. 10. Section 42-927, Reissue Revised Statutes of Nebraska, is amended to read:

42-927. All law enforcement agencies in the state shall provide officers employed by them with an education and training program designed to inform the officers of the problems of domestic abuse, procedures to deal with such problems, the ~~provisions of sections 42-901 to 42-927~~ Protection from Domestic Abuse Act, and the services and facilities available to abused family and household members.

Sec. 11. (1) By January 1, 1998, each law enforcement agency shall develop a system for recording incidents of domestic abuse within its jurisdiction. All incidents of domestic abuse, whether or not an arrest was made, shall be documented with a written incident report form that includes a domestic abuse identifier.

(2) By January 1, 1998, the Nebraska Commission on Law Enforcement and Criminal Justice shall develop or shall approve a

monthly reporting process. Each law enforcement agency shall compile and submit a monthly report to the commission on the number of domestic abuse incidents recorded within its jurisdiction.

(3) The commission shall report annually to the Governor, the Legislature, and the public the total number of incidents of domestic abuse reported by each reporting agency.

Sec. 12. Section 42-928, Reissue Revised Statutes of Nebraska, is amended to read:

42-928. A peace officer shall with or without a warrant arrest a person if (1) the officer has probable cause to believe that the person has committed a violation of an order issued pursuant to section 42-924 or 42-925, ~~or~~ a violation of an order excluding a person from certain premises issued pursuant to section 42-357, or a violation of a valid foreign protection order recognized pursuant to section 13 of this act and (2) an applicant under section 42-924 or 42-925, ~~or~~ an applicant for an order excluding a person from certain premises issued pursuant to section 42-357, or a person protected under a valid foreign protection order recognized pursuant to section 13 of this act provides the peace officer with a copy of a protection order or an order excluding a person from certain premises issued under such sections or the peace officer determines that such an order exists after communicating with the local law enforcement agency.

Sec. 13. (1) A valid foreign protection order related to domestic or family violence issued by a court of another state, tribe, or territory shall be accorded full faith and credit by the courts of this state and enforced as if it were issued in this state.

(2) A valid foreign protection order related to domestic or family violence issued by a court of another state, tribe, or territory shall be valid if the issuing court had jurisdiction over the parties and matter under the law of such state, tribe, or territory and the adverse party was given reasonable notice and an opportunity to be heard sufficient to protect the adverse party's right to due process before the order was issued. There is a presumption in favor of the validity of the foreign protection order when the order appears authentic on its face.

(3) A peace officer may rely upon a copy of any putative valid foreign protection order which has been provided to the peace officer by any source and may also rely upon the statement of any person protected by the putative valid foreign protection order that the order is in effect. A peace officer acting in good faith shall be immune from civil and criminal liability in any action arising in connection with a court's finding that the putative valid foreign protection order was not valid and enforceable.

Sec. 14. Original sections 42-901, 42-902, 42-918 to 42-924, 42-927, and 42-928, Reissue Revised Statutes of Nebraska, are repealed.".

2. On page 1, line 2, strike "42-924," and insert

"42-902, 42-918 to 42-924, 42-927,"; and in line 4 after the semicolon insert "to require an incident recording system and reports;".

(Signed) Jon C. Bruning, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 660. With Emergency.

A BILL FOR AN ACT relating to telecommunications; to amend sections 70-625, 75-109, 75-604, 75-609.01, 86-801 to 86-803, 86-806, 86-808, 86-809, and 86-811, Reissue Revised Statutes of Nebraska; to eliminate a restriction on public power districts; to define and redefine terms; to change provisions relating to telecommunication service rates and regulation, local competition, and universal service; to authorize and enforce a federal act; to provide powers and duties; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Crosby
Elmer
Hilgert
Hillman
Jensen
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Bohlke
Preister

Excused and not voting, 14:

Chambers
Coordsen
Cudaback
Dierks
Engel
Hartnett
Hudkins
Janssen
Jones
Lynch
Robak
Schellpeper
Vrtiska
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 660A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 660, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 35:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Elmer
Hilgert
Hillman
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Wesely

Excused and not voting, 13:

Chambers
Coordsen
Cudaback
Dierks
Engel
Hartnett
Hudkins
Janssen
Lynch
Robak
Schellpeper
Vrtiska
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 686.

A BILL FOR AN ACT relating to telecommunications; to amend section 86-804, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Telecommunications Universal Service Fund Act; to harmonize provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 33:

Abboud
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Elmer
Hilgert
Hillman
Jensen
Jones
Kiel
Kristensen
Landis

Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 1:

Beutler

Present and not voting, 2:

Schimek
Wesely

Excused and not voting, 13:

Chambers
Coordsen
Cudaback
Dierks
Engel
Hartnett
Hudkins
Janssen
Lynch
Robak
Schellpeper
Vrtiska
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 806 to Select File

Mrs. Bohlke moved to return LB 806 to Select File for the following specific amendment:
FA395
Strike the enacting clause.

Mrs. Bohlke withdrew her motion to return.

Mr. Bromm moved to return LB 806 to Select File for the following Bromm-Coordsen-Wickersham-Stuhr specific amendment:
AM2486

(Amendments to Final Reading copy)

1. On page 77, lines 15 and 17, strike "nine" and insert "seven".

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. COORDSEN PRESIDING

PRESIDENT ROBAK PRESIDING

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 3 nays, and 20 not voting.

Mr. Bromm requested a roll call vote on his motion to return.

Voting in the affirmative, 19:

Abboud
Bromm
Coordsen
Cudaback
Dierks
Hudkins
Jensen
Jones
Landis
Matzke
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wickersham
Witek

Voting in the negative, 27:

Beutler
Bohlke
Brashear
Brown
Bruning
Chambers
Crosby
Hartnett
Hilgert
Hillman
Janssen
Kiel
Kristensen
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schimek
Suttle
Wehrbein
Wesely
Will
Withem

Present and not voting, 2:

Elmer
Engel

Excused and not voting, 1:

Lynch

The Bromm motion to return failed with 19 ayes, 27 nays, 2 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 806 with 33 ayes, 5 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 806.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 77-27,119, 77-3444, 79-403, 79-413, 79-415, 79-418, 79-419, 79-431, 79-432, 79-437, 79-438, 79-440 to 79-446, 79-458, 79-479, 79-528, 79-611, 79-1001 to 79-1003, 79-1005, 79-1007 to 79-1011, 79-1014 to 79-1018, 79-1026, 79-1031, 79-1202 to 79-1204, 79-1209, and 79-1210, Reissue Revised Statutes of Nebraska, sections 23-3302 and 32-527, Revised

Statutes Supplement, 1996, and section 79-1022, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 713, Ninety-fifth Legislature, First Session, 1997; to change and eliminate provisions relating to state aid to schools, county superintendents, school district reorganization plans and petitions, freeholder petitions, and educational service units; to harmonize provisions; to eliminate a provision relating to the aggregate school tax; to provide operative dates; to provide severability; to repeal the original sections; and to outright repeal sections 79-1004, 79-1006, 79-1013, and 79-1073, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Beutler
Bohlke
Brashear
Brown
Bruning
Chambers
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Jensen
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schimek
Schrock
Suttle
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 13:

Bromm
Coordsen
Dierks
Hudkins
Jones
Matzke
Robak
Schellpeper
Schmitt
Stuhr
Tyson
Vrtiska
Witek

Not voting, 0.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

LEGISLATIVE BILL 91. Placed on Select File as amended.
E & R amendment to LB 91:
AM7172

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 60-321, Revised Statutes Supplement, 1996, is amended to read:

60-321. (1) It shall be unlawful for any owner of a motor vehicle which is being operated with In Transit decals pursuant to section 60-320, which is being operated pursuant to section 60-320.01, or which is required to be registered in this state and which is operated on a public highway of this state to allow the operation of the motor vehicle on a public highway of this state without having a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility. The owner shall be presumed to know of the operation of his or her motor vehicle on a public highway of this state in violation of this section when the motor vehicle is being operated by a person other than the owner. An owner of a motor vehicle who operates the motor vehicle or allows the operation of the motor vehicle in violation of this section shall be guilty of a Class II misdemeanor and shall be advised by the court that his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates will be suspended by the Department of Motor Vehicles until he or she complies with sections 60-505.02 and 60-528. Upon conviction the owner shall have his or her motor vehicle operator's license, motor vehicle certificate of registration, and license plates suspended by the department until he or she complies with sections 60-505.02 and 60-528. The owner shall also be required to comply with section 60-528 for a continuous period of three years after the violation. This subsection shall not apply to motor vehicles registered in another state.

(2) An owner who is unable to produce a current and effective automobile liability policy, evidence of insurance, or proof of financial responsibility upon the request of a law enforcement officer shall be allowed ten days after the date of the request to produce proof to the appropriate prosecutor or county attorney that a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle at the time of such request. Upon presentation of such proof, the citation shall be dismissed by the prosecutor or county attorney without cost to the owner and no prosecution for the offense cited shall occur.

(3) The department shall, for any person convicted for a violation of this section or of any city or village ordinance enacted in conformance with this section, reinstate such person's operator's license, motor vehicle certificate of registration, and license plates and rescind any order requiring such person to comply with section 60-528 without cost to such person upon presentation to the director that, at the time such person was cited for a violation of this section, a current and effective automobile liability policy or proof of financial responsibility was in existence for the motor vehicle at the time the citation was issued.

(4) Any city or village may enact ordinances in conformance with this section. Upon conviction of any person of a violation of such a city or village ordinance, the provisions of this section with respect to the operator's license, motor vehicle certificate of registration, and license plates of such person

shall be applicable the same as though it were a violation of this section.

Sec. 2. Section 60-601, Revised Statutes Supplement, 1996, is amended to read:

60-601. Sections 60-601 to 60-6,374 and sections 4 and 6 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 3. Section 60-605, Revised Statutes Supplement, 1996, is amended to read:

60-605. For purposes of the Nebraska Rules of the Road, the definitions found in sections 60-606 to 60-676 and section 4 of this act shall be used.

Sec. 4. School crossing zone means the area of a roadway designated to the public by the Department of Roads or any county, city, or village as a school crossing zone through the use of a sign or traffic control device as specified by the department or any county, city, or village in conformity with the manual but does not include any area of a freeway. A school crossing zone starts at the location of the first sign or traffic control device identifying the school crossing zone and continues until a sign or traffic control device indicates that the school crossing zone has ended.

Sec. 5. Section 60-682.01, Revised Statutes Supplement, 1996, is amended to read:

60-682.01. (1) Any person who operates a vehicle in violation of any maximum speed limit established for any highway or freeway is guilty of a traffic infraction and upon conviction shall be fined:

(a) Ten dollars for traveling one to five miles per hour over the authorized speed limit;

(b) Twenty-five dollars for six to ten miles per hour over the authorized speed limit;

(c) Seventy-five dollars for traveling eleven to fifteen miles per hour over the authorized speed limit;

(d) One hundred twenty-five dollars for traveling sixteen to twenty miles per hour over the authorized speed limit; and

(e) Two hundred dollars for traveling twenty-one miles per hour or more over the authorized speed limit.

(2) The fines prescribed in subsection (1) of this section shall be doubled if the violation occurs within a maintenance, repair, or construction zone established pursuant to section 60-6,188. For purposes of this subsection, maintenance, repair, or construction zone means (a) the portion of a highway identified by posted or moving signs as being under maintenance, repair, or construction or (b) the portion of a highway identified by maintenance, repair, or construction zone speed limit signs displayed pursuant to section 60-6,188. The maintenance, repair, or construction zone starts at the location of the first sign identifying the maintenance, repair, or construction zone and

continues until a posted or moving sign indicates that the maintenance, repair, or construction zone has ended.

(3) The fines prescribed in subsection (1) of this section shall be doubled if the violation occurs within a school crossing zone as defined in section 4 of this act.

Sec. 6. It is unlawful for a person operating a motor vehicle to overtake and pass another vehicle in a school crossing zone in which the roadway has only one lane of traffic in each direction. Any person convicted of overtaking and passing another vehicle in a school crossing zone is guilty of a traffic infraction and shall be fined not more than two hundred dollars for the first offense and at least two hundred dollars but not more than four hundred dollars for a second or subsequent offense.

Sec. 7. The Revisor of Statutes shall assign section 6 of this act within sections 60-6,131 to 60-6,145.

Sec. 8. Original sections 60-321, 60-601, 60-605, and 60-682.01, Revised Statutes Supplement, 1996, are repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with the first "the" in line 1 through line 8 and insert "motor vehicles; to amend sections 60-321, 60-601, 60-605, and 60-682.01, Revised Statutes Supplement, 1996; to change provisions relating to proof of financial responsibility; to define a term; to provide penalties for speeding and overtaking and passing in a school crossing zone as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.".

LEGISLATIVE BILL 569. Placed on Select File.

LEGISLATIVE BILL 626. Placed on Select File as amended.
(E & R amendment, AM7174, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 729. Placed on Select File as amended.
E & R amendment to LB 729:
AM7173

1. In the Standing Committee amendment, AM1323:

a. On page 2, line 14, strike "commission" and insert "Commission on Public Advocacy"; and in line 16 strike "Commission on Public Advocacy" and insert "commission"; and

b. On page 4, line 24; and page 5, line 18, strike "In" and insert "With".

2. On page 1, strike beginning with the second "to" in line 1 through line 4 and insert "to amend sections 29-3924 and 29-3927, Reissue Revised Statutes of Nebraska; to provide a system

to provide civil legal services; to create a fund; to provide duties for the Commission on Public Advocacy; to harmonize provisions; to provide operative dates; and to repeal the original sections.".

LEGISLATIVE BILL 99. Placed on Select File as amended.
E & R amendment to LB 99:
AM7176

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 9-239, Reissue Revised Statutes of Nebraska, is amended to read:

9-239. (1) The department shall collect a state tax of ~~six~~ three percent on the gross receipts received from the conducting of bingo within the state. ~~Such~~ The tax shall be remitted to the department. The department shall remit the tax to the State Treasurer for credit ~~and credited~~ to the Charitable Gaming Operations Fund. The tax shall be remitted quarterly, not later than thirty days ~~from~~ after the close of the preceding quarter, together with any other reports as may be required by the department.

(2) ~~Any city or village is hereby directed to impose a tax of two percent on the gross receipts received from the conducting of bingo within such city or village. Where bingo is conducted on an excursion or dinner train or outside the limits of any incorporated city or village, the county in which such bingo is conducted shall impose a tax of two percent on the gross receipts from the conducting of bingo on an excursion or dinner train or outside the corporate limits of such city or village. Such tax shall be credited to the general fund of the county, city, or village which issued a permit for the conducting of bingo pursuant to section 9-236. Such tax shall be remitted to the clerk of the political subdivision imposing the tax, and the clerk shall remit the tax to the treasurer of such subdivision. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with such reports as may be required by the political subdivision imposing the tax. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.~~

~~(3) Unless otherwise provided in the act, no~~ No occupation tax on any receipts derived from the conduct of bingo shall be levied, assessed, or collected from any licensee under the ~~act~~ Nebraska Bingo Act by any county, township, district, city, village, or other governmental subdivision or body having power to levy, assess, or collect such tax.

Sec. 2. Section 9-255.04, Revised Statutes Supplement, 1996, is amended to read:

9-255.04. (1) No expense shall be incurred or amounts paid in connection with the conduct of bingo by a licensed organization except those which are reasonable and necessary.

(2) A licensed organization shall not spend more than fourteen percent of its bingo gross receipts to pay the expenses of conducting bingo. the actual cost of (a) license ~~and local permit~~ fees, (b) any taxes authorized by the Nebraska Bingo Act, (c) bingo prizes other than promotional prizes, (d) the purchase, rental, or lease of bingo equipment, and (e) the rental or lease of a premises for the conduct of bingo as prescribed by the department in rules and regulations shall not be included in determining compliance with the expense limitation contained in this section.

(3) A licensed organization which is also licensed to conduct a lottery by the sale of pickle cards pursuant to the Nebraska Pickle Card Lottery Act may allocate a portion of the expenses associated with the conduct of its bingo occasions to its lottery by the sale of pickle cards conducted at such bingo occasions. Such allocation shall be based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the previous annual period July 1 through June 30. An organization licensed to conduct bingo that has not been previously licensed shall determine such allocation based upon the percentage that pickle card gross proceeds derived from the sale of pickle cards at the bingo occasions represents to the total of bingo gross receipts and pickle card gross proceeds derived from such bingo occasions for the initial three consecutive calendar months of operation.

(4) The total amount of expenses that may be allocated to the organization's lottery by the sale of pickle cards shall be subject to the limitations on bingo expenses as provided for in the Nebraska Bingo Act with respect to the fourteen-percent expense limitation and the fair-market-value limitation on the purchase, rental, or lease of bingo equipment and the rental or lease of a premises for the conduct of bingo. No portion of the eight percent of the definite profit of a pickle card unit as allowed by section 9-347 to pay the allowable expenses of operating a lottery by the sale of pickle cards shall be used to pay any expenses associated with the sale of pickle cards at a bingo occasion.

(5) All persons paid for working at a bingo occasion, including pickle card sellers but excluding concession workers, shall be paid only by a check written from the licensed organization's bingo checking account and shall not receive any other compensation or payment for working at a bingo occasion from any other source. Such wages shall be at an hourly or occasion rate and shall be included in the amount allowed by the expense limitation provided in subsection (2) of this section. No person shall receive any compensation or payment from a licensed organization based upon a percentage of the organization's bingo gross receipts or profit.

(6) No expenses associated with the conduct of bingo may be paid directly from the licensed organization's pickle card checking account. A licensed organization may transfer funds from its pickle card checking account to its bingo checking account as permitted by subsection (3) of this section by a check drawn on the pickle card checking account or by electronic funds transfer as provided only by section 9-347.

Sec. 3. This act becomes operative on October 1, 1997.

Sec. 4. Original section 9-239, Reissue Revised Statutes of Nebraska, and section 9-255.04, Revised Statutes Supplement, 1996, are repealed.

Sec. 5. The following sections are outright repealed: Section 9-236, Reissue Revised Statutes of Nebraska, and section 9-237, Revised Statutes Supplement, 1996.".

2. On page 1, strike beginning with "sections" in line 2 through line 13 and insert "section 9-255.04, Revised Statutes Supplement, 1996; to change and eliminate tax provisions relating to bingo; to eliminate certain permit fees and filing requirements; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal section 9-236, Reissue Revised Statutes of Nebraska, and section 9-237, Revised Statutes Supplement, 1996.".

LEGISLATIVE BILL 90. Placed on Select File as amended.
E & R amendment to LB 90:
AM7177

1. Strike the original sections and all amendments thereto and insert the following new sections:

"Section 1. Section 28-101, Revised Statutes Supplement, 1996, is amended to read:

28-101. Sections 28-101 to 28-1348 and sections 2 to 6 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. A person in the State of Nebraska has the right to live free from violence, or intimidation by threat of violence, committed against his or her person or the destruction or vandalism of, or intimidation by threat of destruction or vandalism of, his or her property regardless of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.

Sec. 3. Any person who commits one or more of the following criminal offenses against a person or a person's property because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability shall be punished by the imposition of the next higher penalty classification than the penalty classification prescribed for the criminal offense, unless such criminal offense is already punishable as a Class IB felony or higher classification: Manslaughter, section 28-305; assault in the first degree, section 28-308; assault in the second degree, section 28-309; assault in the third degree, section 28-310; terroristic threats, section 28-311.01; stalking, section 28-311.03; kidnapping, section 28-313; false imprisonment in the first degree, section 28-314; false imprisonment in the second degree, section 28-315; sexual assault in the first degree, section 28-319; sexual assault in the second or third degree, section 28-320; arson in the first degree, section 28-502; arson in the second degree, section 28-503; arson in the third degree, section 28-504; criminal mischief, section 28-519; criminal trespass in the first degree, section 28-520; or criminal trespass in the second degree, section 28-521.

Sec. 4. The allegations stating that the underlying offense was committed because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability shall be set forth in the indictment or information, but the allegations shall not be disclosed to the jury trying the case. It is the burden of the county attorney to prove such allegations beyond a reasonable doubt to the judge after a guilty verdict on the underlying offense and prior to sentencing. If the case is tried to the judge without a jury, all allegations may be proved in the state's case in chief.

Sec. 5. (1) A person against whom a violation of section 3 of this act has been committed may bring a civil action for equitable relief, general and special damages, reasonable attorney's fees, and costs.

(2) A civil action brought pursuant to this section must be brought within four years after the date of the violation of section 3 of this act.

(3) In a civil action brought pursuant to this section, the plaintiff shall establish by a preponderance of the evidence that the defendant committed the act.

Sec. 6. The Nebraska Commission on Law Enforcement and Criminal Justice shall establish and maintain a central repository for the collection and analysis of information regarding criminal offenses committed against a person because of the person's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the person's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability. Upon establishing such a repository, the commission shall develop a procedure to monitor, record, classify, and analyze information relating to criminal offenses apparently directed against individuals or groups, or their property, because of their race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the their association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability.

Sec. 7. Original section 28-101, Revised Statutes Supplement, 1996, is repealed.".

LEGISLATIVE BILL 90A. Placed on Select File.
LEGISLATIVE BILL 626A. Placed on Select File.
LEGISLATIVE BILL 829A. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mr. Withem filed the following amendment to LB 104:
FA400
on page 3, after line 25:
(6) No citizen receiving telephone service under provisions of the Nebraska Lifeline Service Program established pursuant to Section 10, LB 686, 95th Legislature, First Session, shall be assessed the additional fifty cents per month authorized in paragraph (2) of this section.

Mr. Chambers filed the following amendments to LB 150:

FA401
Page 1, line 5, put a period after "facility" and strike the remaining language through the period on page 2.

FA402
(AM2206)
Page 1, line 21, put a period after "project", and strike remaining language through "project" in line 23.

FA403
(AM2206)
Page 1, line 5, put a period after facility; in lines 5 & 6, strike "and to begin construction on the project."

Mr. Will filed the following amendment to LB 512A:
AM2404
1. On page 2, strike beginning with "(1)" in line 1 through "(2)" in line 2.

MOTION - Return LB 806A to Select File

Mr. Hilgert moved to return LB 806A to Select File for the following specific amendment:
FA396
on page 2, line 9, strike $110,000,000 and insert $85,000,000.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Hilgert withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 806A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 806, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Bromm
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 6:

Bruning
Jensen
Robak
Tyson
Will
Witek

Present and not voting, 1:

Brown

Excused and not voting, 1:

Brashear

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 864A. Advanced to E & R for engrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 660, 660A, 686, 806, and 806A.

UNANIMOUS CONSENT - Members Excused

Mr. Dw. Pedersen asked unanimous consent to be excused. No objections. So ordered.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 875. Mr. Coordsen renewed his pending motion, found on page 2300, to reconsider the vote on the Dierks amendment, AM1676.

The Coordsen motion to reconsider prevailed with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Mr. Dierks asked unanimous consent to replace his reconsidered amendment, AM1676, found on page 1669 and considered on pages 2298 and 2300, with a substitute amendment. No objections. So ordered.

Mr. Dierks withdrew his amendment, AM1676, found on page 1669.

Messrs. Dierks, Cudaback, and Schrock renewed their pending substitute amendment, AM2429, found on page 2363.

Mrs. Hillman and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

The Dierks-Cudaback-Schrock amendment was adopted with 26 ayes, 1 nay, 17 present and not voting, and 5 excused and not voting.

Mr. Withem renewed his pending amendment, AM2445, found on page 2360.

Mr. Withem withdrew his amendment.

Mr. Hartnett offered the following amendment:
AM2481

(Amendments to E & R amendments, AM7136)

1. Insert the following new section:

"Sec. 19. By January 1, 1999, the Department of Labor and the Department of Revenue shall use the codes under the North American Industrial Classification System for the compilation and publication of statistics rather than codes under the Standard Industrial Classification System.

For the sole purpose of determining or updating the proper code under the appropriate industrial classification system, the Department of Labor and the Department of Revenue may disclose to the other department identification information about taxpayers conducting a business in this state. The information disclosed shall be strictly limited to the name, address, federal employer identification number or numbers of the taxpayer, and the code under the industrial classification system.

The disclosure allowed under this section may be made notwithstanding any other provision of law of this sate regarding disclosure of information by either department. Any information received by either department under this section shall be considered confidential by the receiving department, and any employee who discloses such information other than as specifically allowed by this section or other laws of this state shall be subject to the penalties normally imposed on employees who improperly disclose information.".

2. Renumber the remaining sections accordingly.

The Hartnett amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Mr. Beutler asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers offered the following amendment:
FA404
(AM7136)
Page 5, line 6, after "crime," insert "(which cannot be remedied through construction of prisons)

Messrs. Dierks and Landis asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

The Chambers amendment was adopted with 26 ayes, 2 nays, 15 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 875A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 798. E & R amendment, AM7138, found on page 1608, was adopted.

Mrs. Witek asked unanimous consent to replace the Witek-Crosby-McKenzie pending amendment, AM1437, found on page 1499, with a substitute amendment.

Mr. Wesely objected.

Mrs. Witek renewed the Witek-Crosby-McKenzie pending amendment, AM1437, found on page 1499.

Mr. Chambers asked unanimous consent to bracket LB 798 until June 12, 1997.

Mrs. Witek objected.

Mr. Chambers moved to bracket LB 798 until June 12, 1997.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

MR. BRASHEAR PRESIDING

Mr. Chambers withdrew his motion to bracket.

Pending.

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 1997, at 4:30 p.m., were the following bills: LBs 660, 660A, 686, 806, and 806A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 595, 724A, and 852.

Enrollment and Review Change to LB 724A

The following changes, required to be reported for publication in the Journal, have been made:
ER9086

1. In the Wickersham amendment, AM2374, on page 1, line 3, "and"

has been struck.

(Signed) Jon C. Bruning, Chairperson

AMENDMENT - Print in Journal

Mr. Landis filed the following amendment to LB 151:
AM2485

(Amendments to E & R amendments, AM7162)

1. Insert the following new section: "Sec. 12. If any section in this act or any part of any section is declared invalid or unconstitutional, the declaration shall not affect the validity or constitutionality of the remaining portions.".

2. On page 2, line 11, after the first comma insert "44-4824,".

3. On page 4, line 24, strike "conclusion" and insert "commencement".

4. On page 5, line 1, strike the first "a" and insert "only one" and after "member" insert "if the grounds were known or should have been known by the movant".

5. Renumber the remaining sections accordingly.

MOTION - Print in Journal

Mr. Will filed the following motion to LB 853A:
That LB 853A pass notwithstanding the objections of the Governor.

SELECT FILE

LEGISLATIVE BILL 798. The Witek-Crosby-McKenzie pending amendment, AM1437, found on page 1499 and considered in this day's Journal, was renewed.

Mmes. Witek and McKenzie renewed their pending amendment, AM1989, printed separately and referred to on page 1875, to the Witek-Crosby-McKenzie pending amendment.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Withem requested a ruling of the Chair on whether the amendment, AM1989, is properly before us as an amendment to AM1437.

The Chair ruled the Witek-McKenzie amendment, AM1989, is out of order as an amendment to AM1437.

Mrs. Witek offered a modified version of AM1989, which struck the entire contents of AM1437, and inserted the sections of AM1989, to AM1437.

The Chair ruled the modified Witek amendment is out of order as an amendment to AM1437, because the rules preclude a member from doing indirectly that which cannot be done directly.

Mrs. Witek challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. Witek moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The Witek motion to overrule the Chair failed with 2 ayes, 27 nays, 14 present and not voting, and 6 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

The Witek-Crosby-McKenzie pending amendment, AM1437, found on page 1499 and considered in this day's Journal, was renewed.

Mrs. Witek withdrew the Witek-Crosby-McKenzie amendment, AM1437.

Pending.

MESSAGES FROM THE GOVERNOR

May 28, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bill 385 was received in my office on May 22, 1997.

This bill was signed by me on May 28, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 28, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building

Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 384 with specific line-item reductions. The General Fund veto amounts for the biennium total $479,676.

By action of the Judicial Resources Commission, decisions were made that a vacant District Court Judge position and a vacant County Court Judge position should not be refilled in existing judicial districts. Lacking a decision to refill or transfer these vacant positions at the current time, there is no need to provide excess appropriations to Programs 6 and 7 of the Supreme Court.

The Legislature has also recently budgeted retired judges' salaries as a separate line item for tracking purposes. Since the use of retired judges is based primarily on providing temporary assistance to those courts with vacancies, no additional funding is required by the Legislature. LB 384, as introduced, would allow vacancy savings from the various judicial constitutional officer salary programs to be transferred for payment of retired judges' salaries without requiring the Legislature to appropriate new funds. This language can be added to Program 5 in next year's deficit bill.

I urge your support in providing only those funds that are necessary and in sustaining these vetoes.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 28, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 388 with specific line-item reductions. Veto amounts include $123,414 General Funds and $34,957 Federal Funds for a total of $158,371.

Eighty-five percent of the deficit salary funding requested for court operations and state probation has been left intact. The remaining amounts of $15,000 General Funds for court operations and $45,000 General Funds for state probation have been vetoed and should be managed within current year appropriations.

A veto of $36,748 General Funds for the Enrollment Option Transportation program is included. The Department of Education should be able to manage this cost within existing appropriations and fully pay all projected claims. Consistent with the intent of paying all claims, the program earmark has not been vetoed.

In addition, $26,666 General Funds and $34,957 Federal Funds have been vetoed from the Department of Education relative to accrued benefits for retiring and transferred employees. These costs should be absorbed within the context of a relatively large program budget.

I am not reducing the $350,000 General Funds which were added to the Legislative Council for Phases I and II of LR 455--Public Power Industry Study. This appropriation for FY 1996-97 in part is for expenses already incurred and paid, but is mainly for expenses to be incurred in the next biennium. While I have not vetoed this appropriation, I remain concerned about the manner in which the financing for this study has been approached and continues to be managed. I urge a strict public accounting for the use of these funds.

I urge your support in sustaining these vetoes.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

May 28, 1997

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 389 with line-item reductions. Vetoes contained in this bill total $29,208,405 for the 1997-1999 biennium. Consistent with my budget recommendations which were presented to you at the beginning of the session, I continue to emphasize the need to constrain the growth of government, emphasize efficiency, and hold state agencies accountable for the management of the resources with which they have been entrusted. The need for constraint extends beyond just state tax dollars and includes all fund sources. Whether taxpayers are being assessed at the federal or the state level, or through collection of fees for various services, they expect government to respect how hard they have worked to earn those dollars.

A listing of the individual vetoes is attached, including a total General Fund reduction of $6,934,554 in FY 1997-98 and $9,671,311 in FY 1998-99. Other reductions total $1,309,626 Cash Fund, $3,124,436 Federal Fund, and $244,500 Revolving Fund in FY 1997-98 and $2,224,122 Cash Fund, $5,336,452 Federal Fund, and $363,404 Revolving Fund in FY 1998-99.

A total of $24.7 million was included in the budget above my recommendation to increase reimbursement rates for services for the developmentally disabled. I have reduced the General Fund amount by $3.3 million over the biennium and the federal commitment by $2.9 million. The $17.6 million increase which remains will enable providers to reflect the state's salary policy in their agreements with their employees and will continue a consistent advancement in the level at which services are reimbursed.

The $5 million increase for mental health services has been reduced by $2.5 million in the second year of the biennium. The $236,000 in General Funds which was added for mental health services for Native Americans is not reduced. By making additional funds available in the first year of the biennium, I expect mental health service providers and the Health and Human Services agencies to move forward in a collaborative manner with the mental health redesign effort in a carefully articulated manner. These funds should be used over the biennium to assist with transition and start-up costs for the development of additional wrap-around services which will allow people to receive the least restrictive level of care necessary and go on to lead productive lives in their own communities. By fiscal year 1998-99, I will reexamine the progress in this area, with the expectation that funds can be redirected from services which may be more acute than necessary to the type and level of support most appropriate for mental health clients.

Of the $1.8 million which was added for services for the aging, I have reduced $1.1 million from the aging services budget program, leaving in place an increase of $763,225 for care management for the frail elderly in our state. By recognizing the increased level of support needed for care management, we will allow Area Agencies on Aging the flexibility needed to redirect discretionary funds back to the provision of community services. This action provides the support necessary to continue programs and address waiting lists until an interim study can be completed which reexamines the distribution of funding statewide for community aging services.

Vetoes at the Department of Correctional Services include the striking of $759,136 General Funds over the biennium for security staffing to match projected staffing needs with the increasing inmate population. After vetoes, there still remains increased security funding of $1,631,539 General Funds in FY 1997-98 and $2,364,491 General Funds in FY 1998-99.

You have recognized and built on our goal of building strong University, State College, and Community College Systems. In LB 389, the Community Colleges are funded at my recommended level, which provides over $3.3 million in additional General Funds for the coming Biennium. For the State Colleges, you have provided almost $1.3 million added General Funds above my recommendation, while at the University over $8.2 million in General Funds are added over the level in my original budget. Some of these additions are necessary, based on more recent information which became available during your deliberations. Health insurance premium increases, retirement plan contribution adjustments, and additional operating costs approved by the Coordinating Commission for Postsecondary Education (CCPE) are some examples.

The full magnitude of your upward adjustments, however, cannot be funded. I have, therefore, reduced nearly $2.8 million of the General Fund addition at the University and over $400,000 of the additional General Funds at the State Colleges for the biennium.

You added over $433,000 in General Funds above my recommendation for the Nebraska Educational Telecommunications Commission budget for the biennium. Included in this amount were two employee positions above my recommendation. I have reduced the proposed General Fund appropriation by the equivalent of these two positions, which totals $105,162 for the biennium.

I have reduced the state funding for the Historical Society's Gerald R. Ford Conservation Center by $150,000 over the biennium. The remaining $250,000 in General Funds should encourage the Society to seek enhanced private support to uphold the public/private partnership envisioned at the facility's inception.

In the Department of Education, the increased funding for vocational rehabilitation has been eliminated. My recommendation called for continued funding in this program. An additional $125,000 each year is maintained for aid to early childhood education projects.

You included increases of $300,000 for Aid to the Arts and $80,250 for Aid to the Humanities over the biennium. I have reduced the Arts aid to $150,000 and the Humanities aid to $40,126. These additional funds will help to further cultivate appreciation for the arts and humanities in the state.

Additional funding of $500,000 each year at the Nebraska Library Commission for public library aid has been reduced to my recommended level. The large increase is more than I can support at this time.

My veto eliminates the special salary funding request for state probation, to be consistent with how other state agencies have been treated. State Probation needs to exercise financial oversight and manage its personnel resources within the approved budget.

Finally, $3,903,573 in smaller General Fund reductions were made, along with $3,533,748 Cash Fund, $4,047,731 Federal Fund, and $607,904 Revolving Fund adjustments for the biennium. These reductions are consistent with my emphasis on containing the growth of government.

My vetoes in LB 389 make it possible to hold the line on spending measures contained in the mainline budget and allow for some of the spending you have yet to forward to my desk. I urge you to sustain these vetoes in LB 389 to permit consideration of your additional priority measures.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

Attachment

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 555.

Enrollment and Review Change to LB 555

The following changes, required to be reported for publication in the Journal, have been made:

ER9087

1. On page 1, line 5; and page 28, line 3, "and" has been inserted before "sections".
2. On page 6, line 9, the stricken matter has been reinstated; and in lines 9 and 10 the new matter has been struck.
3. On page 7, line 11, "said" has been struck, shown as stricken, and "the" inserted.
4. On page 11, line 7, an underscored comma has been inserted after "demands".

(Signed) Jon C. Bruning, Chairperson

SELECT FILE

LEGISLATIVE BILL 798. Mr. Wesely asked unanimous consent to replace the Wesely-C. Peterson pending amendment, AM1612, found on page 1699, with a substitute amendment.

Mrs. Witek objected.

Mr. Wesely moved to replace the Wesely-C. Peterson pending amendment, AM1612, found on page 1699, with a substitute amendment.

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

Mr. Wesely moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

The Wesely motion to replace his amendment prevailed with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Mr. Wesely and Mrs. C. Peterson withdrew their amendment, AM1612, found on page 1699.

Messrs. Wesely, Matzke, and Mrs. McKenzie offered the following substitute amendment:
(Amendment, AM2505, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

Pending.

VISITORS

Visitor to the Chamber was Senator's Engel's brother, Bill, from South Sioux City.

The Doctor of the Day was David H. Filipi from Omaha.

ADJOURNMENT

At 7:41 p.m., on a motion by Mrs. McKenzie, the Legislature adjourned until 8:00 a.m., Thursday, May 29, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FOURTH DAY – MAY 29, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 29, 1997

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Greg Berger, Redeemer Lutheran Church, Hooper, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Chambers, Hilgert, Kristensen, Lynch, Will, Mmes. Bohlke, Kiel, McKenzie, Robak, Suttle, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-third day was approved.

AMENDMENT - Print in Journal

Mrs. Witek filed the following amendment to LB 798:
(Amendment, AM2512, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

MOTION - Print in Journal

Mr. Withem filed the following motion:
To suspend the provision in Rule 6, Section 11, that requires a veto override motion to be taken up on any of the next five legislative days following receipt of a veto message.

UNANIMOUS CONSENT - Member Excused

Mr. Engel asked unanimous consent to be excused until he returns. No objections. So ordered.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 49. With Emergency.

A BILL FOR AN ACT relating to the Nebraska Political Accountability and Disclosure Act; to amend sections 49-1402, 49-1403, 49-1416, 49-1478, and 49-14,124, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1419, and 49-1446.01, Revised Statutes Supplement, 1996; to define and redefine terms; to restate intent; to provide filing requirements for major out-of-state contributors; to authorize expenditures from campaign funds for conference fees; to change expenditure requirements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 36:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 13:

Abboud
Bohlke
Chambers
Engel
Hilgert
Kiel
Kristensen
Lynch
McKenzie
Robak
Suttle
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB 886

Mr. Chambers withdrew his amendment, FA298, found on page 1981, to LB 886.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 886.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-27,187, 77-27,188, 77-27,188.02, 77-27,190, and 77-27,192 to 77-27,195, Reissue Revised Statutes of Nebraska; to change provisions relating to the Employment Expansion and Investment Incentive Act; to define terms; to harmonize provisions; to provide for applicability of the provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 13:

Abboud
Bohlke
Chambers
Engel
Hilgert
Kiel
Kristensen
Lynch
McKenzie
Robak
Suttle
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 335

Mr. Chambers withdrew his amendment, FA319, found on page 1981, to LB 335.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 335 with 36 ayes, 0 nays, 1 present and not voting, and 12 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 335. With Emergency.

A BILL FOR AN ACT relating to the Securities Act of Nebraska; to amend sections 8-1104, 8-1108, 8-1114, 8-1123, and 59-1715, Reissue Revised Statutes of Nebraska, and sections 8-1101, 8-1103, 8-1108.01, 8-1110, 8-1111, and 45-101.04, Revised Statutes Supplement, 1996; to define and redefine terms; to change provisions relating to the registration of sellers of securities, exemptions for registration of securities, registration of securities, and securities transactions exempt from registration; to provide powers for the Director of Banking and Finance; to provide for federal covered advisers and federal covered securities; to harmonize provisions; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Bohlke
Chambers
Kiel
Lynch
McKenzie
Robak
Suttle
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. D. Pederson asked unanimous consent to be excused until he returns. No objections. So ordered.

WITHDRAW - Amendment to LB 396

Mr. Chambers withdrew his amendment, FA313, found on page 1981, to LB 396.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 396 with 33 ayes, 0 nays, 4 present and not voting, and 12 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 396.

A BILL FOR AN ACT relating to veterans homes; to amend sections 23-107.01, 30-2627, 80-301, 80-301.02, 80-302, 80-304, 80-304.01, 80-305, 80-306, 80-307, 80-308, 80-309, 80-311, 80-312, 80-313, 80-401.02, 83-124, 83-175, 83-1,119, and 83-1,124, Reissue Revised Statutes of Nebraska, and sections 83-107.01 and 83-108, Revised Statutes Supplement, 1996; to provide for a Division of Veterans Homes; to create the Veterans Coordinating Committee; to harmonize provisions; to eliminate provisions relating to trusteeship of a fund; to repeal the original sections; and to outright repeal section 80-111, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 11:

Abboud
Bohlke
Chambers
Kiel
Lynch
McKenzie
Pederson, D.
Robak
Suttle
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 396A

Mr. Chambers withdrew his amendment, FA314, found on page 1981, to LB 396A.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 396A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 396, Ninety-fifth Legislature, First Session, 1997; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Bohlke
Chambers
Kiel
Lynch
McKenzie
Robak
Suttle
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 424

Mr. Chambers withdrew his amendment, FA315, found on page 1981, to LB 424.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 424 with 37 ayes, 0 nays, 2 present and not voting, and 10 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 424.

A BILL FOR AN ACT relating to juvenile services; to amend sections 43-2404, 43-2405, 43-2407, 43-2409, 43-2410, and 43-2412, Reissue Revised Statutes of Nebraska, and sections 43-2403, 43-2406, and 43-2411, Revised Statutes Supplement, 1996; to change Juvenile Services Act provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Bohlke
Chambers
Kiel
Lynch
McKenzie
Robak
Suttle
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 523 with 36 ayes, 0 nays, 3 present and not voting, and 10 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 523.

A BILL FOR AN ACT relating to partnerships; to amend sections 67-248.02, 67-294, and 67-301, Reissue Revised Statutes of Nebraska; to adopt the Uniform Partnership Act of 1998; to provide for applicability of and a termination date for partnership provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date;

to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 39:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 10:

Abboud
Bohlke
Chambers
Kiel
Lynch
McKenzie
Robak
Suttle
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 523A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 523, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 8:

Bohlke
Chambers
Lynch
McKenzie
Robak
Suttle
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 608 with 38 ayes, 0 nays, 3 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 608.

A BILL FOR AN ACT relating to health care facilities; to amend sections 30-2627, 30-2639, 68-1006.01, 68-1038, 71-507, 71-516.02, 71-516.03, 71-1637, 71-2017, 71-2017.01, 71-2017.07, 71-2024, 71-2411, 71-5805.01, 71-5809.01, 71-5810, 71-5813, 71-5828, 71-5830, 71-6054, 71-6702, 81-651, and 81-2243, Reissue Revised Statutes of Nebraska; to eliminate provisions relating to residential care facilities and domiciliary facilities; to provide for assisted-living facilities; to provide for rules and regulations; to redefine institution in the Emergency Box Drug Act; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal section 71-5818.02, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 6:

Chambers Robak Suttle Will Witek
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 624

Mr. Chambers withdrew his amendment, FA320, found on page 1981, to LB 624.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 624 with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 624.

A BILL FOR AN ACT relating to retirement; to amend sections 24-708, 79-910, 79-922, 79-955, 79-957, 79-988, 79-991, 79-992, 79-9,111, and 84-1322, Reissue Revised Statutes of Nebraska; sections 23-2301, 23-2306, 23-2310, 23-2319, 23-2320, 24-701, 24-701.01, 24-706, 24-707, 24-710, 81-2014, 81-2014.01, 81-2016, 81-2031, 81-2033, 84-1301, 84-1307, 84-1313, 84-1317, 84-1321, and 84-1511, Revised Statutes Supplement, 1996; sections 79-902, 79-921, 79-979, and 81-2025, Reissue Revised Statutes of Nebraska, as amended by sections 12, 16, 29, and 35, respectively, Legislative Bill 623, Ninety-fifth Legislature, First Session, 1997; section 23-2323.03, Revised Statutes Supplement, 1996, as amended by section 7, Legislative Bill 250, Ninety-fifth Legislature, First Session, 1997; sections 81-2026, 84-1331, and 84-1504, Revised Statutes Supplement, 1996, as amended by sections 36, 45, and 49, respectively, Legislative Bill 623, Ninety-fifth Legislature, First Session, 1997; section 23-2331, Revised Statutes Supplement, 1996, as amended by section 6, Legislative Bill 623, Ninety-fifth Legislature, First Session, 1997, and section 8, Legislative Bill 250, Ninety-fifth Legislature, First Session, 1997; and section 4, Legislative Bill 250, Ninety-fifth Legislature, First Session, 1997; to change provisions relating to membership, service, termination of employment, reemployment, repayment of benefits, death benefits, cash rollover contributions, interest, prior service credit, investments, deferred annuities, breaks in service, deferred compensation, political subdivision mergers, and retirement age; to define and redefine terms; to provide powers and duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 1:

Hilgert

Excused and not voting, 6:

Chambers
Lynch
Robak
Suttle
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 658 with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 658. With Emergency.

A BILL FOR AN ACT relating to energy production; to amend sections 18-412.07, 18-412.08, 18-2458, 18-2459, 70-601, 70-604, 70-625, 70-628.02 to 70-628.04, and 71-3505, Reissue Revised Statutes of Nebraska, and section 81-15,113.01, Revised Statutes Supplement, 1996; to change provisions relating to powers of public power districts, nuclear power plant fees, and radioactive waste compensation; to change and eliminate provisions relating to sale or lease of equipment and property of public power districts; to harmonize provisions; to repeal the original sections; to outright repeal sections 70-646 and 70-657, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Chambers
Robak
Suttle
Will
Witek
Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB 727

Mr. Chambers withdrew his amendment, FA321, found on page 1981, to LB 727.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 727 with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 727.

A BILL FOR AN ACT relating to the Uniform Interstate Family Support Act; to amend sections 42-701, 42-702, 42-709, 42-711, 42-714, 42-717 to

42-720, 42-734, 42-740, 42-741, 42-746, and 42-747, Reissue Revised Statutes of Nebraska, and section 42-748, Revised Statutes Supplement, 1996; to change provisions relating to recognition and enforcement of child support orders; to harmonize provisions; to provide an operative date; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Chambers
Lynch
Robak
Suttle
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 216.

A BILL FOR AN ACT relating to courts; to amend section 24-228, Reissue Revised Statutes of Nebraska; to change provisions relating to district court expenses; to eliminate a fund and a court automation fee; to repeal the original section; and to outright repeal sections 24-227 and 33-106.04, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Abboud
Beutler
Bohlke
Brashear
Bruning
Chambers
Coordsen
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen

Jones
Kiel
Kristensen
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 6:

Bromm
Crosby
Engel
Preister
Schrock
Vrtiska

Present and not voting, 4:

Brown
Cudaback
Maurstad
Tyson

Excused and not voting, 5:

Lynch
Robak
Suttle
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 386 with 35 ayes, 2 nays, 7 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 386. With Emergency.

A BILL FOR AN ACT relating to appropriations; to define terms; to appropriate funds for capital construction and property acquisition as prescribed; to state intent; to require program statements; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt

Schrock
Stuhr
Tyson
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 2:

Chambers
Vrtiska

Excused and not voting, 5:

Lynch
Robak
Suttle
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 387 with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 387. With Emergency.

A BILL FOR AN ACT relating to state employees; to provide for salary increases as prescribed; to define terms; to appropriate funds; to provide duties; to state intent; to provide for transfers; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 5:

Lynch Robak Suttle Will Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Messrs. Robinson and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

GENERAL FILE

LEGISLATIVE BILL 150. Mr. Brashear renewed his pending amendment, AM2479, found on page 2400.

MRS. CROSBY PRESIDING

MR. LANDIS PRESIDING

MRS. CROSBY PRESIDING

Mr. Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Brashear asked unanimous consent to replace his pending amendment, AM2479, found on page 2400, with a substitute amendment. No objections. So ordered.

Mr. Brashear withdrew his amendment, AM2479, found on page 2400.

Mr. Brashear offered the following substitute amendment:
AM2478

1. Insert the following new sections:

"Section 1. Section 47-616, Revised Statutes Supplement, 1996, is amended to read:

47-616. If an offender fails to remain within the limits of his or her confinement or to return within the time prescribed to a community correctional facility to which he or she was assigned or transferred or if any offender who participates in a community correctional program leaves his or her place of employment or, having been recommended by the director or the probation administrator to be returned to a correctional institution, neglects or fails to do so, the offender shall be deemed to have escaped from custody and all reductions in sentence authorized by ~~subsections (2) and (3) of section~~ sections 83-1,107 and ~~section~~ 83-1,108 shall be forfeited.

Sec. 2. Section 83-1,107, Revised Statutes Supplement, 1996, is amended to read:

83-1,107. ~~(1)(a) Within sixty days after commitment of any offender to the department, all available information regarding such committed offender shall be reviewed and a committed offender~~

~~department-approved personalized program plan document shall be drawn up. The document shall specifically describe the department-approved personalized program plan and the specific goals the department expects the committed offender to achieve. The document shall also contain a realistic schedule for completion of the department-approved personalized program plan. The department-approved personalized program plan shall be fully explained to the committed offender. During incarceration, the committed offender shall comply with the department-approved personalized program plan and the department shall provide programs to allow compliance by the committed offender with the department-approved personalized program plan.~~

~~(b) A modification in the department-approved personalized program plan may be made to account for the increased or decreased abilities of the committed offender or the availability of any program. Any modification shall be made only after notice is given to the committed offender. Completion of the department-approved personalized program plan by any committed offender as scheduled for any year, or pro rata part thereof, shall entitle the committed offender to the earned good time of three months described in this section.~~

~~(2)~~ (1) The chief executive officer of a facility shall reduce the term of a committed offender by ~~three~~ six months for each year of the offender's term and pro rata for any part thereof which is less than a year.

~~(3) The chief executive officer shall reduce the term of a committed offender up to an additional three months for each year of the offender's term and pro rata for any part thereof which is less than a year upon:~~

~~(a)(i) The committed offender's successful participation in or completion of a department-approved educational program or the awarding of a high school diploma while incarcerated;~~

~~(ii) The committed offender's having received a high school, general educational development, or college diploma or the offender's successful completion of any other continuing educational program as offered by the department; or~~

~~(iii) The committed offender's successful participation in teaching an academic or vocational class offered by the department;~~

~~(b) The committed offender's successful completion of a department-approved substance abuse or addiction treatment program while he or she is incarcerated;~~

~~(c) The committed offender's successful completion of a department-approved criminal personality treatment program while he or she is incarcerated;~~

~~(d) The committed offender's demonstrated work ethic as shown by obtaining and maintaining regular employment in the correctional system;~~

~~(e) The committed offender's successful completion of a~~

~~department-approved psychiatric counseling or treatment program while he or she is incarcerated; or~~

~~(f) The committed offender's successful completion of any other program deemed necessary and appropriate by the department.~~

The total of all the reductions shall be credited from the date of sentence, which shall include any term of confinement prior to sentence and commitment as provided pursuant to section 83-1,106, and shall be deducted:

(a) From the minimum term, to determine the date of eligibility for release on parole; and

(b) From ~~from~~ the maximum term, to determine the date when discharge from the custody of the state becomes mandatory.

~~(4)~~ (2) While the offender is in the custody of the department, reductions of terms granted pursuant to ~~subsections (2) and (3)~~ subsection (1) of this section may be forfeited, withheld, and restored by the chief executive officer of the facility with the approval of the director after the offender has been consulted regarding the charges of misconduct.

~~(5)~~ (3) While the offender is in the custody of the board, reductions of terms granted pursuant to ~~subsections (2) and (3)~~ subsection (1) of this section may be forfeited, withheld, and restored by the administrator with the approval of the director after the offender has been consulted regarding the charges of misconduct or breach of the conditions of parole. In addition, the board may recommend such forfeitures of good time to the director.

~~(6)~~ (4) Good time or other reductions of sentence granted under the provisions of any law prior to ~~July 1, 1996,~~ the effective date of this act may be forfeited, withheld, or restored in accordance with the terms of the Nebraska Treatment and Corrections Act.

Sec. 3. Section 83-1,110, Revised Statutes Supplement, 1996, is amended to read:

83-1,110. (1) Except as provided in ~~subsections~~ subsection (3) ~~and (4)~~ of this section, every committed offender shall be eligible for parole when the offender has served one-half the minimum term of his or her sentence. No such reduction of sentence shall be applied to any sentence imposing a mandatory minimum term.

(2) Except as provided in ~~subsections~~ subsection (3) ~~and (4)~~ of this section, every committed offender sentenced to consecutive terms, whether received at the same time or at any time during the original sentence, shall be eligible for release on parole when the offender has served the total of one-half the minimum terms. The maximum terms shall be added to compute the new maximum term which, less good time, shall determine the date when discharge from the custody of the state becomes mandatory.

(3) A committed offender who has been found guilty of a violation of the rules and regulations of the department for drug or alcohol use pursuant to sections 83-4,109 to 83-4,123 shall not

be eligible for parole for twelve months following the imposition of the disciplinary action.

~~(4) A committed offender shall not be eligible for parole if the offender refuses to comply with the department-approved personalized program plan as stipulated in section 83-1,107.~~

Sec. 4. Section 83-4,114.01, Revised Statutes Supplement, 1996, is amended to read:

83-4,114.01. (1) The chief executive officer of each facility of the department shall be responsible for the discipline of inmates who reside in such facility. No inmate shall be punished except upon the order of the chief executive officer of the facility, and no punishment shall be imposed otherwise than in accordance with this section.

(2) Except in flagrant or serious cases, punishment for misconduct shall consist of deprivation of privileges. In cases of flagrant or serious misconduct, the chief executive officer may order that an inmate's reduction of term as provided in ~~subsections (2) and (3) of~~ section 83-1,107 be forfeited or withheld and also that the inmate be confined in disciplinary segregation. During the period of disciplinary segregation, such inmate shall be put on an adequate and healthful diet. An inmate in disciplinary segregation shall be visited at least once every eight hours. No cruel, inhuman, or corporal punishment shall be used on any inmate.

(3) The chief executive officer shall maintain a record of breaches of discipline, of the disposition of each case, and of the punishment, if any, for each such breach. Each breach of discipline shall be entered in the inmate's file, together with the disposition or punishment for the breach.

(4) The chief executive officer may recommend to the director that an inmate who is considered to be incorrigible by reason of frequent intentional breaches of discipline or who is detrimental to the discipline or the morale of the facility be transferred to another facility for stricter safekeeping and closer confinement, subject to the provisions of section 83-176.

Sec. 7. Original sections 47-616, 83-1,107, 83-1,110, and 83-4,114.01, Revised Statutes Supplement, 1996, are repealed.".

2. Insert underscoring in the original sections.

3. Renumber the remaining sections accordingly.

Mr. Chambers offered the following amendment to the Brashear pending amendment:
FA408
(AM2478)
Page 6, line 7, strike "eight" and insert "five".

Messrs. Schrock and Janssen asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers withdrew his amendment, FA408.

Mr. Brashear withdrew his amendment, AM2478.

Mr. Wehrbein renewed his pending amendment, AM2359, found on page 2251.

The Wehrbein amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 49, 886, 335, 396, 396A, 424, 523, 523A, 608, 624, 658, 727, 216, 386, and 387.

GENERAL FILE

LEGISLATIVE BILL 150. Considered.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for review with 37 ayes, 1 nay, 7 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 752. The sixth Brown pending amendment, FA373, found on page 2288, was renewed.

Messrs. Hartnett, Brashear, Robinson, Hilgert, Jensen, Coordsen, and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Lynch asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 864A.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORT

The Committee on General Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Kam-Ching Leung - Nebraska Arts Council

VOTE: Aye: Senators Cudaback, Hartnett, Hudkins, Janssen, Robak, Schellpeper, and Vrtiska. Nay: None. Absent: Senator Will.

(Signed) Stan Schellpeper, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 29, 1997, at 11:15 a.m., were the following bills: LBs 49, 886, 335, 396, 396A, 424, 523, 523A, 608, 624, 658, 727, 216, 386, and 387.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

VISITORS

Visitors to the Chamber were 52 eighth grade students and teachers from St. Margaret Mary School, Omaha; 52 fourth grade students and teachers from Sandoz Elementary School, Omaha; former Senator Harold and Mrs. Stryker and Sherril Pinneo from Rising City; and 40 fourth grade students and teachers from J. Sterling Morton Elementary, Omaha.

RECESS

At 11:57 a.m., on a motion by Mr. Chambers, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mrs. Robak and Mr. Lynch who were excused; and Messrs. Abboud, Brashear, Cudaback, Dierks, Hartnett, Hilgert, Kristensen, Landis, Matzke, Dw. Pedersen, D. Pederson, Raikes, Robinson, Schrock, Wesely, Will, Mmes. Bohlke, Kiel, and McKenzie who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 752. The sixth Brown pending amendment, FA373, found on page 2288 and considered in this day's Journal, was renewed.

Mr. Beutler moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

The sixth Brown amendment was adopted with 25 ayes, 1 nay, 3 present and not voting, and 20 excused and not voting.

The Chair declared the call raised.

Mr. Chambers moved to reconsider the vote on the sixth Brown amendment, FA373.

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Pending.

AMENDMENTS - Print in Journal

Mr. Wesely filed the following amendment to LB 798:
FA409
(AM2505)
Strike lines 10 through 17 on page 32.

Mrs. Witek filed the following amendments to LB 798:

(Amendment on file in the Clerk's Office - Room 2018 - AM2563.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2511.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2522.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2523.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2524.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2525.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2526.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2527.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2528.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2529.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2530.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2531.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2532.)

(Amendment on file in the Clerk's Office - Room 2018 - AM2533.)

Mr. Beutler filed the following amendment to LB 90:
AM2516

(Amendments to E & R amendments, AM7177)

1. On page 3, line 8, strike "act" and insert "criminal offense against the plaintiff or the plaintiff's property because of the plaintiff's race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of the plaintiff's association with a person of a certain race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability".

Mr. Wickersham filed the following amendment to LB 90:
AM2495

(Amendments to E & R amendments, AM7177)

1. Insert the following new section:

"Sec. 8. The following section is outright repealed: Section 30, Legislative Bill 138, Ninety-fifth Legislature, First Session, 1997.".

Mr. Kristensen filed the following amendment to LB 271:
AM2564

1. In the Chambers amendment, AM2306, on page 6, line 5, strike "to 60-311.02" and insert "and 60-311.01".

2. In the Kristensen amendment, AM2313, on page 2, line 5, strike "ninety" and all amendments thereto and insert "seventy".

3. In the Withem-Kristensen amendment, AM2367:

a. On page 2, strike line 20 and insert:

"(b) Motorcycles -- An amount determined using the following table:

Value when new	Base tax
Up to $3,999	$ 25
$4,000 to $5,999	50
$6,000 to $7,999	75
$8,000 to $9,999	100
$10,000 to $11,999	125
$12,000 to $13,999	150
$14,000 to $15,999	175
$16,000 to $17,999	200
$18,000 to $19,999	225
$20,000 and over	250

"; in line 24 strike "$15" and insert "$25"; and in line 26 strike "$20" and insert "$40"; and b. On page 3, line 16, strike "$5" and insert "$15"; in line 18 strike "$10" and insert "$30"; and in line 20 strike "$35" and insert "$45".

SELECT FILE

LEGISLATIVE BILL 752. The Chambers pending motion, found in this day's Journal, to reconsider the vote on the sixth Brown amendment, FA373, was renewed.

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 8 ayes, 1 nay, and 40 not voting.

Mr. Chambers requested a record vote on his motion to reconsider.

Voting in the affirmative, 11:

Abboud
Chambers
Dierks
Hilgert
Janssen
Pederson, D.
Schellpeper
Schimek
Schmitt
Schrock
Tyson

Voting in the negative, 23:

Beutler
Bromm
Brown
Coordsen
Crosby
Elmer
Engel
Hillman
Hudkins
Jensen
Jones
Matzke
Maurstad
Peterson, C.
Preister
Robinson
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Witek
Withem

Present and not voting, 4:

McKenzie
Pedersen, Dw.
Raikes
Vrtiska

Excused and not voting, 11:

Bohlke
Brashear
Bruning
Cudaback
Hartnett
Kiel
Kristensen
Landis
Lynch
Robak
Will

The Chambers motion to reconsider failed with 11 ayes, 23 nays, 4 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Mr. Beutler renewed his pending amendment, AM2307, printed separately and referred to on page 2157.

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Coordsen renewed his pending amendment, AM2377, found on page 2288, to the Beutler pending amendment.

Mr. Coordsen withdrew his amendment.

MR. WILL PRESIDING

Messrs. Withem and Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers offered the following amendment to the Beutler pending amendment:
FA410
(AM2307)
Page 21, lines 4 & 5, reinstate stricken matter.

Messrs. Wesely and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Chambers amendment was adopted with 36 ayes, 1 nay, 4 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Beutler asked unanimous consent to withdrew his amendment, AM2307, as amended. No objections. So ordered.

Mrs. Brown withdrew her amendments, AM1855, AM1853, and AM1856, found on pages 1785, 1786, and 1787.

Mr. Chambers renewed his pending amendment, FA221, found on page 1800.

Mr. Beutler moved to invoke cloture on LB 752, pursuant to Rule 7, Section 10.

Mr. Beutler moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Mr. Beutler requested a roll call vote on his motion to invoke cloture.

Voting in the affirmative, 38:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 6:

Bohlke
Chambers
Cudaback
Schmitt
Tyson
Will

Excused and not voting, 5:

Abboud
Hartnett
Kiel
Lynch
Robak

The Beutler motion to invoke cloture prevailed with 38 ayes, 6 nays, and 5 excused and not voting.

Mr. Chambers requested a roll call vote on his amendment, FA221.

Voting in the affirmative, 6:

Chambers
Kristensen
Pedersen, Dw.
Schellpeper
Schmitt
Will

Voting in the negative, 30:

Beutler
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hillman
Hudkins
Jensen
Jones
Landis
Matzke
Maurstad
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Withem

Present and not voting, 8:

Bohlke
Hilgert
Janssen
McKenzie
Schimek
Tyson
Wickersham
Witek

Excused and not voting, 5:

Abboud
Hartnett
Kiel
Lynch
Robak

The Chambers amendment lost with 6 ayes, 30 nays, 8 present and not

voting, and 5 excused and not voting.

Mr. Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 28:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Raikes
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 10:

Chambers
Cudaback
Dierks
Kristensen
Landis
Pedersen, Dw.
Schellpeper
Schmitt
Will
Witek

Present and not voting, 6:

Jones
Robinson
Schimek
Schrock
Tyson
Vrtiska

Excused and not voting, 5:

Abboud
Hartnett
Kiel
Lynch
Robak

Advanced to E & R for engrossment with 28 ayes, 10 nays, 6 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Mrs. McKenzie and Mr. Landis asked unanimous consent to be excused until they return. No objections. So ordered.

NOTICE OF COMMITTEE HEARING
Rules

Monday, June 2, 1997 3:00 p.m.
Rules Change Proposal

(Signed) Eric J. Will, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 622A. Introduced by Wesely, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 622, Ninety-fifth Legislature, First Session, 1997.

APPROPRIATIONS COMMITTEE REPORT
ON LB 384

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line item vetoes contained in LB384 (Constitutional Officer's Salaries).

Total vetoes contained in the bill are as follows:

Fund	FY1997-98	FY1998-99
General	$246,872	$240,024

The proposed vetoes may adversely affect state government operations in several areas.

The Appropriations Committee will make a formal recommendation on veto overrides at a later time.

(Signed) Roger R. Wehrbein, Chairperson
Appropriations Committee

APPROPRIATIONS COMMITTEE REPORT
ON LB 388

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line item vetoes contained in LB388 (Deficits).

Total vetoes contained in the bill are as follows:

Fund	FY1996-97
General	$123,414
Federal	34,957
Total, All Fund Types	$158,371

The proposed vetoes may adversely affect state government operations in several areas.

The Appropriations Committee will make a formal recommendation on veto overrides at a later time.

(Signed) Roger R. Wehrbein, Chairperson
Appropriations Committee

APPROPRIATIONS COMMITTEE REPORT ON LB 389

Pursuant to Rule 6, Section 14, the Appropriations Committee has examined the Governor's line item vetoes contained in LB389 (State Government Operations and Aid), and as outlined in the attached schedule, "LB389 Veto Amounts by Agency and Program."

Total vetoes contained in the bill are as follows:

Fund	FY1997-98	FY1998-99
General	$6,934,554	$9,671,311
Cash	1,309,626	2,224,122
Federal	3,124,436	5,336,452
Revolving	244,500	363,404
Total, All Fund Types	$11,613,116	$17,595,289

The proposed vetoes may adversely affect state government operations in several areas.

The Appropriations Committee will make a formal recommendation on veto overrides at a later time.

(Signed) Roger R. Wehrbein, Chairperson
Appropriations Committee

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 150. Placed on Select File as amended.
E & R amendment to LB 150:
AM7178

1. On page 1, strike beginning with "capital" in line 1 through line 3 and insert "the Department of Correctional Services; to authorize construction of a medium-maximum security adult correctional facility; to appropriate funds for the facility and for staffing and operations of modular housing units; and to declare an emergency.".

(Signed) Jon C. Bruning, Chairperson

PROPOSED RULES CHANGES

Mr. Elmer offered the following proposed rules changes:
Repeal Rule 7, Section 10, Cloture.

Amend Rule 7, Section 3(a).

Sec. 3. Motion, in Writing, Withdrawal. (a) A motion shall be either stated by the presiding officer or read by the Clerk before a vote is taken. All motions shall be submitted in writing if requested by the presiding officer or any senator.

Once motions are stated they may be withdrawn or modified by the mover before a decision, amendment, or ordering of a vote has been made. A motion to reconsider may be withdrawn only with unanimous consent or a majority vote of the elected members.

When a question is under debate, no motion shall be considered except one of the following, which motions shall take precedence in the order stated.

a. To recess
b. To adjourn
c. ~~For cloture~~ Any motion or amendment signed by two-thirds of the membership
d. To reconsider
e. For the previous question
f. To postpone to a time certain
g. To recommit to a committee
h. To amend
i. To postpone indefinitely

Such motions shall have precedence in the order in which they are arranged except as provided for in Rule 1, Section 17. Motions to postpone indefinitely and amend do not yield to each other.

Amend Rule 7, Section 7(b).

(b) Every motion to reconsider shall take preference over all other questions, except a motion to recess or to adjourn~~, or for cloture~~.

Referred to the Rules Committee.

RESOLUTION

LEGISLATIVE RESOLUTION 288. Introduced by Business and Labor Committee: Abboud, 12, Chairperson; Chambers, 11; Dierks, 40; Hilgert, 7; Preister, 5; Schimek, 27; Schrock, 38.

PURPOSE: To study the issues surrounding the recognition of the federal sub-minimum wage in Nebraska. The Fair Labor Standards Act Amendments of 1996, passed by the United States Congress, will raise the minimum wage to $5.15, effective September 1, 1997. In addition, the amendments recognize a youth sub-minimum wage for employees under twenty years of age during their first ninety consecutive calendar days of employment with an employer. A sub-minimum wage of no less than eighty-five percent of the federal minimum wage is also in place in federal law and may be paid to full-time students by employers that receive a certificate of authority from the U.S. Department of Labor.

This study shall examine but not be limited to:

(1) The effects of a sub-minimum wage on welfare to work program participants and older workers;

(2) The possible displacement of other workers due to the recognition of a sub-minimum wage;

(3) The limitations on employers and employees related to the state sub-minimum wage, including the age, student status, restrictions on number of hours, and other labor concerns; and

(4) The estimated cost of enforcement and other fiscal implications related to the sub-minimum wage.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Business and Labor Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Mr. Withem filed the following amendments to LB 232:

AM2503

(Amendments to AM1455)

1. On page 3, strike lines 3 through 6; and in line 7 strike the paragraphing and "(c)".

AM2502

(Amendments to AM1455)

1. On page 1, strike line 24.
2. On page 2, strike lines 1 through 9.

AM2504

(Amendments to AM1455)

1. On page 3, strike beginning with "The" in line 14 through line 18 and insert "The plan shall (i) specify guidelines and consequences for behaviors which have been identified as preventing the student from achieving the desired benefits from the educational opportunities provided, (ii) identify educational objectives that must be achieved in order to receive credits toward graduation, (iii) specify the financial resources and community programs available to meet both the educational and behavioral

objectives identified, (iv) address whether the student has been or should be screened by the school district for possible disabilities and, if the screening so indicates, be referred for evaluation for possible placement in a special education program, and (v) require the student to attend monthly reviews with the participants charged with the implementation of the plan in order to assess the student's progress toward meeting the specified goals and objectives."; and in line 23 after "may" insert "require participation in a plan pursuant to subsection (2) of this section or".

2. On page 4, line 1, after "in" insert "a plan pursuant to subsection (2) of this section or".

SELECT FILE

LEGISLATIVE BILL 752A. E & R amendment, AM7151, found on page 1906, was adopted.

Mr. Beutler asked unanimous consent to pass over LB 752A. No objections. So ordered.

LEGISLATIVE BILL 401. E & R amendment, AM7159, found on page 1987, was adopted.

Ms. Schimek reoffered the Robak amendment, AM1727, found on page 1694 and considered on pages 1878 and 1932.

Ms. Schimek asked unanimous consent to replace the Robak pending amendment, AM1727, found on page 1694, with a substitute amendment. No objections. So ordered.

Ms. Schimek withdrew the Robak amendment, AM1727, found on page 1694.

Ms. Schimek renewed the Robak pending substitute amendment, AM2250, found on page 2041.

Messrs. Brashear, Engel, and D. Pederson asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Bruning offered the following amendment to the Robak pending amendment:
FA412
AM2250
add after "service" on line 2, page 6 the words "or military retirement systems and members of the Nebraska State Patrol"

Mr. Bruning withdrew his amendment.

Ms. Schimek moved for a call of the house. The motion prevailed with 4 ayes, 0 nays, and 45 not voting.

The Robak amendment lost with 17 ayes, 14 nays, 7 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Messrs. Wehrbein, Dw. Pedersen, and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Janssen renewed his pending amendment, AM2201, found on page 2105.

Mmes. Brown, Bohlke, Messrs. Cudaback, and Kristensen asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Janssen offered the following amendment to his pending amendment:
AM2571

(Amendments to AM2201)

1. Strike section 1 and insert the following new section:

"Section 1. Section 77-2701.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2701.02. Pursuant to section 77-2715.01, ~~commencing July 1, 1990, or on July 10, 1990, whichever is later,~~ the rate of the sales tax levied pursuant to section 77-2703 shall be four and one-half percent commencing July 1, 1997, through June 30, 1999, and five percent commencing July 1, 1999.".

Mr. Janssen moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

Mr. Chambers requested a roll call vote on the Janssen amendment.

Voting in the affirmative, 17:

Bromm
Chambers
Dierks
Elmer
Hilgert
Janssen
Jones
Landis
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Vrtiska
Wesely
Withem

Voting in the negative, 7:

Brashear
Bruning
Crosby
Jensen
Tyson
Will
Witek

Present and not voting, 12:

Beutler
Coordsen
Cudaback
Hillman
Hudkins
Matzke
McKenzie
Peterson, C.
Schrock
Stuhr
Suttle
Wickersham

Excused and not voting, 13:

Abboud
Bohlke
Brown
Engel
Hartnett
Kiel
Kristensen
Lynch
Maurstad
Pedersen, Dw.
Pederson, D.
Robak
Wehrbein

The Janssen amendment lost with 17 ayes, 7 nays, 12 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

MR. BRASHEAR PRESIDING

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Mr. Janssen requested a roll call vote on his amendment, AM2201.

Voting in the affirmative, 17:

Bromm
Chambers
Crosby
Dierks
Elmer
Hilgert
Janssen
Jones
Landis
Preister
Robinson
Schellpeper
Schimek
Schmitt
Tyson
Vrtiska
Wesely

Voting in the negative, 10:

Bruning
Hillman
Hudkins
Jensen
Matzke
Raikes
Schrock
Stuhr
Will
Witek

Present and not voting, 11:

Beutler
Brashear
Coordsen
Cudaback
Engel
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Suttle
Wickersham

Excused and not voting, 11:

Abboud
Bohlke
Brown
Hartnett
Kiel
Kristensen
Lynch
Pedersen, Dw.
Robak
Wehrbein

Withem

The Janssen amendment lost with 17 ayes, 10 nays, 11 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Messrs. Wickersham, Raikes, Wesely, Hilgert, Jensen, Dw. Pedersen, Tyson, Schmitt, Cudaback, Beutler, Kristensen, Landis, Maurstad, Coordsen, Bruning, Brashear, Preister, Jones, Hartnett, Withem, Schellpeper, Matzke, Bromm, Will, Mmes. Crosby, Brown, Witek, Hillman, Hudkins, Stuhr, Bohlke, Suttle, and Ms. Schimek offered the following amendment:
AM2565

(Amendments to E & R amendments, AM7159)

1. Strike sections 1 to 9 and all amendments thereto and insert the following new sections:

"Section 1. Section 77-2715.02, Reissue Revised Statutes of Nebraska, is amended to read:

77-2715.02. (1) Whenever the primary rate is changed by the Legislature under section 77-2715.01, the Tax Commissioner shall update the rate schedules required in subsection (2) of this section to reflect the new primary rate and shall publish such updated schedules.

(2) The following rate schedules are hereby established for the Nebraska individual income tax and shall be in the following form:

(a) The income amounts for columns A and E shall be:

(i) $0, $2,400, $17,000, and $26,500, for single returns;

(ii) $0, $4,000, $30,000, and $46,750, for married filing joint returns;

(iii) $0, $3,800, $24,000, and $35,000, for head-of-household returns;

(iv) $0, $2,000, $15,000, and $23,375, for married filing separate returns; and

(v) $0, $500, $4,700, and $15,150, for estates and trusts;

(b) The amount in column C shall be the total amount of the tax imposed on income less than the amount in column A;

(c) The amount in column D shall be the rate on the income in excess of the amount in column E;

(d) ~~The~~ Except as provided in subdivision (2)(e) of this section, the primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .708, .986, 1.415, and 1.89;

(e) For tax years 1997 and 1998, the primary rate set by the Legislature shall be multiplied by the following factors to compute the tax rates for column D. The factors for the brackets, from lowest to highest bracket, shall be .6784, .9432, 1.3541, and

1.8054;

(f) The amounts for column C shall be rounded to the nearest dollar, and the amounts in column D shall be rounded to hundredths of one percent; and

~~(f)~~ (g) One rate schedule shall be established for each federal filing status.

(3) The tax rate schedules shall use the format set forth in this subsection.

A	B	C	D	E
Taxable income over	but not over	pay	plus	of the amount over

(4) The tax rate applied to other federal taxes included in the computation of the Nebraska individual income tax shall be eight times the primary rate.

(5) The Tax Commissioner shall prepare, from the rate schedules, tax tables which can be used by a majority of the taxpayers to determine their Nebraska tax liability. The design of the tax tables shall be determined by the Tax Commissioner. The size of the tax table brackets may change as the level of income changes. The difference in tax between two tax table brackets shall not exceed fifteen dollars. The Tax Commissioner may build the personal exemption credit and standard deduction amounts into the tax tables.

(6) The Tax Commissioner may require by rule and regulation that all taxpayers shall use the tax tables if their income is less than the maximum income included in the tax tables.

Sec. 2. Section 77-2716, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716. (1) The following adjustments to federal adjusted gross income or, for corporations and fiduciaries, federal taxable income shall be made for interest or dividends received:

(a) There shall be subtracted interest or dividends received by the owner of obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent includable in gross income for federal income tax purposes but exempt from state income taxes under the laws of the United States;

(b) There shall be subtracted that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (a) of this subsection as reported to the recipient by the regulated investment company;

(c) There shall be added interest or dividends received by the owner of obligations of the District of Columbia, other states of the United States, or their political subdivisions, authorities, commissions, or instrumentalities to the extent excluded in the computation of gross income for federal income tax purposes except that such interest or dividends shall not be added if received by a corporation which is a regulated investment company;

(d) There shall be added that portion of the total dividends and other income received from a regulated investment company which is attributable to obligations described in subdivision (c) of this subsection and excluded for federal income tax purposes as reported to the recipient by the regulated investment company; and

(e)(i) Any amount subtracted under this subsection shall be reduced by any interest on indebtedness incurred to carry the obligations or securities described in this subsection or the investment in the regulated investment company and by any expenses incurred in the production of interest or dividend income described in this subsection to the extent that such expenses, including amortizable bond premiums, are deductible in determining federal taxable income.

(ii) Any amount added under this subsection shall be reduced by any expenses incurred in the production of such income to the extent disallowed in the computation of federal taxable income.

(2) There shall be allowed a net operating loss derived from or connected with Nebraska sources computed under rules and regulations adopted and promulgated by the Tax Commissioner consistent, to the extent possible under the Nebraska Revenue Act of 1967, with the laws of the United States. For a resident individual, estate, or trust, the net operating loss computed on the federal income tax return shall be adjusted by the modifications contained in this section. For a nonresident individual, estate, or trust or for a partial-year resident individual, the net operating loss computed on the federal return shall be adjusted by the modifications contained in this section and any carryovers or carrybacks shall be limited to the portion of the loss derived from or connected with Nebraska sources.

(3) There shall be subtracted from federal adjusted gross income for all taxable years beginning on or after January 1, 1987, the amount of any state income tax refund to the extent such refund was deducted under the Internal Revenue Code, was not allowed in the computation of the tax due under the Nebraska Revenue Act of 1967, and is included in federal adjusted gross income.

(4) Federal adjusted gross income, or, for a fiduciary, federal taxable income shall be modified to exclude the portion of the income or loss received from a small business corporation with an election in effect under subchapter S of the Internal Revenue Code or from a limited liability company organized pursuant to the Limited Liability Company Act that is not derived from or connected with Nebraska sources as determined in section 77-2734.01.

(5) There shall be subtracted from federal adjusted gross income or, for corporations and fiduciaries, federal taxable income dividends received or deemed to be received from corporations which are not subject to the Internal Revenue Code.

(6) There shall be subtracted from federal taxable income a portion of the income earned by a corporation subject to the Internal Revenue Code of 1986 that is actually taxed by a foreign country or one of its political subdivisions at a rate in excess of the maximum federal tax rate for corporations. The taxpayer may make the computation for each foreign country or for groups of foreign countries. The portion of the taxes that may be deducted shall be computed in the following manner:

(a) The amount of federal taxable income from operations within a foreign taxing jurisdiction shall be reduced by the amount of taxes actually paid to the foreign jurisdiction that are not deductible solely because the foreign tax credit was elected on the federal income tax return;

(b) The amount of after-tax income shall be divided by one minus the maximum tax rate for corporations in the Internal Revenue Code; and

(c) The result of the calculation in subdivision (b) of this subsection shall be subtracted from the amount of federal taxable income used in subdivision (a) of this subsection. The result of such calculation, if greater than zero, shall be subtracted from federal taxable income.

(7) Federal adjusted gross income shall be modified to exclude any amount repaid by the taxpayer for which a reduction in federal tax is allowed under section 1341(a)(5) of the Internal Revenue Code.

(8)(a) For tax years 1997 and 1998, there shall be subtracted from federal adjusted gross income an amount equal to the difference between the amount qualified for calculation of a deduction as provided in section 162(l) of the Internal Revenue Code and the amount actually allowed pursuant to section 162(l)(1) of the Internal Revenue Code.

(b) For an individual who itemized deductions on his or her federal return, the maximum amount subtracted under subdivision (8)(a) of this section shall be seven and one-half percent of federal adjusted gross income.

Sec. 3. Section 77-2716.01, Reissue Revised Statutes of Nebraska, is amended to read:

77-2716.01. (1) Every individual shall be allowed to subtract from his or her income tax liability an amount for personal exemptions. The amount allowed to be subtracted shall be the credit amount for the year as provided in this section multiplied by the number of exemptions allowed on the federal return. For tax year 1993, the credit amount shall be sixty-five dollars; for tax year 1994, the credit amount shall be sixty-nine dollars; for tax year 1995, the credit amount shall be sixty-nine dollars; for tax year 1996, the credit amount shall be seventy-two dollars; for tax year 1997, the credit amount shall be ~~seventy-six~~ eighty-six dollars; for tax year 1998, the credit amount shall be ~~seventy-eight~~ eighty-eight dollars; for tax year 1999, and each year thereafter, the credit amount shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. The sixty-five-dollar credit amount shall be adjusted for cumulative inflation since 1993. If any credit amount is not an even dollar amount, the amount shall be rounded to the nearest dollar. The amount allowed for each personal exemption shall be reduced, but not below zero, by five dollars for each five thousand dollars, or portion thereof, that federal adjusted gross income exceeds ninety thousand dollars for married filing joint returns, fifty-four thousand dollars for single returns, seventy-five thousand dollars for head-of-household returns, and for married filing separate returns, one-half the amount stated in this subsection for married filing joint returns. For nonresident individuals and partial-year resident individuals, the personal exemption credit shall be subtracted as specified in subsection (3) of section 77-2715. For tax year 1994 and each tax year thereafter, the income levels stated in this subsection shall be adjusted for inflation by the method provided in section 151 of the Internal Revenue Code of 1986, as amended. If any income level in this subsection is not a multiple of one thousand dollars, the amount shall be rounded to the next highest multiple of one thousand dollars.

(2) Every individual who did not itemize deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income a standard deduction equal to the federal standard deduction for the filing status used on the federal return except as the amount is adjusted under section 77-2716.03.

(3) Every individual who itemized deductions on his or her federal return shall be allowed to subtract from federal adjusted gross income the greater of either the standard deduction allowed in subsection (2) of this section or the amount before the federal disallowance of his or her federal itemized deductions, except for the amount deducted on the federal return for state or local income taxes paid and the amount of any adjustment required under section 77-2716.03.

Sec. 4. Section 79-1031, Reissue Revised Statutes of Nebraska, is amended to read:

79-1031. The department shall annually, on or before December 1, provide data to the Governor to enable the Governor to prepare the necessary legislation to:

(1) Appropriate an amount which will provide financial support from all state sources, including the amounts transferred pursuant to sections 79-947.01 and 79-988.01, to districts equal to forty-five percent of the estimated statewide aggregate general fund operating expenditures for Nebraska elementary and secondary public education for the ensuing school year;

(2)(a) Except as provided in subdivisions (2)(b) and (c) of this section, appropriate ~~Appropriate~~ an amount of income tax revenue received to insure that twenty percent of all income tax receipts are dedicated to the support of districts throughout the state;

(b) Appropriate an amount of income tax revenue received to insure that twenty-one and twenty-eight-hundredths percent of all income tax receipts for tax year 1997 are dedicated to the support of districts throughout the state; and

(c) Appropriate an amount of income tax revenue received to insure that twenty-one and twenty-five-hundredths percent of all income tax receipts for tax year 1998 are dedicated to the support of districts throughout the state;

(3) Appropriate an amount equal to any state aid funds which have been returned to the General Fund from an earlier appropriation due to the repayment of funds by districts; and

(4) Establish and implement a basic allowable growth rate and an allowable growth range for district budgets for the ensuing school year.

The Governor shall submit such legislation, along with any modifications made by the Governor as part of his or her annual budget request, to the Legislature.

Sec. 5. Section 84-612, Revised Statutes Supplement, 1996, is amended to read:

84-612. (1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred.

(3) Any transfers made pursuant to subsection (2) of this section shall be reversed upon notification by the Director of Administrative Services that sufficient funds are available.

(4) ~~On June 15, 1992, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1994.~~

~~(5) On June 15, 1993, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed on June 15, 1995.~~

~~(6) On June 30, 1993, the State Treasurer shall transfer four million five hundred thousand dollars from the Cash Reserve Fund to the General Fund. Such transfer shall be reversed in the amount of two million two hundred fifty thousand dollars on June 15, 1994, and in the amount of two million two hundred fifty thousand dollars on June 15, 1995.~~

~~(7)~~ On or before August 1, 1994, the State Treasurer shall transfer six million dollars from the Cash Reserve Fund to the Job Training Cash Fund.

(5) On June 15, 1999, the State Treasurer shall transfer forty million dollars from the Cash Reserve Fund to the General Fund.

Sec. 6. Sections 1 to 3, and 7 of this act become operative for all taxable years beginning or deemed to begin on or after January 1, 1997, under the Internal Revenue Code of 1986, as amended. The other sections of this act become operative on their effective date.

Sec. 7. Original sections 77-2715.02, 77-2716, and 77-2716.01, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 8. Original section 79-1031, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 1996, are repealed.".

Mr. Bruning asked unanimous consent to be excused. No objections. So ordered.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 875 and 875A.

Enrollment and Review Change to LB 875

The following changes, required to be reported for publication in the Journal, have been made:

ER9088

1. In the Chambers amendment, FA404, an underscored comma has been inserted after the last parenthesis mark.
2. In the Hartnett amendment, AM2481, on page 1, line 12, "and" has been inserted after the second comma; and in line 13 the comma has been struck.
3. In the Coordsen amendment, AM2382, sections 14 and 15 have been renumbered as sections 17 and 18, respectively.
4. In the E & R amendments, AM7136, on page 1, line 5, "section 10" and all amendments thereto have been struck and "sections 12 and 16" inserted.
5. On page 1, the matter beginning with "community" in line 1 through line 11 and all amendments thereto have been struck and "economic development; to amend sections 17-405.01, 18-2101, 18-2102, 18-2102.01, 18-2105, 18-2109, 18-2113, 18-2116, 18-2118, 18-2147, 18-2150, 77-5102, and 77-5105, Reissue Revised Statutes of Nebraska, and sections 18-2103, 18-2107, 18-2115, Revised Statutes Supplement, 1996; to provide for annexation of certain property; to change provisions relating to organization of community redevelopment authorities,

substandard and blighted areas, tax levy provisions, and notice requirements; to require reports relating to tax-increment financing; to change provisions relating to the Review Incentives Program Committee; to provide requirements for statistical reporting; to eliminate powers; to harmonize provisions; to repeal the original sections; and to outright repeal section 18-2142, Reissue Revised Statutes of Nebraska." inserted.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendments to LB 752A:

AM2538

1. On page 2, line 1, strike "$43,333" and insert "$25,000".

AM2539

1. On page 2, line 2, strike "$84,118" and insert "$45,000".

AM2540

1. On page 2, line 3, strike "$41,649" and insert "$20,000".

AM2541

1. On page 2, line 3, strike "$80,847" and insert "$40,000".

AM2542

1. On page 2, line 9, strike "$84,638" and insert "$42,000".

AM2543

1. On page 2, line 9, strike "$86,182" and insert "$43,000".

AM2544

1. Strike section 2.
2. Renumber the remaining sections accordingly.

AM2545

1. On page 2, line 18, strike "$335,646" and insert "$170,000".

AM2546

1. On page 2, line 19, strike "$563,983" and insert "$230,000".

AM2547

1. On page 2, line 20, strike "$358,812 from the General Fund and".

AM2548

1. On page 2, line 20, strike "$209,841" and insert "$105,000".

AM2549

1. On page 2, line 27, strike "$208,631" and insert "$104,000".

AM2550

1. On page 2, line 27, strike "$414,500" and insert "$207,000".

AM2551

1. On page 2, line 28, strike "$11,400" and insert "$5,000".

AM2552

1. On page 3, line 1, strike "$23,100" and insert "$12,000".

AM2553

1. On page 3, line 10, strike "$75,542" and insert "$38,000".

AM2554

1. On page 3, line 13, strike "$413,595" and insert "$207,000".

AM2555

1. On page 3, line 21, strike "$221,328" and insert "$110,000".

AM2556

1. On page 3, line 21, strike "$429,637" and insert "$215,000".

AM2557

1. On page 3, line 24, strike "$302,634" and insert "$150,000".

AM2558

1. On page 3, line 24, strike "$588,027" and insert "$295,000".

AM2559

1. On page 2, line 1, strike "$43,333" and insert "$25,000"; in line 2 strike "$84,118" and insert "$45,000"; and in line 3 strike "$41,649" and insert "$20,000" and strike "$80,847" and insert "$40,000".

AM2560

1. On page 2, line 9, strike "$84,638" and insert "$42,000" and strike "$86,182" and insert "$43,000".

MOTION - Print in Journal

Mr. Beutler filed the following motion to LB 752A:

to suspend the rules, Rule 6, Sections 3(e) and 5, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 752A without further amendment, motion, or debate.

AMENDMENT - Print in Journal

Mrs. McKenzie filed the following amendment to LB 865:

AM2509

(Amendments to AM1042)

1. Strike sections 2, 7, 8, 10 to 13, and 18 and insert the following new sections:

"Sec. 6. Section 79-1115, Reissue Revised Statutes of Nebraska, is amended to read:

79-1115. Allowable costs means salaries, wages, benefits, and maintenance, supplies, travel, and other expenses essential to carry out the provisions for special education and support services.

Sec. 8. Section 79-1142, Reissue Revised Statutes of Nebraska, is amended to read:

79-1142. (1) ~~For special education programs provided in fiscal year 1994-95, the State Department of Education shall reimburse each school district, in fiscal year 1995-96, an amount equal to ninety percent of allowable excess cost for all special education programs other than Level I services. The amount appropriated by the Legislature for Level I services shall consist of the amount of the preceding year's Level I services appropriation plus fifty percent of the increase in the ninety percent allowable excess cost in Level I services for the average of the two immediately preceding years, except that the amount to be reimbursed by the State Department of Education for Level I services shall not be less than eighty percent of allowable excess costs. The proportionate share for each school district for Level I services shall be based on the final expenditure report of ninety percent of the allowable excess cost for Level I services for the immediately preceding year's special education program.~~ Level I services refers to services provided to students who require an aggregate of not more than three hours per week of special education services and support services and includes all administrative, diagnostic, consultative, and vocational-adjustment counselor services. Support services means preventive services for students not identified or verified as having a disability pursuant to sections 79-1120 and 79-1138 but who demonstrate a need for specially designed assistance in order to benefit from the school's general education curriculum. The total allowable reimbursable cost for support services shall not exceed a percentage, established by the State Board of Education, of the school district's or approved cooperative's total allowable reimbursable cost for all special education programs and support services. The percentage established by the State Board of Education for support services shall not exceed ten percent.

(2) For special education programs provided in fiscal ~~year~~ years 1995-96 and ~~each fiscal year thereafter~~ 1996-97, the State Department of Education shall reimburse each school district in the following fiscal year a pro rata amount determined by the State Board of Education from appropriations for special education approved by the Legislature and based on allowable excess costs for all special education programs. For special education and support services provided in fiscal year 1997-98 and each fiscal year thereafter, the State Department of Education shall reimburse each school district in the following fiscal year a pro rata amount determined by the State Board of Education from appropriations for special education approved by the Legislature and based on allowable excess costs for all special education programs and support services.

(3) Cooperatives of school districts or educational service units shall also be eligible for reimbursement for cooperative programs pursuant to this section if such cooperatives or educational service units have complied with the reporting and approval requirements of section 79-1155 for cooperative programs which were offered the preceding year. The payments shall be made by the State Department of Education to the school district of residence, cooperative of school districts, or educational service unit each year in seven as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in December. The State Treasurer shall, between the fifth and twentieth day of each month, notify the Director of Administrative Services of the amount of funds available in the General Fund for payment purposes. The director shall, upon receiving such certification, draw warrants against funds appropriated.

Sec. 9. Section 79-1155, Reissue Revised Statutes of Nebraska, is amended to read:

79-1155. All school boards and boards of education shall report annually on a date prescribed by the State Department of Education to the department on forms provided by the department (1) plans for special education program expansions, revisions, or reductions and (2) budget information for special education programs and support services. Cooperatives of school districts or educational service units applying for grants or reimbursement for programs pursuant to section 79-1132, 79-1142, or 79-1144 shall also report unified plans and budget information pursuant to this section. The plans and budget forms shall conform to guidelines provided in section 79-1156. The State Department of Education shall review and take action to approve, approve with modifications, or disapprove the plans for expansions in special education programs of the school district, cooperative of school districts, or educational service unit. Supplementary amendments to any program plans and budgets previously approved by the State Board of Education may be submitted on dates specified by the department during the same school year and shall be subject to the same review and approval as the initial plans and budgets. The State Board of Education shall approve, approve with modifications, or disapprove all supplementary amendments to program plans and budget requests. All final financial reports on special education and support services costs, the actual number of children served, and the ~~handicapping~~ disabling conditions of ~~such~~ children who are verified as having a disability shall be reported to the State Department of Education by October 31 of each year for the preceding school year on forms prescribed by the State Department of Education. Any program that provides residential care shall show the costs of such care separately from the costs of the education program.

If a servicing agency chooses to exceed the budget approved by the State Department of Education, costs in excess of the approved budget shall not be ~~reimbursed~~ eligible for reimbursement by the State Department of Education.

Sec. 10. Section 79-1156, Reissue Revised Statutes of Nebraska, is amended to read:

79-1156. The State Department of Education shall coordinate information reporting requirements for special education and support services programs with other educational data reporting requirements of the department to the extent possible. The plans for program expansions, revisions, and reductions shall contain the information required by the department. The information on special education and support services programs shall include at least the following:

(1) A description of the types of services to be offered and the number of students receiving the services;

(2) The servicing agencies and the respective services offered;

(3) A presentation of all expected expenditures by source of funds;

(4) A detailed description of the methodology to be used by the agency for evaluating the results of the programs and

service being provided for each service group. This methodology shall permit program evaluation, including the relative cost and effectiveness of alternative forms and patterns of services;

(5) A description of the procedures used to insure that students are placed in appropriate educational programs. Such procedures shall be reviewed for approval by the State Department of Education; and

(6) A sample of the written materials to be used to provide parents with specific information about complaint and appeal rights and procedures.

Sec. 11. Section 79-1158, Reissue Revised Statutes of Nebraska, is amended to read:

79-1158. No reimbursement for special education and support services programs shall be allowed unless the program meets the standards established by the State Department of Education.".

2. On page 12, lines 17 and 20 through 23, strike the new matter; and in line 17 reinstate the stricken matter.

3. On page 13, strike beginning with "adopt" in line 1 through "for" in line 4 and insert "develop guidelines prior to August 1, 1998, to assist school districts, educational service units, and approved cooperatives with"; and strike beginning with "Rules" in line 5 through line 8.

4. On page 18, line 23, after the last comma insert "79-1115,"; in line 24 strike "79-1127" through the third comma and insert "79-1138, 79-1142," and before "and" insert "79-1155, 79-1156, 79-1158,".

5. Renumber the remaining sections and correct internal references accordingly.

6. In the E & R amendments, AM7139, on page 1, strike beginning with the colon in line 1 through "On" in line 4 and insert ", on"; in line 8 strike the semicolon and insert a period; and strike lines 9 through 11.

SELECT FILE

LEGISLATIVE BILL 401. The Wickersham et al. pending amendment, AM2565, found in this day's Journal, was renewed.

Mr. Chambers offered the following amendment to the Wickersham et al. pending amendment:
FA413
(AM2565)
Page 2, line 9, and page 7, line 1, strike "years 1997 and" and insert "year".

Messrs. Landis, D. Pederson, Will, and Schellpeper asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Tyson moved for a call of the house. The motion prevailed with 20 ayes, 5 nays, and 24 not voting.

Mr. Withem moved to raise the call. The motion prevailed with 24 ayes, 5 nays, and 20 not voting.

Mr. Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Janssen
Schrock

Voting in the negative, 22:

Beutler
Brown
Crosby
Engel
Hilgert
Hillman
Hudkins
Jensen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Raikes
Stuhr
Suttle
Tyson
Wickersham
Witek
Withem

Present and not voting, 14:

Bohlke
Brashear
Bromm
Chambers
Coordsen
Cudaback
Dierks
Elmer
Preister
Robinson
Schimek
Schmitt
Vrtiska
Wesely

Excused and not voting, 11:

Abboud
Bruning
Hartnett
Kiel
Landis
Lynch
Pederson, D.
Robak
Schellpeper
Wehrbein
Will

The Chambers amendment lost with 2 ayes, 22 nays, 14 present and not voting, and 11 excused and not voting.

Mr. Chambers moved to reconsider the vote on his amendment, FA413, found in this day's Journal.

Mr. Chambers withdrew his motion to reconsider.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

Mr. Chambers offered the following amendment to the Wickersham et al. pending amendment:
FA414
(AM2565)
1. Page 1, line 15, strike and show as stricken,
"$4,000, $30,000 and $46,750", and insert, "$4,800, $34,000 and $53,000";
2. Page 1, line 19, strike and show as stricken,

"$2,000, $15,000 and $23,375", and insert, "$2,400, $17,000 and $26,500".

SPEAKER WITHEM PRESIDING

Mr. Chambers requested a record vote on his amendment.

Voting in the affirmative, 6:

Chambers
Cudaback
Hilgert
Hudkins
Jensen
Wesely

Voting in the negative, 14:

Beutler
Bohlke
Brown
Hillman
Kristensen
Maurstad
McKenzie
Peterson, C.
Stuhr
Suttle
Tyson
Wickersham
Witek
Withem

Present and not voting, 17:

Brashear
Bromm
Coordsen
Crosby
Dierks
Elmer
Engel
Janssen
Jones
Matzke
Pedersen, Dw.
Raikes
Robinson
Schimek
Schmitt
Schrock
Vrtiska

Excused and not voting, 12:

Abboud
Bruning
Hartnett
Kiel
Landis
Lynch
Pederson, D.
Preister
Robak
Schellpeper
Wehrbein
Will

The Chambers amendment lost with 6 ayes, 14 nays, 17 present and not voting, and 12 excused and not voting.

Mr. Wickersham moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

The Wickersham et al. amendment, AM2565, was adopted with 34 ayes, 2 nays, 1 present and not voting, and 12 excused and not voting.

The Chair declared the call raised.

Mr. Kristensen withdrew his amendment, AM2123, found on page 1941.

Mr. Maurstad withdrew his amendments, AM2114 and AM2118, found on pages 1945 and 1946.

Mr. Chambers withdrew his amendments, FA274 and FA273, found on page 1965.

Mr. Withem withdrew his motion, found on page 2016, to reconsider adoption of the Beutler amendment to LB 401.

Mr. Withem withdrew his motion, found on page 2016, to return LB 401 to General File for purposes of taking up the reconsideration motion on the Beutler amendment.

Mr. Maurstad withdrew his amendment, AM2210, found on page 2026.

Mr. Chambers withdrew his amendments, AM2211 and AM2212, found on page 2041.

Mr. Maurstad withdrew his amendment, AM2223, found on page 2049.

Mr. Wesely withdrew his amendment, AM2380, found on page 2302.

Mr. Chambers requested a record vote on the advancement of the bill.

Voting in the affirmative, 35:

Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Raikes
Robinson
Schimek
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 4:

Chambers
Janssen
Schmitt
Schrock

Excused and not voting, 10:

Abboud
Bruning
Hartnett
Kiel
Lynch
Pederson, D.
Preister
Robak
Schellpeper
Wehrbein

Advanced to E & R for engrossment with 35 ayes, 4 nays, and 10 excused and not voting.

LEGISLATIVE BILL 877. E & R amendment, AM7161, found on page 2090, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 835. E & R amendment, AM7168, found on page 2337, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 835A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 854. E & R amendment, AM7166, found on page 2337, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 854A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 327. E & R amendment, AM7169, found on page 2352, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 327A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 764. E & R amendment, AM7175, printed separately and referred to on page 2412, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 460. E & R amendment, AM7170, printed separately and referred to on page 2412, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 569. Advanced to E & R for engrossment.

LEGISLATIVE BILL 626. E & R amendment, AM7174, printed separately and referred to on page 2423, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 626A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 420. E & R amendment, AM7167, found on page 2332, was adopted.

Mr. Brashear withdrew his motion, found on page 2397, to suspend the rules, Rule 6, Section 5, and Rule 7, Sections 3 and 7, and vote on the advancement of LB 420 without further amendment or debate.

Advanced to E & R for engrossment.

AMENDMENT - Print in Journal

Mr. Wesely filed the following amendment to LB 798:

AM2575

(Amendments to AM2505)

1. Insert the following sections:

"Sec. 23. The department, after consulting with appropriate governmental agencies and affected persons, shall:

(1) Prescribe the form and procedure for the notification of intent to file an application for a certificate of need.

(2) The notification shall contain (a) the name and address of the sponsor, (b) the anticipated date for filing the application, (c) the location, (d) estimated costs of the project, (e) the source of funds, (f) the number of new beds, (g) a concise, narrative description of the project, and (h) the certification and telephone number of a responsible officer.

Sec. 24. (1) A notification of intent to file an application shall be submitted at least thirty days before the application is filed.

(2) Within five working days after the receipt of any notice of intent, the department shall publish notice of the notice of intent through public channels and shall notify health care facilities providing similar services in the area affected by the proposal and any person who has requested such notice.

Sec. 27. (1) Within five working days after the receipt of any application, the department shall disseminate notice of the beginning of review through public channels and send written notice to health care facilities providing similar services in the area affected by the proposal and any person who has requested such notice. The notice shall show that an application has been received and shall describe the proposal.".

2. On page 15, line 8, strike beginning with "9" through "29," and insert "12, 16 to 32,"; and in line 16 strike "11" and "12".

3. On page 25, line 27, strike "29" and insert "32".

4. On page 32, lines 9 through 18, strike the new matter and reinstate the stricken matter.

5. Renumber the remaining sections and correct internal references accordingly.

VISITORS

Visitors to the Chamber were Annetta and James Gallant from Scribner and Dorothy and Clifford Olson from Newman Grove; and 40 fourth grade students and teacher from J. Sterling Morton Elementary School, Omaha.

The Doctor of the Day was Hal Pumphrey from Lincoln.

ADJOURNMENT

At 9:51 p.m., on a motion by Mrs. Suttle, the Legislature adjourned until 8:00 a.m., Friday, May 30, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-FIFTH DAY – MAY 30, 1997

LEGISLATIVE JOURNAL

EIGHTY-FIFTH DAY – MAY 30, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-FIFTH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, May 30, 1997

Pursuant to adjournment, the Legislature met at 8:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Pastor Dan Gonnerman, Faith Baptist Church, Tecumseh, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Hartnett and Lynch who were excused; and Mmes. Bohlke, Brown, Kiel, McKenzie, Witek, Messrs. Brashear, Cudaback, Dierks, Engel, Hilgert, Landis, Robinson, Schmitt, Wesely, and Will who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fourth day was approved.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 180.

A BILL FOR AN ACT relating to property taxation; to create the Property Tax Reduction Incentive Fund; and to transfer funds.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 26:

Abboud	Bromm	Coordsen	Elmer	Hudkins
Beutler	Bruning	Crosby	Hillman	Janssen

Jones
Kristensen
Matzke
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Schellpeper
Schimek
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wickersham
Withem

Voting in the negative, 4:

Chambers
Jensen
Peterson, C.
Robak

Present and not voting, 2:

Maurstad
Suttle

Excused and not voting, 17:

Bohlke
Brashear
Brown
Cudaback
Dierks
Engel
Hartnett
Hilgert
Kiel
Landis
Lynch
McKenzie
Robinson
Schmitt
Wesely
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 278 to Select File

Mr. Chambers moved to return LB 278 to Select File for his specific amendment, FA245, found on page 1848.

The Chambers motion to return prevailed with 28 ayes, 0 nays, 6 present and not voting, and 15 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 278. The Chambers specific amendment, FA245, found on page 1848, was adopted with 26 ayes, 1 nay, 7 present and not voting, and 15 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 278 to Select File

Mr. Chambers moved to return LB 278 to Select File for his specific amendment, FA246, found on page 1848.

The Chambers motion to return prevailed with 30 ayes, 0 nays, 5 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 278. The Chambers specific amendment, FA246, found on page 1848, was adopted with 30 ayes, 0 nays, 7 present and not voting, and 12 excused and not voting.

Advanced to E & R for reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 485. With Emergency.

A BILL FOR AN ACT relating to criminal procedure; to amend section 29-1823, Reissue Revised Statutes of Nebraska; to change provisions relating to examination and maintenance costs of individuals determined to be mentally incompetent; to repeal the original section; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 39:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Coordsen
Crosby
Dierks
Elmer
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Brown
Withem

Excused and not voting, 7:

Cudaback
Engel
Hartnett
Hilgert
Lynch
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the

bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 485A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 485, Ninety-fifth Legislature, First Session, 1997; to reduce appropriations; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Brown
Raikes

Excused and not voting, 7:

Cudaback
Engel
Hartnett
Hilgert
Lynch
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 588.

A BILL FOR AN ACT relating to the Attorney General; to provide a duty with respect to the state's boundary lines.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm

Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 7:

Cudaback
Engel
Hartnett
Hilgert
Lynch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 588A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 588, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Brashear
Wehrbein

Excused and not voting, 7:

Cudaback
Engel
Hartnett
Hilgert
Lynch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 269 with 37 ayes, 1 nay, 4 present and not voting, and 7 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 269. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 3-504.02, 13-807, 14-1805, 14-1813, 71-1637, 71-1638, 77-201, 77-203, 77-913, 77-1340, 77-1601 to 77-1601.02, 77-1606 to 77-1610, 77-1613, 77-1613.01, 77-1616, 77-1706, 77-27,139.02, 77-27,139.03, 77-3442, 77-3443, 77-3444, 79-528, 79-1008, 79-1024, 79-1078, 80-202, 80-407, 81-1113, 85-1501, 85-1511, 85-1516, 85-1521, and 85-1535, Reissue Revised Statutes of Nebraska, sections 2-958, 2-2428, 3-504, 3-613, 13-318, 13-322, 13-323, 13-508, 13-518, 13-804, 13-2304, 13-2305, 13-2307, 14-1821, 18-2107, 19-3315, 22-402, 22-402.03, 22-402.04, 22-405, 22-405.01, 22-416, 22-417, 51-201, 51-501, 85-1503, 85-1515, 85-1517, and 85-1536, Revised Statutes Supplement, 1996, section 2-203.01, Revised Statutes Supplement, 1996, as amended by section 8, Legislative Bill 469, Ninety-fifth Legislature, First Session, 1997, and section 23-153, Revised Statutes Supplement, 1996, as amended by section 1, Legislative Bill 40, Ninety-fifth Legislature, First Session, 1997; to change provisions relating to determining and certifying property tax levies; to provide for joint fire protection and emergency services; to change provisions relating to weather control districts, budget documents, transit authorities, local government innovation and restructuring, and consolidation agreements and elections; to provide for taxation of replacement tangible personal property; to change the date personal property taxes are delinquent; to provide for the transfer of county assessor duties to the Property Tax Administrator; to change provisions for distribution and allocation of property tax revenue and state aid to political subdivisions; to eliminate provisions related to additional property tax levies, shade trees, county board meetings, personal property tax collection, and school district levies; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 18-801 to 18-807, 77-205, 77-206, and 79-1073, Reissue Revised Statutes of Nebraska, sections 13-320 and 13-321, Revised Statutes Supplement, 1996, and section 23-278, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 40, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 1:

Chambers

Excused and not voting, 6:

Cudaback
Engel
Hartnett
Lynch
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 269A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 269, Ninety-fifth Legislature, First Session, 1997; to state intent; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Bromm

Excused and not voting, 6:

Cudaback Hartnett Lynch Will Witek
Engel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 138 with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 138.

A BILL FOR AN ACT relating to emergency medical services; to amend sections 28-907, 60-337, 60-6,270, 71-168, 71-168.02, 71-1,198, 71-1,339, 71-507 to 71-512, 71-514.02, 71-7102, and 81-15,102.03, Reissue Revised Statutes of Nebraska, and sections 13-303, 13-1801, 23-1821, 23-3547, 23-3594, 35-514.02, 48-115, and 48-126.01, Revised Statutes Supplement, 1996; to adopt the Emergency Medical Services Act; to repeal provisions relating to emergency medical services; to repeal the Emergency Medical Technician-Paramedic Act and the First Responders Emergency Rescue Act; to define and redefine terms; to provide penalties; to change provisions relating to exposure to infectious diseases or conditions; to harmonize provisions; to provide operative dates; to repeal the original sections; and to outright repeal sections 71-5101 to 71-5107, 71-5108.01 to 71-5165, 71-5501 to 71-5518, 71-5520 to 71-5521.01, 71-5523, and 71-7301 to 71-7318, Reissue Revised Statutes of Nebraska, and section 71-5108, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 166, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud Beutler Bohlke Brashear Bromm

Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Excused and not voting, 6:

Cudaback
Engel
Hartnett
Lynch
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 180, 485, 485A, 588, 588A, 269, 269A, and 138.

GENERAL FILE

LEGISLATIVE BILL 729A. Title read. Considered.

Advanced to E & R for review with 30 ayes, 1 nay, 13 present and not voting, and 5 excused and not voting.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 137 to Select File

Mr. Brashear moved to return LB 137 to Select File for the Brashear-Beutler specific amendment, AM1724, found on page 1676.

The Brashear motion to return prevailed with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 137. The Brashear-Beutler specific amendment, AM1724, found on page 1676, was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MR. BRASHEAR PRESIDING

Mr. Withem and Mrs. Brown asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Return LB 197 to Select File

Mr. Kristensen moved to return LB 197 to Select File for his specific amendment, AM2091, found on page 1937.

The Kristensen motion to return prevailed with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 197. The Kristensen specific amendment, AM2091, found on page 1937, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 197

Mr. Chambers withdrew his amendment, FA312, found on page 1981, to LB 197.

MOTION - Return LB 495 to Select File

Mr. Beutler moved to return LB 495 to Select File for his specific amendment, AM2094, found on page 1944.

The Beutler motion to return prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 495. The Beutler specific amendment, AM2094, found on page 1944, was adopted with 32 ayes, 0 nays, 10 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 495

Mr. Chambers withdrew his amendment, FA316, found on page 1981, to LB 495.

MOTION - Return LB 610 to Select File

Mr. Wesely moved to return LB 610 to Select File for his specific amendment, AM1109, found on page 1130.

The Wesely motion to return prevailed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 610. The Wesely specific amendment, AM1109, found on page 1130, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 610A to Select File

Mr. Wesely moved to return LB 610A to Select File for his specific amendment, AM2332, found on page 2403.

The Wesely motion to return prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 610A. The Wesely specific amendment, AM2332, found on page 2403, was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 851

Mr. Bromm and Mrs. McKenzie withdrew their amendment, AM1678, found on page 1712, to LB 851.

MOTION - Return LB 851 to Select File

Mrs. Crosby moved to return LB 851 to Select File for the Crosby-McKenzie-Bromm specific amendment, AM2329, found on page 2166.

SPEAKER WITHEM PRESIDING

Mrs. Suttle, Messrs. Wehrbein, Brashear, Maurstad, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

The Crosby motion to return prevailed with 30 ayes, 0 nays, 10 present and

not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 851. The Crosby-McKenzie-Bromm specific amendment, AM2329, found on page 2166, was adopted with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 851A to Select File

Mrs. Crosby moved to return LB 851A to Select File for the following specific amendment:
FA415
Strike the enacting clause.

The Crosby motion to return prevailed with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 851A. The Crosby specific amendment, FA415, found in this day's Journal, was adopted with 29 ayes, 0 nays, 12 present and not voting, and 8 excused and not voting.

LB 851A stands indefinitely postponed.

MOTION - Return LB 55 to Select File

Mr. Landis moved to return LB 55 to Select File for his specific amendment, AM2277, printed separately and referred to on page 2083.

The Landis motion to return prevailed with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 55. The Landis specific amendment, AM2277, printed separately and referred to on page 2083, was adopted with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 271 to Select File

Mr. Kristensen moved to return LB 271 to Select File for his specific amendment, AM2564, found on page 2463.

The Kristensen motion to return prevailed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 271. The Kristensen specific amendment, AM2564, found on page 2463, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 271A to Select File

Mr. Kristensen moved to return LB 271A to Select File for the following specific amendment:
AM2576

(Amendments to AM2320)

1. On page 1, line 3, strike "$155,962" and insert "$129,020"; in line 5 strike "$55,962" and insert "$58,144"; in line 14 strike "$54,962" and insert "$27,481"; and in line 18 strike "$31,793" and insert "$15,897".

The Kristensen motion to return prevailed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 271A. The Kristensen specific amendment, AM2576, found in this day's Journal, was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

AMENDMENT - Print in Journal

Mrs. Bohlke filed the following amendment to LB 710:
(Amendment, AM2492, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the advancement of LB 401.

(Signed) Jon C. Bruning

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 30, 1997, at 9:05 a.m., were the following bills: LBs 180, 485, 485A, 588, 588A, 269, 269A, and 138.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

REPORTS

Investment Finance Authority, Nebraska (NIFA)
Series C Single Family Bond Issue

SELECT FILE

LEGISLATIVE BILL 865. E & R amendment, AM7139, found on page 1608, was adopted.

Mrs. McKenzie withdrew her amendment, AM2044, found on page 1957.

Mrs. McKenzie renewed her pending amendment, AM2509, found on page 2484.

The McKenzie amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

MRS. CROSBY PRESIDING

Mrs. Robak asked unanimous consent to be excused. No objections. So ordered.

LEGISLATIVE BILL 865A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 590. E & R amendment, AM7146, printed separately and referred to on page 1706, was adopted.

Mr. Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Kristensen reoffered his amendment, AM1700, found on page 1637.

Mr. Kristensen asked unanimous consent to replace his pending amendment, AM1700, found on page 1637, with a substitute amendment. No objections. So ordered.

Mr. Kristensen withdrew his amendment, AM1700, found on page 1637.

Mr. Kristensen renewed his pending substitute amendment, AM2385, found on page 2314.

Mr. Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Mr. Dw. Pedersen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Bromm requested a division of the question on the Kristensen amendment.

The Chair sustained the division of the question.

The first Kristensen amendment is as follows:
FA416

(Amendments to E & R amendments, AM7146)

1. On page 1, line 9, strike "in writing" and show as stricken and after "dollars" insert "and fifty cents".

2. On page 2, lines 3 through 5, strike the new matter; strike beginning with "Fees" in line 19 through the period in line 22 and show the old matter as stricken; in line 24 strike "means, two dollars" and insert "or other means, one dollar and fifty cents"; and in line 26 strike "and fifty cents".

4. On page 17, line 15, strike "in writing" and show as stricken and after "dollars" insert "and fifty cents" and strike the new matter in lines 16 through 19.

5. On page 18, line 22, strike "section 9-403", show as stricken, and insert "sections 9-403, 9-408, and 9-411".

6. On page 19, lines 2 and 3, strike the new matter and insert "and except as otherwise specifically provided by law".

The first Kristensen amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The second Kristensen amendment is as follows:
FA417

(Amendments to E & R amendments, AM7146)

3. On page 11, line 7, after the period insert "When making its decision to employ or contract with a network manager, the board shall first determine whether the gateway or electronic network will be provided by the private sector or the public sector. If the board's decision is to have the private sector provide the gateway or electronic network, no state agency or governmental subdivision may be employed or contracted with as a network manager.".

Messrs. Jones, Schmitt, Hilgert, and Beutler asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved the previous question. The question is, “Shall the debate now close?”

Mr. Kristensen moved for a call of the house. The motion prevailed with 16 ayes, 1 nay, and 32 not voting.

The motion to cease debate prevailed with 25 ayes, 7 nays, and 17 not voting.

Mrs. Witek requested a record vote on the second Kristensen amendment.

Voting in the affirmative, 17:

Bohlke
Brashear
Brown
Bruning
Crosby
Hillman
Kiel
Kristensen
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Schrock
Wesely
Wickersham
Will
Withem

Voting in the negative, 19:

Bromm
Chambers
Coordsen
Dierks
Engel
Hudkins
Janssen
Jensen
Jones
Landis
Peterson, C.
Preister
Raikes
Robinson
Schimek
Stuhr
Suttle
Tyson
Witek

Present and not voting, 5:

Abboud
Elmer
Matzke
Vrtiska
Wehrbein

Excused and not voting, 8:

Beutler
Cudaback
Hartnett
Hilgert
Lynch
Robak
Schellpeper
Schmitt

The second Kristensen amendment lost with 17 ayes, 19 nays, 5 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Withem asked unanimous consent to replace his pending amendment, AM1640, found on page 1653, with a substitute amendment. No objections. So ordered.

Mr. Withem withdrew his amendment, AM1640, found on page 1653.

Messrs. Withem and Bromm renewed their pending substitute amendment, AM2381, found on page 2301.

Mr. Abboud offered the following amendment to the Withem-Bromm pending amendment:

FA418
(AM2381)
Insert a new subsection 12(2)(d) to read:
"A state agency may not deny a request for paper copies of public records."

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

The Abboud amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

The Withem-Bromm amendment, as amended, was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 729A. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion No. 97031

DATE:	May 28, 1997
SUBJECT:	Whether § 253(a) of the Telecommunications Act of 1996, Which Prohibits State or Local Statutes or Regulations Prohibiting Entities from Providing Interstate or Intrastate "Telecommunications Service", Prevents the Legislature from Barring Public Power Districts from Providing Community Antenna Television Service.
REQUESTED BY:	Senator Jennie Robak Nebraska State Legislature
WRITTEN BY:	Don Stenberg, Attorney General L. Jay Bartel, Assistant Attorney General

You have requested our opinion on a question pertaining to the interpretation of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) (**to be codified in pertinent part at** 15 U.S.C. § 792-5c and 47 U.S.C. §§ 151 to 614 [the "Act"]. Your specific question concerns §

253(a) of the Act, which provides that "[n]o State or local statute or regulation, or other local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." Presently, public power districts in Nebraska are prevented from providing community antenna television [i.e. "cable" television] service in areas where cable television service is available from entities holding franchises issued pursuant to Neb. Rev. Stat. §§ 18-2201 to 18-2206 (1991) or permits issued under Neb. Rev. Stat. § 23-283 to 23-388 (1991) on April 24, 1987. Neb. Rev. Stat. § 70-625 (1996). You note that you submitted an amendment to LB 660, an act pending before the Legislature "relating to telecommunications", proposing to amend the bill to delete the present statutory restriction which precludes public power districts from engaging in the business of providing cable television service. (AM1650). Your question is whether the preemptory provision contained in § 253(a) of the Act is applicable to providers of cable television service.

"Interpretation of a statute must begin with the statute's language." **Mallard v. U.S. Dist. Court for the Southern Dist. of Iowa**, 490 U.S. 296, 300 (1989); **accord Pennsylvania Dept. of Public Welfare v. Davenport**, 495 U.S. 552 (1990). In construing statutes, the U.S. Supreme Court has stated that it will "begin with the language of the statute and ask whether Congress has spoken on the subject before [it]; 'If the intent of Congress is clear, that is the end of the matter, for the court. . .must give effect to the unambiguously expressed intent of Congress.' " **Norfolk and Western Ry. Co. v. American Train Dispatchers Ass'n,** 499 U.S. 117, 128, (1991) **(quoting Chevron U.S.A., Inc. v. Natural Resources Defense Council, Inc.**, 467 U.S. 837, 842-43 (1984)).

The Act made substantial changes to Title 47, Chapter 5 of the United States Code, pertaining to "Wire or Radio Communications." One author summarizing the impact of the Act has stated:

> The passage of the bill officially launched a new era of telecommunications in the United States. The Telecommunications Act of 1996 proposes to increase competition and advance technology within the communications industry, and to lower prices and provide more choices for consumers. This Act, encompassing the first major change in the telecommunications industry since the Communications Act of 1934, addresses the new world of information of technology and industry advancements.

Cook, Catherine, **Legislative Summary: The Telecommunications Act of 1996**, 6 DePaul LCA J. Art & Ent. L. 237 (Spring 1996).

Among the changes was the enactment of § 253, entitled "Removal of barriers to entry." Subsection (a) of § 253 provides:

> No State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability

> of any entity to provide any interstate or intrastate telecommunications service. (emphasis added).

The Act defines "telecommunications service" as "the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used." 47 U.S.C. § 153(46). (emphasis added). The term "telecommunications" is defined to mean "the transmission between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received." 47 U.S.C. § 153(43).

By its plain terms, § 253(a) of the Act applies only to prohibit state or local statues or regulations which prohibit entities from providing interstate or intrastate "telecommunications service." The Act specifically defines "telecommunications," and "telecommunications service," to relate to the transmission of information by the user of the service between or among points specified by the user. These definitions simply are not applicable to the provision of "cable" television service, as that term is commonly understood.

Indeed, the distinction between "cable" television service, and "telecommunications service," as used in § 253(a), was recognized by Congress. Federal statues governing "Cable Communications" are contained in a separate subchapter of Chapter 5 of Title 47, "subchapter V-A." Subparagraph (6) of the definitional provision of this Subchapter, 47 U.S.C. § 522, provides that

> the term "cable service" means--
>
> (A) the one-way transmission to subscribers of (i) video programming, or (ii) other programming service, and
>
> (B) subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service; . . . .

The general definitional section of the Act provides the term " 'cable service' has the meaning given such term in section 522 of this title." 47 U.S.C. § 153(7).

Thus, we believe it is clear that Congress understood, and intended to make, a distinction between "telecommunications service" and "cable service" in enacting § 253(a), which preempts state or local statutes or regulations barring the ability of entities to provide interstate or intrastate "telecommunications service." Had Congress intended to broaden the scope of the prohibition in § 253(a), or to otherwise add to the Act a separate provision including similar language governing cable television service providers, it could have done so. It did not.

In sum, it is our opinion that the prohibition in § 253(a) of the Act, barring state or local statutes or regulations which prohibit entities from providing "interstate or intrastate telecommunications service", has no application to state or local regulations governing the provision of "community antenna" [i.e. "cable"] television service. We therefore conclude that § 253(a) does not, by its plain terms, have any application to that portion of § 70-625 which generally prohibits public power districts from engaging in business as providers of cable television service.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-337-7.3
cc: Patrick J. O'Donnell
Clerk of the Legislature

MOTIONS - Print in Journal

Mr. Chambers filed the following motion to LB 829:
To indefinitely postpone.

Mr. Chambers filed the following motion to LB 91:
To indefinitely postpone.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 29, 1997, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Pappas, James E. - Lincoln; Nebraska Educational Finance Authority
Sanne, Richard D. - Lincoln; Nebraska Grain and Feed Association
(Withdrawn 05/30/97)

SELECT FILE

LEGISLATIVE BILL 590. Mr. Brashear withdrew his amendments, FA196 and AM1707, found on page 1672 and 1810.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Bromm renewed his pending amendment, AM2019, found on page 2141.

Mr. Withem offered the following amendment to the Bromm pending amendment:
FA419
AM2019
Strike original contents and insert new language.
on page 9, line 10 in AM7146 after; insert "even when a new network manager is selected.

Mr. Withem withdrew his amendment.

The Bromm amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Bromm renewed his pending amendment, AM2021, found on page 2141.

Mr. Bromm withdrew his amendment.

Mr. Bromm renewed his pending amendment, AM2022, found on page 2141.

MR. COORDSEN PRESIDING

The Bromm amendment was adopted with 26 ayes, 0 nays, 14 present and not voting, and 9 excused and not voting.

Mr. Bromm withdrew his amendment, AM2018, found on page 2141.

Mr. Bromm renewed his pending amendment, AM2020, found on page 2141.

The Bromm amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Bromm renewed his pending amendment, AM1780, found on page 2142.

Mr. Maurstad asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Mr. Bromm withdrew his amendments, AM2028, AM2030, and AM2029, found on page 2142.

Mr. Abboud withdrew his amendment, AM2376, found on page 2301.

Mr. Withem renewed his pending amendment, AM2304, found on page 2302.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

The Withem amendment was adopted with 25 ayes, 0 nays, 16 present and not voting, and 8 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Agriculture

The Committee on Agriculture desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Dry Bean Commission
  Kevin Kelley
  Craig Maas
  Clifford Walker

VOTE: Aye: Senators Dierks, Cudaback, Hilgert, Hudkins, and Schrock. Nay: None. Absent: Senators Chambers, Schellpeper, and Vrtiska.

(Signed) Merton L. Dierks, Chairperson

Education

LEGISLATIVE BILL 251. Indefinitely postponed.
LEGISLATIVE BILL 503. Indefinitely postponed.
LEGISLATIVE BILL 524. Indefinitely postponed.
LEGISLATIVE BILL 742. Indefinitely postponed.
LEGISLATIVE BILL 863. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

MOTION - Print in Journal

Mr. Brashear filed the following motion to LB 420:
To suspend the rules, Rule 6, sections 6 and 8, and Rule 7, sections 3 and 7, and allow for final reading of LB 420 without further amendment or motion.

AMENDMENT - Print in Journal

Mmes. McKenzie, Bohlke, Messrs. Kristensen, and Brashear filed the following amendment to LB 798:

(Amendment, AM2573, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

PROPOSED RULES CHANGES

Mr. Beutler offered the following proposed rules change:
Proposed Rule change #1
A motion or an amendment or an amendment to an amendment offered at any stage of debate must be signed by at least four members in order to be accepted for filing.

Referred to the Rules Committee.

Mr. Beutler offered the following proposed rules change:
Proposed Rule change #2
No member may sign and offer more than a total of three motions, amendments or amendments to amendments on any bill at any one stage of debate.

Referred to the Rules Committee.

SELECT FILE

LEGISLATIVE BILL 590. Mr. Withem renewed his pending amendment, AM1892, found on page 2302.

The Withem amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Mrs. Bohlke offered the following amendment:
AM2582

(Amendments to E & R amendments, AM7146)

1. On page 10, line 9, strike "Two" and insert "Three"; and in line 10 strike "and" and insert an underscored comma and after "public" insert ", and professional members of the Nebraska news media".

The Bohlke amendment was adopted with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 590A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 151. E & R amendment, AM7162, found on page 2091, was adopted.

Mr. Landis withdrew his amendment, AM2384, found on page 2319.

Mr. Landis renewed his pending amendment, AM2485, found on page 2433.

The Landis amendment was adopted with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Print in Journal

Mr. Maurstad filed the following motion to LB 23:

To suspend the rules, Rule 6, sections 6 and 8, and Rule 7, sections 3 and 7, and allow for final reading of LB 23 without further amendment or motion.

WITHDRAW - Cointroducer

Mr. Maurstad withdrew his name as cointroducer to LB 420.

VISITORS

Visitors to the Chamber were Alex Matzke and Allie Goding from Seward; John Doyle from Wilmington, Delaware and Andrieu Doyle from Omaha; and 30 fourth grade students and teachers from Ezra Millard Elementary School, Omaha.

The Doctor of the Day was Jay Matzke from Seward.

ADJOURNMENT

At 1:28 p.m., on a motion by Mr. Kristensen, the Legislature adjourned until 9:00 a.m., Monday, June 2, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SIXTH DAY – JUNE 2, 1997

LEGISLATIVE JOURNAL

EIGHTY-SIXTH DAY – JUNE 2, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, June 2, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Brown, Hillman, Kiel, C. Peterson, Stuhr, Witek, Messrs. Brashear, Bromm, Chambers, Engel, Landis, Matzke, Maurstad, Robinson, Schrock, Will, and Ms. Schimek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 444. Indefinitely postponed.
LEGISLATIVE BILL 672. Indefinitely postponed.
LEGISLATIVE BILL 716. Indefinitely postponed.
LEGISLATIVE BILL 808. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

GENERAL FILE

LEGISLATIVE BILL 622A. Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 5 present and not voting, and 18 excused and not voting.

WITHDRAW - Motion to LB 873

Mr. D. Pederson withdrew his motion, found on page 2185, to suspend the rules, Rule 7, Section 3(d) to permit consideration of AM2317 to LB 873.

WITHDRAW - Amendment to LB 873

Mr. D. Pederson withdrew his amendment, AM2317, found on page 2139, to LB 873.

MOTION - Return LB 873 to Select File

Mr. Withem moved to return LB 873 to Select File for the following specific amendment:
AM2599

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Whenever a city of the first class which is located within or adjacent to the service territory of a metropolitan utilities district decides to undertake any project, the governing body of the city shall act in conformity with the provisions of sections 1 to 6 of this act.

Sec. 2. For purposes of sections 1 to 6 of this act:

(1) Political subdivision means any city, village, county, metropolitan utilities district, or sanitary and improvement district; and

(2) Project means the purchase, construction, renovation, or expansion of a water supply or distribution facility (a) with an estimated total cost of either five hundred thousand dollars or more or equivalent to ten percent or more of the total general fund expenditures of the city in the most current year available, whichever is greater, (b) which would serve any territory or persons within or outside of the corporate boundaries of the city, and (c) the costs of which would be borne in whole or in part by persons residing outside the corporate boundaries of the city.

Sec. 3. (1) The governing body of the city shall formally adopt a resolution indicating its intent and authorizing the conduct of such engineering studies and the development of such plans or alternative proposals as are necessary to proceed with the development of the project. An independent consultant shall be employed to conduct such a study or develop such plans or proposals and shall not enter into any other contract or maintain any other contractual relationship related to the project with such city other than with regard to such studies, plans, or proposals. The consultant shall identify potential alternatives to the proposed project with specific emphasis on whether or not it would be more cost efficient to enter into a cooperative effort with another political subdivision and shall review and report to the governing body on the feasibility and costs associated with the proposed project and all reasonable alternative proposals likely to meet the needs identified by the governing body as requiring the undertaking of the project.

(2) The resolution shall specify (a) the particular existing and future needs of the city and any surrounding areas which necessitate the proposed project, (b) the location or locations of the proposed project, (c) the physical boundaries of the area to be served by the project, (d) the proposed nature of the project and any possible alternative courses of action other than the proposed project which would meet the needs set forward, (e) the estimated cost of the project and of any other possible alternative courses of action, and (f) a description of how the project will be financed. The resolution shall also authorize the clerk of the city to advertise for requests for proposals to consultants to conduct the studies on the project.

Sec. 4. (1) The governing body of the city shall receive the report of the consultant at a public meeting and copies of the report shall be filed with the clerk of the city and made available for review by the public during normal business hours. At such meeting the governing body shall schedule a public hearing to be held not sooner than twenty-one days following the date of the receipt of the report. The governing body shall cause notice of the public hearing to be published in a newspaper of general circulation in the city at least once a week for two consecutive weeks, the time of the hearing to be at least seven days following the last date of publication. The notice shall describe the time, date, place, and purpose of the hearing and shall specifically identify the project and all reasonable alternatives reviewed in the report. All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views respecting the proposed project and the alternatives.

(2) The governing body shall cause copies of the original resolution and the consultant's report to be transmitted to the clerk of each other political subdivision exercising jurisdiction over territory or persons to be served by the proposed project or whose residents would be responsible in any fashion to bear any portion of the costs associated with the project. Such transmission shall be accomplished within seven days after the date on which the governing body receives the report.

Sec. 5. The city shall not undertake the project if, within thirty days after the date upon which the governing body of the city approves the project, a three-fifths majority of the elected members of the governing body of any political subdivision receiving notice as provided for in subsection (2) of section 4 of this act votes to reject the project.

Sec. 6. If any political subdivision votes to reject the project as provided in section 5 of this act, the governing body of the city may call for the approval of the project to be placed on the ballot of the next primary or general election or at a special election to be called for that purpose. All registered voters residing within the city and within all areas outside of the corporate boundaries of the city identified by the governing body as being the area to be served by the project shall be entitled to vote on the matter. If a majority of the voters voting on the matter at the election approve the project, the city may proceed to undertake the project, notwithstanding the objections of the political subdivision. If a majority of the voters voting on the matter reject the project, the city shall not undertake the project for a period of at least twelve calendar months after the date of the election, and if the governing body at that time decides to pursue the project, it shall only do so following the procedure provided for in sections 1 to 6 of this act.

Sec. 7. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with "sanitary" in line 1 through line 4 and insert "cities of the first class; to provide procedures for reviewing water supply or distribution projects; and to declare an emergency.".

The Withem motion to return prevailed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 873. The Withem specific amendment, AM2599, found in this day's Journal, was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

SPEAKER WITHEM PRESIDING

WITHDRAW - Amendment to LB 182

Mr. Preister withdrew the Preister et al. amendment, AM1301, found on page 1456, to LB 182.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Return LB 182 to Select File

Mr. Preister moved to return LB 182 to Select File for the Preister et al. specific amendment, AM1621, found on page 1641.

Mr. Preister requested a roll call vote on his motion to return.

Voting in the affirmative, 19:

Abboud
Beutler
Bruning
Chambers
Crosby
Engel
Hilgert
Janssen
Kiel
Lynch
Pedersen, Dw.
Preister
Robak
Robinson
Schimek
Suttle
Vrtiska
Wesely
Withem

Voting in the negative, 17:

Bromm
Coordsen
Dierks
Hillman
Hudkins
Jones
Kristensen
Matzke
Maurstad
Pederson, D.
Schellpeper
Schmitt
Stuhr
Tyson
Wehrbein
Wickersham
Witek

Present and not voting, 8:

Brown
Cudaback
Elmer
Hartnett
Jensen
McKenzie
Raikes
Schrock

Excused and not voting, 5:

Bohlke
Brashear
Landis
Peterson, C.
Will

The Preister motion to return failed with 19 ayes, 17 nays, 8 present and not voting, and 5 excused and not voting.

Mrs. Hillman moved to return LB 182 to Select File for the Landis-Hillman specific amendment, AM2423, found on page 2328.

The Hillman motion to return prevailed with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 182. The Landis-Hillman specific amendment, AM2423, found on page 2328, was adopted with 29 ayes, 1 nay, 14 present and not voting, and 5 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 182 to Select File

Mr. Coordsen moved to return LB 182 to Select File for his specific amendment, AM2427, found on page 2346.

The Coordsen motion to return prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 182. The Coordsen specific amendment, AM2427, found on page 2346, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 182A to Select File

Mr. Coordsen moved to return LB 182A to Select File for his specific amendment, AM2435, printed separately and referred to on page 2350.

The Coordsen motion to return prevailed with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 182A. The Coordsen specific amendment, AM2435, printed separately and referred to on page 2350, was adopted with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 182A to Select File

Mr. Maurstad moved to return LB 182A to Select File for his specific amendment, AM2436, found on page 2351.

The Maurstad motion to return prevailed with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 182A. The Maurstad specific amendment, AM2436, found on page 2351, was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

RESOLUTION

LEGISLATIVE RESOLUTION 289. Introduced by Preister, 5.

WHEREAS, the week commencing June 1, 1997, has been designated by the National Management Association as "Management Week"; and

WHEREAS, the National Management Association is an organization committed to the promotion of the free enterprise system, management as a distinct profession, and the certification of managers; and

WHEREAS, the management profession has significantly contributed to the strength and vitality of this country's economy, and in the future such skills will be particularly essential as we strive to strengthen the economy of the State of Nebraska; and

WHEREAS, there are seven chapters of the National Management Association comprised of employees of the State of Nebraska; and

WHEREAS, the original chapter, the Nebraska State Government Chapter of the National Management Association, was chartered in 1984 with one hundred members and now has three hundred fifteen members representing forty-six state agencies, including the Legislative Council; and

WHEREAS, the Omaha Chapter of the National Management Association was chartered in 1989, and now has sixty members; and

WHEREAS, the Southeast Nebraska Community Chapter in Beatrice was chartered in 1993, and now has sixty-two members; and

WHEREAS, the Blue Valley Management Association in Seward was chartered in 1996, and now has thirty-six members; and

WHEREAS, the Central Nebraska Management Association in Grand Island was chartered in 1996, and now has eighty members; and

WHEREAS, the Leadership Link in Lincoln was chartered in 1996, and now has sixty-eight members; and

WHEREAS, the Lincoln Management Society in Lincoln was chartered in 1997, and now has fifty members; and

WHEREAS, the Nebraska Chapters of the National Management Association will join with other private and public sector managers nationwide to honor the role and achievements of managers in our society during "Management Week".

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby declares the week commencing June 8, 1997, as "Management Week" in Nebraska and calls upon the citizenry to recognize and participate in the observance of this worthy occasion.
2. That copies of this resolution be sent to: Joe Botsford, President of the Nebraska State Government Chapter of the National Management Association; Marilyn Czerwinski, President of the Omaha Chapter of the National Management Association; Kathleen Remmers, President of the Southeast Nebraska Community Chapter in Beatrice; Bob Elwell, President of the Blue Valley Management Association in Seward; Bill Brennan, President of the Central Nebraska Management Association in Grand Island; Ed Wimes, President of the Leadership Link in Lincoln; and Brad Broderson, President of the Lincoln Management Society in Lincoln.

Laid over.

MOTION - Print in Journal

Mr. Coordsen filed the following motion to LB 389:

To override the Governor's line item veto of LB 389, contained in Section 69, of the cash fund veto only, for FY 1997-98 and FY 1998-99.

AMENDMENTS - Print in Journal

Mr. Chambers filed the following amendment to LB 829:
FA422

(AM7171)

1. Page 2, line 21, strike new matter;
2. Strike sections 12 & 13
3. Page 4, line 12, after "42-924" insert "and", and strike "and 42-928"
4. Amend title page.

Mrs. Brown filed the following amendment to LB 99:
AM2521

(Amendments to E & R amendments, AM7176)

1. Strike sections 1, 2, 4, and 5 and insert the following new sections:

"Section 1. Section 9-239, Reissue Revised Statutes of Nebraska, is amended to read:

9-239. (1) The department shall collect a state tax of ~~six~~ three percent on the gross receipts received from the conducting of bingo within the state. ~~Such~~ The tax shall be remitted to the department. The department shall remit the tax to the State Treasurer for credit ~~and credited~~ to the Charitable Gaming Operations Fund. The tax shall be remitted quarterly, not later than thirty days ~~from~~ after the close of the preceding quarter, together with any other reports as may be required by the department.

(2) ~~Any~~ Until January 1, 1999, any city or village is hereby directed to impose a tax of ~~two~~ one percent on the gross receipts received from the conducting of bingo within such city or village. ~~Where~~ Until January 1, 1999, where bingo is conducted on an excursion or dinner train or outside the limits of any incorporated city or village, the county in which such bingo is conducted shall impose a tax of ~~two~~ one percent on the gross receipts from the conducting of bingo on an excursion or dinner train or outside the corporate limits of such city or village. Such tax shall be credited to the general fund of the county, city, or village which issued a permit for the conducting of bingo pursuant to section 9-236. Such tax shall be remitted to the clerk of the political subdivision imposing the tax, and the clerk shall remit the tax to the treasurer of such subdivision. The tax shall be remitted quarterly, not later than thirty days from the close of the preceding quarter, together with such reports as may be required by the political subdivision imposing the tax. The proceeds from the tax shall be used to pay for the costs of regulation and enforcement of the Nebraska Bingo Act.

(3) Unless otherwise provided in the act, no occupation tax on any receipts derived from the conduct of bingo shall be levied, assessed, or collected from any licensee under the act by any county, township, district, city, village, or other

governmental subdivision or body having power to levy, assess, or collect such tax.

Sec. 3. Original section 9-239, Reissue Revised Statutes of Nebraska, 1996, is repealed.".

2. Renumber the remaining section accordingly.

SELECT FILE

LEGISLATIVE BILL 798. The Wesely-Matzke-McKenzie pending amendment, AM2505, printed separately and referred to on page 2439, was renewed.

Mrs. Witek renewed her pending amendment, AM2512, printed separately and referred to on page 2441, to the Wesely et al. pending amendment.

Mrs. Witek asked unanimous consent to replace her pending amendment, AM2512, printed separately and referred to on page 2441, with a substitute amendment.

Mr. Wesely objected.

Mrs. Witek moved to replace her pending amendment, AM2512, printed separately and referred to on page 2441, with a substitute amendment.

Mr. Chambers raised a point of order on whether a motion to substitute an amendment is in order, following an objection to a member's request for unanimous consent to withdraw a pending amendment and substitute another amendment.

The Chair ruled that this motion to substitute is out of order because it is not a priority motion, and while it may have been a procedural custom of the Legislature, it is not specifically authorized by the rules.

Mrs. Robak asked unanimous consent to be excused until she returns. No objections. So ordered.

Mrs. McKenzie challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Mrs. McKenzie withdrew her motion to overrule the Chair.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mrs. Witek withdrew her amendment, AM2512, printed separately and referred to on page 2441.

Mr. Wesely withdrew his amendment, FA409, found on page 2462.

Mrs. Witek withdrew her amendment, AM2563, on file and referred to on page 2462.

Mr. Wesely asked unanimous consent to replace his pending amendment, AM2575, found on page 2491, with a substitute amendment.

Mrs. Crosby objected.

Mr. Wesely renewed his pending amendment, AM2575, found on page 2491, to the Wesely et al. pending amendment, AM2505.

Mr. Wesely withdrew his amendment, AM2575.

Mmes. McKenzie, Bohlke, Messrs. Kristensen, and Brashear renewed their pending amendment, AM2573, printed separately and referred to on page 2515, to the Wesely et al. pending amendment.

Messrs. Brashear and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Kristensen moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 1 nay, and 22 not voting.

Mrs. McKenzie moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

The McKenzie et al. amendment was adopted with 34 ayes, 2 nays, 9 present and not voting, and 4 excused and not voting.

Pending.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 622A. Placed on Select File.

(Signed) Jon C. Bruning, Chairperson

REPORT OF THE EXECUTIVE BOARD

1997 Resolution calling for an Interim Study

LR 288 Interim study of issues surrounding recognition of the federal sub-minimum wage in Nebraska
Business and Labor

(Signed) George Coordsen, Chairperson
Legislative Council

Executive Board

AMENDMENT - Print in Journal

Mr. Wickersham filed the following amendment to LB 55:
AM2605

(Amendments to AM2277)

1. Strike section 4 and insert the following new section:

"Sec. 4. Section 77-2734.03, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 61, Ninety-fifth Legislature, First Session, 1997, is amended to read:

77-2734.03. (1) (a) For taxable years commencing prior to January 1, 1997, any (i) ~~Any (a)~~ insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, ~~(b)~~ (ii) electric cooperative organized under the Joint Public Power Authority Act, or ~~(c)~~ (iii) credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as taxes on such premiums and assessments ~~included as Nebraska premiums and assessments under section 77-2734.05~~ and taxes in lieu of intangible tax.

(b) For taxable years commencing on or after January 1, 1997, any insurer paying a tax on premiums and assessments pursuant to section 77-908 or 81-523, any electric cooperative organized under the Joint Public Power Authority Act, or any credit union shall be credited, in the computation of the tax due under the Nebraska Revenue Act of 1967, with the amount paid during the taxable year as (i) taxes on such premiums and assessments included as Nebraska premiums and assessments under section 77-2734.05, (ii) assessments allowed as an offset against premium and related retaliatory tax liability pursuant to section 44-4233, and (iii) taxes in lieu of intangible tax.

(2) There shall be allowed to corporate taxpayers a credit for nonhighway use motor vehicle fuels as provided in section 66-4,124.

(3) There shall be allowed to corporate taxpayers a tax credit for contributions to community betterment programs as provided in the Community Development Assistance Act.".

2. On page 13, line 27, strike "sections 44-710.04 and 77-2734.03," and insert "section 44-710.04,".

3. On page 14, line 1, strike "and" and after "1996" insert ", and section 77-2734.03, as amended by section 1, Legislative Bill 61, Ninety-fifth Legislature, First Session, 1997"; in lines 8 and 9 strike "sections 44-710.04 and 77-2734.03" and insert "section 44-710.04"; and in line 10 strike the first "and" and before "are" insert "and section 77-2734.03, as amended by section 1, Legislative Bill 61, Ninety-fifth Legislature, First Session, 1997,".

VISITORS

Visitors to the Chamber were Karen Knight and Kenny Eagan from Seward and Erin Knight from Salt Lake City, Utah; and Scott DeJean from Abbeville, Louisiana, Kent DeJean from Eunice, Louisiana, and Charles Lessard from Gonzales, Louisiana.

RECESS

At 11:58 a.m., on a motion by Mrs. Kiel, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Dierks, Hilgert, Janssen, Jensen, Jones, Landis, Preister, Robinson, Tyson, Wickersham, Mrs. Bohlke, and Ms. Schimek who were excused until they arrive.

PRESIDENT ROBAK PRESIDING

UNANIMOUS CONSENT - Member Excused

Mr. Hartnett asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Suspend Rules

Mr. Withem renewed his pending motion, found on page 2441, to suspend the provision in Rule 6, Section 11, that requires a veto override motion to be taken up on any of the next five legislative days following receipt of a veto message.

The Withem motion to suspend the rules prevailed with 32 ayes, 0 nays, 3 present and not voting, and 14 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 798. Mr. Wesely moved to reconsider the vote on the adoption of the McKenzie et al. amendment, AM2573.

Mr. Wesely withdrew his motion to reconsider.

The Wesely et al. amendment, AM2505, printed separately and referred to on page 2439 and considered in this day's Journal, as amended, was renewed.

The Wesely et al. amendment, as amended, was adopted with 25 ayes, 2 nays, 14 present and not voting, and 8 excused and not voting.

Mr. Wesely and Mrs. C. Peterson renewed their pending amendment, AM1613, found on page 1699.

Mr. Wesely and Mrs. C. Peterson withdrew their amendment.

Mr. Wesely withdrew his amendment, AM1736, printed separately and referred to on page 1731.

Mr. Withem withdrew his amendment, AM1814, found on page 1741.

Mr. Wesely withdrew his amendments, AM1798, AM1800, AM1801, AM1802, AM1805, AM1804, and AM1799, found on pages 1744, 1745, 1746, and 1748.

Mr. Withem withdrew his amendment, AM1815, found on page 1755.

Mr. Kristensen withdrew the Kristensen et al. amendment, AM1844, found on page 1844.

Mmes. McKenzie and Witek withdrew their amendment, AM1989, printed separately and referred to on page 1875 and considered on page 2433.

Mr. Wesely withdrew his amendments, FA275, FA276, FA277, FA278, FA279, FA280, FA281, FA282, FA283, FA284, FA285, FA286, FA287, and FA288, found on pages 1952 and 1953.

Messrs. Matzke, Bromm, and Kristensen withdrew their amendments, AM2139 and AM2140, found on page 1961.

Messrs. Matzke, Kristensen, Bromm, and Mrs. McKenzie withdrew their amendment, AM2298, found on page 2167.

Mrs. Bohlke withdrew her amendment, AM2326, found on page 2201.

Mrs. Witek withdrew her amendments, AM2446, AM2447, AM2448, AM2449, AM2450, AM2465, AM2466, and AM2467, found on pages 2364, 2366, 2367, and 2368.

Mrs. Witek withdrew her amendments, AM2511, AM2522, AM2523, AM2524, AM2525, AM2526, AM2527, AM2528, AM2529, AM2530, AM2531, AM2532, and AM2533, on file and referred to on pages 2462 and 2463.

Mrs. Robak and Mr. Abboud asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. McKenzie moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Mr. Lynch requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 35:

Abboud
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robinson
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Will
Witek

Voting in the negative, 5:

Chambers
Lynch
Matzke
Schimek
Wesely

Present and not voting, 6:

Beutler
Maurstad
Peterson, C.
Schellpeper
Withem
Hartnett

Excused and not voting, 3:

Dierks
Landis
Robak

Advanced to E & R for engrossment with 35 ayes, 5 nays, 6 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 798A. Advanced to E & R for engrossment.

MESSAGE FROM THE GOVERNOR

June 2, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 396 and 396A were received in my office on May 29, 1997.

These bills were signed by me on June 2, 1997, and delivered to the

Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

AMENDMENT - Print in Journal

Messrs. Wickersham and Bromm filed the following amendment to LB 710:
AM2488

1. Insert the following new section:

"Sec. 3. Section 38, Legislative Bill 806, Ninety-fifth Legislature, First Session, 1997, is amended to read:

For school fiscal year 1998-99 and each school fiscal year thereafter:

(1) Except as provided in section 79-1011 for reorganized districts which become reorganized districts on or before June 30, 2005, and except as provided in subdivision (2) of this section, sections 79-1009 and 79-1010, and section 39 of this act, each local system shall receive equalization aid in the amount that the total formula need of each local system, as determined pursuant to section 79-1014 and sections 35 and 36 of this act, exceeds its total formula resources as determined pursuant to sections 79-1016 and 79-1017 and sections 45, 48, and 50 of this act.

(2) Except as provided in section 39 of this act, a local system shall not receive state aid for school fiscal year 1998-99 and each school fiscal year thereafter which is less than an amount equal to the difference of eighty-five percent of the amount of aid certified in the preceding school fiscal year minus an amount equal to any increase in the adjusted valuation between the adjusted valuation used for the certification of aid in the preceding school fiscal year and the adjusted valuation used for the aid being calculated multiplied by the maximum levy pursuant to subdivision (2)(a) of section 77-3442 without a vote pursuant to section 77-3444.

(3) Except as provided in subsection (2) of this section, no local system may receive equalization aid such that, when total aid is added to a levy of one dollar for state aid to be distributed in school fiscal years 1998-99 and 1999-2000 or of ninety cents for state aid to be distributed in school fiscal year 2000-01 and each school fiscal year thereafter, multiplied by the local system's adjusted valuation divided by one hundred, would result in total local system revenue from state aid plus property tax receipts which exceeds the total of:

(a) State aid plus property tax receipts received by the local system during the preceding school fiscal year multiplied by the total of (i) 1.01 plus (ii) the applicable allowable growth rate for the system calculated pursuant to section 79-1026 plus (iii) the percentage growth in formula students from the certification of state aid for the immediately preceding school fiscal year to the formula students for the certification of state aid for the current year, except that the percentage growth shall not be less than zero;

(b) Unused budget authority authorized pursuant to section 79-1030; and

(c) The difference between the other actual receipts included in district formula resources for the certification of state aid in the preceding school fiscal year and other actual receipts included in district formula resources for the certification of state aid for the current school fiscal year, except that such difference shall not be less than zero.

For districts that have reorganized, state aid, property tax receipts, and number of formula students shall be attributed based on valuation. The revenue from property tax receipts shall be calculated by multiplying the reported general fund common levy by the assessed valuation subject to the levy divided by one hundred.

(4) The aid that is not distributed through equalization based on subdivision (3) of this section shall be distributed through this subdivision. Local systems that qualify for distribution shall have nine hundred or less formula students and shall have adjusted general fund operating expenditures per formula student less than the average for all local systems with nine hundred or less formula students. The aid shall be distributed proportionally to qualifying districts based on the dollar amount each local system's calculated state aid plus the product of a levy of one dollar and ten cents multiplied by the ~~adjusted~~ assessed valuation divided by one hundred is below ninety percent of state aid plus property tax receipts received by the local system during the preceding school fiscal year multiplied by the total of 1.01 plus the applicable allowable growth rate for the system calculated pursuant to section 79-1026 plus the percentage growth in formula students from the certification of state aid for the immediately preceding school fiscal year to the formula students for the certification of state aid for the current year, except that the percentage growth shall not be less than zero, and the difference between the other actual receipts included in district formula resources for the certification of state aid in the preceding school fiscal year and other actual receipts included in district formula resources for the certification of state aid for the current school fiscal year, except that such difference shall not be less than zero. No system shall receive aid pursuant to this subdivision such that the calculated state aid plus the product of a levy of one dollar and ten cents multiplied by the ~~adjusted~~ assessed valuation divided by one hundred is ninety percent or more of state aid plus property tax receipts received by the local system during the preceding school fiscal year multiplied by the total of 1.01 plus the applicable allowable growth rate for the

system calculated pursuant to section 79-1026 plus the percentage growth in formula students from the certification of state aid for the immediately preceding school fiscal year to the formula students for the certification of state aid for the current year, except that the percentage growth shall not be less than zero, and the difference between the other actual receipts included in district formula resources for the certification of state aid in the preceding school fiscal year and other actual receipts included in district formula resources for the certification of state aid for the current school fiscal year, except that such difference shall not be less than zero.".

2. On page 29, line 22, after the comma insert "and section 38, Legislative Bill 806, Ninety-fifth Legislature, First Session, 1997,".

3. Renumber the remaining sections accordingly.

STANDING COMMITTEE REPORT
Transportation

The Committee on Transportation desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Motor Vehicle Industry Licensing Board
William C. Cannon
Jerry Haggadone
Gary Lambert
Kevin Langel

VOTE: Aye: Senators Bruning, Coordsen, Elmer, Kristensen, Matzke, Dw. Pedersen, C. Peterson, and Robinson. Nay: None. Absent: None.

(Signed) Douglas A. Kristensen, Chairperson

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 327, 327A, 401, 420, 460, 569, 626, 626A, 752, 764, 835, 835A, 854, 854A, and 877.

Enrollment and Review Change to LB 401

The following changes, required to be reported for publication in the Journal, have been made:
ER9093
1. In the Wickersham et al. amendment, AM2565, on page 11, line 18, the comma has been struck.

2. On page 1, the matter beginning with "income" in line 1 through line 5 and all amendments thereto have been struck and "revenue and taxation; to amend sections 77-2715.02, 77-2716, 77-2716.01, and 79-1031, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 1996; to change income tax rate multipliers and personal exemption amounts; to provide an adjustment to income; to change a duty of the State Department of Education; to require a transfer from the Cash Reserve Fund; to harmonize provisions; to provide operative dates; and to repeal the original sections." inserted.

Enrollment and Review Change to LB 420

The following changes, required to be reported for publication in the Journal, have been made:
ER9090

1. The following new section has been inserted:

"Sec. 18. Section 49-1455, Reissue Revised Statutes of Nebraska, is amended to read:

49-1455. (1) The campaign statement of a committee, other than a political party committee, shall contain the following information:

~~(1)~~ (a) The filing committee's name, address, and telephone number and the full name, residential and business addresses, and telephone numbers of its committee treasurer;

~~(2)~~ (b) Under the heading RECEIPTS, the total amount of contributions received during the period covered by the campaign statement; under the heading EXPENDITURES, the total amount of expenditures made during the period covered by the campaign statement; and the cumulative amount of those totals for the election period. If a loan was repaid during the period covered by the campaign statement, the amount of the repayment shall be subtracted from the total amount of contributions received. Forgiveness of a loan shall not be included in the totals. Payment of a loan by a third party shall be recorded and reported as a contribution by the third party but shall not be included in the totals. In-kind contributions or expenditures shall be listed at fair market value and shall be reported as both contributions and expenditures;

~~(3)~~ (c) The balance of cash and cash equivalents on hand at the beginning and the end of the period covered by the campaign statement;

~~(4)~~ (d) The full name of each individual from whom contributions totaling more than one hundred dollars are received during the period covered by the report, together with the individual's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by that individual for the election period;

~~(5)~~ (e) The full name of each person, except those individuals reported under subdivision ~~(4)~~ (1)(d) of this section, which contributed a total of more than one hundred dollars during the period covered by the report together with the person's street address, the amount contributed, the date on which each contribution was received, and the cumulative amount contributed by the person for the election period;

~~(6)~~ (f) The name of each committee which is listed as a contributor shall include the full name of the committee's treasurer;

~~(7)~~ (g) The full name and street address of each person to whom expenditures totaling more than one hundred dollars were made, together with the date and amount of each separate expenditure to each such person during the period covered by the campaign statement; the purpose of the expenditure; and the full name and street address of the person providing the consideration for which any expenditure was made if different from the payee;

~~(8)~~ (h) The amount and the date of expenditures for or against a candidate or ballot question during the period covered by the campaign statement and the cumulative amount of expenditures for or against that candidate or ballot question for the election period. An expenditure made in support of more than one candidate or ballot question, or both, shall be apportioned reasonably among the candidates or ballot questions, or both; and

~~(9)~~ (i) The total amount of funds disbursed by a separate segregated political fund, by state, for the purpose of supporting or opposing candidates and committees in elections in states other than Nebraska and candidates for federal office, including independent expenditures made in such elections.

(2) For purposes of this section, election period means (a) the period beginning January 1 of the calendar year prior to the year of the election in which the candidate is seeking office through the end of the calendar year of such election for candidate committees of candidates seeking covered elective offices as defined in subdivision (1)(a) of section 32-1603, (b) the period beginning July 1 of the calendar year prior to the year of the election in which the candidate is seeking office through the end of the calendar year of such election for candidate committees of candidates seeking covered elective offices so defined in subdivision (1)(b) of section 32-1603, and (c) the calendar year of the election for all other committees. ~~; election period shall be as defined in section 32-1603.~~".

2. In the E & R amendments, AM7167, on page 1, line 8, "49-1455," has been inserted before "and".

3. In the Brashear-Beutler amendment, AM2264:

a. On page 15, line 26, "each" has been struck and "the primary election period and the general" inserted;

b. On page 18, line 11, "election period" has been struck and "primary election period or the general election period as defined in section 32-1603" inserted; and

c. On page 26, line 21, "49-1455," has been inserted after the second comma.

4. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 626

The following changes, required to be reported for publication in the Journal, have been made:
ER9096

1. In the E & R amendments, AM7174, on page 5, line 20, "(6)" has been struck and "(5)" inserted; and in line 21 "(7)" has been struck and "(6)" inserted and "(8)" has been struck and "(7)" inserted.

Enrollment and Review Change to LB 752

The following changes, required to be reported for publication in the Journal, have been made:
ER9089

1. In lieu of the Chambers amendment, FA374, in the Brown amendment, FA368, on page 1, line 7, the comma has been struck and "and" inserted; in lines 8 and 19 and 20 ", and any other identifying information" has been struck; and in line 18 "and" has been inserted after the second comma.

2. In the Brown amendment, AM2364:

a. On page 2, line 3, "(a)" has been struck and "(1)" inserted; in line 5 "(b)" has been struck and "(2)" inserted; and in line 19 an underscored period has been inserted after "act";

b. On page 8, line 13, "after 'permit' insert '. An employment driving permit issued due to a revocation under section 60-4,183, 60-4,186, or 60-6,206 is' and" has been inserted after the second comma; and in line 25 "226" has been struck and "266" inserted;

c. On page 9, line 7, "strike 'shall' and" has been struck and "before 'shall' " inserted;

d. On page 11, line 2, an underscored period has been inserted after "number"; and in line 26 "; and page 171, line 18" has been struck;

e. On page 12, line 7, "provide" has been inserted after the comma; and

f. On page 13, line 3, "the first comma" has been struck and "number" inserted; and in line 14 "3, after the comma" has been struck and "4, after 'number' " inserted.

3. In the E & R amendments, AM7155:

a. Amendment 1.b. has been struck; and

b. On page 2, the matter beginning with "line" in line 14 through "in" in line 15 has been struck.

4. In the Standing Committee amendments, AM1359:

a. Section 291 and all amendments thereto have been struck and the following new section inserted:

"Sec. 235. Original sections 1-116, 7-102, 14-109, 15-217, 16-237, 18-1907, 18-2307, 20-156, 23-810, 23-813, 28-1229, 28-1239.01, 28-1246, 28-1403, 28-1422, 37-202, 37-211, 37-211.01, 37-715, 37-901, 39-2306, 43-2609, 44-101.01, 44-1950, 44-2621, 44-4015, 44-5503, 44-5603, 45-117, 45-346, 45-605, 46-297, 46-637, 46-1229, 46-1231, 48-149, 48-161, 48-418, 48-503, 49-1480, 54-161, 54-850, 54-1161, 54-1176, 54-1704, 54-1904, 54-2002, 60-4,129, 60-4,148, 60-4,171, 60-4,176, 60-1407, 60-1411.01, 60-2130, 66-483, 66-502, 66-666, 66-6,106, 66-1521, 69-202, 69-1204, 71-108, 71-1,132.13, 71-1,132.37, 71-1,139, 71-1,314, 71-1,319, 71-1,325, 71-1,329, 71-201, 71-208.06, 71-209, 71-242, 71-387, 71-3,137, 71-3,138.01, 71-3,152, 71-605, 71-1722, 71-1730, 71-1755, 71-1778, 71-1911, 71-1914, 71-3102, 71-3205, 71-3515.01, 71-3703, 71-4623, 71-4706, 71-4708, 71-5109, 71-5133, 71-5147, 71-5157, 71-5308, 71-5514, 71-5903, 71-6054, 71-6106, 71-6310, 71-6326, 71-6816, 71-7417, 71-7418, 72-303, 75-903, 76-542, 76-546, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2234.01, 77-2612, 77-2705, 77-3002, 77-3003, 77-3707, 79-810, 81-2,147.10, 81-2,162.23, 81-885.11, 81-887.02, 81-8,114, 81-8,130.01, 81-8,133.01, 81-8,196, 81-1521.09, 81-1559, 81-1915, 81-1920, 81-2118, 86-1214, and 89-187.02, Reissue Revised Statutes of Nebraska, and sections 2-1092, 2-1097, 2-10,100.01, 2-1203.02, 2-2635, 2-2638, 2-2639, 2-2641, 2-3906, 8-1103, 9-1,104, 9-255.06, 9-255.07, 9-255.09, 9-329.02, 9-330, 9-332, 9-424, 9-632, 9-642.01, 12-1108, 13-2040, 37-503, 37-505, 37-703, 39-2604, 42-364, 43-104.02, 43-512.03, 43-512.12, 43-1408.01, 43-1409, 43-1412, 43-1414, 43-1718.02, 43-1723, 43-2606, 43-2904, 45-705, 45-905, 48-1704, 48-2105, 53-124, 60-4,105, 60-4,130, 60-4,146.01, 85-1622, and 88-527, Revised Statutes Supplement, 1996, are repealed.";

b. On page 7, line 1, "the" has been struck;

c. On page 17, line 24; and page 18, line 23, "found" has been inserted after "as";

d. On page 28, line 12, "(a)" has been struck; in line 14 an underscored comma has been inserted after "bonus"; and in line 20 "and" has been inserted after the semicolon;

e. On page 29, line 9, "electronic," has been struck and "or electronic" inserted; and in line 27 the first "of" has been struck;

f. On page 125, line 21, "said" has been struck, shown as stricken, and "the" inserted;

g. On page 140, line 17, "if the applicant is an individual" has been inserted after "number";

h. On page 148, line 18, "subsection" has been struck, shown as stricken, and "section" inserted;

i. On page 156, line 22, "The" has been struck and "If the applicant is an individual, the" inserted;

j. On page 170, line 19, the comma has been struck, the stricken "and" has been reinstated, and the second "and" has been struck, shown as stricken, and an underscored comma inserted;

k. On page 171, line 18, ", if the applicant is an individual, the" has been inserted after "and";

l. On page 217, line 16, "or her" has been inserted after "his";

m. On page 224, line 16, "51" has been struck and "48" inserted;

n. On page 252, line 7, "or her" has been inserted after "him" and after "his";

o. On page 254, line 3, "by" has been struck and "under" inserted;

p. On page 255, line 19, "and (iv) his or her social security number," has been inserted after the comma; and in line 24 the new matter has been struck;

q. On page 282, lines 17 and 18, the new matter has been struck; and in line 25 "The application for a certificate shall include the applicant's social security number." has been inserted after the period;

r. On page 284, line 19, "said" has been struck and shown as stricken;

s. On page 286, line 3, "and include his or her social security number" has been inserted after "owner";

t. On page 303, line 21, "and shall include the applicant's social security number" has been inserted after "represent"; and

u. On page 304, lines 17 and 18, the new matter has been struck.

5. On page 1, the matter beginning with "sections" in line 1 through line 16 has been struck and "sections 1-116, 7-102, 14-109, 15-217, 16-237, 18-1907, 18-2307, 20-156, 23-810, 23-813, 28-1229, 28-1239.01, 28-1246, 28-1403, 28-1422, 37-202, 37-211, 37-211.01, 37-715, 37-901, 39-2306, 43-2609, 44-101.01, 44-1950, 44-2621, 44-4015, 44-5503, 44-5603, 45-117, 45-346, 45-605, 46-297, 46-637, 46-1229, 46-1231, 48-149, 48-161, 48-418, 48-503, 49-1480, 54-161, 54-850, 54-1161, 54-1176, 54-1704, 54-1904, 54-2002, 60-4,129, 60-4,148, 60-4,171, 60-4,176, 60-1407, 60-1411.01, 60-2130, 66-483, 66-502, 66-666, 66-6,106, 66-1521, 69-202, 69-1204, 71-108, 71-1,132.13, 71-1,132.37, 71-1,139, 71-1,314, 71-1,319, 71-1,325, 71-1,329, 71-201, 71-208.06, 71-209, 71-242, 71-387, 71-3,137, 71-3,138.01, 71-3,152, 71-605, 71-1722, 71-1730, 71-1755, 71-1778, 71-1911, 71-1914, 71-3102, 71-3205, 71-3515.01, 71-3703, 71-4623, 71-4706, 71-4708, 71-5109, 71-5133, 71-5147, 71-5157, 71-5308, 71-5514, 71-5903, 71-6054, 71-6106, 71-6310, 71-6326, 71-6816, 71-7417, 71-7418, 72-303, 75-903, 76-542, 76-546, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2234.01, 77-2612, 77-2705, 77-3002, 77-3003, 77-3707, 79-810, 81-2,147.10, 81-2,162.23, 81-885.11, 81-887.02, 81-8,114, 81-8,130.01, 81-8,133.01, 81-8,196, 81-1521.09, 81-1559, 81-1915, 81-1920, 81-2118, 86-1214, and 89-187.02, Reissue Revised Statutes of Nebraska, and sections 2-1092, 2-1097, 2-10,100.01, 2-1203.02, 2-2635, 2-2638, 2-2639, 2-2641, 2-3906, 8-1103, 9-1,104, 9-255.06, 9-255.07, 9-255.09, 9-329.02, 9-330, 9-332, 9-424, 9-632, 9-642.01, 12-1108, 13-2040, 37-503, 37-505, 37-703, 39-2604, 42-364, 43-104.02, 43-512.03, 43-512.12, 43-1408.01, 43-1409, 43-1412, 43-1414, 43-1718.02, 43-1723, 43-2606, 43-2904, 45-705, 45-905, 48-1704, 48-2105, 53-124, 60-4,105, 60-4,130, 60-4,146.01, 85-1622, and 88-527, Revised Statutes Supplement, 1996; to adopt the License Suspension Act; to provide for and change provisions relating to enforcement of support orders by subpoena power, access to information, genetic testing, collection of social security numbers, and administrative attachment and bank matching; to adopt the New Hire Reporting Act; to change child support provisions relating to acknowledgment of paternity; to change provisions in paternity actions relating to genetic testing; to harmonize provisions; to" inserted.

6. Sections have been renumbered to reflect all adopted amendments.

Enrollment and Review Change to LB 835

The following changes, required to be reported for publication in the Journal, have been made:
ER9092

1. On page 3, line 20, "recommendations" has been struck and

"recommendation" inserted.

2. On page 4, line 1, the comma has been struck and a semicolon inserted.

(Signed) Jon C. Bruning, Chairperson

SELECT FILE

LEGISLATIVE BILL 232. E & R amendment, AM7163, found on page 2096, was adopted.

Mr. Withem withdrew his amendment, FA362, found on page 2175.

Mr. Withem renewed his pending amendment, AM2503, found on page 2471.

Messrs. Abboud, Beutler, Brashear, Coordsen, Maurstad, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Withem amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Mr. Matzke and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Withem renewed his pending amendment, AM2502, found on page 2471.

The Withem amendment was adopted with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

Mr. Withem renewed his pending amendment, AM2504, found on page 2471.

Messrs. Tyson and Hartnett asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Bromm offered the following amendment to the Withem pending amendment:
FA428
AM2504
By striking subpart IV and by striking the words beginning with "with" on line 13 thru "plan" on line 14.

Mr. Withem moved for a call of the house. The motion prevailed with 16 ayes, 0 nays, and 33 not voting.

The Bromm amendment was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Messrs. D. Pederson and Kristensen asked unanimous consent to be excused. No objections. So ordered.

The Withem amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Mr. Hilgert asked unanimous consent to be excused until he returns. No objections. So ordered.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 512. E & R amendment, AM7165, found on page 2332, was adopted.

Mrs. McKenzie asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers asked unanimous consent to pass over LB 512.

Mrs. Witek objected.

Mr. Chambers moved to indefinitely postpone LB 512.

Messrs. Robinson, Tyson, and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to indefinitely postpone failed with 1 aye, 5 nays, 29 present and not voting, and 14 excused and not voting.

Mr. Chambers moved to bracket LB 512.

Mr. Withem asked unanimous consent to be excused until he returns. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Chambers moved for a call of the house. The motion prevailed with 11 ayes, 0 nays, and 38 not voting.

Mr. Chambers requested a record vote on his motion to bracket.

Voting in the affirmative, 11:

Chambers
Coordsen
Crosby
Janssen
Lynch
Preister
Raikes
Stuhr
Wehrbein
Wesely
Wickersham

Voting in the negative, 20:

Abboud
Bromm
Bruning
Elmer
Engel
Hartnett
Hilgert
Hudkins
Jensen
Jones
Pedersen, Dw.
Peterson, C.
Robak
Schellpeper
Schmitt
Schrock
Suttle
Tyson
Will
Witek

Present and not voting, 9:

Beutler
Bohlke
Brown
Cudaback
Hillman
Kiel
Maurstad
Schimek
Vrtiska

Excused and not voting, 9:

Brashear
Dierks
Kristensen
Landis
Matzke
McKenzie
Pederson, D.
Robinson
Withem

The Chambers motion to bracket failed with 11 ayes, 20 nays, 9 present and not voting, and 9 excused and not voting.

The Chair declared the call raised.

Pending.

Messrs. Will and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

AMENDMENT - Print in Journal

Mr. Maurstad filed the following amendment to LB 150:
AM2607

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $500,000 from the General Fund for FY1997-98 and (2) $500,000 from the General Fund for FY1998-99 to the Department of Correctional Services, for Program 200, for the Community Corrections Program.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $75,000 for FY1997-98 or $75,000 for FY1998-99.".

2. Renumber the remaining section accordingly.

MOTION - Print in Journal

Messrs. Coordsen, Jensen, Schrock, Kristensen, Jones, Schellpeper, Cudaback, Janssen, Hartnett, Dierks, Mmes. Robak, and Stuhr filed the following motion to LB 389:

Purpose: To restore the program coordinator position in the Foster Care Review Board.

To override the Governor's line item general fund veto of the appropriation contained in LB 389, in section 216 for fiscal year 1997-98 and 1998-99.

AMENDMENTS - Print in Journal

Mr. Tyson filed the following amendment to LB 314A:
AM2627

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. There is hereby appropriated (1) $25,000 from the General Fund for FY1997-98 and (2) $25,000 from the General Fund for FY1998-99 to the Department of Administrative Services, for Program 171, to aid in carrying out the provisions of Legislative Bill 314, Ninety-fifth Legislature, First Session, 1997.

No expenditures for permanent and temporary salaries and per diems for state employees shall be made from funds appropriated in this section.".

2. Renumber the remaining section accordingly.

Mrs. C. Peterson filed the following amendment to LB 622:
AM2407

1. Insert the following new sections:

"Sec. 8. Section 43-277, Reissue Revised Statutes of Nebraska, is amended to read:

43-277. ~~Unless~~ Except as provided in sections 6 and 9 of this act and unless sooner released, a juvenile taken into custody or remaining in custody under sections 43-248, 43-250, 43-253, and 43-254 shall be brought before the juvenile court for an adjudication hearing as soon as possible but, in all cases, within a six-month period after a petition is filed. If the juvenile is not brought before the juvenile court within such period of time, he or she shall be released from custody, except that such hearing shall not be had until there is before the court the juvenile when charged under subdivision (1), (2), (3)(b), or (4) of section 43-247, and in all cases the juvenile's custodian or person with whom he or she may be, or his or her parent or guardian, or, if they fail to appear, and in all cases under subdivision (3)(a) of section 43-247, a guardian ad litem. The computation of the six-month period provided for in this section shall be made as provided in section 29-1207, as applicable.

Sec. 9. All hearings concerning a juvenile court petition filed pursuant to subdivision (3)(c) of section 43-247 shall be closed to the public except at the request of the juvenile or the juvenile's parent or guardian. Such hearings shall be held in a courtroom or at any convenient and suitable place designated by the juvenile court judge. The proceeding may be conducted where the juvenile is currently residing if the juvenile is unable to travel.

Sec. 12. Section 43-2,108, Reissue Revised Statutes of Nebraska, is amended to read:

43-2,108. (1) The juvenile court judge shall keep a minute book in which he or she shall enter minutes of all proceedings of the court in each case, including appearances, findings, orders, decrees, and judgments, and any evidence which he or she feels it is necessary and proper to record. Juvenile court legal records shall be deposited in files and shall include the petition, summons, notice, certificates or receipts of mailing, minutes of the court, findings, orders, decrees, judgments, and motions.

(2) Except as provided in subsection (3) of this section, the medical, psychological, psychiatric, and social welfare reports and the records of juvenile probation officers as they relate to individual proceedings in the juvenile court shall not be open to inspection, without order of the court. Such records shall be made available to a district court of this state or the District Court of the United States on the order of a judge thereof for the confidential use of such judge or his or her probation officer as to matters pending before such court but shall not be made available to parties or their counsel; and such district court records shall be made available to a county court or separate juvenile court upon request of the county judge or separate juvenile judge for the confidential use of such judge and his or her probation officer as to matters pending before such court, but shall not be made available by such judge to the parties or their counsel.

(3) As used in this subsection, confidential record information shall mean all docket records, other than the pleadings, orders, decrees, and judgments; case files and records; reports and records of probation officers; and information supplied to the court of jurisdiction in such cases by any individual or any public or private institution, agency, facility, or clinic, which is compiled by, produced by, and in the possession of any court. In all cases under subdivision (3)(a) of section 43-247, access to all confidential record information in such cases shall be granted only as follows: (a) The court of jurisdiction may, subject to applicable federal and state regulations, disseminate such confidential record information to any individual, or public or private agency, institution, facility, or clinic which is providing services directly to the juvenile and such juvenile's parents or guardian and his or her immediate family who are the subject of such record information; (b) the court of jurisdiction may

disseminate such confidential record information, with the consent of persons who are subjects of such information, or by order of such court after showing of good cause, to any law enforcement agency upon such agency's specific request for such agency's exclusive use in the investigation of any protective service case or investigation of allegations under subdivision (3)(a) of section 43-247, regarding the juvenile or such juvenile's immediate family, who are the subject of such investigation; and (c) the court of jurisdiction may disseminate such confidential record information to any court, which has jurisdiction of the juvenile who is the subject of such information upon such court's request.

(4) Nothing in subsection (3) of this section shall be construed to restrict the dissemination of confidential record information between any individual or public or private agency, institute, facility, or clinic, except any such confidential record information disseminated by the court of jurisdiction pursuant to this section shall be for the exclusive and private use of those to whom it was released and shall not be disseminated further without order of such court.

(5)(a) Any records concerning a juvenile court petition filed pursuant to subdivision (3)(c) of section 43-247 shall remain confidential except as may be provided otherwise by law. Such records shall be accessible to (i) the juvenile except as provided in subdivision (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's parent or guardian, and (iv) persons authorized by an order of a judge or court.

(b) Upon application by the county attorney or by the director of the facility where the juvenile is placed and upon a showing of good cause therefor, a judge of the juvenile court having jurisdiction over the juvenile or of the county where the facility is located may order that the records shall not be made available to the juvenile if, in the judgment of the court, the availability of such records to the juvenile will adversely affect the juvenile's mental state and the treatment thereof.".

2. On page 14, line 10; and page 16, line 7, strike "section 6" and insert "sections 6 and 9".

3. Renumber the remaining sections and correct internal references accordingly and correct the repealer and operative date sections so that the sections added by this amendment become operative three calendar months after the adjournment of this legislative session.

STANDING COMMITTEE REPORT
General Affairs

The Committee on General Affairs desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Jack M. Crowley - Nebraska Liquor Control Commission

VOTE: Aye: Senators Cudaback, Hartnett, Robak, Schellpeper, and Will. Nay: Senators Hudkins, Janssen, and Vrtiska. Absent: None.

(Signed) Stan Schellpeper, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 290. Introduced by Janssen, 15.

WHEREAS, Miss Becky Beachler, a senior at Fremont Senior High School, won the Class A girl's shotput throwing title during the 1997 Nebraska High School Track and Field Meet; and

WHEREAS, Miss Beachler placed first in the same event in the 1995 and 1996 state track meets, making this her third consecutive state title; and

WHEREAS, during Miss Beachler's final three throws at the 1997 state meet, she broke her own state meet record of 50 feet, 11 and 3/4 inches from 1996 not once, not twice, but three times in a row; and

WHEREAS, Miss Beachler turned in three consecutive state meet final throws of 51 feet, 21 and 1/4 inches, 52 feet, 5 and 1/4 inches, and 52 feet, 9 and 1/4 inches; and

WHEREAS, Miss Beachler's throw in the state meet finals of 52 feet, 9 and 1/4 inches gave her the top mark in the United States this spring and all six of the best throws in state history; and

WHEREAS, this is the second year Miss Beachler leads the nation in the shotput and the third year that a Nebraskan leads the nation; and

WHEREAS, Miss Beachler ended her high school athletic career with an undefeated record in the shotput through twenty-nine meets as well as being an honor roll student; and

WHEREAS, we will have the privilege of continuing to have Miss Beachler compete in the shotput in Nebraska at the University of Nebraska-Lincoln.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to Miss Becky Beachler.
2. That a copy of this resolution be sent to Miss Beachler and her parents, Steve and Cindy Beachler, of Oakland, Nebraska.

Laid over.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 137, 197, 278, 495, 610, 610A, 851, and 873.

Correctly Engrossed

The following bills were correctly engrossed: LBs 151, 271, 271A, 590, 590A, 865, and 865A.

Enrollment and Review Change to LB 137

The following changes, required to be reported for publication in the Journal, have been made:

ER9094

1. The following new section has been inserted:

"Sec. 20. Section 45-114, Reissue Revised Statutes of Nebraska, is amended to read:

45-114. The word person, when used in sections 45-114 to ~~45-155~~ 45-158, means individuals, partnerships, limited liability companies, associations, banks, trust companies, savings banks, building and loan associations, trusts, corporations, and all other legal entities. The word department, when used in such sections, means the Department of Banking and Finance. The word license, when used in such sections, means permit.

~~It~~ Except as provided in subsection (3) of section 45-130, it is not the intention of the Legislature that any revenue arising hereunder shall inure to any school fund of the State of Nebraska or any of its governmental subdivisions.

Loan, when used in sections 45-114 to ~~45-155~~ 45-158 and 45-173 to 45-188 shall not include any loan made by a person who is not a licensee on which the interest does not exceed the maximum rate permitted by section 45-101.03.

Nothing in sections 45-114 to ~~45-155~~ 45-158 and 45-173 to 45-188 shall apply to any loan made by a person who is not a licensee if the interest on the loan does not exceed the maximum rate permitted by section 45-101.03.".

2. In the Brashear-Beutler amendment, AM1724, on page 7, line 4, "24, 26, and 27" has been struck and "25, 27, and 28" inserted.

3. On page 1, line 2; and page 44, line 3, "45-114," has been inserted after "45-101.02,".

4. On page 1, line 14, "to harmonize provisions;" has been inserted after the second semicolon.

5. The remaining sections have been renumbered accordingly.

Enrollment and Review Change to LB 271

The following changes, required to be reported for publication in the Journal, have been made:

ER9081

1. In the Kristensen amendment, AM2313:

a. Section 57 has been renumbered as section 58; and

b. On page 8, line 19, an underscored comma has been inserted after "surrender".

2. In the Chambers amendment, AM2306, on page 5, lines 13 and 20, "and" has been struck.

3. In the E & R amendments, AM7153:

a. Section 50 has been struck and the following new section has been inserted:

"Sec. 54. Sections 9 to 12, 54, 56, and 58 of this act become operative on their effective date. The other sections of this act become operative on January 1, 1998."; and

b. On page 8, line 8, an underscored comma has been inserted after "vans" and after "tons".

4. On page 1, line 1, "revenue and taxation" has been struck and "motor vehicles" inserted; in line 7 "and sections" has been struck and "sections 13-504 to 13-506," inserted; and in line 9 ", and section 13-509, Revised Statutes Supplement, 1996, as amended by section 2, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997" has been inserted after "1996"; in line 12 "to transfer powers and duties; to change provisions relating to budget documents and dealer number license plates;" has been inserted after the semicolon; in line 14 "an operative date" has been struck and "operative dates" inserted; and in line 15 "and" has been struck.

5. On page 2, line 3, "; and to declare an emergency" has been inserted after "Nebraska".

Enrollment and Review Change to LB 271A

The following changes, required to be reported for publication in the Journal, have been made:

ER9080

1. On page 1, line 3, "; and to reduce appropriations" has been inserted after "1997".

Enrollment and Review Change to LB 278
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER9091

1. In lieu of the Chambers amendment, FA245, on page 5, the matter beginning with the colon in line 19 through "By" in line 24 has been struck and "by" inserted.

Enrollment and Review Change to LB 495
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER9100

1. On page 2, line 28, "a premises is" has been struck and "the premises are" inserted.

Enrollment and Review Change to LB 590

The following changes, required to be reported for publication in the Journal, have been made:

ER9098

1. In the Bromm amendment, AM1780, on page 1, line 4, "5," and "page 15, line 27;" have been struck.
2. In the Withem amendment, AM2304, on page 1, the matter beginning with "for" in line 4 through "Thirty-three" in line 9 has been struck and ", and the State Treasurer shall credit eight and one-third percent to the Department of Motor Vehicles Cash Fund, fifty-eight and one-third percent to the General Fund, and thirty-three" inserted.
3. In lieu of the Abboud amendment, FA418, in the Withem-Bromm amendment, AM2381, on page 1, line 18, "A state agency may not deny a request for paper copies of public records.
(4)" has been inserted after "(3)"; and in line 23 "(4)" has been struck and "(5)" inserted.
4. In the E & R amendments, AM7146:
   a. On page 8, line 7; page 9, line 15; and page 13, line 3, "is" has been struck and "are" inserted;
   b. On page 9, line 19; and page 16, line 12, "information" has been struck and "records" inserted; and
   c. On page 19, line 25, "information" has been struck and "records" inserted.

Enrollment and Review Change to LB 851
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER9095

1. In the Crosby et al. amendment, AM2329, on page 1, line 3, "to state intent relating to qualified educational interpreters; to provide duties for the State Department of Education;" has been inserted after the semicolon.
2. On page 2, line 17, the stricken matter has been reinstated.
3. On page 16, line 28, "and section 13 of this act" has been inserted after "71-4732".

Enrollment and Review Change to LB 865

The following changes, required to be reported for publication in the Journal, have been made:

ER9097

1. In the McKenzie amendment, AM2509, section 6 has been renumbered as section 5.
2. In the Standing Committee amendments, AM1042, on page 11, lines 7 and 8, "14, and 15" has been struck and "12, and 13" inserted.
3. On page 1, the matter beginning with "sections" in line 1 through line 11 and all amendments thereto have been struck and "sections 79-1018,

79-1110, 79-1113, 79-1115, 79-1138, 79-1142, 79-1155, 79-1156, 79-1158, and 79-1184, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1996; to change provisions relating to special education; to provide for grants; to define and redefine terms; to establish a commission; to provide for an assistive technology device registry; to change a termination date; to harmonize provisions; and to repeal the original sections." inserted.

(Signed) Jon C. Bruning, Chairperson

MOTION - Bracket LB 23

Mr. Chambers renewed his pending motion found on page 2200, to bracket LB 23 until June 6, 1997.

SPEAKER WITHEM PRESIDING

The Chambers motion to bracket failed with 3 ayes, 31 nays, 8 present and not voting, and 7 excused and not voting.

MOTION - Return LB 23 to Select File

Mr. Chambers moved to return LB 23 to Select File for his specific amendment, FA363, found on page 2200.

MR. BRASHEAR PRESIDING

The Chambers motion to return failed with 2 ayes, 12 nays, 29 present and not voting, and 6 excused and not voting.

SPEAKER WITHEM PRESIDING

Mr. Chambers moved to return LB 23 to Select File for his specific amendment, AM2349, found on page 2200.

Messrs. Beutler and Abboud asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to return failed with 2 ayes, 14 nays, 25 present and not voting, and 8 excused and not voting.

MOTION - Print in Journal

Mr. Dw. Pedersen filed the following motion to LB 389:

Purpose: To override the Governor's veto of funding of probation officers' salaries.

To override the Governor's line item vetoes of LB 389, contained in section 17.

MOTION - Return LB 23 to Select File

Mr. Chambers moved to return LB 23 to Select File for his specific amendment, AM2350, found on page 2200.

Mmes. Robak and Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

The Chambers motion to return failed with 6 ayes, 13 nays, 21 present and not voting, and 9 excused and not voting.

Mr. Chambers moved to return LB 23 to Select File for his specific, amendment, AM2351, found on page 2200.

MR. WESELY PRESIDING

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Bruning requested a record vote on the Chambers motion to return.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 31:

Brashear
Bromm
Bruning
Coordsen
Crosby
Dierks
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Matzke
Maurstad
Pedersen, Dw.
Preister
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Present and not voting, 7:

Brown
Cudaback
Elmer
Kiel
Lynch
Raikes
Suttle

Excused and not voting, 10:

Abboud
Beutler
Bohlke
Landis
McKenzie
Pederson, D.
Peterson, C.
Robak
Robinson
Will

The Chambers motion to return failed with 1 aye, 31 nays, 7 present and not voting, and 10 excused and not voting.

Mr. Chambers moved to return LB 23 to Select File for his specific amendment, AM2352, found on page 2200.

Mr. Chambers withdrew his motion to return.

Mr. Chambers moved to return LB 23 to Select File for his specific amendment, AM2353, found on page 2200.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 182 and 182A.

Enrollment and Review Change to LB 182
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9101
1. In the Coordsen amendment, AM2427, section 6 has been renumbered as section 7.

Enrollment and Review Change to LB 182A
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9102
1. In the Maurstad amendment, AM2436:
a. Section 1 has been renumbered as section 7; and
b. On page 1, line 2, "77-24,142.01" has been struck and "77-27,142.01" inserted.
2. In the Coordsen amendment, AM2435, on page 20, lines 11 and 12 and 17, "and 77-2703" has been struck and "77-2703, and 77-27,142.01" inserted; in line 18 "sale" has been struck and "sales" inserted; in line 20 "to provide for submission to voters of changes in local option sales and use tax authorizations;" has been inserted after the first semicolon; and in line 21 "and" has been struck.

(Signed) Jon C. Bruning, Chairperson

AMENDMENT - Print in Journal

Mr. Maurstad filed the following amendment to LB 150:
AM2631

1. Insert the following new section:

"Sec. 3. There is hereby appropriated (1) $250,000 from the General Fund for FY1997-98 and (2) $750,000 from the General Fund for FY1998-99 to the Department of Correctional Services, for Program 200, for the Community Corrections Program.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $95,688 for FY1997-98 or $151,192 for FY1998-99.".

2. Renumber the remaining section accordingly.

VISITORS

Visitors to the Chamber were Joe, Martha, Josh, Sean, and Bridgette Langin from Imperial.

ADJOURNMENT

At 10:13 p.m., on a motion by Mr. Wesely, the Legislature adjourned until 8:00 a.m., Tuesday, June 3, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-SEVENTH DAY – JUNE 3, 1997

LEGISLATIVE JOURNAL

EIGHTY-SEVENTH DAY – JUNE 3, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-SEVENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, June 3, 1997

Pursuant to adjournment, the Legislature met at 8:00 a.m., Mrs. Crosby presiding.

PRAYER

The prayer was offered by Pastor Bryan Clark, Lincoln Berean Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Brashear, Bromm, Chambers, Cudaback, Hilgert, Kristensen, Landis, Matzke, Dw. Pedersen, Wesely, Mmes. Bohlke, Brown, Kiel, McKenzie, Robak, Suttle, and Witek who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-sixth day was approved.

GENERAL FILE

LEGISLATIVE BILL 59. Title read. Considered.

Mr. Wehrbein asked unanimous consent to pass over LB 59. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 512. Advanced to E & R for engrossment.

LEGISLATIVE BILL 512A. Mr. Will withdrew his amendment, AM2404, found on page 2428.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 99. E & R amendment, AM7176, found on page 2424, was adopted.

Mrs. Brown renewed her pending amendment, AM2521, found on page 2525.

The Brown amendment was adopted with 25 ayes, 2 nays, 5 present and not voting, and 17 excused and not voting.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 232, 798, and 798A.

Enrollment and Review Change to LB 232

The following changes, required to be reported for publication in the Journal, have been made:
ER9103

1. In the Withem amendment, AM2504, on page 1, line 2, "(i)" has been struck and "(a)" inserted; in line 5 "(ii)" has been struck and "(b)" inserted; in line 7 "(iii)" has been struck and "(c)" inserted; and in line 12 "(v)" has been struck and "(d)" inserted.

Enrollment and Review Change to LB 798

The following changes, required to be reported for publication in the Journal, have been made:
ER9104

1. In the McKenzie et al. amendment, AM2573:

a. On page 16, line 20, "(2)" has been struck and shown as stricken;

b. On page 17, line 8, "(4)" has been struck, shown as stricken, and "(2)" inserted; and in line 24 "(1)" has been struck and shown as stricken;

c. On page 19, line 26, an underscored period has been inserted after "application" and "submitted." has been struck and the old matter shown as stricken; and

d. On page 20, line 10, "department director" has been struck and "Director of Regulation and Licensure" inserted.

2. On page 1, the matter beginning with "section" in line 1 through line 5 has been struck and "sections 71-20,103, 71-20,107, 71-5801, 71-5803, 71-5804, 71-5806, 71-5808, 71-5809.01, 71-5809.02, 71-5810, 71-5816, 71-5818.01, 71-5818.02, 71-5819, 71-5822, 71-5824, 71-5830.01, 71-5836, 71-5837, 71-5846, 71-5848, 71-5848.01, 71-5859, 71-5865, 71-5868, 71-5869, and 71-5870, Reissue Revised Statutes of Nebraska, and section 84-1409, Revised Statutes Supplement, 1996; to add,

change, and eliminate provisions relating to health care certificates of need; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-5802, 71-5805, 71-5805.01, 71-5807, 71-5809, 71-5811, 71-5812, 71-5813, 71-5814, 71-5815, 71-5817, 71-5818, 71-5818.03, 71-5820, 71-5821, 71-5821.01, 71-5823, 71-5825, 71-5826, 71-5828, 71-5829, 71-5830, 71-5831, 71-5832, 71-5832.01, 71-5833, 71-5834, 71-5835, 71-5836.01, 71-5836.02, 71-5838, 71-5840, 71-5841, 71-5849, 71-5851, 71-5852, 71-5853, 71-5854, 71-5855, 71-5857, 71-5859.01, 71-5859.02, 71-5859.03, 71-5859.04, and 71-5866, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

(Signed) Jon C. Bruning, Chairperson

SELECT FILE

LEGISLATIVE BILL 99. Advanced to E & R for engrossment.

LEGISLATIVE BILL 90. E & R amendment, AM7177, found on page 2426, was adopted.

Mr. Beutler withdrew his amendment, FA391, found on page 2362.

Mr. Beutler renewed his pending amendment, AM2516, found on page 2463.

The Beutler amendment was adopted with 27 ayes, 0 nays, 7 present and not voting, and 15 excused and not voting.

Mr. Wickersham renewed his pending amendment, AM2495, found on page 2463.

The Wickersham amendment was adopted with 25 ayes, 0 nays, 10 present and not voting, and 14 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 90A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 829. E & R amendment, AM7171, found on page 2412, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 829A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 91. E & R amendment, AM7172, found on page 2420, was adopted.

Mr. Chambers withdrew his motion, found on page 2513, to indefinitely postpone.

Mr. Withem moved to indefinitely postpone LB 91.

Mr. Withem withdrew his motion to indefinitely postpone.

Mr. Maurstad offered the following amendment:
AM2595

(Amendments to E & R amendments, AM7172)

1. Strike section 1.
2. On page 3, line 11, strike "4 and 6" and insert "3 and 5".
3. On page 3, line 17; and page 5, line 6, strike "4" and insert "3".
4. On page 5, line 15, strike "6" and insert "5"; in lines 17 and 23 strike "60-321,"; and strike beginning with the first "to" in line 24 through the first semicolon in line 25.
5. Renumber the remaining sections accordingly.

The Maurstad amendment was adopted with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 710 to Select File

Mrs. Bohlke moved to return LB 710 to Select File for her specific amendment, AM2492, printed separately and referred to on page 2506.

Mrs. Bohlke asked unanimous consent to replace her pending amendment, AM2492, printed separately and referred to on page 2506, with a substitute amendment. No objections. So ordered.

Mrs. Bohlke withdrew her amendment, AM2492, printed separately and referred to on page 2506.

Mrs. Bohlke moved to return LB 710 to Select File for the following specific substitute amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2635.)

The Bohlke motion to return prevailed with 25 ayes, 0 nays, 11 present and not voting, and 13 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 710. The Bohlke specific amendment, AM2635, on file and referred to in this day's Journal, was adopted with 26 ayes, 6 nays, 7 present and not voting, and 10 excused and not voting.

Advanced to E & R for engrossment.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

WITHDRAW - Amendment to LB 710

Messrs. Wickersham and Bromm withdrew their amendment, AM2488, found on page 2532, to LB 710.

MOTION - Return LB 710 to Select File

Mrs. Bohlke moved to return LB 710 to Select File for the following specific amendment:
AM2636

1. On page 14, line 8, after "shall" insert "review each district's budget statement for statutory compliance,"; in line 10 after "79-1030" insert ", and notify the Commissioner of Education of any district failing to submit to the department or the auditor the budget documents required pursuant to this subsection by the date established in section 13-508 or failing to make any corrections of errors in the documents pursuant to section 13-504"; and in line 23 after "the" insert "auditor and the".

2. On page 15, line 6, after the underscored period insert "The board of any district failing to submit to the department or the auditor the budget documents required pursuant to this section by the date established in section 13-508 or failing to make any corrections of errors in the documents pursuant to section 13-504 shall be liable to the school district for all school money which such district may lose by such failing.".

The Bohlke motion to return prevailed with 25 ayes, 10 nays, 6 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 710. The Bohlke specific amendment, AM2636, found in this day's Journal, was considered.

Mrs. Bohlke requested a roll call vote on her amendment.

Voting in the affirmative, 26:

Beutler
Bohlke
Brown
Bruning
Chambers
Crosby
Elmer
Hartnett
Hilgert
Hillman
Kiel
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schimek
Wehrbein
Wesely
Will
Withem

Voting in the negative, 14:

Bromm
Coordsen
Cudaback
Dierks
Hudkins
Jones
Robak
Schellpeper
Schmitt
Stuhr
Tyson
Vrtiska
Wickersham
Witek

Present and not voting, 4:

Engel
Janssen
Jensen
Schrock

Excused and not voting, 5:

Abboud
Brashear
Landis
McKenzie
Suttle

The Bohlke specific amendment was adopted with 26 ayes, 14 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to E & R for engrossment.

Mr. Will asked unanimous consent to be excused until he returns. No objections. So ordered.

WITHDRAW - Amendment to LB 476

Mr. Kristensen withdrew his amendment, AM1852, found on page 1848, to LB 476.

MOTION - Return LB 476 to Select File

Mr. Kristensen moved to return LB 476 to Select File for the following specific amendment:
AM2600

(Amendments to Final Reading copy)

1. Strike the original sections and insert the following new sections:

"Section 1. Section 85-1,125, Reissue Revised Statutes of Nebraska, is amended to read:

85-1,125. The Legislature finds that the State of Nebraska should have a commitment to providing access to the University of Nebraska for Black, American Indian, and Hispanic minority students and that the financial requirements of postsecondary education usually represent major obstacles to such students because of the lack of financial resources available to them.

This commitment was evidenced by the adoption of Legislative Resolution 97, Ninety-first Legislature, First Session, 1989, and the appropriation of funds by Laws 1989, LB 813, section 53, for the Board of Regents of the University of Nebraska, to establish an endowed scholarship program in accordance with such resolution.

Funds appropriated by the Legislature for such scholarship program shall be held, managed, and invested as an endowed scholarship fund in such manner as the board shall determine and as authorized by section 72-1246. The income from the endowed scholarship fund shall be expended for such scholarships.

The purpose of such endowed scholarship fund shall be to provide total or partial undergraduate scholarships of tuition, fees, board, room, and books at all campuses of the University of Nebraska to full-time undergraduate students from Black, American Indian, and Hispanic minority groups which are underrepresented in the student population at the University of Nebraska and who cannot afford such educational expenses due to lack of financial resources available to them.

Such scholarship program shall be implemented as a temporary measure for the purpose of eliminating the statistical disparity between the representation of full-time Black, American Indian, and Hispanic minority students in the undergraduate student population of the University of Nebraska and the representation of such minority students in the student population of the primary and secondary schools of this state and for the purpose of developing a more racially diverse student body at the University of Nebraska.

It is the intent of the Legislature that funds appropriated to the board for such scholarship program be used in coordination with private donations for scholarships and federal grant funds available to minority students at the University of Nebraska.

Sec. 2. Section 85-9,145, Reissue Revised Statutes of Nebraska, is amended to read:

85-9,145. Eligible postsecondary educational institution shall mean a not-for-profit institution not controlled or administered by any state agency or any political subdivision of the state which is:

(1) Located in Nebraska;

(2) Primarily engaged in instruction of students;

(3) Accredited by ~~an~~ a regional accrediting organization recognized by the United States Department of Education; and

(4) Offering courses and programs of instruction leading to an associate or baccalaureate degree to regularly enrolled undergraduate students who reside in Nebraska and have received high school diplomas or their equivalent.

Sec. 3. Original sections 85-1,125 and 85-9,145, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 4. Since an emergency exists, this act takes effect when passed and approved according to law.".

2. On page 1, strike beginning with "the" in line 1 through line 5 and insert "postsecondary educational institutions; to amend sections 85-1,125 and 85-9,145, Reissue Revised Statutes

of Nebraska; to change a provision relating to minority group scholarships; to redefine a term; to repeal the original sections; and to declare an emergency.".

The Kristensen motion to return prevailed with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 476. The Kristensen specific amendment, AM2600, found in this day's Journal, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 55 to Select File

Mr. Wickersham moved to return LB 55 to Select File for his specific amendment, AM2605, found on page 2528.

The Wickersham motion to return prevailed with 27 ayes, 0 nays, 15 present and not voting, and 7 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 55. The Wickersham specific amendment, AM2605, found on page 2528, was adopted with 26 ayes, 0 nays, 16 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 55 to Select File

Mr. Preister moved to return LB 55 to Select File for the following specific amendment:
FA430
Strike the enacting clause.

SPEAKER WITHEM PRESIDING

Mr. Preister withdrew his motion to return.

WITHDRAW - Amendment to LB 314

Messrs. Tyson, Schellpeper, Mrs. Bohlke, and Ms. Schimek withdrew their amendment, AM2265, found on page 2121, to LB 314.

MOTION - Return LB 314 to Select File

Mr. Tyson moved to return LB 314 to Select File for the Tyson-Schellpeper-Bohlke-Schimek specific amendment, AM2391, found on page 2350.

Messrs. Robinson, Elmer, Mmes. Bohlke, and Stuhr asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Tyson withdrew his motion to return.

Mr. Coordsen moved to return LB 314 to Select File for the following specific amendment:
AM2596

(Amendments to Final Reading copy)

1. Insert the following new section:

"Sec. 2. Section 50-401.01, Revised Statutes Supplement, 1996, is amended to read:

50-401.01. (1) The Legislative Council shall have an executive board, to be known as the Executive Board of the Legislative Council, which shall consist of a chairperson, a vice-chairperson, and six members of the Legislature, to be chosen by the Legislature at the commencement of each regular session of the Legislature when the speaker is chosen, and the Speaker of the Legislature. The Legislature at large shall elect two of its members from legislative districts Nos. 1, 2, 15, 16, 21, 23 to 30, 32, 34, 35, and 46, two from legislative districts Nos. 3 to 14, 20, 31, 39, and 45, and two from legislative districts Nos. 17 to 19, 22, 33, 36 to 38, 40 to 44, and 47 to 49. The Chairperson of the Committee on Appropriations shall serve as a nonvoting ex officio member of the executive board whenever the board is considering fiscal administration.

(2) The executive board shall:

(a) Supervise all services and service personnel of the Legislature and may employ and fix ~~salaries~~ compensation and other terms of employment for such personnel as may be needed to carry out the intent and activities of the Legislature or of the board, unless otherwise directed by the Legislature; and

(b) Appoint persons to fill the positions of Legislative Fiscal Analyst, Director of Research, and Revisor of Statutes. The persons appointed to these positions shall have training and experience as determined by the executive board and shall serve at the pleasure of the executive board. Their respective salaries shall be set by the executive board.

(3) Notwithstanding any other provision of law, the executive board may contract to obtain legal, auditing, accounting, actuarial, or other professional services or advice for or on behalf of the executive board, the Legislative Council, the

Legislature, or any member of the Legislature. The providers of such services or advice shall meet or exceed the minimum professional standards or requirements established or specified by their respective professional organizations or licensing entities or by federal law. Such contracts, the deliberations of the executive board with respect to such contracts, and the work product resulting from such contracts shall not be subject to review or approval by any other entity of state government.".

2. On page 1, line 5, after "sections" insert "50-401.01,".

3. On page 31, line 3, strike "11 to 13, 16 to 19, 22, 23, 26, and 28" and insert "2, 12 to 14, 17 to 20, 23, 24, 27, and 29"; and in line 13 after the comma insert "and section 50-401.01, Revised Statutes Supplement, 1996,".

4. Renumber the remaining sections accordingly.

The Coordsen motion to return prevailed with 27 ayes, 0 nays, 13 present and not voting, and 9 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 314. The Coordsen specific amendment, AM2596, found in this day's Journal, was adopted with 25 ayes, 0 nays, 15 present and not voting, and 9 excused and not voting..

Advanced to E & R for reengrossment.

WITHDRAW - Amendment to LB 314A

Mr. Tyson withdrew his amendment, AM2627, found on page 2543, to LB 314A.

MOTION - Return LB 517 to Select File

Mr. D. Pederson moved to return LB 517 to Select File for his specific amendment, AM2408, found on page 2344.

Mr. D. Pederson withdrew his motion to return.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Beutler moved to return LB 517 to Select File for the Beutler-Schellpeper specific amendment, AM2470, found on page 2397.

The Beutler motion to return prevailed with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 517. The Beutler-Schellpeper specific amendment, AM2470, found on page 2397, was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to E & R for reengrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 512 and 512A.

(Signed) Jon C. Bruning, Chairperson

AMENDMENTS - Print in Journal

Mr. Cudaback filed the following amendment to LB 695:
AM1406

1. Insert the following new section:

"Sec. 6. The Department of Correctional Services is authorized to adopt and promulgate rules and regulations to implement the provisions of sections 1 to 5 of this act as are necessary and proper to carry out the legislative intent and purposes of such sections.".

2. Renumber the remaining sections accordingly.

Mr. Dw. Pedersen filed the following amendment to LB 150:
AM2626

1. Insert the following new section:

"Sec. 3. The Department of Correctional Services shall make job assignments for inmates housed at the Lincoln Community Corrections Center and the Omaha Community Corrections Center as follows: (1) No more than twenty percent of the inmates shall be assigned jobs and (2) at least eighty percent of the inmates shall be assigned to work release private venture jobs earning a prevailing wage. The department shall comply with this section within one year after the effective date of this act.".

2. Renumber the remaining section accordingly.

MESSAGE FROM THE GOVERNOR

June 3, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

LB 806 and LB 806A were received in my office on May 28, 1997.

Nebraska has always been a leader in education. Our state can pride itself on providing a world class education system which is the essential component for preparing Nebraska's youth to compete on a statewide, national, and global scale. Nebraska is a leader in teaching quality with 75 percent of Nebraska's secondary teachers with degrees in the subjects they teach. Nebraska students performed among the top five of the states with more than 70 percent of our high school seniors taking the ACT exam. And, Nebraska 4th graders performed with the top 10 states on the National Assessment of Educational Progress reading exams in 1994. It is clear Nebraska is a national leader in educational excellence.

The underlying premise set out last year in LB 1114 was to provide property tax relief through efficiencies, not through dismantling our educational system. When it comes to our schools, these efficiencies must be about performing in a more cost-effective manner, and not about reducing quality. LB 806 and LB 806A are intended to help accomplish this goal. Providing our students with a quality education must be the top priority for our state, and we must emphasize that quality education can be delivered through efficient measures.

Coupled with LB 1114, LB 806A will mean lower reliance on property taxes without compromising quality education. I commend the proponents of these bills for their willingness to work in addressing specific concerns when solutions were brought forward. At my request, provisions were added which provided additional considerations for isolated schools and more state aid dollars for small rural schools.

It is clear that implementation of LB 806 will have a very diverse impact on schools across Nebraska. Some have suggested that I should veto this bill and return to the LB 1059 formula for distribution of state aid in the future. However, the consequences of not allowing LB 806 to be enacted could be drastic in some circumstances. Class I district's were not recognized with any levying authority and received no designation for state aid distribution under LB 1114. Without LB 806, the Class I schools would not survive. In addition, school districts would not be able to devise a budget for 1998-1999 school year upon certification this December. Schools with a very low valuation per student would be facing severe budget cuts. And, those schools in sparely populated areas would not receive any special designation to account for the higher costs they incur in educating their students. LB 806 does address these unique situations and ensures that quality education will not suffer.

One aspect of LB 806 which I continue to have concerns about is the penalty provision, which reduces aid for systems that are 10 percent below the levy limit. Unfortunately, there was a lack of support in the Legislature to remove this provision. Senator Bohlke, who has put forth a tremendous effort with respect to LB 806, has agreed to continue to look at this provision in the future, as well as provide a close and detailed monitoring of the implementation and impact of LB 806 as it comes into effect. I will work with the Legislature's Education Committee and the School Finance Review

Committee to formally establish a group to monitor the impact of these changes to the school finance formula.

As pointed out before the final vote on this bill, senators will receive criticism whether they voted yes or no on this bill. Likewise, I will undoubtedly have critics too. There are some legislators who criticized the bill, then voted for it. There will be others that wouldn't vote for it no matter how it is changed. I do not have the luxury to play politics with this bill, nor will I. As Governor, I must take the needs of the entire state into consideration when making my decisions on legislative issues and cannot just hope that others will ensure that the needs of our schools are met.

In conclusion, my decision to sign this legislation has been difficult knowing that some schools will not receive the level of funding they desire. I have brought these concerns forward and offered solutions. I was successful with some, unsuccessful with others. As with any compromise, there are areas that remain open for review and discussion and I will accept the offer by legislators to work on solutions that improve areas of concern. Too often there is a tendency to let our desire for perfection get in the way of progress. We can make progress today. And while perfection will always escape us, we do have the opportunity in the future to improve upon what we do today. Through this process, I have come to believe that LB 806 and LB 806A are needed at this time and have been signed by me on this date and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

PROPOSED RULES CHANGE

Mrs. Suttle offered the following proposed rules change:

Rule 2; Sec. 7(b) - Delete the last sentence of the section and begin a new section. **Sec. 8** entitled Decorum During Debate, then reinstate deleted sentence.

Sec 8. Decorum During Debate: No member shall use profane or abusive language when speaking to or about another member. During debate a member may be called to order or otherwise reprimanded for the following: a. Using abusive and derogatory language; b. Using another member's name profanely; c. Imputing to another senator or senators any conduct or motive unworthy or unbecoming a senator; d. Indulging in personalities, using language personally offensive, arraigning motives, charging deliberate misrepresentation, or using language tending to hold a member up to contempt; e. Being disrespectful or impugning another members' honest, integrity or motive; f. Posing questions not made in good faith but for the purpose of harassment; g. Using any language or gesture calculated to wound, offend or insult another member of the body.

Renumber the remaining Sections.

Referred to the Rules Committee.

MOTION - Return LB 710 to Select File

Mr. Bromm moved to return LB 710 to Select File for the following specific amendment:
AM2637

1. Insert the following new section:

"Section 1. Section 13-2304, Revised Statutes Supplement, 1996, is amended to read:

13-2304. The Nebraska Commission on Local Government Innovation and Restructuring shall have the following powers and duties:

(1) To fund outstanding local government projects in government innovation, restructuring, and cooperative services provision. Funds shall be available for planning and evaluating such projects. Funds shall be provided on a matching fund basis;

(2) To conduct research and publish evaluations of efforts to develop public services innovation, restructuring, and cooperation efforts;

(3) To sponsor educational activities which provide information and training for citizens and government officials on the topic of government services innovation;

(4) To identify intergovernmental mandates which affect the ability of federal, state, and local governments to deliver services in an effective manner and to recommend changes to increase effectiveness in accomplishing public purposes and delivering public services;

(5) To identify issues, guidelines, and incentives for collaborative or joint use of facilities and capital equipment by local governments; ~~and~~

(6) To accept and receive funds or donations from public and private funding sources; and

(7) To identify, collect, document, and distribute examples of kindergarten through grade twelve educational efficiency innovation. The commission shall work closely with the State Department of Education, educational service units, school districts, school systems, local communities, and other appropriate parties in carrying out the requirements of this subdivision.".

2. On page 29, line 22, after the comma insert "and section 13-2304, Revised Statutes Supplement, 1996,".

3. Renumber the remaining sections accordingly.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm motion to return prevailed with 25 ayes, 1 nay, 17 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 710. The Bromm specific amendment, AM2637, found in this day's Journal, was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 111.

A BILL FOR AN ACT relating to human genetic technologies; to establish a commission; to provide duties for the commission; and to provide for cessation of the commission.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Beutler
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Pederson, D.
Schrock
Stuhr

Excused and not voting, 6:

Abboud
Bohlke
Brashear
Landis
McKenzie
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 111A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 111, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 41:

Beutler
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Pederson, D.
Stuhr

Excused and not voting, 6:

Abboud
Bohlke
Brashear
Landis
McKenzie
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 116.

A BILL FOR AN ACT relating to cities and villages; to amend section 19-1831, Reissue Revised Statutes of Nebraska; to change provisions relating to civil service; to provide for fingerprinting as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Beutler
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will

Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Pederson, D.

Excused and not voting, 6:

Abboud
Bohlke
Brashear
Landis
McKenzie
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 116A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 116, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Beutler
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Pederson, D.

Excused and not voting, 6:

Abboud
Bohlke
Brashear
Landis
McKenzie
Tyson

A constitutional majority having voted in the affirmative, the bill was

declared passed and the title agreed to.

LEGISLATIVE BILL 362. With Emergency.

A BILL FOR AN ACT relating to judges; to amend section 24-201.01, Reissue Revised Statutes of Nebraska; to change salary provisions; to repeal the original section; and to declare an emergency.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 33:

Beutler
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robak
Robinson
Schimek
Schrock
Suttle
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 10:

Bruning
Cudaback
Hudkins
Jensen
Jones
Schellpeper
Schmitt
Stuhr
Vrtiska
Witek

Present and not voting, 2:

Dierks
Preister

Excused and not voting, 4:

Abboud
Brashear
Landis
Tyson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 362A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 362, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 35:

Beutler
Bohlke
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Janssen
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robak
Robinson
Schimek
Schrock
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 7:

Bruning
Hudkins
Jensen
Jones
Schellpeper
Schmitt
Witek

Present and not voting, 3:

Dierks
Preister
Stuhr

Excused and not voting, 4:

Abboud
Brashear
Landis
Tyson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 393.

A BILL FOR AN ACT relating to the Protection from Domestic Abuse Act; to amend sections 42-924.01 and 42-924.02, Reissue Revised Statutes of Nebraska; to change provisions relating to payment of fees and costs and forms; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Jones
Kristensen

Excused and not voting, 4:

Abboud
Brashear
Landis
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 393A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 393, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Jones
Kristensen

Excused and not voting, 4:

Abboud
Brashear
Landis
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 755. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Department of Veterans' Affairs; to state intent; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Jones
Kristensen

Excused and not voting, 4:

Abboud
Brashear
Landis
Tyson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendments to LB 861

Mr. Hilgert withdrew his amendments, AM2092 and AM2474, found on pages 1926 and 2403, to LB 861.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 861.

A BILL FOR AN ACT relating to the Department of Economic Development; to amend section 81-1276, Reissue Revised Statutes of Nebraska; to change provisions relating to contract authorization for the Existing Business Assistance Division; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Jones
Kristensen

Excused and not voting, 4:

Abboud
Brashear
Landis
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Amendment to LB 861A

Mr. Hilgert withdrew his amendment, AM2476, found on page 2407, to LB 861A.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 861A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 861, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler
Bromm
Brown
Bruning
Chambers

Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Bohlke
Kristensen

Excused and not voting, 4:

Abboud
Brashear
Landis
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 890. With Emergency.

A BILL FOR AN ACT relating to claims against the state; to appropriate funds for the payment of certain claims; to provide for payment of the claims; to authorize certain write-offs as prescribed; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Engel
Kristensen
Schellpeper

Excused and not voting, 4:

Abboud
Brashear
Landis
Tyson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 595. With Emergency.

A BILL FOR AN ACT relating to schools and school districts; to amend sections 79-550 and 79-1016, Reissue Revised Statutes of Nebraska, and sections 32-543 and 32-553 to 32-555, Revised Statutes Supplement, 1996; to provide for the nomination of members of the board of education of Class III school districts by district or ward and election at large; to change provisions relating to adjusted valuation used in the calculation of state aid; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Beutler
Bohlke
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Kristensen
Matzke

Excused and not voting, 4:

Abboud
Brashear
Landis
Tyson

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 724.

A BILL FOR AN ACT relating to the School Employees Retirement Act; to amend sections 79-901, 79-902, 79-924, and 79-933.02, Reissue Revised Statutes of Nebraska; to authorize agreements for purchases of service credit; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 3:

Abboud
Landis
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 724A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Public Employees Retirement Board as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel

Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 3:

Cudaback
Kristensen
Withem

Excused and not voting, 3:

Abboud
Landis
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 111, 111A, 116, 116A, 362, 362A, 393, 393A, 755, 861, 861A, 890, and 595.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 852.

A BILL FOR AN ACT relating to the Developmental Disabilities Services Act; to amend sections 83-1201 and 83-1217, Reissue Revised Statutes of Nebraska; to require criminal history record information checks as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely

Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Kristensen
Peterson, C.

Excused and not voting, 3:

Abboud
Landis
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 852A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 852, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Kristensen
Peterson, C.
Robinson
Wickersham

Excused and not voting, 3:

Abboud
Landis
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MESSAGE FROM THE GOVERNOR

June 3, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 94, 94A, 136, 527, 543, 558, 577, 577A, 659, 741, 758, 771, 772, 802, 660, 660A, and 686 were received in my office on May 28, 1997.

These bills were signed by me on June 3, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

ATTORNEY GENERAL'S OPINION

Opinion No. 97032

DATE: June 2, 1997

SUBJECT: Constitutionality of the Method for Distribution of Motor Vehicle Taxes Under LB 271, as amended.

REQUESTED BY: Senator Jim Jones
Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
L. Jay Bartel, Assistant Attorney General

You have requested our opinion on the constitutionality of the provision in LB 271, as recently amended by AM2313, setting out the manner in which motor vehicle taxes imposed under the bill are to be distributed to government subdivisions. LB 271, as amended, would amend the manner in which motor vehicles are taxed. The tax would be calculated by multiplying the "base tax" (based on the value of the vehicle when new) by a fraction based on the age of the vehicle. LB 271, as amended, § 4. Your question concerns the recent amendment to Section 3 of the bill, which contains the manner of distribution of the tax. Prior to amendment, subsection (2) of Section 3 provided, in pertinent part:

> After retaining one percent of the motor vehicle tax proceeds collected

> for costs, the remaining motor vehicle tax proceeds shall be allocated to each taxing unit levying taxes on taxable property in the county in which the motor vehicle has situs in the same proportion that the levy of such taxing unit bears to the total levy on taxable of all taxing units in which the motor vehicle has situs. (emphasis added).

This provision was amended by AM2313 to provide:

> After retaining one percent of the motor vehicle tax proceeds collected for costs, the remaining motor vehicle tax proceeds shall be allocated to each taxing unit levying taxes on taxable property in the tax district in which the motor vehicle has situs in the same proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the motor vehicle has situs. (emphasis added).

Your question is whether the substitution of "tax district" for "county" in the amended version of LB 271 is consistent with the language of Neb. Const. art. VIII, § 1(3), which, in addition to providing that "the Legislature may provide for a different method of taxing motor vehicles. . ., states:

> Provided, that such tax proceeds from motor vehicles in each county shall be allocated to the counties, townships, cities, villages, school districts, and other governmental subdivisions of such county in the same proportion that the levy of each bears to the total levy of the county on taxable property; . . . .(emphasis added).

In ***State ex rel. School Dist. of Scottsbluff v. Ellis,*** 168 Neb. 166, 95 N.W.2d 538 (1959) ["***Ellis***"], the Nebraska Supreme Court addressed the proper construction of virtually identical language in a prior version of art. VIII, § 1 of the Constitution providing for the allocation of motor vehicle tax proceeds. In 1952, the Nebraska Constitution was amended to allow the Legislature "to provide for a different method of taxing motor vehicles; Provided, that such tax proceeds from motor vehicles taxed in each county shall be allocated to the state, counties, townships, cities, villages, and school districts of such county in the same proportion that the levy of each bears to the total levy of said county on personal tangible property." ***Id.*** at 168, 95 N.W.2d at 540. The Legislature, in 1953, enacted a statute (Neb. Rev. Stat. § 77-1240.01 (Supp. 1955)) providing for distribution of motor vehicle taxes as follows:

> The proceeds from such motor vehicle tax in each county shall be allocated to each taxing unit levying taxes on tangible personal property in the county in which the motor vehicle is located in the same proportion that the levy on tangible personal property of such taxing unit bears to the total levy on tangible personal property of all the taxing units in which the motor vehicle is located.

168 Neb. at 169, 95 N.W.2d at 540.

The Scotts Bluff County Treasurer asserted that the distribution provided for under this statute was contrary to the language in art. VIII, § 1. The Plaintiffs, political subdivisions within Scotts Bluff County, asserted the distribution of motor vehicle taxes under the statute was consistent with the language in art. VIII, § 1, and that the statutory distribution method had been uniformly followed in all counties since the statute's enactment. ***Id.*** at 169-70, 95 N.W.2d at 540.

Addressing the construction of the distribution language contained in the amendment to art. VIII, § 1, the Court in ***Ellis*** stated:

> The defendant's interpretation of the constitutional provision would require us to say in effect that the levy of a motor vehicle tax was for a county-wide purpose. The allocation of the proceeds of the motor vehicle tax proportionately to the state, counties, townships, cities, villages, and school districts is conclusive that a part of the proceeds were for a county-wide purpose and a part were not. Such a construction would violate the sound principle of taxation which prescribes that the benefits of taxation should be directly received by those directly concerned in bearing the burdens of taxation, so that a Legislature cannot divert taxes raised by one taxing district to the sole use and benefit of another district.

Id. at 172, 95 N.W.2d at 542.

With regard to whether the statutory distribution method complied with the constitutional provision, the Court stated:

> The announced purpose of the legislation providing for the submission of the constitutional amendment to the people was not to change existing allocations of motor vehicle taxes but to provide a different method of taxing them. Motor vehicles had previously been taxed as personal property the same as other tangible personal property was taxed, the taxing units where the motor vehicle was located getting the sole benefit of the revenue therefrom. We interpret the words "the total levy of said county on personal tangible personal property" contained in the constitutional provision to mean the total levy made by the county for all political subdivisions in which a motor vehicle has its taxable situs. We find nothing to indicate an intention to depart from such a distribution. . . .The Legislature by enacting section 77-1240.01, R.S. Supp., 1955, confirmed the generally accepted meaning of the constitutional provision and clarified its meaning by legislative action in a manner not inconsistent with the Constitution and in accord with the fundamental rules of taxation.

Id. at 173, 95 N.W.2d at 542 (emphasis added).

While art. VIII, § 1, has been amended on a number of occasions since the decision in ***Ellis***, the language pertaining to distribution of motor vehicle tax proceeds has remained relatively unchanged. The current language of the constitutional provision, quoted previously, provides for distribution of the tax proceeds from motor vehicle taxes to political subdivisions "in the same proportion that the levy of each bears to the total levy of the county on taxable property;. . . ." The only difference between this portion of the provision, construed in ***Ellis***, and the present language is the substitution of the word "the" for "said" before "county", and substitution of "taxable property" for "personal tangible property."

By virtue of the similarity between the language in art. VIII, § 1, construed by the Court in ***Ellis***, and the current language in art. VIII, § 1, we believe the proper construction of art. VIII, § 1, continues to require proportionate distribution of motor vehicle tax proceeds to all taxing subdivisions "in which a motor vehicle has its taxable situs." 168 Neb. at 173, 95 N.W.2d at 542. This interpretation is consistent with subsequent statutory provisions governing distribution of motor vehicle taxes, and the current statute, Neb. Rev. Stat. § 77-1240.01(4) (1996), which provides: "The proceeds from the motor vehicle tax shall be allocated to each taxing unit levying taxes on property in the county in which the motor vehicle has tax situs in the same proportion that the levy on taxable property of such taxing unit bears to the total levy on taxable property of all the taxing units." We note that it is also our understanding that, as was the case in ***Ellis***, it is the practice of all counties to distribute proceeds from the current property tax on motor vehicles to all subdivisions taxing in the tax district where the motor vehicle has situs.

With this background in mind, we turn to your specific question pertaining to the use of the term "tax district" in the distribution language in LB 271. Prior to amendment, the bill required proportionate allocation of motor vehicle tax proceeds "to each taxing unit levying taxes on taxable property in the county in which the motor vehicle has situs. . . ." (emphasis added). The bill, as amended, provides for proportionate allocation of motor vehicle tax proceeds "to each taxing unit levying taxes on taxable property in the tax district in which the motor vehicle has situs. . . ." (emphasis added). Your question is whether this change in terminology is permissible, in view of the language in art. VIII, § 1, referring to proportionate distribution of motor vehicle tax proceeds to political subdivisions based "on the levy of each bears to the total levy of the county on taxable property."

In our opinion, we do not believe the change in terminology contained in LB 271, as amended, necessarily results in an inconsistency with the distribution requirement in art. VIII, § 1. This is based on the definition of "taxing district" in LB 270, also presently pending before the Legislature. "Tax district" is defined as "an area within a county in which all of the taxable property is subject to property taxes at the same consolidated property tax rate." The levy for property taxes for each political subdivision levying property taxes on taxable property in the county is made annually by the county board of equalization. Neb. Rev. Stat. §§ 77-1601, 77-1601.01, and 77-1601.02 (1996). The apparent intent of the use of the term "tax district" in LB 271, as amended, is to make the language consistent with the definition of that term in LB 270. In effect, however, by defining the term to mean an area in a county in which all taxable property is "subject to the same consolidated property tax rate", the change appears merely to reflect the fact that the county, through the county board of equalization, includes in the levy made annually levies for all political subdivisions in the county which levy property taxes. Defining the term "tax district" in this manner, and employing it in the distribution language in LB 271, as amended, appears to be consistent with art. VIII, § 1, which refers to the "total levy of the county on taxable property"; the "consolidated property tax rate" referred to in LB 270 in defining "tax district" being the equivalent of the "total levy" language employed in the Constitution.

In sum, LB 271, as amended, continues to require distribution of motor vehicle tax proceeds "to each taxing unit levying taxes on taxable property in the tax district in which the motor vehicle has situs", and that the distribution be "in the same proportion that the levy of such taxing unit bears to the total levy on taxable property of all the taxing units in the tax district in which the motor vehicle has situs." This is consistent with the Nebraska Supreme Court's interpretation that art. VIII, § 1 requires proportionate distribution of motor vehicle tax proceeds to all taxing subdivisions "in which a motor vehicle has its taxable situs." ***Ellis,*** 168 Neb. at 173, 95 N.W.2d at 542. The bill, as amended, continues the situs-based distribution articulated in ***Ellis***. The change in terminology from "county" to "tax district" also appears permissible, in light of the manner in which the term "tax district" is defined in LB 270.

Very truly yours,
DON STENBERG
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

7-338-7.4
cc: Patrick J. O'Donnell
Clerk of the Legislature

AMENDMENT - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 150:
AM2216

1. Insert the following new section:
"Section 1. The Department of Correctional Services shall solicit comprehensive proposals from qualified private correctional service vendors for the design, construction, and operation of the project authorized by this legislative bill. The department shall evaluate the proposals for construction and operational savings and benefits and may contract with a private vendor for construction and operation of the project if cost savings or benefits will be realized through such contract. The

department shall prepare a report comparing its cost of construction and operation to that proposed by the private vendors and submit the report to the Judiciary Committee of the Legislature and the Department of Administrative Services by December 31, 1997.".

2. Renumber the remaining sections and correct internal references accordingly.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 724, 724A, 852, and 852A.

VISITORS

Visitors to the Chamber were Laurent Lobjoit from South Africa, Mr. and Mrs. Dan Burkey from Milford, and Betsy Burkey from Arizona; and 65 fourth grade students and teachers from King Science Center, Omaha.

RECESS

At 11:57 a.m., on a motion by Mrs. McKenzie, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Mmes. Bohlke, Brown, McKenzie, Witek, Messrs. Dierks, Lynch, Matzke, Dw. Pedersen, Robinson, Tyson, Wickersham, and Will who were excused until they arrive.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 90, 90A, 91, 99, 829, and 829A.

Enrollment and Review Change to LB 90

The following changes, required to be reported for publication in the Journal, have been made:
ER9105
1. In the E & R amendments, AM7177, on page 3, line 22, "the" has been struck.

2. On page 1, line 5, the second "and" has been struck and "to eliminate penalty provisions relating to emergency medical services;" inserted; and in line 6 "; and to outright repeal section 30, Legislative Bill 138, Ninety-fifth Legislature, First Session, 1997" has been inserted after "section".

Enrollment and Review Change to LB 99

The following changes, required to be reported for publication in the Journal, have been made:
ER9106

1. In the Brown amendment, AM2521, on page 2, line 5, "from" has been struck, shown as stricken, and "after" inserted; and in line 17 "1996," has been struck.

2. On page 1, line 1, "and other gambling" has been struck; and the matter beginning with the second comma in line 2 through line 13 and all amendments thereto have been struck and "; to change tax provisions; to provide an operative date; and to repeal the original section." inserted.

(Signed) Jon C. Bruning, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 3, 1997, at 1:00 p.m., were the following bills: LBs 111, 111A, 116, 116A, 362, 362A, 393, 393A, 755, 861, 861A, 890, 595, 724, 724A, 852, and 852A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

WITHDRAW - Amendments to LB 248

Mr. Beutler withdrew his amendment, AM1129, found on page 1142, to LB 248.

Mr. Will withdrew his amendment, AM1145, found on page 1238, to LB 248.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 248 with 32 ayes, 1 nay, 4 present and not voting, and 12 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 248. With Emergency.

A BILL FOR AN ACT relating to gambling; to amend sections 9-333, 9-343, 9-345, 9-430, and 9-638, Reissue Revised Statutes of Nebraska, and sections 9-1,104, 9-226, 9-232.02, 9-241.03, 9-241.08, 9-255.07, 9-255.09, 9-262, 9-322, 9-329.03, 9-330 to 9-332, 9-342, 9-346, 9-350, 9-352, 9-401, 9-411, 9-415, 9-418, 9-434, 9-620, 9-630, 9-631.01, 9-646, 9-646.01, and 9-652, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to fingerprinting, criminal history record checks, bingo occasions, age of participation, licensure, administrative fines, license fees, records, pickle card unit orders, pickle card requirements, lottery methods, prohibited interests, contraband possession, probationary licenses, and extensions of credit; to change penalty provisions; to provide for biennial license renewals; to change fee provisions; to state intent relating to appropriations; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 9-329.04, Revised Statutes Supplement, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 38:

Abboud
Beutler
Brashear
Bromm
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham

Voting in the negative, 1:

Chambers

Present and not voting, 2:

Robak
Withem

Excused and not voting, 8:

Bohlke
Brown
Dierks
Matzke
Robinson
Tyson
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 248A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 248, Ninety-fifth Legislature, First Session, 1997; to provide for transfers between funds; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Abboud
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Beutler
Chambers

Excused and not voting, 6:

Bohlke
Dierks
Matzke
Robinson
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 270 with 36 ayes, 1 nay, 7 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 270. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-101, 77-103, 77-117, 77-201, 77-202.01 to 77-202.03, 77-202.08, 77-370, 77-415, 77-417, 77-420, 77-421, 77-602, 77-603, 77-605 to 77-607, 77-612, 77-621, 77-623, 77-681, 77-683, 77-684, 77-687, 77-801 to 77-804, 77-1201, 77-1202, 77-1211, 77-1214, 77-1219, 77-1229, 77-1230, 77-1233.02, 77-1233.04, 77-1233.05, 77-1236, 77-1240.03, 77-1242.02, 77-1247, 77-1249 to 77-1250, 77-1301, 77-1301.01, 77-1303, 77-1315, 77-1316.01 to 77-1318.01, 77-1325, 77-1342, 77-1344, 77-1359, 77-1360.01 to 77-1363, 77-1374 to 77-1376, 77-1501, 77-1502, 77-1503.01, 77-1504, 77-1507, 77-1514, 77-1613, 77-1613.02, 77-1614, 77-1615, 77-1616, 77-1617, 77-1704.01, 77-1706, and 79-1036, Reissue Revised Statutes of Nebraska, section 60-305.15, Revised Statutes Supplement, 1996, section 77-112, Reissue Revised Statutes of Nebraska, as amended by section 1, Legislative Bill 342, Ninety-fifth Legislature, First Session, 1997, sections 77-425, 77-1311, 77-1510, 77-5001, and 77-5007, Reissue Revised Statutes of Nebraska, as amended by sections 7, 13, 23, 34, and 35, respectively, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997, and section 79-1016, Reissue Revised Statutes of Nebraska, as amended by section 4, Legislative Bill 342, Ninety-fifty Legislature, First Session, 1997, and section 3, Legislative Bill 713, Ninety-fifty Legislature, First Session, 1997; to change and eliminate provisions relating to the assessment and taxation of property; to define and redefine terms; to change powers and duties of the Property Tax Administrator; to create, rename, and eliminate funds; to provide, change, and eliminate penalties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 77-367, 77-368, 77-399, 77-3,100, 77-3,113, 77-3,114, 77-416, 77-418, 77-419, 77-428, 77-608, 77-611, 77-615, 77-1208, 77-1215, 77-1301.02 to 77-1301.04, 77-1301.06 to 77-1301.08, 77-1301.12 to 77-1301.15, 77-1304, 77-1316, 77-1360, and 77-1364, Reissue Revised Statutes of Nebraska, section 77-1301.16 and 77-1311.02, Reissue Revised Statutes of Nebraska, as amended by sections 12 and 14, respectively, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997, and section 77-1365, Reissue Revised Statutes of Nebraska, as amended by section 3, Legislative Bill 342, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Peterson, C.

Excused and not voting, 5:

Dierks
Matzke
Robinson
Will
Witek

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 270A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 270, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Peterson, C.

Excused and not voting, 5:

Dierks
Matzke
Robinson
Will
Witek

A constitutional two-thirds having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendment to LB 814

Mr. Chambers withdrew his amendment, FA317, found on page 1981, to LB 814.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 814 with 36 ayes, 1 nay, 7 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 814.

A BILL FOR AN ACT relating to service dogs; to amend sections 15-220, 16-206, 17-526, 54-603, and 54-614, Reissue Revised Statutes of Nebraska, and sections 14-102 and 28-101, Revised Statutes Supplement, 1996; to create a penalty for crimes against service dogs; to provide an exemption from licensing taxes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 2:

Kristensen
Pederson, D.

Excused and not voting, 4:

Matzke
Robinson
Will
Witek

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 710 to Select File

Mr. Wickersham moved to return LB 710 to Select File for the following Wickersham-Bohlke specific amendment:
AM2646

(Amendments to AM2635)

1. On page 18, line 15, strike "eighteen", show as stricken, and insert "nineteen".
2. On page 21, lines 21 and 26, strike "eighteen" and insert "nineteen".

The Wickersham motion to return prevailed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 710. The Wickersham-Bohlke specific amendment, AM2646, found in this day's Journal, was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

MOTION - Return LB 864 to Select File

Mr. Chambers moved to return LB 864 to Select File for the following specific amendment:
FA432
On page 20, line 5, after "receive" insert "food stamp coupons or".

The Chambers motion to return prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 864. The Chambers specific amendment, FA432, found in this day's Journal, was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTION - Return LB 864 to Select File

Mr. Maurstad moved to return LB 864 to Select File for the following specific amendment:
FA433

1. Strike new language on lines 9-11. page 5.

2. Strike "ten" on p. 22 line 10 and replace with "twenty-five".

Mr. Maurstad withdrew his motion to return.

WITHDRAW - Amendment to LB 837

Mr. Chambers withdrew his amendment, FA318, found on page 1981, to LB 837.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 837 with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 837.

A BILL FOR AN ACT relating to hospitals; to amend sections 71-2017.01 and 71-2024, Reissue Revised Statutes of Nebraska; to provide for limited-service rural hospitals as prescribed; to state intent; to define and redefine terms; to provide duties; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Jones

Excused and not voting, 3:

Matzke
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 307 with 35 ayes, 1 nay, 9 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 307. With Emergency.

A BILL FOR AN ACT relating to health and human services; to amend sections 28-406 to 28-408, 28-428, 28-430, 28-431, 28-434, 43-119, 43-121, 43-124 to 43-127, 43-130 to 43-135, 43-137 to 43-146, 43-146.02, 43-146.04 to 43-146.16, 43-2002, 43-2004 to 43-2006, 43-2009, 43-2012, 68-1027, 68-1028, 68-1037.03, 68-1037.04, 69-2409.01, 70-101, 71-121, 71-121.01, 71-141, 71-151, 71-157, 71-158, 71-161.10, 71-172.01, 71-174.01, 71-1,136.01, 71-1,142, 71-1,147.08, 71-1,147.41, 71-1,154, 71-1,234, 71-1,237, 71-1,243, 71-1,283, 71-1,288, 71-1,334, 71-390, 71-604, 71-604.05, 71-605, 71-606, 71-608.01, 71-612, 71-614, 71-616.04, 71-616.05, 71-617.02, 71-617.06 to 71-617.15, 71-626 to 71-630, 71-636, 71-639, 71-640.02, 71-641, 71-642, 71-649, 71-1405, 71-1536, 71-1901, 71-1903, 71-1906.02, 71-1907, 71-1909, 71-1910, 71-1913, 71-1913.02, 71-2003, 71-2097 to 71-20,101, 71-20,103, 71-2610.01, 71-3406, 71-3708, 71-3710, 71-5509, 71-5514, 71-5515.01, 71-6043, 71-6048, 71-6059, 71-6066, 71-7804, 71-7806, 77-27,160, 77-27,161, 77-27,163.01 to 77-27,169, 77-27,171 to 77-27,173, 77-27,208, 79-215, 79-1178, 80-605, 81-502, 81-505.01, and 81-683, Reissue Revised Statutes of Nebraska, and sections 9-810, 28-343, 28-401, 28-410, 28-414, 28-713, 32-327, 42-347, 42-358, 42-358.08, 42-723, 43-104.07, 43-106.02, 43-107, 43-247, 43-512.02, 43-512.03, 43-512.05 to 43-512.07, 43-512.12 to 43-512.15, 43-512.17, 43-536, 43-701, 43-702, 43-705, 43-707, 43-708, 43-1301, 43-1314.01, 43-1408.01, 43-1704, 43-1706, 43-1718.02, 43-1720, 43-2003, 43-2606, 43-2608 to 43-2613, 43-2615 to 43-2617, 43-2620, 43-2622, 43-2624, 43-2625, 44-3,144, 46-656.28, 46-656.51, 48-647, 58-710, 81-15,102, 83-125, 83-126, 83-227.01, 83-305.04, 83-308, 83-324, 83-336, 83-339, 83-340, 83-901, 83-925.07, 83-1068, 83-1214, 90-511, and 90-522, Revised Statutes Supplement, 1996; to eliminate references to the Bureau of Examining Boards, section of Hospitals and Medical Facilities, Bureau of Vital Statistics, and director of maternal and child health; to change references to departments and directors which no longer exist; to transfer duties between departments; to change provisions relating to false claims; to eliminate obsolete provisions; to correct internal references; to harmonize provisions; to provide an operative date; to repeal the original sections; to outright repeal sections 71-2206, 81-601.01, and 83-4,100, Reissue Revised Statutes of Nebraska, and sections 43-120, 43-122, and 83-162.05, Revised Statutes Supplement, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 3:

Kiel
Vrtiska
Withem

Excused and not voting, 3:

Matzke
Robinson
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 307A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 307, Ninety-fifth Legislature, First Session, 1997; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert

Hillman
Hudkins
Janssen
Jones
Kiel
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Beutler
Jensen
Kristensen

Excused and not voting, 3:

Matzke
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 874 with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 874. With Emergency.

A BILL FOR AN ACT relating to sanitary and improvement districts; to amend section 31-735, Reissue Revised Statutes of Nebraska, and sections 31-740, 31-744, and 32-1302, Revised Statutes Supplement, 1996; to provide procedures for the recall of members of the board of trustees of sanitary and improvement districts; to change provisions relating to the election of members; to authorize contracts for intersection and traffic control improvements; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen

Jones
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 3:

Matzke
Robinson
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mrs. Hillman asked unanimous consent to be excused until she returns. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 555 with 39 ayes, 1 nay, 6 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 555.

A BILL FOR AN ACT relating to installment loans; to amend sections 44-1703, 45-114, 45-116 to 45-120, 45-123, 45-128, 45-129, 45-130, 45-132 to 45-134, 45-139, 45-145 to 45-147, 45-150, 45-155, 45-197, and 45-1,110, Reissue Revised Statutes of Nebraska, and sections 8-319, 45-126, 45-137, 45-138, and 45-1,116, Revised Statutes Supplement, 1996; to change provisions relating to charges and penalties; to provide powers for the Department of Banking and Finance; to provide for an administrative fine; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes

Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Matzke
Peterson, C.
Robak

Excused and not voting, 3:

Hillman
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 875 with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 875.

A BILL FOR AN ACT relating to economic development; to amend sections 17-405.01, 18-2101, 18-2102, 18-2102.01, 18-2105, 18-2109, 18-2113, 18-2116, 18-2118, 18-2147, 18-2150, 77-5102, and 77-5105, Reissue Revised Statutes of Nebraska, and sections 18-2103, 18-2107, 18-2115, Revised Statutes Supplement, 1996; to provide for annexation of certain property; to change provisions relating to organization of community redevelopment authorities, substandard and blighted areas, tax levy provisions, and notice requirements; to require reports relating to tax-increment financing; to change provisions relating to the Review Incentives Program Committee; to provide requirements for statistical reporting; to eliminate powers; to harmonize provisions; to repeal the original sections; and to outright repeal section 18-2142, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett

Hilgert
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Jensen
McKenzie
Peterson, C.
Tyson

Excused and not voting, 3:

Hillman
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 875A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 875, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 3:

Hillman
Robinson
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT ROBAK PRESIDING

Mr. Janssen asked unanimous consent to be excused until he returns. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 248, 248A, 270, 270A, 814, 837, 307, 307A, 874, 555, 875, and 875A.

MOTION - Return LB 113 to Select File

Mr. Matzke moved to return LB 113 to Select File for the following specific amendment:
FA429
Strike the enacting clause.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Wickersham moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 1 nay, and 23 not voting.

Mr. Matzke requested a roll call vote on his motion to return.

Voting in the affirmative, 10:

Abboud
Bruning
Hilgert
Jensen
Matzke
Pedersen, Dw.
Pederson, D.
Robak
Tyson
Witek

Voting in the negative, 34:

Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Hartnett
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
McKenzie
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Present and not voting, 3:

Elmer	Engel	Maurstad

Excused and not voting, 2:

Hillman	Peterson, C.

The Matzke motion to return failed with 10 ayes, 34 nays, 3 present and not voting, and 2 excused and not voting.

AMENDMENT - Print in Journal

Mr. Maurstad filed the following amendment to LB 150:
AM2644

(Amendments to AM2206)

1. On page 1, line 16, strike "$76,950,263" and insert "$75,950,263"; and in line 21 strike "$19,702,893" and insert "$18,702,893".

RESOLUTION

LEGISLATIVE RESOLUTION 291. Introduced by General Affairs Committee: Schellpeper, 18, Chairperson; Cudaback, 36; Hartnett, 45; Hudkins, 21; Janssen, 15; Robak, 22; Vrtiska, 1; Will, 8.

PURPOSE: This study is intended to review the operations and functions of the Nebraska Liquor Control Commission. The study shall include, but not be limited to, the following:

1. The role and function of members of the commission;
2. Whether Nebraska law effectively defines the powers and duties of the commission;
3. Whether the commission properly implements Nebraska law in the process of issuing, denying, and regulating retail liquor licenses;
4. Whether the commission appropriately regulates the manufacture, distribution, and retail sale of alcoholic liquor in a manner which protects the health, safety, and welfare of the people of the State of Nebraska;
5. The manner in which other states regulate the manufacture, distribution, and retail sale of alcoholic liquor;
6. Whether the operations and functions of the commission could be better carried out by another agency of the State of Nebraska; and
7. Any other matters necessary or proper for a complete examination of this issue.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the General Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report

of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

PROPOSED RULES CHANGE

Messrs. Brashear and Wesely offered the following proposed rules change:
Amend Rule 3, Sec. 4(e).
(e) Reference Committee.
(i) ~~The Executive Board shall constitute the Reference Committee~~. The Reference Committee shall consist of the following chairpersons: Executive Board; Appropriations; Banking, Commerce and Insurance; Education; Government, Military and Veterans Affairs; Health and Human Services; Judiciary; Natural Resources; Revenue; Transportation; and the Speaker. The chairperson of the Executive Board shall serve as chair of the Reference Committee.

Referred to the Rules Committee.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 55, 314, and 476.

Enrollment and Review Change to LB 55
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:
ER9099
1. In the Landis amendment, AM2277, on page 4, line 1, an underscored comma been inserted after "contract".

(Signed) Jon C. Bruning, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 113.

A BILL FOR AN ACT relating to sales and use taxes; to amend section 77-2705, Reissue Revised Statutes of Nebraska; to authorize the Tax Commissioner to require reporting by retailers; to require annual reports by the Tax Commissioner as prescribed; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 10:

Abboud
Bruning
Hilgert
Jensen
Matzke
Pedersen, Dw.
Pederson, D.
Robak
Tyson
Witek

Excused and not voting, 2:

Hillman
Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Mr. Matzke asked unanimous consent to be excused until he returns. No objections. So ordered.

LEGISLATIVE BILL 113A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 113, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 37:

Beutler
Bohlke
Brashear
Bromm
Brown
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Lynch
Maurstad
McKenzie
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 7:

Abboud
Bruning
Hilgert
Jensen
Pedersen, Dw.

Robak Tyson

Present and not voting, 2:

Cudaback Pederson, D.

Excused and not voting, 3:

Hillman Matzke Peterson, C.

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Landis, Tyson, Lynch, and Robinson asked unanimous consent to be excused until they return. No objections. So ordered.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 113 and 113A.

MOTION - Return LB 23 to Select File

Mr. Chambers renewed his pending motion, found on page 2552, to return LB 23 to Select File for his specific amendment, AM2353, found on page 2200.

Mr. Brashear asked unanimous consent to be excused until he returns. No objections. So ordered.

The Chambers motion to return failed with 6 ayes, 30 nays, 9 present and not voting, and 4 excused and not voting.

Mr. Chambers moved to return LB 23 to Select File for his specific amendment, AM2354, found on page 2200.

Mr. Elmer asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Chambers requested a roll call vote on his motion to return.

Voting in the affirmative, 7:

Bohlke Kiel Schimek Wickersham Will
Chambers Landis

Voting in the negative, 33:

Abboud Beutler Brashear Bromm Bruning

Coordsen
Crosby
Cudaback
Dierks
Engel
Hartnett
Hilgert
Hudkins
Jensen
Jones
Kristensen
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Witek
Withem

Present and not voting, 5:

Brown
Hillman
Janssen
Suttle
Wesely

Excused and not voting, 4:

Elmer
Lynch
Matzke
Robinson

The Chambers motion to return failed with 7 ayes, 33 nays, 5 present and not voting, and 4 excused and not voting.

AMENDMENT - Print in Journal

Mr. Dw. Pedersen filed the following amendment to LB 150:
AM2647

(Amendments to AM2206)

1. On page 1, line 11, strike "nine hundred sixty" and insert "seven hundred four"; in line 13 strike "seven hundred sixty-eight" and insert "five hundred twelve"; in line 16 strike "$76,950,263" and insert "$70,490,263"; in line 17 strike "$15,276,921" and insert "$13,969,076"; and in line 21 strike "$19,702,893" and insert "$17,548,893".

2. On page 2, line 1, strike "$24,737,910" and insert "$422,584,910"; and in line 2 strike "$23,985,121" and insert "$21,832,121".

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 3, 1997, at 4:30 p.m., were the following bills: LBs 248, 248A, 270, 270A, 814, 837, 307, 307A, 874, 555, 875, 875A, 113, and 113A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORTS
Natural Resources

LEGISLATIVE RESOLUTION 286. Reported to the Legislature for further consideration.

LEGISLATIVE RESOLUTION 287. Reported to the Legislature for further consideration.

(Signed) Chris Beutler, Chairperson

Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Tor C. Anderson - Boiler Safety Advisory Board

VOTE: Aye: Senators Abboud, Dierks, Hilgert, Preister, Schimek, and Schrock. Nay: None. Absent: Senator Chambers.

(Signed) Chris Abboud, Chairperson

Natural Resources

The Committee on Natural Resources desires to report the following:

June 3, 1997

Patrick J. O'Donnell
Clerk of the Legislature
2018 State Capitol
Lincoln, NE 68509-4604

Dear Patrick:

Section 37-216.07 of the Nebraska Statutes provides in part that "[n]o expenditure shall be made from the Nebraska Aquatic Habitat Fund until the commission has presented a habitat plan to the Committee on Appropriations and the Committee on Natural Resources of the Legislature for their approval." Section 26 of the Final Reading copy of LB 386 provides in part that "[i]t is the intent of the Legislature that no expenditures for the restoration and enhancement of aquatic habitat from funds appropriated to this program shall be made until the Committee on Natural Resources of the Legislature has approved the Game and Parks Commission's aquatic habitat plan." The committee held hearings on the Nebraska Aquatic Habitat Plan on March 21 and June 3, 1997 and has approved the Plan. The Committee vote was as follows:

VOTE: Aye: Senators Beutler, Bromm, Bohlke, Bruning, Elmer, McKenzie, Preister, and Schrock. Nay: None. Absent: None.

Sincerely,
(Signed) Chris Beutler, Chairperson
Natural Resources Committee

MOTION - Return LB 23 to Select File

Mr. Wesely moved to return LB 23 to Select File for his reoffered specific amendment, AM2342, found on page 2174.

Messrs. Will and Raikes asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Witek requested a record vote on the Wesely motion to return.

Voting in the affirmative, 14:

Beutler
Bohlke
Brown
Chambers
Hillman
Janssen
Kiel
Kristensen
Landis
McKenzie
Schimek
Wesely
Wickersham
Withem

Voting in the negative, 29:

Abboud
Brashear
Bromm
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hudkins
Jensen
Jones
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Witek

Present and not voting, 3:

Hartnett
Matzke
Suttle

Excused and not voting, 3:

Lynch
Raikes
Will

The Wesely motion to return failed with 14 ayes, 29 nays, 3 present and not voting, and 3 excused and not voting.

WITHDRAW - Amendment to LB 23

Mr. Maurstad withdrew his amendment, FA382, found on page 2328, to LB 23.

MOTION - Suspend Rules

Mr. Maurstad renewed his pending motion, found on page 2517, to suspend the rules, Rule 6, sections 6 and 8, and Rule 7, sections 3 and 7, and allow for final reading of LB 23 without further amendment or motion.

Mrs. Kiel asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Maurstad withdrew his motion to suspend the rules.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 23. With Emergency.

A BILL FOR AN ACT relating to abortions; to amend sections 28-325, 28-340, 71-148, 71-155, and 71-171.02, Reissue Revised Statutes of Nebraska, and section 28-326, Revised Statutes Supplement, 1996; to prohibit partial-birth abortions; to provide a penalty; to provide for professional license suspension and revocation; to harmonize provisions; to provide severability; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Excused and not voting, 3:

Kiel
Raikes
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

UNANIMOUS CONSENT - Members Excused

Messrs. Landis and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

WITHDRAW - Amendment to LB 229

Mr. Hilgert withdrew his amendment, AM1674, found on page 1671, to LB 229.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 229 with 35 ayes, 1 nay, 8 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 229.

A BILL FOR AN ACT relating to courts; to amend sections 24-1201, 24-1204, 24-1206, 42-349, 42-350, 42-353, 42-360, 42-362, 42-370, 42-373, 42-377, 42-803 to 42-810, 42-813, 42-924, and 71-615, Reissue Revised Statutes of Nebraska, sections 24-517, 25-2739, 42-347, 42-348, 42-351, 42-352, 42-357, 42-358.08, 42-371, 42-812, 42-821, 42-822, 43-2,113, 43-512.03, 43-512.04, and 43-1803, Revised Statutes Supplement, 1996, and Laws 1996, LB 1296, section 29; to change provisions relating to determination of judicial vacancies; to change filing and jurisdiction provisions in domestic relations matters; to harmonize provisions; to provide a duty for the Revisor of Statutes; to eliminate an obsolete provision and correct internal references; to provide operative dates; to repeal the original sections; and to outright repeal section 42-379, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Kristensen

Present and not voting, 1:

Chambers

Excused and not voting, 4:

Landis
Lynch
Raikes
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 229A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 229, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Dierks

Excused and not voting, 4:

Landis
Lynch
Raikes
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT FILE

LEGISLATIVE BILL 622. E & R amendment, AM7095, found on page 1038, was adopted.

Messrs. Beutler and Schellpeper asked unanimous consent to be excused. No objections. So ordered.

Mr. Schrock withdrew the Schrock et al. amendment, AM1185, found on page 1337.

Mr. Kristensen withdrew his amendments, AM1291, AM1292, AM1293, AM1288, AM1289, and AM1290, found on pages 1346, 1350, 1355, 1359, 1364, and 1368.

Mrs. C. Peterson withdrew her amendment, AM1336, printed separately and referred to on page 1381.

Mr. Wesely withdrew his amendment, AM1137, printed separately and referred to on page 1400.

Mr. Wesely withdrew his amendment, AM1317, found on page 1408.

Mr. Matzke withdrew his amendment, AM1383, found on page 1451.

Mrs. Witek withdrew her amendment, AM1672, found on page 1642.

Mr. Wesely renewed his pending amendment, AM1766, found on page 1810.

The Wesely amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Pending.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 23, 229, and 229A.

SELECT FILE

LEGISLATIVE BILL 622. Mr. Wesely renewed his pending amendment, AM2130, printed separately and referred to on page 1939.

The Wesely amendment was adopted with 27 ayes, 0 nays, 17 present and not voting, and 5 excused and not voting.

Mrs. Witek withdrew her amendment, AM2392, found on page 2314.

Mr. Maurstad asked unanimous consent to be excused. No objections. So ordered.

Mrs. C. Peterson renewed her pending amendment, AM2407, found on page 2543.

The C. Peterson amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 622A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 729. E & R amendment, AM7173, found on page 2423, was adopted.

Mr. Landis withdrew his amendment, AM2443, found on page 2407.

Messrs. D. Pederson and Landis offered the following amendment:
AM2648
(Amendments to Standing Committee amendments, AM1323)
1. On page 1, line 14, strike "twenty-five" and insert "fifteen".

The D. Pederson-Landis amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 729A. Advanced to E & R for engrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 517 and 864.

(Signed) Jon C. Bruning, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 3, 1997, at 7:35 p.m., were the following bills: LBs 23, 229, and 229A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

ADJOURNMENT

At 7:39 p.m., on a motion by Mr. Bruning, the Legislature adjourned until 8:00 a.m., Wednesday, June 4, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

printed on recycled paper

EIGHTY-EIGHTH DAY - JUNE 4, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-EIGHTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, June 4, 1997

Pursuant to adjournment, the Legislature met at 8:00 a.m., Mr. Coordsen presiding.

PRAYER

The prayer was offered by Pastor Duane Voorman, Trinity Lutheran Church, Lincoln, Nebraska.

ROLL CALL

The roll was called and all members were present except Messrs. Abboud, Beutler, Cudaback, Dierks, Hilgert, Kristensen, Landis, Matzke, D. Pederson, Preister, Robinson, Schellpeper, Tyson, Wesely, Will, Withem, Mmes. Bohlke, Brown, Kiel, McKenzie, and Robak.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-seventh day was approved.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 710.

Enrollment and Review Change to LB 710

The following changes, required to be reported for publication in the Journal, have been made:
ER9108
1. In the Bromm amendment, AM2637:
a. Section 1 has been renumbered as section 2; and
b. On page 2, line 9, "and" has been struck.
2. In the Bohlke amendment, AM2636, on page 1, lines 6 and 12,

"subsection (1) of" has been inserted after "in".

3. In the Bohlke amendment, AM2635:

a. Section 15 has been renumbered as section 17; and

b. On page 19, line 9, "(8) and (18)" has been struck, shown as stricken, and "(7) and (16)" inserted.

4. On page 1, line 1, "79-1003," has been struck; in line 4 ", section 13-2304, Revised Statutes Supplement, 1996, sections 79-458, 79-611, and 79-1003, Reissue Revised Statutes of Nebraska, as amended by sections 22, 28, and 31, respectively, Legislative Bill 806, Ninety-fifth Legislature, First Session, 1997, section 79-1022, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 713, Ninety-fifth Legislature, First Session, 1997, and section 51, Legislative Bill 806, Ninety-fifth Legislature, First Session, 1997, section 79-1155, Reissue Revised Statutes of Nebraska, as amended by section 9, Legislative Bill 865, Ninety-fifth Legislature, First Session, 1997, section 9-812, Revised Statutes Supplement, 1996, as amended by section 1, Legislative Bill 118, Ninety-fifth Legislature, First Session, 1997, and sections 35, 36, 38, 50, and 54, Legislative Bill 806, Ninety-fifth Legislature, First Session, 1997" has been inserted after "Nebraska"; and in line 9 "to provide duties; to change provisions relating to calculation and distribution of state aid; to provide for liability of boards as prescribed; to state intent;" has been inserted after the semicolon.

(Signed) Jon C. Bruning, Chairperson

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 539. Placed on General File.
LEGISLATIVE BILL 711. Placed on General File.

LEGISLATIVE BILL 403. Indefinitely postponed.
LEGISLATIVE BILL 535. Indefinitely postponed.
LEGISLATIVE BILL 572. Indefinitely postponed.
LEGISLATIVE BILL 592. Indefinitely postponed.
LEGISLATIVE BILL 652. Indefinitely postponed.
LEGISLATIVE BILL 680. Indefinitely postponed.
LEGISLATIVE BILL 797. Indefinitely postponed.
LEGISLATIVE BILL 811. Indefinitely postponed.
LEGISLATIVE BILL 813. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

SELECT FILE

LEGISLATIVE BILL 150. E & R amendment, AM7178, found on page 2469, was adopted.

Mr. Chambers reoffered his amendment, FA330, found on page 2012 and considered on page 2326.

Mr. Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad offered the following amendment to the Chambers pending amendment:
FA434
(FA330)
Reinstate the new language starting on Pg. 1 line 13 with the word "the" through the word "beds" in line 15 except in line 15 strike "five hundred twelve" & insert "two hundred fifty-six.

SPEAKER WITHEM PRESIDING

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

PRESIDENT ROBAK PRESIDING

The Maurstad amendment was adopted with 28 ayes, 2 nays, 14 present and not voting, and 5 excused and not voting.

The Chambers amendment, as amended, was adopted with 30 ayes, 3 nays, 12 present and not voting, and 4 excused and not voting.

Mr. Chambers withdrew his amendments, FA331, FA332, FA333, FA334, FA335, and FA336, found on page 2017.

Mr. Dw. Pedersen reoffered his amendment, AM2050, found on page 2034 and considered on pages 2326, 2331, 2399, and 2400.

Mr. Dw. Pedersen asked unanimous consent to replace his pending amendment, AM2050, found on page 2034, with a substitute amendment. No objections. So ordered.

Mr. Dw. Pedersen withdrew his amendment, AM2050, found on page 2034.

Mr. Maurstad renewed his pending substitute amendment, AM2607, found on page 2542.

Ms. Schimek offered the following amendment to the Maurstad pending amendment:
FA435
AM2607
On line eight by deleting "$75,000" for each fiscal year and inserting $193,526 for each fiscal year.

Mrs. Stuhr, Messrs. Wickersham, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Ms. Schimek withdrew her amendment.

Ms. Schimek and Mr. Maurstad offered the following amendment to the Maurstad pending amendment:
FA436
AM2607
in line 8 strike "$75,000" & insert "$92,000" and strike the second "75,000" and insert "$151,000".

MR. WILL PRESIDING

PRESIDENT ROBAK PRESIDING

The Schimek-Maurstad amendment was adopted with 25 ayes, 0 nays, 18 present and not voting, and 6 excused and not voting.

The Maurstad amendment, as amended, was adopted with 28 ayes, 0 nays, 15 present and not voting, and 6 excused and not voting.

Mr. Dw. Pedersen reoffered his amendment, AM2331, found on page 2219 and considered on page 2400.

Mr. Dw. Pedersen asked unanimous consent to replace his pending amendment, AM2331, found on page 2219, with a substitute amendment. No objections. So ordered.

Mr. Dw. Pedersen renewed his pending substitute amendment, AM2647, found on page 2606.

Mr. Dw. Pedersen asked unanimous consent to replace his pending amendment, AM2647, found on page 2606, with a substitute amendment. No objections. So ordered.

Mr. Dw. Pedersen withdrew his amendment, AM2647, found on page 2606.

Mr. Wesely asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Dw. Pedersen offered the following substitute amendment:
FA437

(Amendments to AM2206)

1. On page 1, line 11, strike "nine hundred sixty" and insert "seven hundred four"; in line 13 strike "seven hundred sixty-eight" and insert "five hundred twelve"; in line 16 strike "$76,950,263" and insert "$70,490,263"; in line 17 strike "$15,276,921" and insert "$13,969,076"; and in line 21 strike "$19,702,893" and insert "$17,548,893".

2. On page 2, line 1, strike "$24,737,910" and insert "$22,584,910"; and in line 2 strike "$23,985,121" and insert "$21,832,121".

SPEAKER WITHEM PRESIDING

Messrs. Robinson, Brashear, Kristensen, Mmes. Bohlke, and Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dw. Pedersen moved for a call of the house. The motion prevailed with 10 ayes, 0 nays, and 39 not voting.

Mr. Dw. Pedersen requested a roll call vote on his amendment.

Voting in the affirmative, 19:

Beutler
Bromm
Bruning
Chambers
Crosby
Hudkins
Janssen
Jones
Landis
Lynch
McKenzie
Pedersen, Dw.
Preister
Raikes
Robak
Schimek
Schmitt
Schrock
Stuhr

Voting in the negative, 19:

Abboud
Brown
Coordsen
Dierks
Elmer
Hartnett
Hilgert
Jensen
Kiel
Matzke
Maurstad
Pederson, D.
Peterson, C.
Schellpeper
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham

Present and not voting, 4:

Engel
Will
Witek
Withem

Excused and not voting, 7:

Bohlke
Brashear
Cudaback
Hillman
Kristensen
Robinson
Wesely

The Dw. Pedersen amendment lost with 19 ayes, 19 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Mr. Bromm asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Maurstad asked unanimous consent to replace his pending amendment, AM2631, found on page 2552, with a substitute amendment. No objections. So ordered.

Mr. Maurstad withdrew his amendment, AM2631, found on page 2552.

Mr. Maurstad renewed his pending substitute amendment, AM2644, found on page 2602.

The Maurstad amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Pending.

MOTION - Print in Journal

Mr. Beutler filed the following motion to LB 752:

To suspend the rules, Rule 5, Section 6(f) to permit consideration of LB 752 on Final Reading without the A bill.

VISITORS

Visitors to the Chamber were Pam, Jamie, David, and Katie Voorman from Lincoln; and 34 fourth grade students and teachers from King Science Center, Omaha.

RECESS

At 11:53 a.m., on a motion by Mr. Maurstad, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Beutler, Coordsen, Cudaback, Dierks, Elmer, Jensen, Landis, Lynch, Matzke, Preister, Robinson, Schrock, Wesely, Will, Mmes. Brown, McKenzie, and Robak who were excused until they arrive.

REPORT OF THE EXECUTIVE BOARD

1997 Resolutions calling for an Interim Study

LR 291	Interim study to review operations and functions of the Nebraska Liquor Control Commission General Affairs
LR 73	Rereferred to Appropriations from Judiciary

LR 143	Rereferred to Appropriations/Education from Appropriation/Health and Human Services

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

WITHDRAW - Amendments to LB 364

Mr. Chambers withdrew his amendments, FA119 and FA120, found on page 1271, to LB 364.

Messrs. Brashear and Beutler withdrew their amendment, AM1723, found on page 1673, to LB 364.

MOTION - Return LB 364 to Select File

Mr. Brashear moved to return LB 364 to Select File for the following Brashear-Wehrbein-Maurstad specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2653.)

Messrs. Kristensen, Beutler, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

MRS. CROSBY PRESIDING

Mr. Brashear withdrew his motion to return.

Mr. Brashear moved to return LB 364 to Select File for the following Brashear-Wehrbein-Maurstad specific amendment:
(Amendment on file in the Clerk's Office - Room 2018 - AM2656.)

Mr. Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mrs. Hillman moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 4 nays, and 19 not voting.

The Brashear motion to return prevailed with 26 ayes, 10 nays, 9 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 364. The Brashear-Wehrbein-Maurstad specific amendment, AM2656, on file and referred to in this day's Journal, was considered.

Mr. Bromm requested a roll call vote on the Brashear et al. amendment.

Mr. Cudaback requested the roll call vote be taken in reverse order.

Voting in the affirmative, 28:

Beutler
Bohlke
Brashear
Brown
Bruning
Chambers
Elmer
Engel
Hartnett
Hilgert
Hillman
Kiel
Landis
Matzke
Maurstad
McKenzie
Raikes
Robak
Robinson
Schimek
Schmitt
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 16:

Abboud
Bromm
Crosby
Cudaback
Dierks
Hudkins
Janssen
Jensen
Jones
Pederson, D.
Peterson, C.
Schellpeper
Schrock
Stuhr
Tyson
Witek

Present and not voting, 3:

Coordsen
Pedersen, Dw.
Preister

Excused and not voting, 2:

Kristensen
Lynch

The Brashear et al. amendment was adopted with 28 ayes, 16 nays, 3 present and not voting, and 2 excused and not voting.

Advanced to E & R for reengrossment.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Engrossed

The following bills were correctly engrossed: LBs 622, 622A, 729, and 729A.

Enrollment and Review Change to LB 622

The following changes, required to be reported for publication in the Journal, have been made:
ER9109
1. In the Wesely amendment, AM2130:
a. Section 109 has been struck;
b. On page 7, line 4, "mean" has been struck and "means" inserted;

c. On page 23, line 14, the comma has been struck; and in line 15 "lease" has been struck and "least" inserted;

d. On page 36, line 25, "this act" has been struck and "the Engineers and Architects Regulation Act" inserted;

e. On page 67, line 24, the new matter has been struck and "professional" has been struck, shown as stricken, and "licensed professional electrical" inserted; and

f. On page 68, line 18, "72-1237.01," has been struck.

2. In the Wesely amendment, AM1766, on page 5, line 9, "(1)" has been inserted after the period; in line 11 "(1)" has been struck, shown as stricken, and "(a)" inserted; in line 13 "(2)" has been struck, shown as stricken, and "(b)" inserted; and in line 26 paragraphing and "(2)" has been inserted.

3. In the Standing Committee amendment, AM0426, sections 43 and 44 have been struck and the following new sections inserted:

"Sec. 131. Sections 62 to 74, 76, 79 to 83, 85 to 99, 101 to 104, 106 to 108, 112, 120, 121, 135, and 136 of this act become operative three calendar months after the adjournment of this legislative session. Sections 1 to 61, 75, 100, 105, 109 to 111, 113 to 119, 122 to 127, 134, and 137 of this act become operative January 1, 1998. The other sections of this act become operative on their effective date.

Sec. 133. Original sections 71-101 and 71-1,314, Reissue Revised Statutes of Nebraska, and sections 81-3003, 81-3009, and 81-3201, Revised Statutes Supplement, 1996, are repealed.".

4. On page 1, the matter beginning with "health" in line 1 through page 2, line 19, and all amendments thereto have been struck and "public health and welfare; to amend sections 2-3256, 21-2205, 39-1603, 39-2306, 43-248, 43-251, 43-277, 43-278, 43-2,108, 46-701, 48-224, 71-101, 71-147, 71-162, 71-1,235, 71-1,314, 71-201, 71-203, 71-208, 71-211.01, 71-212, 71-217, 71-219.01, 71-219.02, 71-219.04, 71-220.01, 71-223.01, 71-225, 71-227, 71-232, 71-245, 71-1564, 71-1903, 71-1913, 71-2017.01, 71-2021.01, 71-2601, 71-3101, 71-3102, 71-4629, 71-5305, 71-5311, 71-5832.01, 71-6801, 76-846, 76-881, 76-894, 81-502.01, 81-513, 81-8,126, 81-8,206, 81-8,240, 81-1201.08, 81-1609, and 81-2103, Reissue Revised Statutes of Nebraska, and sections 23-1901, 33-150, 43-245, 43-247, 43-250, 43-272.01, 43-284, 43-2,129, 81-1108.43, 81-1504, 81-15,155, 81-3003, 81-3009, and 81-3201, Revised Statutes Supplement, 1996; to adopt the Engineers and Architects Regulation Act; to provide for mental health placement for juveniles; to change a wage withholding provision for nonprofit health federations; to provide for provisional licensure and certification of certain professionals as prescribed; to provide an exemption from regulation for certain respiratory therapy techniques; to change licensure qualifications for mental health practitioners; to clarify licensing provisions for barber schools and barber shops; to provide and clarify fees; to transfer duties from the Department of Health and Human Services Regulation and Licensure to the Board of Barber Examiners; to make references to the Barber Act consistent; to eliminate and transfer health and sanitation inspection provisions; to change provisions and definitions relating to nursing home licensure; to

redefine recreation camp; to change fees for recreation camps; to change utility and sanitary standards for mobile home parks; to require certain contract provisions; to change an operative date for the Clinical Laboratories Certification Act; to change provisions of the Nebraska Partnership for Health and Human Services Act; to provide for appointment of a chief medical officer; to eliminate regulation of and penalties for unlawful toys; to repeal the Nursing Incentive Act and provisions on engineers and architects; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 28-1430, 28-1431, 28-1433, 71-901 to 71-905, 71-1766 to 71-1771, and 81-839 to 81-856, Reissue Revised Statutes of Nebraska, and section 28-1432, Revised Statutes Supplement, 1996; and to declare an emergency." inserted.

5. On page 5, line 25, the second "or" has been struck, shown as stricken, and an underscored comma inserted.
6. On page 6, line 2, the semicolon has been struck, shown as stricken, and an underscored comma inserted.
7. On page 48, line 27, the stricken matter has been reinstated and the new matter has been struck.
8. On page 55, line 12, "43-278" has been struck and "43-277, 43-278, 43-2,108" inserted.
9. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

(Signed) Jon C. Bruning, Chairperson

PROPOSED RULES CHANGE

Mr. Will offered the following Rules Committee proposed rules change:

Rule 3 -- COMMITTEES

Sec. 2. Appointment of Committees. (a) Beginning on February 1, 1998, ~~At~~ at the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts Number 1, 2, 15, 21, 22, 24 through 30, 33 through 35, and 46; four from Districts Number 3, through 14, 20, 31, 39, and 45; and four from Districts Number 16 through 19, 23, 32, 36 through 38, 40 through 44 and 47 through 49. ~~three from District Number 1 consisting of legislative districts Numbers 1 through 3, 21, 25 through 29, 39, 46 and 46; three from District Number 2 consisting of legislative districts Numbers 4 through 14, 20, and 31; three from District Number 3 consisting of legislative districts Numbers 15 through 19, 22 through 24, 30, 32, 34, and 40; and three from District Number 4 consisting of legislative districts Numbers 33, 35 through 38, 41 through 44, and 47 through 49.~~

(b) ~~After the selection of the Appropriations Committee pursuant to Rule 3, Section 2(e), and immediately~~ Immediately following chairmanship and

Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of the appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided by rule or by statute. Once the final report is presented to the Legislature, no amendment shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to Committee for further action.

~~(c) The Executive Board shall convene and be responsible for selecting three members from each Executive Board district as noted in Rule 1, Section 1(a) for appointment to the Appropriations Committee. The Chairperson of the Appropriations Committee elected pursuant to Rule 3, Section 7 shall be included in the three members chosen from that specific district.~~

~~(e)~~ (d) During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members for the Committee on Committees ~~unless it is a member of the Appropriations Committee whose vacancy shall be elected by the Executive Board pursuant to Rule 3, Section 2(c)~~ unless otherwise provided by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such a vacancy be filled by the Committee on Committees ~~unless such vacancy is on the Appropriations Committee in which case the vacancy shall be filled by the Executive Board pursuant to Rule 3, Section 2 (c).~~

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees, ~~or in the case of the Appropriations Committee, the Executive Board,~~ for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Harmonize all other rules to conform with the above changes.

UNANIMOUS CONSENT - Members Excused

Messrs. Dierks and Vrtiska asked unanimous consent to be excused until they return. No objections. So ordered.

WITHDRAW - Motion to LB 829

Mr. Chambers withdrew his motion, found on page 2513, to indefinitely postpone LB 829.

MOTION - Return LB 829 to Select File

Mr. Chambers moved to return LB 829 to Select File for his specific amendment, FA422, found on page 2525.

The Chambers motion to return prevailed with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 829. The Chambers specific amendment, FA422, found on page 2525, was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to E & R for reengrossment.

LEGISLATIVE BILL 132A. Mrs. Bohlke offered the following amendment:
AM2660

1. Strike section 1 and insert the following new section:

"There is hereby appropriated (1) $32,000 from the General Fund for FY1997-98 and (2) $32,000 from the General Fund for FY1998-99 to the Auditor of Public Accounts, for Program 506, to review school budgets for statutory compliance.

Total expenditures for permanent and temporary salaries and per diems from funds appropriated in this section shall not exceed $30,000 for FY1997-98 or $30,000 for FY1998-99.".

2. On page 1, strike the matter beginning with "aid" in line 1 through line 3 and insert "the Auditor of Public Accounts as prescribed.".

The Bohlke amendment was adopted with 26 ayes, 0 nays, 19 present and

not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 150. Mr. Dw. Pedersen withdrew his amendments, AM2626, AM2216, and AM2331, found on pages 2564, 2585, and 2219.

Mr. Chambers withdrew his amendments, FA401, FA402, and FA403, found on page 2428.

MRS. CROSBY PRESIDING

Mr. Maurstad offered the following amendment:
FA438
(AM2206)
in line 16 strike "76,950,263 and insert "$74,943,763; in line 21 strike "$19,702,893" and insert "$19,034,053"; on page 2 line 1 strike $24,737,910 and insert "$24,069,080" and in line 2 strike "$23,985,121" and insert "$23,316,291".

The Maurstad amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Mr. Chambers requested a machine vote on the advancement of the bill.

Advanced to E & R for engrossment with 29 ayes, 1 nay, 16 present and not voting, and 3 excused and not voting.

WITHDRAW - Amendments to LB 882

Mr. Chambers withdrew his amendments, FA343, AM2270, AM2271, AM2272, AM2273, AM2394, AM2395, AM2396, AM2397, AM2398, AM2399, AM2400, AM2401, AM2402, and AM2403, found on pages 2079, 2319, and 2320, to LB 882.

WITHDRAW - Motion to LB 882

Mr. Chambers withdrew his motion, found on page 2079, to bracket LB 882 until June 10, 1997.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 882.

A BILL FOR AN ACT relating to correctional services; to amend sections 29-2262, 83-905, 83-925.05, and 83-925.06, Reissue Revised Statutes of Nebraska, and section 83-925.07, Revised Statutes Supplement, 1996; to create incarceration work camps; to provide duties for the Department of Correctional Services; to authorize the issuance of warrants for certain juveniles; to change oversight and control of the secure youth facility; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Will
Witek

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Jones
Peterson, C.
Wesely
Withem

Excused and not voting, 3:

Dierks
Lynch
Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 882A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 882, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins

Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 1:

Chambers

Present and not voting, 4:

Beutler
Peterson, C.
Robinson
Withem

Excused and not voting, 3:

Dierks
Lynch
Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 151. With Emergency.

A BILL FOR AN ACT relating to arbitration; to amend sections 25-2601, 25-2603, 25-2606, 25-2613, 25-2618, 25-2805, and 25-2807, Reissue Revised Statutes of Nebraska; to reenact provisions of the Uniform Arbitration Act which were found unconstitutional; to change provisions relating to arbitrator disqualification, agreements, and Small Claims Court jurisdiction; to harmonize provisions; to provide severability; to repeal the original sections; to outright repeal section 25-2602, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Cudaback
Peterson, C.

Excused and not voting, 3:

Dierks
Lynch
Vrtiska

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 278.

A BILL FOR AN ACT relating to law enforcement; to adopt the DNA Detection of Sexual and Violent Offenders Act; and to provide penalties.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 2:

Chambers
Will

Present and not voting, 1:

Cudaback

Excused and not voting, 3:

Dierks
Lynch
Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 278A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 278, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 3:

Cudaback
Jensen
Will

Excused and not voting, 3:

Dierks
Lynch
Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 327.

A BILL FOR AN ACT relating to economic development; to adopt the Microenterprise Development Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad

McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Witek

Present and not voting, 1:

Wehrbein

Excused and not voting, 3:

Dierks
Lynch
Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 327A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 327, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Brashear
Brown
Bruning
Chambers
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wesely
Wickersham
Will
Withem

Voting in the negative, 1:

Witek

Present and not voting, 5:

Bromm
Cudaback
Maurstad
Robinson
Wehrbein

Excused and not voting, 3:

Dierks
Lynch
Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 569.

A BILL FOR AN ACT relating to labor; to amend sections 48-1203 and 48-1203.01, Reissue Revised Statutes of Nebraska; to change wage provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 38:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Kiel
Landis
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Wesely
Wickersham
Will
Withem

Voting in the negative, 4:

Jensen
Jones
Tyson
Witek

Present and not voting, 4:

Kristensen
Matzke
Schellpeper
Wehrbein

Excused and not voting, 3:

Dierks
Lynch
Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 610.

A BILL FOR AN ACT relating to metabolic diseases; to amend sections 71-520 and 71-523, Reissue Revised Statutes of Nebraska; to provide fees as prescribed; to provide duties; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Brown
Hartnett
Maurstad
McKenzie
Wehrbein

Excused and not voting, 3:

Dierks
Lynch
Vrtiska

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 610A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 610, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek

Voting in the negative, 0.

Present and not voting, 5:

Brown
Cudaback
Hartnett
Maurstad
Withem

Excused and not voting, 2:

Dierks
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 835.

A BILL FOR AN ACT relating to education; to provide for the Seamless Delivery System Pilot Project.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Abboud
Bohlke
Brashear
Brown
Bruning
Chambers
Crosby
Cudaback
Elmer
Engel
Hilgert
Hillman
Janssen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Raikes
Robak
Robinson
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will

Voting in the negative, 2:

Schellpeper
Witek

Present and not voting, 11:

Beutler
Bromm
Coordsen
Hartnett
Hudkins
Jensen
Peterson, C.
Preister
Schimek
Vrtiska
Withem

Excused and not voting, 2:

Dierks
Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 835A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 835, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Abboud
Bohlke
Brashear
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Elmer
Engel
Hilgert
Hillman
Janssen
Jones
Kiel
Kristensen
Landis
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Raikes
Robak
Schmitt
Schrock
Suttle
Tyson
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 2:

Schellpeper
Witek

Present and not voting, 12:

Beutler
Bromm
Hartnett
Hudkins
Jensen
Matzke
Peterson, C.
Preister
Robinson
Schimek
Stuhr
Vrtiska

Excused and not voting, 2:

Dierks
Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 854.

A BILL FOR AN ACT relating to workers' compensation; to amend sections 48-128 and 48-144.04, Reissue Revised Statutes of Nebraska, and section 48-118, Revised Statutes Supplement, 1996; to eliminate the Second Injury Fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Robinson

Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Hartnett
Jensen
McKenzie
Peterson, C.

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 854A.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations relating to the provisions of Legislative Bill 854, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

McKenzie
Peterson, C.

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 873. With Emergency.

A BILL FOR AN ACT relating to cities of the first class; to provide procedures for reviewing water supply or distribution projects; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Landis
Maurstad
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 6:

Jensen
Matzke
McKenzie
Peterson, C.
Schrock
Tyson

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on LBs 180, 485, 485A, 588, 269, 269A, and 138.

(Signed) Pat Engel

Had I been present, I would have voted "aye" on LB 23.

(Signed) Ronald E. Raikes

STANDING COMMITTEE REPORTS

Natural Resources

The Committee on Natural Resources desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Nebraska Environmental Quality Council
  Galen Frenzen
  Bill Podraza
  Kathleen Wittler
  Spencer Morrissey
  Ken Gnadt
  Richard Galyen
  David Sands

VOTE: Aye: Senators Beutler, Bromm, Bruning, Bohlke, Elmer, McKenzie, Preister, and Schrock. Nay: None. Absent: None.

The Committee on Natural Resources desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Nebraska Environmental Quality Council
  Darlene Keifer

Vote: Aye: Senators Beutler, Bromm, Bohlke, Bruning, Elmer, McKenzie, and Schrock. Nay: Senator Preister. Absent: None.

(Signed) Chris Beutler, Chairperson

EASE

The Legislature was at ease from 5:29 p.m. until 6:00 p.m.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 882, 882A, 151, 278, 278A, 327, 327A, 569, 610, 610A, 835, 835A, 854, 854A, and 873.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 137 with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 137. With Emergency.

A BILL FOR AN ACT relating to banking and finance; to amend sections 8-149, 8-166, 8-822, 45-101.02, 45-114, 45-130, and 45-707, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-112, 8-126, 8-143.01, 8-157, 8-1,134, 8-224, 21-1738, 21-1739, 21-1740, 21-1741, 21-17,102, 21-17,106, 21-17,109, 21-17,112, 45-351, and 45-921, Revised Statutes Supplement, 1996; to change provisions relating to banks and banking, bank director qualifications, loans to certain bank officials and shareholders, bank trust departments, personal loans, credit unions, interest on loans, installment loans, the Nebraska Installment Sales Act, the Mortgage Bankers Registration and Licensing Act, and the Delayed Deposit Services Licensing Act; to provide powers for the Department of Banking and Finance; to provide for administrative fines, examination costs, and liens for unpaid amounts; to change provisions relating to fees; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 39:

Abboud
Beutler
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Witek
Withem

Voting in the negative, 0.

Present and not voting, 9:

Bohlke
Brashear
Chambers
Hilgert
McKenzie
Robinson
Tyson
Wickersham
Will

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MR. BEUTLER PRESIDING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 182 with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 182. With Emergency.

A BILL FOR AN ACT relating to homestead exemptions; to amend sections 77-3501, 77-3505.02, 77-3507, 77-3508, and 77-3509, Reissue Revised Statutes of Nebraska; to provide exemptions for closely related claimants; to redefine maximum value; to change income eligibility amounts; to appropriate funds; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Bohlke
McKenzie
Will

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 182A with 40 ayes, 1 nay, 7 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 182A. With Emergency.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2701, 77-2702.13, 77-2703, and 77-27,142.01, Reissue Revised Statutes of Nebraska; to change sales and use tax provisions; to redefine retail sale; to authorize direct payment permits; to provide for submission to voters of changes in local option sales and use tax authorizations; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 44:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 4:

Bohlke
McKenzie
Will
Withem

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 197 with 33 ayes, 1 nay, 13 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 197.

A BILL FOR AN ACT relating to health and human services; to amend sections 71-110, 71-501, 71-502.04, 71-503.01, and 71-504, Reissue Revised Statutes of Nebraska, and sections 81-3001, 81-3007, 81-3102, 81-3202, and 81-3302, Revised Statutes Supplement, 1996; to change provisions relating to a credentialing fee as prescribed; to change provisions relating to board of health regulations, laboratory notifications, and liability for certain examinations; to require confidentiality rules and regulations for certain departments; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 4:

Bohlke
McKenzie
Will
Withem

Excused and not voting, 2:

Lynch
Tyson

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 271 with 37 ayes, 2 nays, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 271. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 37-1103, 39-2510, 39-2519, 39-2520, 60-302.01, 60-303, 60-305.04, 60-310, 60-311.02, 60-311.14, 60-311.21, 60-315, 60-318, 60-344, 60-1807, 66-4,128, 70-651.05, 77-201, 77-202 to 77-202.06, 77-202.24, 77-202.25, 77-1201, 77-1202, 77-1342, 77-1736.08, 77-4501, and 79-1016, Reissue Revised Statutes of Nebraska, sections 13-504 to 13-506, 23-186, 60-106, 60-302, 60-305.11, 60-305.15, 60-320, 60-1411.03, and 60-1803, Revised Statutes Supplement, 1996, and section 13-509, Revised Statutes Supplement, 1996, as amended by section 2, Legislative Bill 397, Ninety-fifth Legislature, First Session, 1997; to define terms; to impose fees and taxes on motor vehicles; to provide exemptions and schedules; to transfer powers and duties; to change provisions relating to budget documents and dealer number license plates; to eliminate provisions relating to the valuation and taxation of motor vehicles; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 60-1806, 77-202.08, 77-1238, 77-1239 to 77-1239.02, 77-1239.05, 77-1239.06, 77-1240.01, 77-1240.03, 77-1240.04, 77-1241.01, 77-1242.01, and 77-1242.02, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 34:

Abboud
Brashear
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Suttle
Tyson
Vrtiska
Wickersham
Witek
Withem

Voting in the negative, 11:

Beutler
Bromm
Chambers
Hilgert
Hudkins
Peterson, C.
Preister
Robak
Stuhr
Wesely
Will

Present and not voting, 3:

Bohlke
McKenzie
Wehrbein

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER WITHEM PRESIDING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 271A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 271, Ninety-fifth Legislature, First Session, 1997; and to reduce appropriations.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

Abboud
Brashear
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Voting in the negative, 10:

Beutler
Chambers
Hilgert
Hudkins
Peterson, C.
Preister
Robak
Stuhr
Wesely
Will

Present and not voting, 4:

Bohlke
Bromm
Cudaback
McKenzie

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

WITHDRAW - Motion to LB 420

Mr. Brashear withdrew his motion, found on page 2515, to suspend the rules, Rule 6, sections 6 and 8, and Rule 7, sections 3 and 7, and allow for Final Reading of LB 420 without further amendment or motion.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 420 with 38 ayes, 1 nay, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 420.

A BILL FOR AN ACT relating to campaign finance; to amend sections 32-1601 to 32-1608, 32-1609, 32-1611, 49-1428, 49-1455, and 49-14,124 to 49-14,126, Reissue Revised Statutes of Nebraska, and sections 49-1401, 49-1463.01, and 49-14,123, Revised Statutes Supplement, 1996; to state intent; to define and redefine terms; to change spending and contribution limitations and filing procedures; to provide, change, and eliminate penalties; to provide for enforcement; to harmonize provisions; to provide severability; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 31:

Abboud
Brashear
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hillman
Janssen
Jensen
Jones
Kiel
Kristensen
McKenzie
Pedersen, Dw.
Pederson, D.
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Will
Withem

Voting in the negative, 13:

Beutler
Bohlke
Bromm
Chambers
Dierks
Hudkins
Landis
Matzke
Peterson, C.
Preister
Suttle
Wesely
Witek

Present and not voting, 4:

Brown
Hilgert
Maurstad
Wickersham

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 460 with 42 ayes, 1 nay, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 460.

A BILL FOR AN ACT relating to elections; to amend sections 32-628, 32-630, 32-631, 32-716, 32-1401, 32-1402, 32-1404, 32-1409, and 32-1411, Revised Statutes Supplement, 1996; to change provisions relating to petitions, petition signers and circulators, and initiative and referendum procedures; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 3:

Cudaback
Dierks
Witek

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 495 to Select File

Mr. Preister moved to return LB 495 to Select File for the following specific amendment:
FA441
Strike the enacting clause.

Mr. Preister withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 495 with 33 ayes, 2 nays, 13 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 495. With Emergency.

A BILL FOR AN ACT relating to solid waste; to amend sections 28-523, 81-15,158.01, 81-15,159.01, 81-15,159.02, 81-15,160, 81-15,161, 81-15,162.02, and 81-15,162.07, Reissue Revised Statutes of Nebraska, and sections 13-2020, 13-2042, 39-310, 39-311, and 81-15,161.01, Revised Statutes Supplement, 1996; to change provisions relating to rates and charges and provide for disbursements under the Integrated Solid Waste Management Act; to change littering and solid waste penalties; to change and eliminate provisions relating to scrap tires; to harmonize provisions; to repeal the original sections; to outright repeal sections 81-15,162.03 to 81-15,162.06, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 590 with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 590. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 52-1316, 84-1201, 84-1202, 84-1204, and 84-1220, Reissue Revised Statutes of Nebraska, sections 60-483, 84-713.05, and 84-1227, Revised Statutes Supplement, 1996, and sections 9-411 and 9-420, Uniform Commercial Code; to state intent; to define and redefine terms; to change the membership of the State Records Board; to provide duties for the board relating to dissemination of public records electronically; to provide and authorize fees; to provide for approval of contracts and arrangements relating to electronic access; to require reports; to transfer and eliminate provisions relating to the Task Force on Electronic Access to State Government Information; to harmonize provisions; to repeal the original sections; to outright repeal sections 84-713 to 84-713.04, Revised Statutes Supplement, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 1:

Landis

Present and not voting, 1:

Chambers

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 590A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 590, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Chambers
Dierks
Robak

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 626 with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 626.

A BILL FOR AN ACT relating to health care; to adopt the Statewide Trauma System Act.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 48:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 626A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 626, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Landis
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Kristensen
Maurstad

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 764 with 36 ayes, 3 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 764. With Emergency.

A BILL FOR AN ACT relating to elections; to amend sections 2-233, 19-2202, 19-3015, 19-3032, 70-611, and 79-549, Reissue Revised Statutes of Nebraska, and sections 10-703.01, 23-222, 23-501, 32-101, 32-103, 32-107, 32-115, 32-204, 32-208, 32-210, 32-211, 32-214, 32-215, 32-221, 32-222, 32-228, 32-230, 32-235 to 32-238, 32-240 to 32-242, 32-305, 32-306, 32-308, 32-310, 32-312, 32-314 to 32-316, 32-319, 32-321 to 32-325, 32-329, 32-330, 32-404, 32-530, 32-543, 32-552, 32-554, 32-560, 32-565, 32-568, 32-606 to 32-609, 32-612 to 32-614, 32-616, 32-618 to 32-621, 32-631, 32-632, 32-703, 32-707, 32-710, 32-715, 32-801, 32-803, 32-808, 32-810, 32-811, 32-814 to 32-816, 32-903, 32-904, 32-910, 32-913 to 32-916, 32-929, 32-933 to 32-935, 32-941, 32-943, 32-945, 32-946, 32-950, 32-1016, 32-1029, 32-1032, 32-1033, 32-1044, 32-1201, 32-1203, 32-1208, 32-1303, 32-1516, 32-1544, and 49-209, Revised Statutes Supplement, 1996; to change and eliminate provisions regarding elections; to provide and eliminate penalties; to harmonize provisions; to repeal the original sections; to outright repeal sections 70-642.03 and 70-642.04, Reissue Revised Statutes of Nebraska, and sections 32-1014 and 32-1509, Revised Statutes Supplement, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

McKenzie

Excused and not voting, 1:

Lynch

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 851 with 37 ayes, 1 nay, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 851.

A BILL FOR AN ACT relating to deaf and hard of hearing persons; to amend sections 20-150 to 20-159, 25-2402, 71-4720, 71-4721, 71-4724 to 71-4726, 71-4728 to 71-4729, 71-4731 to 71-4733, and 86-1307, Reissue Revised Statutes of Nebraska, and sections 83-101.14 and 86-1306, Revised Statutes Supplement, 1996; to state intent relating to qualified educational interpreters; to provide duties for the State Department of Education; to define, redefine, and eliminate terms; to change the name, membership, and duties of the Commission for the Hearing Impaired; to rename a fund; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 865 with 38 ayes, 0 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 865.

A BILL FOR AN ACT relating to special education; to amend sections 79-1018, 79-1110, 79-1113, 79-1115, 79-1138, 79-1142, 79-1155, 79-1156, 79-1158, and 79-1184, Reissue Revised Statutes of Nebraska, and section 9-812, Revised Statutes Supplement, 1996; to change provisions relating to special education; to provide for grants; to define and redefine terms; to establish a commission; to provide for an assistive technology device registry; to change a termination date; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 865A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 865, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 48:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen

Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 877 to Select File

Mr. Beutler moved to return LB 877 to Select File for the following specific amendment:
FA439
Strike the enacting clause.

Mr. Beutler withdrew his motion to return.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 137, 182, 182A, 197, 271, 271A, 420, 460, 495, 590, 590A, 626, 626A, 764, 851, 865, and 865A.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 877 with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 877.

A BILL FOR AN ACT relating to water; to amend sections 46-2,108 and 46-2,115, Reissue Revised Statutes of Nebraska, and sections 46-656.25 and 46-656.28, Revised Statutes Supplement, 1996; to require reviews of instream appropriation permits; to authorize hearings to cancel or modify the permits; to change conditions for issuance of permits; to require mediation or arbitration of disputes; to provide a duty for the Revisor of Statutes; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 47:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Robinson

Excused and not voting, 1:

Lynch

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 401 to Select File

Mr. Chambers moved to return LB 401 to Select File for the following specific amendment:
FA440
Strike the enacting clause.

Messrs. Schmitt and Robinson asked unanimous consent to be excused. No objections. So ordered.

Mr. Tyson moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Mr. Chambers withdrew his motion to return.

MOTION - Bracket LB 401

Mr. Chambers moved to bracket LB 401 until June 20, 1997.

The Chambers motion to bracket failed with 3 ayes, 33 nays, 10 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 401 with 38 ayes, 1 nay, 7 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 401.

A BILL FOR AN ACT relating to revenue and taxation; to amend sections 77-2715.02, 77-2716, 77-2716.01, and 79-1031, Reissue Revised Statutes of Nebraska, and section 84-612, Revised Statutes Supplement, 1996; to change income tax rate multipliers and personal exemption amounts; to provide an adjustment to income; to change a duty of the State Department of Education; to require a transfer from the Cash Reserve Fund; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Abboud
Beutler
Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Kiel
Kristensen
Landis
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schimek
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 7:

Bromm
Chambers
Dierks
Janssen
Jones
Schellpeper
Schrock

Present and not voting, 1:

Wehrbein

Excused and not voting, 3:

Lynch Robinson Schmitt

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 877 and 401.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Chambers asked unanimous consent to have his name added as cointroducer to LB 364. No objections. So ordered.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bills were correctly reengrossed: LBs 364 and 829.

Correctly Engrossed

The following bills were correctly engrossed: LBs 132A and 150.

Enrollment and Review Change to LB 150

The following changes, required to be reported for publication in the Journal, have been made:
ER9112
1. In the Wehrbein-Chambers amendment, AM2206, on page 1, line 16, "76,950,263" and all amendments thereto have been struck and "73,943,763" inserted; and in line 21 "19,702,893" and all amendments thereto have been struck and "18,034,053" inserted.
2. In the E & R amendments, AM7178, on page 1, line 4, "and" has been struck and a comma inserted; and in line 5 ", and for the Community Corrections Program" has been inserted after "units".

Enrollment and Review Change to LB 364

The following changes, required to be reported for publication in the Journal, have been made:
ER9111
1. In the Brashear amendment, AM2656:
a. On page 4, line 10; and page 19, line 22, "Class" has been inserted after "or".
b. On page 26, line 8, "not" has been struck and "nor" inserted;
c. On page 27, line 9, "subsection" has been struck and "subdivision"

inserted; and

d. On page 29, line 12, "to change the classification Class IV felony;" has been inserted after the first semicolon.

Enrollment and Review Change to LB 829
(Final Reading copy)

The following changes, required to be reported for publication in the Journal, have been made:

ER9110

1. In lieu of the Chambers amendment, FA422:

a. Sections 9, 12, and 13 have been struck and the remaining sections renumbered accordingly;

b. On page 1, line 2, the matter beginning with "42-924" through the semicolon in line 5 has been struck and "42-923, and 42-927, Reissue Revised Statutes of Nebraska;" inserted;

c. On page 2, line 3, the new matter has been struck and "and section 10" inserted; and

d. On page 8, line 1, "42-924, 42-927, and 42-928" has been struck and "42-923, and 42-927" inserted.

(Signed) Jon C. Bruning, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 4, 1997, at 6:15 p.m., were the following bills: LBs 882, 882A, 151, 278, 278A, 327, 327A, 569, 610, 610A, 835, 835A, 854, 854A, and 873.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

STANDING COMMITTEE REPORT
Business and Labor

The Committee on Business and Labor desires to report favorably upon the appointment listed below. The Committee suggests the appointment be confirmed by the Legislature and suggests a record vote.

Raymond F. Otter - Boiler Safety Advisory Board

VOTE: Aye: Senators Abboud, Dierks, Preister, Schimek, and Schrock.

(Signed) Chris Abboud, Chairperson

VISITORS

Visitors to the Chamber were Senator Schellpeper's granddaughters, Sydney Schellpeper, Alicia and Kristina Morfeld from Stanton.

The Doctor of the Day was C. James Kissling from Lincoln.

ADJOURNMENT

At 8:53 p.m., on a motion by Mr. Maurstad, the Legislature adjourned until 9:00 a.m., Thursday, June 5, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

EIGHTY-NINTH DAY – JUNE 5, 1997

LEGISLATIVE JOURNAL

EIGHTY-NINTH DAY - JUNE 5, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

EIGHTY-NINTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, June 5, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Robak presiding.

PRAYER

The prayer was offered by Pastor Debra Meuter, Grace Lutheran Church, Swedeburg and Edensburg Lutheran Church, Malmo, Nebraska.

ROLL CALL

The roll was called and all members were present except Mr. Janssen who was excused; and Messrs. Abboud, Bromm, Matzke, D. Pederson, Robinson, Tyson, Will, Mmes. Bohlke, Hillman, and Kiel who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-eighth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 4, 1997, at 9:00 p.m., were the following bills: LBs 137, 182, 182A, 197, 271, 271A, 420, 460, 495, 590, 590A, 626, 626A, 764, 851, 865, 865A, 877, and 401.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGES FROM THE GOVERNOR

June 4, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018

Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 216, 387, 49, 886, 335, 424, 523, 608, 624, and 727 were received in my office on May 29, 1997; and Engrossed Legislative Bill 890 was received on June 3, 1997.

These bills were signed by me on June 4, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 4, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Members:

I am signing LB 658, but I have serious concerns regarding a provision of the bill.

Having the emergency response and environmental surveillance program fees effectively "capped" at "the lesser of the actual costs or $53,000" per nuclear plant, plus an inflationary adjustment that would not exceed five percent per year, will mean that Health and Human Services will continue having to make up the difference of what the program really costs (estimated at $220,000) and what they will be collecting in fees paid by the Public Power Districts ($106,000) and contributions by the federal government ($37,000).

There should be no shortcutting on health and safety programs for areas surrounding nuclear power plants. Those owning the nuclear plants need to pay the actual costs of the emergency response and environmental surveillance programs, not a lesser amount. I will continue to monitor this issue and hope to see progress in fixing this problem.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 4, 1997

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 523A to you with a line item reduction and explanation.

The following reduction of $8,750 Cash Funds for FY1997-98 was made in LB 523A for one-half of the salary and benefit costs of a data entry clerk position not being hired until the act becomes operative on January 1, 1998, instead of July 1, 1997.

I urge members of the Legislature to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 4, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 386 with specific line-item reductions. The General Fund veto amounts total $12,600,000, which includes $8,500,000 for the coming biennium.

I have reduced the appropriation contained in Section 56 for Agency 65, Program 940 from $10 million General Funds per year for FY1997-98 through FY1999-00 to $5.9 million per year. This funding is intended for the Task Force for Building Renewal,

> "...exclusively to accomplish state government-wide deferred maintenance and renewal work under the Deferred building Renewal Act, exclusively to undertake renovation of state-owned facilities on the campuses of the Nebraska State Colleges and the University of Nebraska, or to achieve a combination of such purposes."

According to testimony by the University of Nebraska before the Appropriation Committee on March 11, 1997, concerning the need for deferred maintenance and repair money at the University and the State Colleges;

> "The University proposes to use $5.5 million per year in funds we generate to match state funding for this repair work. The State Colleges would contribute $400,000 annually. A total of $5.9 million per year in additional revenues from the state are being sought...."

In order to help balance the state budget, I, therefore, have reduced the annual state appropriation to the amount requested. This provides the funds needed to establish an enhanced program through bond financing that was proposed this year should the Legislature decide to authorize a program next year.

The $6.5 million per year of cigarette tax funds permanently dedicated to the Building Renewal Allocation Fund for FY1997-98 through FY2000-01 has been maintained at your recommended level. After my vetoes, we have doubled the current appropriations to the Building Renewal Allocation Fund and provided the highest level of funding ever for the (LB 309) building renewal program which was created in 1977.

Funding for NEB*SAT projects has also been reduced. The $300,000 General Funds for the Central Nebraska K-12 Pod Activation has been reduced to $150,000 in FY 1997-98. The $300,000 General Funds for the Western Nebraska K-12 Pod Activation has been reduced to $150,000 in FY1998-99. For this biennium, any additional funds for these pods should be sought from alternative sources such as lottery funds, industry contributions, federal funds, or donations from private foundations.

At this time, the state's top priorities have to be the maintenance of the statewide telecommunications infrastructure and network, the planning for satellite transponder replacement or alternatives, the replacement of aging transmitters, and the planning for transition to advanced high definition television. My vetoes allow all these higher priority projects to remain funded at your recommended levels.

I urge your support in providing only those funds that are necessary and in sustaining these vetoes.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

STANDING COMMITTEE REPORTS

Education

LEGISLATIVE BILL 843. Placed on General File.

LEGISLATIVE BILL 542. Indefinitely postponed.
LEGISLATIVE BILL 563. Indefinitely postponed.
LEGISLATIVE BILL 586. Indefinitely postponed.
LEGISLATIVE BILL 773. Indefinitely postponed.
LEGISLATIVE BILL 815. Indefinitely postponed.
LEGISLATIVE BILL 858. Indefinitely postponed.
LEGISLATIVE BILL 859. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 55. With Emergency.

A BILL FOR AN ACT relating to insurance; to amend section 44-710.04, Reissue Revised Statutes of Nebraska, section 44-4233, Revised Statutes Supplement, 1996, and section 77-2734.03, as amended by section 1, Legislative Bill 61, Ninety-fifth Legislature, First Session, 1997; to provide for renewability of individual health insurance policies; to change offset tax liability and income tax credit provisions; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide an operative date; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 47:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 2:

Janssen
Kiel

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 90.

A BILL FOR AN ACT relating to crimes and offenses; to amend section 28-101, Revised Statutes Supplement, 1996; to enhance penalties for certain offenses; to create a civil action; to provide a penalty; to provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to eliminate penalty provisions relating to emergency medical services; to repeal the original section; and to outright repeal section 30, Legislative Bill 138, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 35:

Abboud
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Jensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 9:

Chambers
Hudkins
Jones
Kristensen
Landis
Maurstad
Pederson, D.
Tyson
Witek

Present and not voting, 3:

Beutler
Raikes
Vrtiska

Excused and not voting, 2:

Janssen
Kiel

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Messrs. Wickersham, Schmitt, and Engel asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 90A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 90, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 36:

Abboud
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Jensen
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Wehrbein
Wesely
Will
Withem

Voting in the negative, 4:

Chambers Pederson, D. Tyson Witek

Present and not voting, 5:

Beutler Hudkins Jones Raikes Vrtiska

Excused and not voting, 4:

Engel Janssen Schmitt Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 91. With Emergency.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-601, 60-605, and 60-682.01, Revised Statutes Supplement, 1996; to define a term; to provide penalties for speeding and overtaking and passing in a school crossing zone as prescribed; to harmonize provisions; to provide a duty for the Revisor of Statutes; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Pederson, D.

Excused and not voting, 4:

Engel Janssen Schmitt Wickersham

A constitutional two-thirds majority having voted in the affirmative, the

bill was declared passed with the emergency clause and the title agreed to.

WITHDRAW - Amendments to LB 99

Mr. Chambers withdrew his amendments, FA385, FA386, FA387, and FA388, found on page 2359, to LB 99.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 99.

A BILL FOR AN ACT relating to bingo; to amend section 9-239, Reissue Revised Statutes of Nebraska; to change tax provisions; to provide an operative date; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 1:

Chambers

Present and not voting, 1:

Kristensen

Excused and not voting, 4:

Engel
Janssen
Schmitt
Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 232. With Emergency.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-256 and 79-266, Reissue Revised Statutes of Nebraska; to define a term; to provide and change procedures for expulsion of students as prescribed; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Chambers
Dierks
McKenzie
Vrtiska

Excused and not voting, 4:

Engel
Janssen
Schmitt
Wickersham

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 476 to Select File

Mr. Kristensen moved to return LB 476 to Select File for the following specific amendment:
FA443
Strike the enacting clause.

Mr. Kristensen withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 476. With Emergency.

A BILL FOR AN ACT relating to postsecondary educational institutions; to amend sections 85-1,125 and 85-9,145, Reissue Revised Statutes of Nebraska; to change a provision relating to minority group scholarships; to redefine a term; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 5:

Coordsen
Dierks
Robinson
Schimek
Withem

Voting in the negative, 29:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Crosby
Cudaback
Hartnett
Hillman
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robak
Schellpeper
Schrock
Stuhr
Suttle
Tyson
Wesely
Will
Witek

Present and not voting, 11:

Brown
Chambers
Elmer
Hilgert
Hudkins
Jensen
Maurstad
McKenzie
Preister
Vrtiska
Wehrbein

Excused and not voting, 4:

Engel
Janssen
Schmitt
Wickersham

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
S
Schellpeper
Schimek
Schrock
Suttle
Tyson
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Hilgert	McKenzie	Pedersen, Dw.	Vrtiska

Excused and not voting, 4:

Engel	Janssen	Schmitt	Wickersham

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 55, 90, 90A, 91, 99, and 232.

MOTION - Return LB 752 to Select File

Mr. Chambers moved to return LB 752 to Select File for his specific amendment, FA222, found on page 1800.

Messrs. Landis, Lynch, Cudaback, and Dw. Pedersen asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

Mr. Chambers withdrew his motion to return.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LBs 91, 99, 232, and 476.

(Signed) Pat Engel

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 5, 1997, at 10:25 a.m., were the following bills: LBs 55, 90, 90A, 91, 99, and 232.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Mr. Hilgert filed the following amendment to LB 303:
AM2650

1. Strike the Standing Committee amendment, AM0355, and the Bohlke amendment, AM1232, and all amendments thereto.
2. On page 2, line 23, after the semicolon insert "and";

and in line 28 strike "; and", show as stricken, and insert an underscored period.

3. On page 3, strike lines 1 through 3 and show the old matter as stricken.

Mrs. Bohlke filed the following amendment to LB 843:
(Amendment, AM0666, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB 476.

(Signed) Jon C. Bruning, Chairperson

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bill: LB 476.

MOTION - Return LB 752 to Select File

Mr. Chambers moved to return LB 752 to Select File for his specific amendment, FA223, found on page 1800.

Mrs. Hudkins, Messrs. Jones, and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers withdrew his motion to return.

Mr. Chambers moved to return LB 752 to Select File for his specific amendment, FA224, found on page 1800.

Mr. Chambers withdrew his motion to return.

WITHDRAW - Amendments to LB 752

Mr. Chambers withdrew his amendments, FA225, AM1872 through AM1884, and AM1901 through AM1930, found on pages 1800, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1818, and 1819, to LB 752.

Mrs. Brown withdrew her amendment, AM2195, found on page 2039, to LB 752.

Mr. Coordsen withdrew his amendment, AM2357, found on page 2214, to LB 752.

Mr. Dw. Pedersen withdrew his amendment, AM2373, found on page 2274, to LB 752.

Mr. Raikes withdrew his amendment, AM2379, found on page 2281, to LB 752.

MOTION - Suspend Rules

Mr. Beutler renewed his pending motion, found on page 2620, to suspend the rules, Rule 5, Section 6(f) to permit consideration of LB 752 on Final Reading without the A bill.

The Beutler motion to suspend the rules prevailed with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 752 with 30 ayes, 6 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 752.

A BILL FOR AN ACT relating to families; to amend sections 1-116, 7-102, 14-109, 15-217, 16-237, 18-1907, 18-2307, 20-156, 23-810, 23-813, 28-1229, 28-1239.01, 28-1246, 28-1403, 28-1422, 37-202, 37-211, 37-211.01, 37-715, 37-901, 39-2306, 43-2609, 44-101.01, 44-1950, 44-2621, 44-4015, 44-5503, 44-5603, 45-117, 45-346, 45-605, 46-297, 46-637, 46-1229, 46-1231, 48-149, 48-161, 48-418, 48-503, 49-1480, 54-161, 54-850, 54-1161, 54-1176, 54-1704, 54-1904, 54-2002, 60-4,129, 60-4,148, 60-4,171, 60-4,176, 60-1407, 60-1411.01, 60-2130, 66-483, 66-502, 66-666, 66-6,106, 66-1521, 69-202, 69-1204, 71-108, 71-1,132.13, 71-1,132.37, 71-1,139, 71-1,314, 71-1,319, 71-1,325, 71-1,329, 71-201, 71-208.06, 71-209, 71-242, 71-387, 71-3,137, 71-3,138.01, 71-3,152, 71-605, 71-1722, 71-1730, 71-1755, 71-1778, 71-1911, 71-1914, 71-3102, 71-3205, 71-3515.01, 71-3703, 71-4623, 71-4706, 71-4708, 71-5109, 71-5133, 71-5147, 71-5157, 71-5308, 71-5514, 71-5903, 71-6054, 71-6106, 71-6310, 71-6326, 71-6816, 71-7417, 71-7418, 72-303, 75-903, 76-542, 76-546, 76-2229.01, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2234.01, 77-2612, 77-2705, 77-3002, 77-3003, 77-3707, 79-810, 81-2,147.10, 81-2,162.23, 81-885.11, 81-887.02, 81-8,114, 81-8,130.01, 81-8,133.01, 81-8,196, 81-1521.09, 81-1559, 81-1915, 81-1920, 81-2118, 86-1214, and 89-187.02, Reissue Revised Statutes of Nebraska, and sections 2-1092, 2-1097, 2-10,100.01, 2-1203.02, 2-2635, 2-2638, 2-2639, 2-2641, 2-3906, 8-1103, 9-1,104, 9-255.06, 9-255.07, 9-255.09, 9-329.02, 9-330, 9-332, 9-424, 9-632, 9-642.01, 12-1108, 13-2040, 37-503, 37-505, 37-703, 39-2604, 42-364, 43-104.02, 43-512.03, 43-512.12, 43-1408.01, 43-1409, 43-1412, 43-1414, 43-1718.02, 43-1723, 43-2606, 43-2904, 45-705, 45-905, 48-1704, 48-2105, 53-124, 60-4,105, 60-4,130, 60-4,146.01, 85-1622, and 88-527, Revised Statutes Supplement, 1996; to adopt the License Suspension Act; to provide for and change provisions relating to enforcement of support orders by subpoena power, access to information, genetic testing, collection of social security numbers, and administrative attachment and bank matching; to adopt the New Hire Reporting Act; to change child support provisions relating to acknowledgment of paternity; to change provisions in paternity actions relating to genetic testing; to harmonize provisions; to provide for severability; and to repeal the original sections.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 28:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Elmer
Engel
Hartnett
Hillman
Hudkins
Jensen
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Preister
Raikes
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 19:

Abboud
Chambers
Coordsen
Cudaback
Dierks
Hilgert
Jones
Kristensen
Landis
Pedersen, Dw.
Robak
Robinson
Schellpeper
Schimek
Schmitt
Tyson
Vrtiska
Will
Witek

Present and not voting, 1:

Schrock

Excused and not voting, 1:

Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 314 with 33 ayes, 1 nay, 14 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 314. With Emergency.

A BILL FOR AN ACT relating to state government; to amend sections 72-812, 72-816, 81-154, 81-161.03, 81-174, 81-184, 81-1118, 81-1302, 81-1307, 81-1315, 81-1318, 81-1321, 81-1322, 81-1324, 81-1376, and 81-1391, Reissue Revised Statutes of Nebraska, and sections 50-401.01, 81-1108.17, 81-1317, and 81-1317.01, Revised Statutes Supplement, 1996; to change provisions relating to the personnel of the Legislature, the State Personnel System, the Director of Personnel, the State Personnel Board, the Task Force for Building Renewal, bidding procedures, and collective bargaining; to eliminate definitions and provisions relating to informal bidding, the merit system, rules and regulations, transferred employees, and pay plans; to create funds; to provide for performance evaluations and buy-out programs; to provide duties; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 81-188, 81-1313, 81-1327, 81-1328.01, 81-1328.02, 81-1328.03, 81-1329, 81-1330, 81-1331, 81-1332, 81-1333, and 81-1334, Reissue Revised Statutes of Nebraska, and section 81-1354.05, Revised Statutes Supplement, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 3:

Engel
Maurstad
Suttle

Excused and not voting, 1:

Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 314A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 314, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jones
Kristensen
Landis
Lynch
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Brown
Cudaback
Jensen
Kiel
Matzke

Excused and not voting, 1:

Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 517 with 33 ayes, 1 nay, 14 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 517. With Emergency.

A BILL FOR AN ACT relating to the environment; to amend sections 66-1510, 66-1518, 71-5301, 71-5302, 71-5304.01, 71-5313, and 81-1505, Reissue Revised Statutes of Nebraska; to change provisions relating to the Petroleum Release Remedial Action Act and the Nebraska Safe Drinking Water Act; to adopt the Drinking Water State Revolving Fund Act; to provide duties; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 48:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 517A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 517, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Brown
Robak

Excused and not voting, 1:

Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

MOTION - Return LB 798 to Select File

Mr. Wesely moved to return LB 798 to Select File for the following specific amendment:
FA442
Strike the enacting clause.

Mr. Wesely withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 798 with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 798. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-20,103, 71-20,107, 71-5801, 71-5803, 71-5804, 71-5806, 71-5808, 71-5809.01, 71-5809.02, 71-5810, 71-5816, 71-5818.01, 71-5818.02, 71-5819, 71-5822, 71-5824, 71-5830.01, 71-5836, 71-5837, 71-5846, 71-5848, 71-5848.01, 71-5859, 71-5865, 71-5868, 71-5869, and 71-5870, Reissue Revised Statutes of Nebraska, and section 84-1409, Revised Statutes Supplement, 1996; to add, change, and eliminate provisions relating to health care certificates of need; to harmonize provisions; to repeal the original sections; to outright repeal sections 71-5802, 71-5805, 71-5805.01, 71-5807, 71-5809, 71-5811, 71-5812, 71-5813, 71-5814, 71-5815, 71-5817, 71-5818, 71-5818.03, 71-5820, 71-5821, 71-5821.01, 71-5823, 71-5825, 71-5826, 71-5828, 71-5829, 71-5830, 71-5831, 71-5832, 71-5832.01, 71-5833, 71-5834, 71-5835, 71-5836.01, 71-5836.02, 71-5838, 71-5840, 71-5841, 71-5849, 71-5851, 71-5852, 71-5853, 71-5854, 71-5855, 71-5857, 71-5859.01, 71-5859.02, 71-5859.03, 71-5859.04, and 71-5866, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 37:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Lynch
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Will
Witek

Voting in the negative, 5:

Chambers
Landis
Matzke
Schimek
Wesely

Present and not voting, 6:

Engel
Hartnett
Maurstad
Peterson, C.
Robinson
Withem

Excused and not voting, 1:

Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 798A.

A BILL FOR AN ACT relating to appropriations; to reduce appropriations relating to the provisions of Legislative Bill 798, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Lynch
McKenzie
Pedersen, Dw.
Pederson, D.
Preister
Raikes
Robak
Robinson
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wickersham
Will
Witek
Withem

Voting in the negative, 4:

Chambers
Landis
Schimek
Wesely

Present and not voting, 4:

Hartnett
Matzke
Maurstad
Peterson, C.

Excused and not voting, 1:

Janssen

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 864 with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 864. With Emergency.

A BILL FOR AN ACT relating to social services; to amend sections 68-1708, 68-1713, 68-1718, 68-1726, and 76-903, Reissue Revised Statutes of Nebraska, and sections 8-1120, 43-504, 43-504.01, 43-512, 48-647, 58-701, 58-703, and 58-707, Revised Statutes Supplement, 1996; to change and eliminate provisions relating to aid to dependent children and welfare reform waivers; to authorize participation by non-United-States citizens in assistance programs; to provide funding and change distribution procedures for the Affordable Housing Trust Fund; to require reports; to provide for intercept of unemployment compensation to repay food stamp overissuances; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 68-1717, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Maurstad

Excused and not voting, 1:

Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 864A. With Emergency.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 864, Ninety-fifth Legislature, First Session, 1997; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Abboud
Beutler
Bohlke
Brashear
Brown

Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Jones
Kiel
Kristensen
Landis
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Bromm
Maurstad

Excused and not voting, 1:

Janssen

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

STANDING COMMITTEE REPORTS
Education

LEGISLATIVE BILL 714. Placed on General File.

LEGISLATIVE BILL 784. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 5, 1997, at 11:35 a.m., was the following bill: LB 476.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

RESOLUTION

LEGISLATIVE RESOLUTION 292. Introduced by Kristensen, 37.

WHEREAS, the 1997 Kearney High School boys' track team won the 1997 Boys' State High School Track Meet; and

WHEREAS, the 1997 championship is the fourth consecutive state high school track championship for the Kearney High School boys' team; and

WHEREAS, the Bearcats won a total of 18 medals, including 4 gold and

6 silver, and scored a state meet record of 113 points to win the Class A State Championship by 64 1/2 points over runner-up Lincoln Pius X; and

WHEREAS, with this title, Kearney became the first Class A school in Nebraska history to win four consecutive boys' state track championships; and

WHEREAS, the gold medal winners were: Brandon Jessop for the 1,600-meter run and the 3,200-meter run; Marcus Witter, Brandon Jessop, Eric Sanchez, and Jared Carlson for the 4 x 800; and Eric Molina for the triple jump. Kearney's 3,200-meter relay team broke the nine-year-old state record in the event by four seconds. The time of 7.45.30 is also the fastest in the nation this season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the 1997 Kearney High School boys' track team on its accomplishments.
2. That a copy of this resolution be sent to the team and Coach Roger Mathiesen.

Laid over.

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on LB 232.

(Signed) William R. Wickersham

MR. BRASHEAR PRESIDING

PROPOSED RULES CHANGE

Mr. Will renewed the Rules Committee pending proposed rules change, found on page 2624.

Messrs. Robinson and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Elmer offered the following amendment to the proposed rules change:

Sec. 2. subsec (a) - line 2 strike the word "Session" and insert the word "bienium".

Messrs. Tyson, Jones, Cudaback, and Mrs. Bohlke asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Brown moved the previous question. The question is, “Shall the debate now close?” The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Elmer amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Mr. Maurstad offered the following amendment to the proposed rules change:

Rule 3 - COMMITTEES

Sec. 2. Appointment of Committees. (a) Beginning on February 1, 1998, at the commencement of each session, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts Number 1, 2, 15 through 19, 21, 23 through 30, and 46; four from Districts Number 3 through 14, 20, 31, 39, and 45; four from Districts Number 22, 32 through 38, 40 through 44, and 47 through 49.

Mr. Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Mr. Schmitt asked unanimous consent to be excused. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

The Maurstad amendment lost with 3 ayes, 13 nays, 27 present and not voting, and 6 excused and not voting.

Messrs. Landis and Maurstad asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Wickersham offered the following amendment to the proposed rules change:

Rule 3 -- COMMITTEES

Sec. 2. Appointment of Committees. (a) ~~Beginning on February 1, 1998, at~~ At the commencement of each ninety-day session, the Legislature shall elect a Committee on Committees, to consist of thirteen members, one at large who shall be chairperson, and ~~four from Districts Number 1, 2, 15, 21, 22, 24 through 30, 33 through 35, and 46; four from Districts Number 3, through 14, 20, 31, 39, and 45; and four from Districts Number 16 through 19, 23, 32, 36 through 38, 40 through 44 and 47 through 49.~~ the remainder to be chosen by each of four caucuses. Each caucus shall consist of twelve members who have declared their intent to form a caucus in a letter directed to the Clerk of the Legislature prior to the convening of the session. If more than four caucuses are proposed, the Executive Board shall designate four caucuses. In the event that any member is not aligned with a caucus, the Executive Board shall appoint such member to one of the four caucuses created pursuant to this rule. Each caucus shall select three members to represent the caucus on the Committee on Committees.

(b) After the selection of the Appropriations Committee pursuant to Rule 3, Section 2(c), and immediately ~~Immediately~~ following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of the appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided by rule or by statute. Once the final report is presented to the Legislature, no amendment shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to Committee for further action.

(c) The Executive Board shall convene and be responsible for selecting three members from each Executive Board district as noted in Rule 1, Section 1(a) for appointment to the Appropriations Committee. The Chairperson of the Appropriations Committee elected pursuant to Rule 3, Section 7 shall be included in the three members chosen from that specific district.

(e) ~~(d)~~ During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members for the Committee on Committees unless it is a member of the Appropriations Committee whose vacancy shall be elected by the Executive Board pursuant to Rule 3, Section 2(c) unless otherwise provided by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members of the Executive Board.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such a vacancy be filled by the Committee on Committees unless such vacancy is on the Appropriations Committee in which case the vacancy shall be filled by the Executive Board pursuant to Rule 3, Section 2 (c).

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees, or in the case of the Appropriations Committee, the Executive Board, for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Harmonize all other rules to conform with the above changes.

Mrs. C. Peterson asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Beutler moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 25 ayes, 2 nays, and 22 not voting.

Mr. Vrtiska asked unanimous consent to be excused until he returns. No objections. So ordered.

The Wickersham amendment lost with 15 ayes, 16 nays, 9 present and not voting, and 9 excused and not voting.

Mr. Tyson and Mrs. Hillman asked unanimous consent to be excused until they return. No objections. So ordered.

The Rules Committee proposed rules change, as amended, was renewed.

Mrs. Witek moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Mr. Will moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

Mr. Will requested a roll call vote on the Rules Committee proposed rules change.

Mr. Abboud requested the roll call vote be taken in reverse order.

Voting in the affirmative, 23:

Abboud
Beutler
Brashear
Brown
Bruning
Hartnett
Hilgert
Jensen
Kiel
Landis
Lynch
McKenzie
Pedersen, Dw.
Preister
Raikes
Robak
Schimek
Suttle
Wehrbein
Wesely
Will
Witek
Withem

Voting in the negative, 8:

Bromm
Coordsen
Dierks
Hudkins
Matzke
Schellpeper
Stuhr
Wickersham

Present and not voting, 7:

Bohlke
Crosby
Elmer
Engel
Jones

Pederson, D. Schrock

Absent and not voting, 1:

Chambers

Excused and not voting, 10:

Cudaback Janssen Maurstad Robinson Tyson
Hillman Kristensen Peterson, C. Schmitt Vrtiska

The Rules Committee proposed rules change, as amended, lost with 23 ayes, 8 nays, 7 present and not voting, 1 absent and not voting, and 10 excused and not voting.

The Chair declared the call raised.

Messrs. Withem and Jones asked unanimous consent to be excused until they return. No objections. So ordered.

UNANIMOUS CONSENT - Member Excused

Mr. Chambers asked unanimous consent to be excused. No objections. So ordered.

STANDING COMMITTEE REPORTS
Nebraska Retirement Systems

LEGISLATIVE BILL 96. Indefinitely postponed.
LEGISLATIVE BILL 147. Indefinitely postponed.
LEGISLATIVE BILL 330. Indefinitely postponed.
LEGISLATIVE BILL 367. Indefinitely postponed.
LEGISLATIVE BILL 491. Indefinitely postponed.
LEGISLATIVE BILL 567. Indefinitely postponed.
LEGISLATIVE BILL 725. Indefinitely postponed.

(Signed) William R. Wickersham, Chairperson

Education

LEGISLATIVE BILL 639. Indefinitely postponed.

(Signed) Ardyce L. Bohlke, Chairperson

Judiciary

LEGISLATIVE BILL 777. Placed on General File.

(Signed) Kermit A. Brashear, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 293. Introduced by Beutler, 28; Crosby, 29; Landis, 46; Wesely, 26; Schimek, 27; Raikes, 25.

WHEREAS, Walter A. Canney will retire on August 15, 1997, after twenty-six years as the Administrator of the Lincoln Electric System (LES); and

WHEREAS, Walter A. Canney's leadership has been instrumental in the state and has brought national recognition to LES as an outstanding electric utility which provides electrical service to the city of Lincoln, Nebraska, state government, the University of Nebraska, and the State Capitol building; and

WHEREAS, under Walter A. Canney's leadership LES (1) has maintained rates among the lowest ten percent nationwide, (2) currently holds financial credit ratings which are higher than any other electric utility in the state, (3) has maintained a stable and well-trained work force with an excellent safety record, and (4) is ranked among the top four utilities nationwide in the Standard and Poor's Business Position Index and fifth out of eighty-nine rated utilities in the Fitch's Competitive Indicator ranking; and

WHEREAS, Walter A. Canney has served Nebraska as President of the Nebraska Power Association, has served the nation as President of the American Public Power Association (APPA), has been honored by receiving the APPA's top award, the APPA Alex Radin Distinguished Service Award, and by receiving the Holum Award from the Missouri Basin Systems Group; and

WHEREAS, restructuring in the electric utility industry will require outstanding leadership such as that which has been exemplified by Walter A. Canney to ensure that the benefits of low-cost, reliable electric service continue to flow to consumers while protecting the environment; and

WHEREAS, Walter A. Canney's cantankerous nature has endeared him to many Nebraskans, especially those involved in electric utility issues in the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Nebraska Unicameral Legislature congratulates Walter A. Canney on his upcoming retirement from LES and thanks him for his service to the State of Nebraska.
2. That a copy of this resolution be sent to Walter A. Canney.

Laid over.

LEGISLATIVE RESOLUTION 294. Introduced by Withem, 14.

BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby directs the Rules Committee to conduct a thorough review of the legislative committee structure, including, but not limited to:

a. Make-up of caucuses;
b. Jurisdiction and workload of each committee; and
c. Potential for consolidation or expansion of each committee's jurisdiction and membership.

2. That the recommendations forthcoming will be addressed at the beginning of the Ninety-fifth Legislature, Second Session, 1998.

Laid over.

STANDING COMMITTEE REPORT
Health and Human Services

The Committee on Health and Human Services desires to report favorably upon the appointments listed below. The Committee suggests the appointments be confirmed by the Legislature and suggests a record vote.

Foster Care Review Board
  Barbara A. Moore
  Susan E. Gilmore
  James R. Ganz, Jr.
  Joyce Bunger
  Kathleen M. Maloney

VOTE: Aye: Senators Dierks, Jensen, Suttle, Wesely, and Witek. Nay: None. Absent: Senators Matzke and C. Peterson.

(Signed) Don Wesely, Chairperson

MOTION - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following appointments found on page 1738: Dick Mercer and Gail Yanney - Nebraska Environmental Trust Board.

Mr. Withem moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

Voting in the affirmative, 25:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Coordsen
Crosby
Dierks
Hartnett
Hillman
Landis
Matzke
McKenzie
Preister
Robak
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 0.

Present and not voting, 14:

Bruning
Chambers
Elmer
Engel
Hilgert
Hudkins
Jensen
Kiel
Lynch
Pedersen, Dw.
Pederson, D.
Raikes
Will
Witek

Excused and not voting, 10:

Cudaback
Janssen
Jones
Kristensen
Maurstad
Peterson, C.
Robinson
Schmitt
Tyson
Vrtiska

The appointments were confirmed with 25 ayes, 0 nays, 14 present and not voting, and 10 excused and not voting.

SPEAKER WITHEM PRESIDING

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 2145: Dr, Jerry Vaughan O.D. - Nebraska State Board of Health; Janet Haun, Esther Seanor, Leonard Smith, and Tricia Tighe - Nebraska Commission for the Hearing Impaired.

Voting in the affirmative, 32:

Abboud
Bohlke
Bromm
Bruning
Coordsen
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Jensen
Kiel
Landis
Lynch
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Schellpeper
Schimek
Stuhr
Suttle
Tyson
Vrtiska
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 9:

Beutler
Brashear
Brown
Hilgert
McKenzie
Raikes
Robak
Schrock
Wehrbein

Excused and not voting, 8:

Chambers
Cudaback
Janssen
Jones
Kristensen
Maurstad
Robinson
Schmitt

The appointments were confirmed with 32 ayes, 0 nays, 9 present and not voting and 8 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 1753: Jeffrey J. Elliott - Department of Health and Human Services, Finance and Support; Linda Lazure, Ph.D. - Nebraska State Board of Health; Julie

Cervantes-Salomons, John Jelkin, Susan Koenig-Cramer, and Jesse Sharp - Child Abuse Prevention Fund Board.

Voting in the affirmative, 29:

Abboud
Beutler
Bohlke
Brashear
Brown
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Kiel
Kristensen
Landis
Matzke
Pederson, D.
Peterson, C.
Raikes
Robak
Schellpeper
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek

Voting in the negative, 0.

Present and not voting, 13:

Bromm
Bruning
Coordsen
Hilgert
Jensen
Lynch
McKenzie
Pedersen, Dw.
Preister
Schimek
Suttle
Will
Withem

Excused and not voting, 7:

Chambers
Cudaback
Janssen
Jones
Maurstad
Robinson
Schmitt

The appointments were confirmed with 29 ayes, 0 nays, 13 present and not voting and 7 excused and not voting.

Mrs. Bohlke moved the adoption of the report of the Education Committee for the following appointments found on page 2082: Sheryl Lindau - State Colleges Board of Trustees; David Brandt - Coordinating Commission for Postsecondary Education.

Voting in the affirmative, 35:

Abboud
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Jensen
Kiel
Kristensen
Landis
Lynch
Matzke
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Schrock
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 7:

Beutler
Coordsen
Hilgert
McKenzie
Pedersen, Dw.
Suttle
Will

Excused and not voting, 7:

Chambers
Cudaback
Janssen
Jones
Maurstad
Robinson
Schmitt

The appointments were confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Schellpeper moved the adoption of the report of the General Affairs Committee for the following appointments found on pages 2545 and 2461: Jack M. Crowley - Nebraska Liquor Control Commission; Kam-Ching Leung - Nebraska Arts Council.

Voting in the affirmative, 30:

Beutler
Bohlke
Brashear
Brown
Bruning
Crosby
Elmer
Engel
Hartnett
Hillman
Jensen
Kiel
Kristensen
Landis
Lynch
Matzke
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Stuhr
Tyson
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 12:

Abboud
Bromm
Coordsen
Dierks
Hilgert
Hudkins
McKenzie
Pedersen, Dw.
Schimek
Schrock
Suttle
Vrtiska

Excused and not voting, 7:

Chambers
Cudaback
Janssen
Jones
Maurstad
Robinson
Schmitt

The appointments were confirmed with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

Mr. Dierks moved the adoption of the report of the Agriculture Committee for the following appointments found on page 2515: Kevin Kelley, Craig Maas, and Clifford Walker - Nebraska Dry Bean Commission.

Voting in the affirmative, 35:

Abboud
Bohlke
Brashear
Brown
Bruning
Crosby
Dierks
Elmer
Engel
Hartnett
Hillman
Hudkins
Jensen
Kiel
Kristensen
Landis
Lynch
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper

Schimek
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 7:

Beutler
Bromm
Coordsen
Hilgert
McKenzie
Schrock
Suttle

Excused and not voting, 7:

Chambers
Cudaback
Janssen
Jones
Maurstad
Robinson
Schmitt

The appointments were confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Mr. Kristensen moved the adoption of the report of the Transportation Committee for the following appointments found on page 2534: William C. Cannon, Jerry Haggadone, Gary Lambert, and Kevin Langel - Motor Vehicle Industry Licensing Board.

Voting in the affirmative, 36:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Crosby
Dierks
Engel
Hartnett
Hilgert
Hillman
Hudkins
Jensen
Kiel
Kristensen
Landis
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Schellpeper
Schimek
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 6:

Coordsen
Elmer
Lynch
McKenzie
Schrock
Suttle

Excused and not voting, 7:

Chambers
Cudaback
Janssen
Jones
Maurstad
Robinson
Schmitt

The appointments were confirmed with 36 ayes, 0 nays, 6 present and not voting, and 7 excused and not voting.

Mr. Abboud moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 2607: Tor C. Anderson - Boiler Safety Advisory Board.

Voting in the affirmative, 35:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Engel
Hartnett
Hilgert
Jensen
Kiel
Kristensen
Landis
Lynch
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robak
Schellpeper
Schimek
Stuhr
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 7:

Elmer
Hillman
Hudkins
McKenzie
Preister
Schrock
Suttle

Excused and not voting, 7:

Chambers
Cudaback
Janssen
Jones
Maurstad
Robinson
Schmitt

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

UNANIMOUS CONSENT - Add Cointroducer

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LR 88, LR 205, and LR 206. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 295. Introduced by Coordsen, 32; Dierks, 40; Schellpeper, 18; Bromm, 23.

WHEREAS, the state aid to education formula, as modified by Legislative Bills 806 and 710 of the Ninety-fifth Legislature, First Session, 1997, differentiates as between the way school systems subject to the "lop-off" and school systems which receive "lop-off" dollars are treated; and

WHEREAS, school systems subject to the "lop-off" are allowed a growth factor when calculating available resources, and the property tax receipts of school systems subject to the "lop-off" are figured at a tax levy of one dollar per one hundred dollars of taxable valuation of the taxable property in the system through fiscal year 1999-00, and ninety cents per one hundred dollars of taxable valuation of the taxable property in the system for fiscal year

2000-01 and each fiscal year thereafter; and

WHEREAS, school systems receiving or potentially qualifying for additional state aid with "lop-off" dollars through the size adjustment factor are not allowed a growth factor when available resources are calculated, and, the property tax receipts of such systems, when figuring the amount of additional state aid, are calculated with a tax levy of one dollar and ten cents per one hundred dollars of taxable valuation of the taxable property in the system through fiscal year 1999-00 and one dollar per one hundred dollars of taxable valuation of the taxable property in the system for fiscal year 2000-01 and each fiscal year thereafter, resulting in a state-mandated higher property tax burden for some taxpayers on property within the same class in different parts of the state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature requests the Attorney General of Nebraska to review Legislative Bills 806 and 710, Ninety-fifth Legislature, First Session, 1997, and the applicable constitutional provisions, including Article VII, section 1, and Article VIII, section 1, Constitution of Nebraska, prior to the effective dates of those Legislative Bills to determine whether the state aid to education formula as modified in such bills violates subdivision (1) of Article VIII, section 1, Constitution of Nebraska, which provides: "Taxes shall be levied by valuation uniformly and proportionately upon all real property ..." and to provide the Legislature with an opinion of the constitutionality of Legislative Bills 806 and 710, Ninety-fifth Legislature, First Session, 1997, at his earliest possible convenience.

Laid over.

LEGISLATIVE RESOLUTION 296. Introduced by Bromm, 23.

WHEREAS, the Dodge girls' track team has won its third straight Class D Girls' State Track Championship; and

WHEREAS, the athletic achievements of the youth of our state should be recognized and encouraged; and

WHEREAS, Coach Craig Schmidt, Assistant Coach Paul Henry, the members of the team, and their families should be acknowledged.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to Coach Craig Schmidt, Assistant Coach Paul Henry, and the members of the team.
2. That a copy of this resolution be sent to Coach Craig Schmidt at Dodge High School.

Laid over.

LEGISLATIVE RESOLUTION 297. Introduced by Bromm, 23.

WHEREAS, the Bishop Neumann boys' track team has won its third straight Class C boys' state track championship; and

WHEREAS, the athletic achievements of the youth of our state should be recognized; and

WHEREAS, Coach Tim Turman, Assistant Coaches Tom Gerdes, Mike Weiss, and Tim Rezac, the members of the 1997 Bishop Neumann boys' track team, their families, and supporters should be recognized.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations and best wishes to Coach Tim Turman, the assistant coaches, and the members of the team.
2. That a copy of this resolution be sent to Coach Tim Turman at Bishop Neumann High School.

Laid over.

REPORT OF THE EXECUTIVE BOARD

1997 Resolution calling for an Interim Study

LR 185	Rereferred to Appropriations from Judiciary

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following bills: LBs 752, 314, 314A, 517, 517A, 798, 798A, 864, and 864A.

VISITORS

Visitors to the Chamber were Dr. and Mrs. Jimmy Turman from Austin, Texas; and 30 fourth grade students and teacher from Sarah Joslyn Elementary School, Omaha.

The Doctor of the Day was Leon Books from Broken Bow.

ADJOURNMENT

At 3:26 p.m., on a motion by Mr. Landis, the Legislature adjourned until 9:00 a.m., Thursday, June 12, 1997.

Patrick J. O'Donnell
Clerk of the Legislature

NINETIETH DAY – JUNE 12, 1997

LEGISLATIVE JOURNAL

NINETIETH DAY - JUNE 12, 1997

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, June 12, 1997

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Withem presiding.

PRAYER

The prayer was offered by Rev. Harland Johnson, Chaplain Coordinator.

ROLL CALL

The roll was called and all members were present except Messrs. Engel and Landis who were excused; and Messrs. Abboud, Wesely, and Mrs. McKenzie who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-ninth day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 5, 1997, at 3:45 p.m., were the following bills: LBs 752, 314, 314A, 517, 517A, 798, 798A, 864, and 864A.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MESSAGES FROM THE GOVERNOR

June 5, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 180, 588, 269, 269A, and 138 were received in my office on May 30, 1997; and Engrossed Legislative Bill 401 was received on June 4, 1997.

These bills were signed by me on June 5, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 5, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

I am returning LB 588A with a specific line item reduction.

LB 588 would require the Attorney General to protect the rights and interests of landowners in the boundary line dispute between Nebraska and Missouri. An agreement has been negotiated between Missouri and Nebraska and ratified by the Missouri Legislature. The Nebraska State Legislature will not have the opportunity to ratify the agreement until LB 59 is debated by the body in 1998.

In the interim, no action will be taken by the State of Missouri against Nebraska landowners until after the 1998 session since the Missouri Legislature has advanced the agreement date. Based on this agreement, there is no need for the additional funds in LB 588A for the Office of the Attorney General in 1997-1998. The funding for 1998-1999 will depend on the actions of the Legislature on LB 59.

I urge you to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 5, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 485 and LB 485A with my veto.

LB 485 transfers the maintenance costs for persons judged to be mentally incompetent to stand trial from the counties in which charges are filed to the state General Fund.

In reviewing the totality of actions taken this session to provide property tax relief, it is my opinion that the state should not assume further obligation for expenses which are currently carried by counties. Specifically, I have signed LB 806, providing an additional $110 million for schools, and I have signed LB 180, which creates a fund of yet another $20 million for property tax relief. LB 180 states, "The fund shall be used for specific programs for property tax relief. The programs may include increased state aid to political subdivisions or program takeovers by the state of programs funded in whole or in part by property taxes..." If state funding for care of the mentally incompetent to stand trial is judged to be a high enough priority by the Legislature next year, funding should be provided from the Property Tax Reduction Incentive Fund.

I urge you to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 6, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 248e and 248Ae were received in my office on June 3, 1997.

These bills were signed by me on June 6, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 6, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 590 and 590A were received in my office on June 4, 1997.

These bills were signed by me on June 6, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 9, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 111, 111A, 116, 116A, 362, 362A, 393, 393A, 755, 861, 861A, 23, 595, 724, 724A, 852, 852A, 229, 270, 270A, 814, 837, 307, 307A, 874, 555, and 875 were received in my office on June 3, 1997.

These bills were signed by me on June 9, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 9, 1997

Madam President, Mr. Speaker
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 113 and LB 113A to you without my signature and with my objections. Similar legislation was presented to me in 1995 and vetoed at that time.

Since the 1995 veto, the Nebraska Department of Revenue has attempted to develop an approach to this problem that would be workable and fair to those involved in this industry and those purchasing by way of catalogs. That effort did not yield a solution which placed the Department of Revenue in a sound legal position to require out-of-state catalog sales companies to provide it with the data to carry out the bill's intent in a manner that is both fair and yet cost-effective.

In addition, the hearing on LB 113 did not provide alternatives other than that embodied in this particular piece of legislation, something unworkable. In my opinion, it is not responsible to expend taxpayer funds in this manner without a clear expectation that the efforts will be successful.

The National Governor's Association, at its 1997 winter meeting, called upon the interested parties, and the Congress, to develop Federal legislation which would include authority for the states to collect owed taxes on these types of commercial transactions. The problem is nexus and/or jurisdiction. We need Federal authority to properly collect these taxes.

I urge members of the Legislature to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 9, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

With this letter, I am returning LB 229A with a specific line item reduction. I have vetoed $18,000 General Funds to the Supreme Court. The agency has advised that there would be one-time costs relating to materials and training for county judges. However, these costs are due to enactment of the initial legislation (Laws 1996, LB 1296). The fiscal note from the agency in 1996 did not identify any training costs or workload expense due to concurrent jurisdiction. Any costs related to implementing the substantive legislation can be absorbed within the context of a relatively large program budget.

I urge your support in sustaining this veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 9, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I am returning LB 875A to you with a line-item reduction and explanation. LB 875 requires the Property Tax Administrator to collect information about tax-increment financing projects and to compile that data along with her recommendation into an annual report to the Legislature. I have been informed that these requirements can be met with existing staffing levels and do not require the addition of an FTE as suggested by the fiscal note.

I am, therefore, making a reduction of $36,090 for FY97/98 and $41,190 for FY98/99. Funds for the creation and distribution of the required reports have been retained.

I urge members of the Legislature to sustain my veto.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 10, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 882, 882A, 151, 278, 278A, 327, 327A, 569, 610, 610A, 835, 835A, 854, 854A, 873, 137, 182, 182A, 197, 420, 460, 495, 626, 626A, 764, 851, 865, and 877 were received in my office on June 4, 1997; and Engrossed Legislative Bills 752, 864, and 864A were received on June 5, 1997.

These bills were signed by me on June 10, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 10, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, NE 68509

Dear Madam President and Senators:

I have returned LB 865 with my signature and LB 865A with my signature, but with line-item reductions.

LB 865A includes funding for a .5 FTE at the State Department of Education to administer an assistive technology device registry. While such a registry represents a cost efficient way for users of assistive technology devices to share the cost of these commonly expensive items, the Department of Education has within their current resources the ability to absorb the cost of administering the registry.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 10, 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Madam President and Senators:

Today I signed LB 271 and LB 271A into law. LB 271 eliminates the property tax on motor vehicles and replaces it with a tax and a fee. LB 271A provides funding for the Department of Motor Vehicles to carry out the bill's provisions.

LB 271 is designed to implement a motor vehicle tax system more closely tied to vehicle value and age, and to provide motor vehicle owners with property tax relief. I do not believe it is the intention of the Legislature--nor is it mine--for local subdivisions to use passage of this bill to shift the local tax burden further onto real property taxpayers. If local subdivisions respond to any losses of revenue under LB 271 by attempting to increase real property taxes, rather than by reducing spending, taxpayers will rightly believe they have been betrayed.

I have previously voiced my support for caps on local subdivision spending once the LB 299 spending limits expire. It is my intent to work in developing legislation for consideration next year to impose spending limits and, where appropriate, adjust the current LB 1059 limits. Taxpayers and local officials should understand that the response of local subdivisions to LB 271 will play an important role in what types of limits will be included in that bill.

Owners of real property and motor vehicles deserve tax relief. That was the purpose of LB 299 and LB 1114. Any attempt by political subdivisions to circumvent the spirit of these tax relief measures; and LB 271 becomes unacceptable to me, the Legislature, and the taxpayers.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

June 11, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 55, 90, 90A, 91, 99, 232, 476, 314, 314A, 517, 517A, 798, and 798A were received in my office on June 5, 1997.

These bills were signed by me on June 11, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

COMMUNICATION

June 5, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item veto by Governor Nelson on LB 255A, and consistent with our rules, I am forwarding LB 255A for filing in the form and amounts as prescribed by the Governor. Legislative rules require me to deliver same to your office on the sixth legislative day following the receipt of a veto message when no motion to override has been offered.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

ANNOUNCEMENT

Mrs. Hillman announced the Legislative Program Evaluation Committee elected Mr. Bromm as Vice Chairperson.

REPORTS

The following reports were received by the Legislature:

Claims Board, State
Risk Management/State Claims Board Reports of Claims and Judgments paid from July 1, 1995 to June 30, 1996

ANNOUNCEMENT

The Chair announced tomorrow is Senator Elmer's birthday.

RESOLUTIONS

LEGISLATIVE RESOLUTION 298. Introduced by Robinson, 16; Janssen, 15; Bromm, 23; Kiel, 9.

WHEREAS, Frank Smagacz was born in Columbus, Nebraska, in 1915, graduated from Kramer High School in 1933, and graduated from Midland College in 1937 where he earned ten varsity letters in football, basketball, and track and was inducted into the Midland College Hall of Fame; and

WHEREAS, after graduating from Midland College, Frank Smagacz coached in Nebraska at Arlington and Tekamah and then coached football and track at Omaha Central High School for twenty-seven years and in 1961 was named the high school coach of the year by the Omaha World-Herald; and

WHEREAS, throughout his career, Coach Smagacz influenced the lives of many young people, among them Hall of Famer Gale Sayers; and

WHEREAS, Coach Smagacz' career at Omaha Central included five state-champion boys' track teams, from 1958 to 1966; and

WHEREAS, in recognition of his career achievements, Coach Smagacz was inducted into the Nebraska High School Sports Hall of Fame in 1997; and

WHEREAS, Coach Smagacz died Tuesday, June 10, 1997.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its sympathy to the family of Coach Frank Smagacz.
2. That copies of this resolution be presented to the family of Coach Frank Smagacz and to Omaha Central High School.

LEGISLATIVE RESOLUTION 299. Introduced by Dierks, 40.

WHEREAS, Justin Mosel, a 14-year-old eighth grader at Orchard Public School, placed third in the National Geography Bee in Washington, D.C., on May 28, 1997, and won a $10,000 college scholarship; and

WHEREAS, Justin Mosel is the first Nebraskan in the contest's nine-year history to reach the finals; and

WHEREAS, Justin Mosel also competed last year at the national level; and

WHEREAS, Justin Mosel competed against fifty-six other students representing all the states, the District of Columbia, Department of Defense Schools, and five U.S. territories at the finals; and

WHEREAS, Justin Mosel qualified for nationals by defeating more than one hundred students at the Nebraska Geography Bee competition in Omaha, thereby winning an all-expense-paid trip to Washington, D.C.; and

WHEREAS, Justin Mosel did not miss a single question in the preliminary rounds in Washington, D.C.; and

WHEREAS, Justin Mosel now has the opportunity to apply to compete in the International Geography Bee to be held in Washington, D.C., during August.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature extends its congratulations, appreciation, and best wishes to Justin Mosel.
2. That a copy of this resolution be sent to Justin Mosel.

MOTION - Suspend Rules

Mr. Dierks moved to suspend the rules, Rule 4, Section 6, to permit consideration of resolutions introduced today without meeting the one-day layover requirement.

The Dierks motion to suspend the rules prevailed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 122. Read. Considered.

LEGISLATIVE RESOLUTION 124. Read. Considered.

LEGISLATIVE RESOLUTION 126. Read. Considered.

LEGISLATIVE RESOLUTION 289. Read. Considered.

LEGISLATIVE RESOLUTION 290. Read. Considered.

LEGISLATIVE RESOLUTION 292. Read. Considered.

LEGISLATIVE RESOLUTION 293. Read. Considered.

LEGISLATIVE RESOLUTION 296. Read. Considered.

LEGISLATIVE RESOLUTION 297. Read. Considered.

LEGISLATIVE RESOLUTION 298. Read. Considered.

LEGISLATIVE RESOLUTION 299. Read. Considered.

Pursuant to Rule 4, Section 5, LRs 122, 124, 126, 289, 290, 292, 293, 296, 297, 298, and 299 were adopted with 21 ayes, 0 nays, 25 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 110. Read. Considered.

LR 110 was adopted with 21 ayes, 0 nays, 25 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 286. Read. Considered.

LR 286 was adopted with 24 ayes, 0 nays, 23 present and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 287. Read. Considered.

LR 287 was adopted with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

The Chair announced June 10 was Senator Hillman's birthday.

MOTIONS - Approve Appointments

Mr. Beutler moved the adoption of the report of the Natural Resources Committee for the following appointments found on pages 1264 and 2639: Jo Beth Gutgsell - Nebraska Power Review Board; Lynn A. Roper - Nebraska Environmental Trust Board; Galen Frenzen, Bill Podraza, Kathleen Wittler, Spencer Morrissey, Ken Gnadt, Richard Galyen, David Sands, and Darlene Keifer - Nebraska Environmental Quality Council.

Voting in the affirmative, 27:

Abboud
Beutler
Bohlke
Brashear
Brown
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Janssen
Jensen
Kiel
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robak
Schellpeper
Stuhr
Tyson
Wehrbein
Wesely
Will
Witek

Voting in the negative, 2:

Bruning
Lynch

Present and not voting, 18:

Bromm
Chambers
Coordsen
Cudaback
Hudkins
Jones
Kristensen
McKenzie
Preister
Raikes
Robinson
Schimek
Schmitt
Schrock
Suttle
Vrtiska
Wickersham
Withem

Excused and not voting, 2:

Engel
Landis

The appointments were confirmed with 27 ayes, 2 nays, 18 present and not voting, and 2 excused and not voting.

Mr. Abboud moved the adoption of the report of the Business and Labor Committee for the following appointment found on page 2660: Raymond F. Otter - Boiler Safety Advisory Board.

Voting in the affirmative, 32:

Abboud
Bohlke
Brashear
Brown
Bruning
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Janssen
Jensen
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Schellpeper
Schimek
Schmitt
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Will
Witek

Voting in the negative, 0.

Present and not voting, 15:

Beutler
Bromm
Chambers
Coordsen
Hillman
Hudkins
Jones
Kristensen
Raikes
Robak
Robinson
Schrock
Tyson
Wickersham
Withem

Excused and not voting, 2:

Engel
Landis

The appointment was confirmed with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

Mr. Wesely moved the adoption of the report of the Health and Human Services Committee for the following appointments found on page 2690: Barbara A. Moore, Susan E. Gilmore, James R. Ganz Jr., Joyce Bunger, and Kathleen M. Maloney - Foster Care Review Board.

Voting in the affirmative, 26:

Abboud
Bohlke
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Jensen
Lynch
Matzke
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robak
Schellpeper
Schmitt
Tyson
Wehrbein
Wesely
Will
Witek

Voting in the negative, 0.

Present and not voting, 21:

Beutler	Hudkins	Kristensen	Robinson	Suttle
Brashear	Janssen	Maurstad	Schimek	Vrtiska
Bromm	Jones	McKenzie	Schrock	Wickersham
Chambers	Kiel	Raikes	Stuhr	Withem
Cudaback				

Excused and not voting, 2:

Engel	Landis

The appointments were confirmed with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 102. Title read. Considered.

Advanced to E & R for review with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

MOTION - Override Line-Item Veto on LB 389

The Appropriations Committee moved to override the Governor's line-item vetoes contained in LB 389 as follows:

1. In section 26, the Cash Fund vetoes to the Secretary of State, Program 51.

2. In section 27, the Cash Fund vetoes to the Secretary of State, Program 53.

3. In section 28, the Revolving Fund vetoes only, to the Secretary of State, Program 86.

4. In section 31, the Cash Fund vetoes to the Auditor of Public Accounts, Program 525.

5. In section 40, the Cash Fund vetoes and the Cash Fund aid earmarks only, to the State Department of Education, Program 25.

6. In section 46, the Cash Fund vetoes to the State Department of Education, Program 614.

7. In section 50, the Cash Fund vetoes to the Public Service Commission, Program 64.

8. In section 52, the Cash Fund veto only, to the Department of Revenue, Program 102.

9. In section 56, the Cash Fund vetoes to the Department of Revenue, Program 160.

10. In section 62, the Cash Fund vetoes to the Department of Agriculture, Program 27.

11. In section 63, the Cash Fund vetoes only, to the Department of Agriculture, Program 56.

12. In section 65, the Cash Fund vetoes to the Department of Agriculture, Program 61.

13. In section 67, the Cash Fund veto only, to the Department of Agriculture, Program 333.

14. In section 68, the Cash Fund vetoes to the Department of Agriculture, Program 382.

15. In section 69, the Cash Fund vetoes only, to the Department of Agriculture, Program 385.

16. In section 70, the Cash Fund vetoes to the Department of Agriculture, Program 387.

17. In section 72, the Cash Fund vetoes to the Department of Banking and Finance, Program 65.

18. In section 73, the Cash Fund vetoes to the Department of Banking and Finance, Program 66.

19. In section 76, the Cash Fund veto to the State Fire Marshal, Program 193.

20. In section 104, (a) The General Fund earmark for FY1997-98 only, of $11,626,108, for the Nebraska Comprehensive Community Mental Health Services Act; (b) The General Fund earmarks of $3,614,150 in both fiscal years, for emergency psychiatric services in the state and for the amounts identified within the earmark ($766,000 and $1,348,150) for both fiscal years for Regions V and VI; (c) The General Fund earmarks of $424,025 in both fiscal years for mental health services provided by Douglas County Hospital; (d) The General Fund earmarks of $2,000,000 for both fiscal years for carrying out the provisions of the federal Nursing Home Reform Act; (e) The General Fund earmarks of $1,212,500 for both fiscal years for services for youth that are not Medicaid eligible and are at risk of becoming state wards to access mental health services, and (f) The General Fund earmark for FY1997-98 only, of $2,500,000 for increased aid to community mental health programs. Section 104 is the Department of Health and Human Services Finance and Support, Program 366.

21. In section 105, the General and Federal Fund vetoes, for FY1997-98 only, and the associated General and Federal Fund aid earmarks for FY1997-98 only, contained within the section, to the Department of Health

and Human Services Finance and Support, Program 424.

22. In section 120, the Cash Fund vetoes to the State Electrical Board, Program 197.

23. In section 127, the Cash Fund vetoes to the Board of Educational Lands and Funds, Program 582.

24. In section 128, the Cash Fund and Salary Limit vetoes to the Game and Parks Commission, Program 162.

25. In section 129, the Cash Fund vetoes to the Game and Parks Commission, Program 330.

26. In section 132, the Cash Fund vetoes only, to the Game and Parks Commission, Program 549.

27. In section 140, the Cash Fund and Salary Limit vetoes to the Worker's Compensation Court, Program 530.

28. In section 142, the Cash Fund vetoes to the Brand Committee, Program 75.

29. In section 143, the Cash Fund vetoes to the Motor Industry Licensing Board, Program 76.

30. In section 144, the Cash Fund veto to the Real Estate Commission, Program 77.

31. In section 145, the Cash Fund vetoes to the Barber Board of Examiners, Program 80.

32. In section 159, the Cash Fund and Salary Limit vetoes, and related earmarks, to the Real Estate Appraiser Board, Program 79.

33. In section 172, the Cash Fund vetoes to the Wheat Board, Program 381.

34. In section 173, the Cash Fund vetoes to the Nebraska Oil and Gas Conservation Commission, Program 335.

35. In section 174, the Cash Fund and Salary Limit veto to Engineers and Architects, Program 82.

36. In section 178, the Cash Fund and Salary Limit vetoes to the Board of Public Accountancy, Program 84.

37. In section 180, the Cash Fund veto only, to the Nebraska State Patrol, Program 189.

38. In section 183, the Cash Fund vetoes to the Nebraska State Patrol, Program 205.

39. In section 213, the Cash Fund vetoes only, to the Arts Council, Program 326.

40. In section 220, the Cash Fund vetoes to the Department of Economic Development, Program 618.

41. In section 222, the Cash Fund vetoes to the Power Review Board, Program 72.

42. In section 223, the Cash Fund vetoes to the Nebraska Investment Council, Program 610.

43. In section 229, the Cash Fund and Salary Limit vetoes only, the Commission on Law Enforcement, Program 199.

44. In section 239, the Cash Fund vetoes only, to the Department of Environmental Quality, Program 513.

45. In section 243, the Cash Fund vetoes to the Public Employee's Retirement Board, Program 41.

46. In section 249, the Cash Fund vetoes to the Corn Board, Program 384.

47. In section 252, the Cash Fund vetoes to the Grain Sorghum Board, Program 406.

Whereupon the President stated: "The question shall be, 'Shall those portions of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 40:

Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jones
Kiel
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wehrbein
Wickersham
Withem

Voting in the negative, 4:

Jensen
Kristensen
Will
Witek

Present and not voting, 3:

Abboud
Vrtiska
Wesely

Excused and not voting, 2:

Engel
Landis

Having received a constitutional three-fifths majority voting in the affirmative, those portions of the bill passed notwithstanding the line-item objections of the Governor.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following resolutions: LRs 122, 124, 126, 289, 290, 292, 293, 296, 297, 298, 299, 110, 286, and 287.

WITHDRAW - Motion to LB 389

Mr. Coordsen withdrew his motion, found on page 2524, to override the Governor's line-item veto of LB 389, contained in Section 69, of the cash fund veto only, for FY1997-98 and FY1998-99.

MOTION - Override Line-Item Veto on LB 389

Mr. Coordsen renewed the Coordsen et al. pending motion, found on page 2543, to override the Governor's line-item general fund veto of the appropriation contained in LB 389, in section 216 for fiscal year 1997-98 and 1998-99.

Purpose: To restore the program coordinator position in the Foster Care Review Board.

Mr. Coordsen moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

Mr. Coordsen requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 23:

Bromm
Bruning
Chambers
Coordsen
Cudaback
Dierks
Hartnett
Hudkins
Janssen
Jones
Kristensen
McKenzie
Preister
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Will
Witek

Voting in the negative, 19:

Abboud
Beutler
Bohlke
Brown
Elmer
Hilgert
Hillman
Jensen
Matzke
Maurstad
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robinson
Schimek
Wehrbein
Wesely
Wickersham
Withem

Present and not voting, 5:

Brashear
Crosby
Kiel
Lynch
Raikes

Excused and not voting, 2:

Engel
Landis

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB 389

Mr. Dw. Pedersen renewed his pending motion, found on page 2550, to override the Governor's line-item vetoes of LB 389, contained in section 17.

Purpose: To override the Governor's veto of funding of probation officers' salaries.

Messrs. Dierks, Tyson, and Wesely asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Dw. Pedersen moved for a call of the house. The motion prevailed with 23 ayes, 0 nays, and 26 not voting.

Mr. Wehrbein requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 26:

Abboud
Bromm
Chambers
Coordsen
Cudaback
Dierks
Hilgert
Hudkins
Janssen
Jones
Kiel
Kristensen
Matzke
Pedersen, Dw.
Peterson, C.
Preister
Robak
Schmitt
Schrock
Stuhr
Suttle
Vrtiska
Wickersham
Will
Witek
Withem

Voting in the negative, 8:

Brown
Bruning
Hillman
Jensen
Lynch
Pederson, D.
Robinson
Wehrbein

Present and not voting, 11:

Beutler
Bohlke
Brashear
Crosby
Elmer
Hartnett
Maurstad
McKenzie
Raikes
Schellpeper
Schimek

Excused and not voting, 4:

Engel
Landis
Tyson
Wesely

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

SELECT COMMITTEE REPORT
Enrollment and Review

LEGISLATIVE BILL 102. Placed on Select File as amended.
E & R amendment to LB 102:
AM7179

1. On page 3, line 13, after "remodeling" insert an underscored comma.
2. On page 4, line 2, after "partitioning" insert an underscored comma.

(Signed) Jon C. Bruning, Chairperson

PROPOSED RULES CHANGES

Messrs. Abboud and Will offered the following proposed rules changes:

Rule 3 -- COMMITTEES
Sec. 2. Appointment of Committees. (a) Beginning on February 1, 1998, ~~At~~ at the commencement of each biennium, the Legislature shall elect a Committee on Committees to consist of thirteen members, one at large who shall be chairperson, and four from Districts Number 1, 2, 15, 21, 22, 24 through 30, 33 through 35, and 46; four from Districts Number 3, through 14, 20, 31, 39, and 45; and four from Districts Number 16 through 19, 23, 32, 36 through 38, 40 through 44 and 47 through 49. ~~three from District Number 1 consisting of legislative districts Numbers 1 through 3, 21, 25 through 29, 39, 46 and 46; three from District Number 2 consisting of legislative districts Numbers 4 through 14, 20, and 31; three from District Number 3 consisting of legislative districts Numbers 15 through 19, 22 through 24, 30, 32, 34, and 40; and three from District Number 4 consisting of legislative districts Numbers 33, 35 through 38, 41 through 44, and 47 through 49.~~

(b) ~~After the selection of the Appropriations Committee pursuant to Rule 3, Section 2(c), and immediately~~ Immediately following chairmanship and Committee on Committees membership elections, the Committee shall meet and, by a majority vote of all its members, submit to the Legislature a preliminary report of the appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided for by rule or by statute. On the following day the Committee on Committees shall meet and, by a majority vote of all its members, submit to the Legislature a final report for its approval, appointments to the standing and select committees, each with a number of members as hereinafter set forth, unless otherwise provided by rule or by statute. Once the final report is presented to the Legislature, no amendment shall be considered. If the Legislature, by majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to Committee for further action.

~~(c) The Executive Board shall convene and be responsible for selecting three members from each Executive Board district as noted in Rule 1, Section 1(a) for appointment to the Appropriations Committee. The Chairperson of the Appropriations Committee elected pursuant to Rule 3, Section 7 shall be included in the three members chosen from that specific district.~~

(c) ~~(d)~~ During session, all vacancies on standing or select committees created by the death or resignation of a member shall be filled by a majority vote of all members for the Committee on Committees ~~unless it is a member of the Appropriations Committee whose vacancy shall be elected by the Executive Board pursuant to Rule 3, Section 2(c)~~ unless otherwise provided by rule or statute. A vacancy within the Committee on Committees shall be filled by a meeting of the caucus established pursuant to Rule 3, Section 2(a).

During the interim, all vacancies on standing or select committees created by the death or resignation of a members shall be filled by a majority vote of all members of the Executive Board.

Sec. 11. Temporary Appointments. (a) When a member is unable to serve, the chairperson of the committee, after a majority vote of the remaining members, shall request that such a vacancy be filled by the Committee on Committees ~~unless such vacancy is on the Appropriations Committee in which case the vacancy shall be filled by the Executive Board pursuant to Rule 3, Section 2 (c).~~

(b) A temporary appointment may be made by the Chairperson of the Committee on Committees, ~~or in the case of the Appropriations Committee,~~ the Executive Board, for only one day when requested by a chairperson of a standing committee which lacks a quorum. When a member is appointed from an eight-member committee, the consent of the member to be appointed shall first be obtained. The temporary appointee shall have the right to vote only on the bill or bills that actually have been heard by the appointee and provided that the vote is taken on such bills on the day the bill or bills are heard. When such appointment is made in case of an incapacitated member, such appointee shall cease to be a member of such committee upon the return of the incapacitated member for whom he or she was appointed.

Harmonize all other rules to conform with the above changes.

Referred to the Rules Committee.

Mr. Wickersham offered the following proposed rules changes:

Rule 3 -- COMMITTEES
Sec. 2. Appointment of Committees. (a) At the commencement of each ninety-day session, the Legislature shall elect a Committee on Committees, to consist of fifteen members, one at large who shall be chairperson, and the remainder to be chosen two from each of the seven caucuses designated by the Executive Board. Each caucus shall consist of seven members. No fewer than five members may declare their intent to form a caucus in a letter directed to the Clerk of the Legislature prior to December 15 preceding a ninety-day session. No member may declare his or her intent to be a part of more than one caucus. In the event more than seven or fewer than seven caucuses are proposed by members or any caucus designated by the Executive Board has more than or fewer than seven members, the Executive Board, prior to December 15 preceding a ninety-day session, shall by random selection assign members to a caucus or caucuses, until there are seven caucuses and there are seven members in each caucus. In the event a vacancy occurs in any caucus by reason of death, resignation or removal of a member, the successor of the former member shall be assigned by the Executive Board to fill the caucus vacancy.

Referred to the Rules Committee.

Mr. Will offered the following proposed rules changes:

Rule 4, Sec. 2 When considered as a Bill. Resolutions which propose amendments to the state constitution, propose Legislative action, approval or authorization of substantive policy matters, propose ratification or rejection of amendments to the federal Constitution, call on Congress to take an action certain, or memorialize Congress with regard to amendments to the U.S. Constitution, shall be considered and adopted in the same manner as bills.

Rule 4, Sec. 3 All other Resolutions: Vote Requirement, Referral.
(a) - Any resolution offered by a member of the Legislature which congratulates, commends, designates, recognizes, or offers sympathy to an individual, group, organization, event, or commemorative occasion shall be listed on the Legislative agenda and voted on without any discussion. A member of the Legislature may request to the Speaker that a specific resolution be discussed on the legislative floor.

(b) If a member objects to any resolution offered pursuant to subsection (a) of this section, the resolution shall be referred to the Reference Committee. The Reference Committee shall determine whether the resolution shall be referred to a committee, voted on by the entire Legislature without referral to a committee, or indefinitely postponed.

Renumber remaining sections.

Rule 4, Section ~~7~~ 8. Engrossed Resolutions. Only those resolutions specified in Sections 2 and ~~3~~ 4, of this rule shall be engrossed unless otherwise ordered by the Legislature or unless the Clerk determines the nature of the resolution is such that upon its adoption it must be engrossed to properly achieve the purpose for which it was presented. All resolutions which are engrossed shall be enrolled and signed by the Lieutenant Governor or Speaker and certified to by the Clerk as to the date of final passage.

Referred to the Rules Committee.

VISITORS

Visitors to the Chamber were Walt and Louella Canney from Lincoln; Steve, Cindy, and Becky Beachler from Oakland and Bryce Lambley and Mike Ronspies from Fremont; Don and Lila Conrad from Blair; and Doris Stokes from Blair, Wilma Halvorsen from Palmyra, and Deloris Krebsbach from Lawrence.

RECESS

At 11:58 a.m., on a motion by Speaker Withem, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:32 p.m., Speaker Withem presiding.

ROLL CALL

The roll was called and all members were present except Messrs. Engel and Landis who were excused; and Messrs. Abboud, Bromm, Dierks, Elmer, Jones, Robinson, Schmitt, Will, and Mrs. Robak who were excused until they arrive.

RESOLUTIONS

LEGISLATIVE RESOLUTION 300. Introduced by Lynch, 13.

WHEREAS, the Legislature finds and determines that protecting investments in buildings through the completion of deferred maintenance and repair projects is of critical importance to the State of Nebraska; and

WHEREAS, the Legislature further recognizes that arresting the continued deterioration of buildings, limiting the effects of inflation on the costs of deferred maintenance and repair, and bringing buildings into compliance with current health and safety requirements at the earliest possible time is necessary for protecting the investment in the buildings of the State of Nebraska; and

WHEREAS, in order to accomplish these goals, it is necessary, desirable, and advisable that the Legislature make provision for the receipt of funds for such purposes as soon as practical with the repayment of such funds to be made over a period of fourteen years. The Legislature recognizes the commitment of the Board of Regents of the University of Nebraska to provide matching funds on a one-to-one basis up to five million five hundred thousand dollars per year for a period of fourteen years and the Board of Trustees of the Nebraska State Colleges to provide matching funds on a one-to-one basis up to four hundred thousand dollars per year for a period of fourteen years; and

WHEREAS, it is the intent of the Legislature to appropriate five million five hundred thousand dollars annually for a period of fourteen years to the Task Force for Building Renewal and Board of Regents of the University of Nebraska for the purpose of paying any long-term contracts entered into by the Board of Regents of the University of Nebraska with respect to the costs of deferred maintenance projects of the Board of Regents of the University of Nebraska; and

WHEREAS, it is the intent of the Legislature to appropriate four hundred thousand dollars annually for a period of fourteen years to the Task Force for Building Renewal and Board of Trustees of the Nebraska State Colleges for the purpose of paying any long-term contracts entered into by the Board of Trustees of the Nebraska State Colleges with respect to the costs of deferred maintenance projects of the Board of Trustees of the Nebraska State Colleges.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. The Legislature hereby finds and determines that such deferred maintenance projects are of critical importance to the State of Nebraska.
2. The Legislature authorizes the Board of Regents of the University of Nebraska to enter into long-term contracts for the completion of up to sixteen major capital projects, the state funding for which shall not exceed seventy-seven million dollars and the total costs of which shall not exceed ninety-five million dollars, exclusive of financing costs, for the completion of such projects.
3. The Legislature authorizes the Board of Trustees of the Nebraska State Colleges to enter into long-term contracts for the completion of capital projects, the state funding for which shall not exceed five million six hundred thousand dollars and the total costs of which shall not exceed seven million four hundred thousand dollars, exclusive of financing costs, for the completion of such projects.
4. This resolution shall not be construed or interpreted as modifying, reducing, or eliminating any provision of subsection (10) of section 85-1414 requiring the approval of the Coordinating Commission for Postsecondary

Education for any renovation and deferred maintenance project undertaken by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges.

Laid over.

LEGISLATIVE RESOLUTION 301. Introduced by Natural Resources Committee: Beutler, 28, Chairperson; Bohlke, 33; Bromm, 23; Bruning, 3; Elmer, 44; McKenzie, 34; Preister, 5; Schrock, 38; and Abboud, 12; Brashear, 4; Coordsen, 32; Dierks, 40; Hartnett, 45; Kristensen, 37; Robinson, 16; Schellpeper, 18; Wehrbein, 2; Wickersham, 49; Will, 8; Withem, 14.

PURPOSE: The purpose of this resolution is to study the process of legislative confirmation of gubernatorial appointments, including the procedures used by the committees of the Legislature, the deliberative process employed by the committees, the amount and types of information submitted by the executive branch regarding the qualifications of appointees, the timing of submission of appointments by the executive branch to the Legislature, and whether the Legislature should consider strengthening its oversight role in the confirmation process to make its role more meaningful or whether the confirmation process should be eliminated.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That a committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

COMMUNICATION

June 12, 1997

Joanne Pepperl
Revisor of Statutes/Bill Drafter
Room 358, State Capitol
Lincoln, NE 68509

Dear Joanne:

An error has been discovered on a program number in the attachment to the Governor's veto message on LB 389, dated May 28, 1997.

The program number which is incorrect is in Agency 48--The Coordinating Commission for Postsecondary Education. The program number should be Program 640, not Program 650. The accompanying attachment makes this correction.

The line-item reduced bill the Governor returned to you has the correct amounts stricken from Program 640.

Thanks for bringing this to our attention.

Sincerely,
(Signed) Gerry A. Oligmueller
State Budget Administrator

GAO:dw
Attachment
cc: Patrick J. O'Donnell, Clerk of the Legislature

REPORT

The following report was received by the Legislature:

Investment Finance Authority, Nebraska (NIFA)
Annual Report

MOTION - Override Line-Item Veto on LB 389

Mrs. Kiel moved to override the Governor's line-item vetoes of LB 389, contained in section 146, for FY 1997-98 only, and the associated PSL (SALARY LIMIT) and earmark veto of staffing for FY 1997-98 only.

Purpose: To override the Governor's veto of funding of hiring of approximately 26 security staff in the Department of Correctional Services for FY 1997-98.

Mr. Hilgert and Mrs. C. Peterson asked unanimous consent to be excused until they return. No objections. So ordered.

Mrs. Kiel moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

Mrs. Suttle requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 21:

Abboud
Chambers
Coordsen
Dierks
Hudkins
Janssen
Kiel
Kristensen
Lynch
Matzke
Pedersen, Dw.
Preister
Robak
Schimek
Schmitt
Schrock
Suttle
Tyson
Wickersham
Will
Withem

Voting in the negative, 5:

Bruning
Jensen
Robinson
Wehrbein
Witek

Present and not voting, 19:

Beutler
Bohlke
Brashear
Bromm
Brown
Crosby
Cudaback
Elmer
Hartnett
Hillman
Jones
Maurstad
McKenzie
Pederson, D.
Raikes
Schellpeper
Stuhr
Vrtiska
Wesely

Excused and not voting, 4:

Engel
Hilgert
Landis
Peterson, C.

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Messrs. Schellpeper, Will, Hartnett, and Lynch asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 389

Mr. Chambers moved to override the Governor's line-item vetoes in LB 389, section 42.

Purpose: Restores:

	1997-98	1998-99
General	324,693	462,864
Federal	709,354	853,191
	$1,034,047	$1,316,055

Mr. Chambers moved for a call of the house. The motion prevailed with 20 ayes, 0 nays, and 29 not voting.

MRS. CROSBY PRESIDING

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 27:

Bohlke
Bromm
Chambers
Coordsen
Cudaback
Dierks
Hilgert
Hudkins
Janssen
Jones
Kiel
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robak
Schimek
Schmitt
Stuhr
Suttle
Wesely
Wickersham
Will
Withem

Voting in the negative, 7:

Abboud	Jensen	Robinson	Wehrbein	Witek
Bruning	Pederson, D.			

Present and not voting, 11:

Beutler	Crosby	Hillman	Schellpeper	Tyson
Brashear	Elmer	Raikes	Schrock	Vrtiska
Brown				

Excused and not voting, 4:

Engel	Hartnett	Landis	Lynch

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Mr. Wickersham asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 389

Mr. Dw. Pedersen moved to override the Governor's line item vetoes in LB 389 Section 17 of the salary limit only for both FY 1997-98 and FY 1998-99.

Purpose: To override the Governor's veto of Salary Limit only (in the amount of 223,109 in FY 1997-98 and 223,109 in FY 1998-99) in the Probation Services Division of the Supreme Court.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 33:

Abboud	Crosby	Jones	Peterson, C.	Schrock
Beutler	Cudaback	Kiel	Preister	Stuhr
Bohlke	Dierks	Kristensen	Raikes	Suttle
Brashear	Hartnett	Lynch	Robak	Tyson
Bromm	Hillman	Maurstad	Schimek	Wehrbein
Bruning	Hudkins	Pedersen, Dw.	Schmitt	Witek
Chambers	Janssen	Pederson, D.		

Voting in the negative, 0.

Present and not voting, 10:

Brown
Coordsen
Elmer
Jensen
Matzke
McKenzie
Robinson
Vrtiska
Wesely
Withem

Excused and not voting, 6:

Engel
Hilgert
Landis
Schellpeper
Wickersham
Will

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the line-item objections of the Governor.

Messrs. Coordsen, Schellpeper, Mmes. Hillman, and Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Reconsider Action on LB 389

Mr. Lynch moved to reconsider the Chambers motion to override the Governor's line-item vetoes in LB 389, section 42, found on page 2723.

Mr. Lynch moved for a call of the house. The motion prevailed with 24 ayes, 0 nays, and 25 not voting.

Mr. Lynch requested a roll call vote on the Lynch motion.

Voting in the affirmative, 33:

Bohlke
Brashear
Bromm
Brown
Chambers
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hudkins
Janssen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Robak
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Wesely
Wickersham
Will
Withem

Voting in the negative, 3:

Bruning
Wehrbein
Witek

Present and not voting, 7:

Abboud
Beutler
Jensen
Pederson, D.
Raikes
Robinson
Vrtiska

Excused and not voting, 6:

Coordsen
Engel
Hillman
Kiel
Landis
Schellpeper

The Lynch motion to reconsider prevailed with 33 ayes, 3 nays, 7 present

and not voting, and 6 excused and not voting.

The Chair declared the call raised.

MOTION - Override Line-Item Veto on LB 389

The Chambers reconsidered motion, found on page 2723, to override the Governor's line-item vetoes in LB 389, section 42, was renewed.

Purpose: Restores:

	1997-98	1998-99
General	324,693	462,864
Federal	709,354	853,191
	$1,034,047	$1,316,055

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 31:

Bohlke
Brashear
Bromm
Brown
Chambers
Cudaback
Dierks
Hartnett
Hilgert
Hudkins
Janssen
Jones
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Peterson, C.
Preister
Raikes
Robak
Schimek
Schmitt
Stuhr
Suttle
Tyson
Wesely
Wickersham
Will
Withem

Voting in the negative, 7:

Abboud
Beutler
Bruning
Jensen
Pederson, D.
Wehrbein
Witek

Present and not voting, 5:

Crosby
Elmer
Robinson
Schrock
Vrtiska

Excused and not voting, 6:

Coordsen
Engel
Hillman
Kiel
Landis
Schellpeper

Having received a constitutional three-fifths majority voting in the affirmative, that portion of the bill passed notwithstanding the objections of the Governor.

Messrs. Withem, Wickersham, Kristensen, and Cudaback asked unanimous consent to be excused until they return. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 389

Mr. Chambers moved to override the Governor's line-item vetoes to LB 389, contained in section 214.

Purpose: Restores:

	1997-98	1998-99
General	75,000	75,000
Federal	0	435,000

The $75,000 (General) is one half of the increase in the budget as passed.

MR. WILL PRESIDING

Mrs. Crosby asked unanimous consent to be excused until she returns. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 15 ayes, 0 nays, and 34 not voting.

Mr. Chambers requested a roll call vote.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 22:

Abboud
Beutler
Bohlke
Bromm
Chambers
Dierks
Hilgert
Janssen
Jones
Kiel
Matzke
McKenzie
Pederson, D.
Preister
Robak
Robinson
Schimek
Schmitt
Suttle
Wickersham
Will
Withem

Voting in the negative, 11:

Bruning
Elmer
Hillman
Jensen
Lynch
Pedersen, Dw.
Peterson, C.
Tyson
Vrtiska
Wehrbein
Witek

Present and not voting, 9:

Brashear
Brown
Hartnett
Hudkins
Maurstad
Raikes
Schrock
Stuhr
Wesely

Excused and not voting, 7:

Coordsen
Crosby
Cudaback
Engel
Kristensen
Landis
Schellpeper

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Mmes. Suttle and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER WITHEM PRESIDING

MOTION - Override Line-Item Veto on LB 389

Mr. Beutler moved to override the Governor's line-item vetoes in LB 389, Section 156.

University of Nebr.	97-98	98-99
General Funds	559,770	2,216,522

Mr. Beutler withdrew his motion to override.

Mr. Tyson asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Line-Item Veto on LB 389

Mr. Maurstad moved to override the Governor's line-item veto contained in section 108 of LB 389, Department of Health and Human Services Finance and Support, Program 571, of the General Fund veto for FY1998-99 only, and the associated veto of the FY1998-99 General Fund aid earmark contained in the section.

Purpose: To override the Governor's line-item veto of the Appropriation's Committee recommended funding of the Foster Grandparent Program, in FY1998-99.

Mrs. Witek and Mr. Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Maurstad moved for a call of the house. The motion prevailed with 8 ayes, 0 nays, and 41 not voting.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 9:

Chambers	Maurstad	Preister	Robak	Vrtiska
Janssen	Pedersen, Dw.	Raikes	Suttle	

Voting in the negative, 18:

Abboud
Bohlke
Bromm
Bruning
Hilgert
Hillman
Jensen
Jones
McKenzie
Pederson, D.
Peterson, C.
Schimek
Schrock
Stuhr
Wehrbein
Wickersham
Will
Withem

Present and not voting, 14:

Beutler
Brashear
Brown
Coordsen
Crosby
Elmer
Hartnett
Hudkins
Kiel
Lynch
Matzke
Robinson
Schmitt
Wesely

Excused and not voting, 8:

Cudaback
Dierks
Engel
Kristensen
Landis
Schellpeper
Tyson
Witek

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 853A

Mr. Will renewed his pending motion, found on page 2433, that LB 853A pass notwithstanding the objections of the Governor.

Mr. Will withdrew his motion to override.

MOTION - Override Veto on LB 485

Mrs. Hudkins moved to pass LB 485 notwithstanding the objections of the Governor.

PRESIDENT ROBAK PRESIDING

Mr. Hartnett and Mrs. Kiel asked unanimous consent to be excused until they return. No objections. So ordered.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 33:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Coordsen
Cudaback
Dierks
Elmer
Hilgert
Hudkins
Janssen
Jones
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robak
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wickersham
Will
Witek

Voting in the negative, 4:

Chambers
Hillman
Wehrbein
Wesely

Present and not voting, 7:

Brown
Crosby
Jensen
Lynch
Preister
Robinson
Withem

Excused and not voting, 5:

Engel
Hartnett
Kiel
Landis
Schellpeper

Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

Mrs. Suttle asked unanimous consent to be excused until she returns. No objections. So ordered.

MOTION - Override Veto on LB 485A

Mrs. Hudkins moved to pass LB 485A notwithstanding the objections of the Governor.

Mrs. Hudkins moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Mr. Wehrbein requested a roll call vote on the Hudkins motion to override.

Mr. Maurstad requested the roll call vote be taken in reverse order.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 24:

Beutler
Bromm
Coordsen
Cudaback
Dierks
Elmer
Hillman
Hudkins
Janssen
Jones
Kristensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Robak
Schellpeper
Schmitt
Schrock
Stuhr
Tyson
Wehrbein
Wickersham
Witek

Voting in the negative, 12:

Abboud	Chambers	Peterson, C.	Schimek	Wesely
Bohlke	Jensen	Robinson	Vrtiska	Withem
Bruning	Maurstad			

Present and not voting, 8:

Brashear	Crosby	Pederson, D.	Raikes	Will
Brown	Hilgert	Preister		

Excused and not voting, 5:

Engel	Hartnett	Kiel	Landis	Suttle

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

Mr. Jones asked unanimous consent to be excused until he returns. No objections. So ordered.

MOTION - Override Veto on LB 113

The Revenue Committee moved to override the Governor's veto of LB 113.

The Revenue Committee withdrew their motion to override.

COMMUNICATION

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 389 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of certain line-item vetoes as set forth on the attached certificate, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 389, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by the constitutional majority has overridden said line-item vetoes as follows:

Section 26, Program 51, Cash Fund vetoes to the Secretary of State.
Section 27, Program 53, Cash Fund vetoes to the Secretary of State.
Section 28, Program 86, Revolving Fund vetoes to the Secretary of State.
Section 31, Program 525, Cash Fund vetoes to the Auditor of Public Accounts.
Section 40, Program 25, Cash Fund vetoes and Cash Fund aid earmarks to St. Dept. of Educ.
Section 46, Program 614, Cash Fund vetoes to St. Dept. of Educ.
Section 50, Program 64, Cash Fund vetoes to the Public Service Commission.
Section 52, Program 102, Cash Fund veto to Dept. of Revenue.
Section 56, Program 160, Cash Fund vetoes to the Dept. of Revenue.
Section 62, Program 27, Cash Fund vetoes to the Dept. of Agriculture.
Section 63, Program 56, Cash Fund vetoes to Dept. of Agriculture.
Section 65, Program 61, Cash Fund vetoes to the Dept. of Agriculture.
Section 67, Program 333, Cash Fund veto to the Dept. of Agriculture.
Section 68, Program 382, Cash Fund vetoes to the Dept. of Agriculture.
Section 69, Program 385, Cash Fund vetoes to the Dept. of Agriculture.
Section 70, Program 387, Cash Fund vetoes to the Dept. of Agriculture.
Section 72, Program 65, Cash Fund vetoes to the Dept. of Banking and Finance.
Section 73, Program 66, Cash Fund vetoes to the Dept. of Banking and Finance.
Section 76, Program 193, Cash Fund veto to the State Fire Marshal.
Section 104, Program 366, General Fund earmark for FY1997-98 only of $11,626,108 for the Nebraska Comprehensive Community Mental Health Services Act.
Section 104, Program 366, General Fund earmarks of $3,614,150 in both fiscal years, for emergency psychiatric services in the state and for amounts identified within earmark ($766,000 and $1,348,150) for both fiscal years for Regions V and VI.
Section 104, Program 366, General Fund earmarks of $424,025 in both fiscal years for mental health services provided by Douglas County Hospital.
Section 104, Program 366, General Fund earmarks of $2,000,000 for both fiscal years for carrying out the provisions of the federal Nursing Home Reform Act.
Section 104, Program 366, General Fund earmarks of $1,212,500 for both fiscal years for services for youth that are not Medicaid eligible and are at risk of becoming state wards to access mental health services.
Section 104, Program 366, General Fund earmark for FY1997-98 only, of

$2,500,000 for increased aid to community mental health programs.

Section 105, Program 424, Dept. of Health and Human Services Finance and Support, General and Federal Fund vetoes, for FY 1997-98 only, and associated General and Federal Fund aid earmarks for FY 1997-98 only.

Section 120, Program 197, Cash Fund vetoes to the State Electrical Board.

Section 127, Program 582, Cash Fund vetoes to the Board of Educational Lands and Funds.

Section 128, Program 162, Cash Fund and Salary Limit vetoes to Game & Parks Comm.

Section 129, Program 330, Cash Fund vetoes to Game and Parks Commission.

Section 132, Program 549, Cash Fund vetoes to Game and Parks Commission.

Section 140, Program 530, Cash Fund and Salary Limit vetoes to Worker's Compensation Court.

Section 142, Program 75, Cash Fund vetoes to the Brand Commission.

Section 143, Program 76, Cash Fund vetoes to the Motor Industry Licensing Board.

Section 144, Program 77, Cash Fund veto to the Real Estate Commission.

Section 145, Program 80, Cash Fund vetoes to the Barber Board of Examiners.

Section 159, Program 79, Cash Fund and Salary Limit vetoes, and related earmarks, to the Real Estate Appraiser Board.

Section 172, Program 381, Cash Fund vetoes to the Wheat Board.

Section 173, Program 335, Cash Fund vetoes to the Nebraska Oil and Gas Conservation Commission.

Section 174, Program 82, Cash Fund and Salary Limit veto to Engineers and Architects.

Section 178, Program 84, Cash Fund and Salary Limit vetoes to the Board of Public Accountancy.

Section 180, Program 189, Cash Fund veto to the Nebraska State Patrol.

Section 183, Program 205, Cash Fund vetoes to the Nebraska State Patrol.

Section 213, Program 326, Cash Fund vetoes to the Arts Council.

Section 220, Program 618, Cash Fund vetoes to the Dept. of Economic Development.

Section 222, Program 72, Cash Fund vetoes to the Power Review Board.

Section 223, Program 610, Cash Fund vetoes to the Nebraska Investment Council.

Section 229, Program 199, Cash Fund and Salary Limit vetoes to the Commission on Law Enforcement.

Section 239, Program 513, Cash Fund vetoes to Dept. of Environmental Quality.

Section 243, Program 41, Cash Fund vetoes to Public Employee's Retirement Bd.

Section 249, Program 384, Cash Fund vetoes to the Corn Board.

Section 252, Program 406, Cash Fund vetoes to the Grain Sorghum Board.

Section 17, Program 67, Probation Services, salary limit veto only for both FY1997-98 FY1998-99.

Section 42, Program 351, Vocational Rehabilitation, vetoes of general and federal funds.

(Signed) Kim M. Robak
President of the Legislature

MOTION - Override Line-Item Veto on LB 386

Mr. Chambers moved to override the Governor's line-item veto contained in LB 386, Section 56.

Mrs. Robak and Mr. Schmitt asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Chambers moved for a call of the house. The motion prevailed with 9 ayes, 0 nays, and 40 not voting.

Whereupon the President stated: "The question shall be, 'Shall that portion of the bill pass notwithstanding the line-item objections of the Governor?' "

Voting in the affirmative, 10:

Chambers
Coordsen
Crosby
Janssen
Lynch
Preister
Raikes
Schimek
Schrock
Wesely

Voting in the negative, 21:

Abboud
Beutler
Bohlke
Brashear
Bromm
Bruning
Hartnett
Hillman
Jensen
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Robinson
Stuhr
Tyson
Vrtiska
Wehrbein
Wickersham
Witek
Withem

Present and not voting, 12:

Brown
Cudaback
Dierks
Elmer
Hilgert
Hudkins
Kristensen
Matzke
Maurstad
Schellpeper
Suttle
Will

Excused and not voting, 6:

Engel
Jones
Kiel
Landis
Robak
Schmitt

Having failed to receive a constitutional three-fifths majority voting in the affirmative, that portion of the bill failed to pass notwithstanding the line-item objections of the Governor.

The Chair declared the call raised.

COMMUNICATION

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 485 with a certificate attached thereto signed by the President of the Legislature, certifying the passage of LB 485, notwithstanding the objections of the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

CERTIFICATE

Legislative Bill 485, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 12th day of June, 1997.

(Signed) Kim M. Robak
President of the Legislature

COMMUNICATIONS

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Nelson of LB 113 and LB 113A, and consistent with our rules, I am delivering the bills for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Nelson of LB 853A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Nelson of LB 485A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the veto by Governor Nelson of LB 588A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item veto by Governor Nelson of LB 229A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Nelson of LB 865A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Nelson of LB 384, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Nelson of LB 388, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item vetoes by Governor Nelson of LB 386, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item veto by Governor Nelson of LB 523A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

June 12, 1997

The Honorable Scott Moore
Secretary of State
2300 State Capitol
Lincoln, NE 68509

Dear Mr. Moore:

Inasmuch as the Legislature did not override the line-item veto by Governor Nelson of LB 875A, and consistent with our rules, I am delivering the bill for filing in the form and amounts as prescribed by the Governor.

Sincerely,
(Signed) Patrick J. O'Donnell
Clerk of the Legislature

PJO:r
Enc.

MOTION - Bracket LB 729

Mr. Beutler asked unanimous consent to bracket LB 729 until January 1, 1998.

Mr. Brashear objected.

Mr. Beutler moved to bracket LB 729 until January 1, 1998.

Messrs. Will and Tyson asked unanimous consent to be excused until they return. No objections. So ordered.

Mr. Beutler withdrew his motion to bracket.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 729.

A BILL FOR AN ACT relating to legal services for the indigent; to amend sections 29-3924 and 29-3927, Reissue Revised Statutes of Nebraska; to provide a system to provide civil legal services; to create a fund; to provide duties for the Commission on Public Advocacy; to harmonize provisions; to provide operative dates; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 32:

Bohlke
Brashear
Brown
Bruning
Coordsen
Crosby
Cudaback
Elmer
Hilgert
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Robinson
Schellpeper
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Withem

Voting in the negative, 5:

Abboud
Bromm
Chambers
Dierks
Raikes

Present and not voting, 7:

Beutler
Hartnett
Hillman
Matzke
Maurstad
Schimek
Witek

Excused and not voting, 5:

Engel
Landis
Robak
Schmitt
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 729A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 729, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 38:

Abboud
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Elmer
Hartnett
Hilgert
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 6:

Beutler
Cudaback
Dierks
Hillman
Lynch
Maurstad

Excused and not voting, 5:

Engel
Landis
Robak
Schmitt
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 829.

A BILL FOR AN ACT relating to the Protection from Domestic Abuse Act; to amend sections 42-901, 42-902, 42-918 to 42-923, and 42-927, Reissue Revised Statutes of Nebraska; to require an incident recording system and reports; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 40:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert

Hillman
Hudkins
Janssen
Jones
Kiel
Kristensen
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 4:

Jensen
Lynch
Robinson
Tyson

Excused and not voting, 5:

Engel
Landis
Robak
Schmitt
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 829A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 829, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 1:

Tyson

Excused and not voting, 5:

Engel
Landis
Robak
Schmitt
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 622 with 42 ayes, 1 nay, 1 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 622. With Emergency.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 2-3256, 21-2205, 39-1603, 39-2306, 43-248, 43-251, 43-277, 43-278, 43-2,108, 46-701, 48-224, 71-101, 71-147, 71-162, 71-1,235, 71-1,314, 71-201, 71-203, 71-208, 71-211.01, 71-212, 71-217, 71-219.01, 71-219.02, 71-219.04, 71-220.01, 71-223.01, 71-225, 71-227, 71-232, 71-245, 71-1564, 71-1903, 71-1913, 71-2017.01, 71-2021.01, 71-2601, 71-3101, 71-3102, 71-4629, 71-5305, 71-5311, 71-5832.01, 71-6801, 76-846, 76-881, 76-894, 81-502.01, 81-513, 81-8,126, 81-8,206, 81-8,240, 81-1201.08, 81-1609, and 81-2103, Reissue Revised Statutes of Nebraska, and sections 23-1901, 33-150, 43-245, 43-247, 43-250, 43-272.01, 43-284, 43-2,129, 81-1108.43, 81-1504, 81-15,155, 81-3003, 81-3009, and 81-3201, Revised Statutes Supplement, 1996; to adopt the Engineers and Architects Regulation Act; to provide for mental health placement for juveniles; to change a wage withholding provision for nonprofit health federations; to provide for provisional licensure and certification of certain professionals as prescribed; to provide an exemption from regulation for certain respiratory therapy techniques; to change licensure qualifications for mental health practitioners; to clarify licensing provisions for barber schools and barber shops; to provide and clarify fees; to transfer duties from the Department of Health and Human Services Regulation and Licensure to the Board of Barber Examiners; to make references to the Barber Act consistent; to eliminate and transfer health and sanitation inspection provisions; to change provisions and definitions relating to nursing home licensure; to redefine recreation camp; to change fees for recreation camps; to change utility and sanitary standards for mobile home parks; to require certain contract provisions; to change an operative date for the Clinical Laboratories Certification Act; to change provisions of the Nebraska Partnership for Health and Human Services Act; to provide for appointment of a chief medical officer; to eliminate regulation of and penalties for unlawful toys; to repeal the Nursing Incentive Act and provisions on engineers and architects; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 28-1430, 28-1431, 28-1433, 71-901 to 71-905, 71-1766 to 71-1771, and 81-839 to 81-856, Reissue Revised Statutes of Nebraska, and section 28-1432, Revised Statutes Supplement, 1996; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Preister
Raikes
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Chambers
Cudaback

Excused and not voting, 4:

Engel
Landis
Schmitt
Will

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Mr. Preister asked unanimous consent to be excused. No objections. So ordered.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 622A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 622, Ninety-fifth Legislature, First Session, 1997.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel

Kristensen
Lynch
Matzke
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robak
Robinson
Schellpeper
Schimek
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Witek
Withem

Voting in the negative, 0.

Present and not voting, 2:

Crosby
Maurstad

Excused and not voting, 5:

Engel
Landis
Preister
Schmitt
Will

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 710 with 37 ayes, 1 nay, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 710.

A BILL FOR AN ACT relating to school finance; to amend sections 79-1005, 79-1015, 79-1018, 79-1024, 79-1026, 79-1031, 79-1033, 79-1035, 79-1065, 79-1070, 79-1084, 79-1089, and 79-10,110, Reissue Revised Statutes of Nebraska, section 13-2304, Revised Statutes Supplement, 1996, sections 79-458, 79-611, and 79-1003, Reissue Revised Statutes of Nebraska, as amended by sections 22, 28, and 31, respectively, Legislative Bill 806, Ninety-fifth Legislature, First Session, 1997, section 79-1022, Reissue Revised Statutes of Nebraska, as amended by section 5, Legislative Bill 713, Ninety-fifth Legislature, First Session, 1997, and section 51, Legislative Bill 806, Ninety-fifth Legislature, First Session, 1997, section 79-1155, Reissue Revised Statutes of Nebraska, as amended by section 9, Legislative Bill 865, Ninety-fifth Legislature, First Session, 1997, section 9-812, Revised Statutes Supplement, 1996, as amended by section 1, Legislative Bill 118, Ninety-fifth Legislature, First Session, 1997, and sections 35, 36, 38, 50, and 54, Legislative Bill 806, Ninety-fifth Legislature, First Session, 1997; to change and eliminate provisions relating to adjusted valuation, county nonresident high school tuition funds, other actual receipts, withheld funds, growth percentages, repayments, distribution of funds, borrowing, publication, and a date; to provide duties; to change provisions relating to calculation and distribution of state aid; to provide for liability of boards as prescribed; to state intent; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 37:

Abboud
Beutler
Bohlke
Brashear
Brown
Bruning
Chambers
Crosby
Cudaback
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robak
Robinson
Schimek
Schrock
Suttle
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 7:

Bromm
Dierks
Schellpeper
Schmitt
Stuhr
Tyson
Vrtiska

Present and not voting, 2:

Coordsen
Hilgert

Excused and not voting, 3:

Engel
Landis
Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 132A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to the Auditor of Public Accounts as prescribed.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 41:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Chambers
Coordsen
Crosby
Cudaback
Elmer
Hartnett
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen

Lynch
Matzke
Maurstad
McKenzie
Pedersen, Dw.
Pederson, D.
Peterson, C.
Raikes
Robak
Robinson
Schimek
Schrock
Stuhr
Suttle
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 0.

Present and not voting, 5:

Dierks
Hilgert
Schellpeper
Schmitt
Tyson

Excused and not voting, 3:

Engel
Landis
Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 729, 729A, 829, 829A, 622, 622A, 710, and 132A.

MOTION - Return LB 364 to Select File

Mrs. Witek moved to return LB 364 to Select File for the following specific amendment:
FA444
Strike the enacting clause.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 5 nays, and 18 not voting.

The Witek motion to return failed with 5 ayes, 28 nays, 13 present and not voting, and 3 excused and not voting.

BILL ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 364 with 34 ayes, 1 nay, 11 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 364.

A BILL FOR AN ACT relating to crimes and punishment; to amend sections 28-105, 28-201, 28-306, 28-309, 28-314, 28-386, 28-416, 28-904, 28-931, 28-931.01, 28-932, 29-2204, 29-2279, and 60-6,198, Reissue Revised Statutes of Nebraska, and sections 28-320.01, 28-707, 47-616, 83-182.01, 83-1,107, 83-1,135, and 83-4,114.01, Revised Statutes Supplement, 1996; to create the classification Class IIIA felony; to change the classification Class IV felony; to reclassify offenses; to change sentencing and good time provisions; to harmonize provisions; to provide an operative date; and to repeal the original sections.

Mrs. Witek requested a roll call vote.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 27:

Beutler
Bohlke
Brashear
Brown
Bruning
Chambers
Coordsen
Elmer
Hartnett
Hilgert
Hillman
Kiel
Lynch
Matzke
Maurstad
McKenzie
Raikes
Robak
Robinson
Schimek
Schmitt
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Withem

Voting in the negative, 18:

Abboud
Bromm
Crosby
Cudaback
Dierks
Hudkins
Janssen
Jensen
Jones
Kristensen
Pederson, D.
Peterson, C.
Schellpeper
Schrock
Stuhr
Suttle
Tyson
Witek

Present and not voting, 1:

Pedersen, Dw.

Excused and not voting, 3:

Engel
Landis
Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

MOTION - Return LB 150 to Select File

Mr. Dw. Pedersen moved to return LB 150 to Select File for the following specific amendment:

FA445
Strike the enacting clause.

Mr. Dw. Pedersen withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 150. With Emergency.

A BILL FOR AN ACT relating to the Department of Correctional Services; to authorize construction of a medium-maximum security adult correctional facility; to appropriate funds for the facility, for staffing and operations of modular housing units, and for the Community Corrections Program; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 43:

Abboud
Beutler
Bohlke
Brashear
Bromm
Brown
Bruning
Coordsen
Crosby
Cudaback
Dierks
Elmer
Hartnett
Hilgert
Hillman
Hudkins
Janssen
Jensen
Jones
Kiel
Kristensen
Lynch
Matzke
Maurstad
McKenzie
Pederson, D.
Peterson, C.
Raikes
Robak
Robinson
Schimek
Schmitt
Schrock
Stuhr
Suttle
Tyson
Vrtiska
Wehrbein
Wesely
Wickersham
Will
Witek
Withem

Voting in the negative, 2:

Chambers
Pedersen, Dw.

Present and not voting, 1:

Schellpeper

Excused and not voting, 3:

Engel
Landis
Preister

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following bills: LBs 364 and 150.

SELECT FILE

LEGISLATIVE BILL 102. E & R amendment, AM7179, found in this day's Journal, was adopted.

Advanced to E & R for engrossment.

UNANIMOUS CONSENT - Members Excused

Mmes. Hillman, Robak, and Mr. Robinson asked unanimous consent to be excused. No objections. So ordered.

MOTION - Overrule Agenda

Mr. Withem moved to change the Speaker's Agenda by removing LRs 294, 37, 53, 295, 108, and 300 from today's agenda.

Mr. Will moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

The Withem motion to overrule the agenda prevailed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

SELECT COMMITTEE REPORT
Enrollment and Review

Correctly Engrossed

The following bill was correctly engrossed: LB 102.

(Signed) Jon C. Bruning, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Mr. Landis asked unanimous consent to have his name added as cointroducer to LB 182A. No objections. So ordered.

Mr. Elmer asked unanimous consent to have his name added as cointroducer to LR 188. No objections. So ordered.

WITHDRAW - Cointroducer

Mr. Elmer withdrew his name as cointroducer to LR 88.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 12, 1997, at 7:40 p.m., were the following bills: LBs 729, 729A, 829, 829A, 622, 622A, 710, 132A, 364, and 150.

(Signed) Rosie Ziems
Clerk of the Legislature's Office

MOTION - Notify Governor

Ms. Schimek moved that a committee of five be appointed to notify the Governor that the Ninety-Fifth Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Mmes. Kiel, Suttle, Messrs. Beutler, Schmitt, and Raikes to serve on said committee.

The Committee returned and escorted Governor Ben Nelson to the rostrum where he delivered a message to the members.

The Committee escorted the Governor from the Chamber.

MOTION - Journal, Session Laws, and Index

Mr. Brashear moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

VISITORS

Visitors to the Chamber were former Senator Tom Fitzgerald from Omaha; and Jaclyn Wilson from Rushville.

The Doctor of the Day was David Filipi from Omaha.

MOTION - Adjourn Sine Die

Mr. Dierks moved that the Journal for the Ninetieth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Fifth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 7:55 p.m., adjourn sine die.

Patrick J. O'Donnell
Clerk of the Legislature

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

RECEIVED AFTER ADJOURNMENT

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE
FIRST SESSION

CORRECTIONS FOR THE JOURNAL

Page 2699, corrected message from the Governor on LB 588A.
On line 16, strike "with my veto." and insert "with a specific line item reduction."
The Journal for the ninetieth day was approved as corrected.

MESSAGE FROM THE SECRETARY OF STATE

June 12, 1997

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to acknowledge I have received on June 12, 1997, LB 389, your cover letter dated June 12, 1997, and a Certificate signed by Kim Robak, President of the Legislature, the contents of which are as follows:

Legislative Bill 389, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by constitutional majority has overridden said line-item vetoes, as follows:

Section 26, Program 51, Cash Fund vetoes to the Secretary of State.
Section 27, Program 53, Cash Fund vetoes to the Secretary of State.
Section 28, Program 86, Revolving Fund vetoes to the Secretary of State.
Section 31, Program 525, Cash Fund vetoes to the Auditor of Public Accounts.
Section 40, Program 25, Cash Fund vetoes and Cash Fund aid earmarks to the State Department of Education.
Section 46, Program 614, Cash Fund vetoes to the State Department of Education.
Section 50, Program 64, Cash Fund vetoes to the Public Service Commission.
Section 52, Program 102, Cash Fund veto to the Department of Revenue.

Section 56, Program 160, Cash Fund vetoes to the Department of Revenue.
Section 62, Program 27, Cash Fund vetoes to the Department of Agriculture.
Section 63, Program 56, Cash Fund vetoes to the Department of Agriculture.
Section 65, Program 61, Cash Fund vetoes to the Department of Agriculture.
Section 67, Program 333, Cash Fund veto to the Department of Agriculture.
Section 68, Program 382, Cash Fund vetoes to the Department of Agriculture.
Section 69, Program 385, Cash Fund vetoes to the Department of Agriculture.
Section 70, Program 387, Cash Fund vetoes to the Department of Agriculture.
Section 72, Program 65, Cash Fund vetoes to the Department of Banking and Finance.
Section 73, Program 66, Cash Fund vetoes to the Department of Banking and Finance.
Section 76, Program 193, Cash Fund veto to the State Fire Marshal.
Section 104, Program 366, General Fund earmark for FY1997-98 only of $11,626,108 for the Nebraska Comprehensive Community Mental Health Services Act.
Section 104, Program 366, General Fund earmarks of $3,614,150 in both fiscal years, for emergency psychiatric services in the state and for amounts identified within earmark ($766,000 and $1,348,150) for both fiscal years for Regions V and VI.
Section 104, Program 366, General Fund earmarks of $424,025 in both fiscal years for mental health services provided by Douglas County Hospital.
Section 104, Program 366, General Fund earmarks of $2,000,000 for both fiscal years for carrying out the provisions of the federal Nursing Home Reform Act.
Section 104, Program 366, General Fund earmarks of $1,212,500 for both fiscal years for services for youth that are not Medicaid eligible and are at risk of becoming state wards to access mental health services.
Section 104, Program 366, General Fund earmark for FY1997-98 only, of $2,500,000 for increased aid to community mental health programs.
Section 105, Program 424, Department of Health and Human Services Finance and Support, General and Federal Fund vetoes, for FY1997-98 only, and associated General and Federal Fund aid earmarks for FY1997-98 only.
Section 120, Program 197, Cash Fund vetoes to the State Electrical Board.
Section 127, Program 582, Cash Fund vetoes to the Board of Educational Lands and Funds.
Section 128, Program 162, Cash Fund and Salary Limit vetoes to the Game and Parks Commission.
Section 129, Program 330, Cash Fund vetoes to the Game and Parks Commission.
Section 132, Program 549, Cash Fund vetoes to the Game and Parks Commission.
Section 140, Program 530, Cash Fund and Salary Limit vetoes to the Worker's Compensation Court.
Section 142, Program 75, Cash Fund vetoes to the Brand Commission.

Section 143, Program 76, Cash Fund vetoes to the Motor Industry Licensing Board.
Section 144, Program 77, Cash Fund veto to the Real Estate Commission.
Section 145, Program 80, Cash Fund vetoes to the Barber Board of Examiners.
Section 159, Program 79, Cash Fund and Salary Limit vetoes, and related earmarks, to the Real Estate Appraiser Board.
Section 172, Program 381, Cash Fund vetoes to the Wheat Board.
Section 173, Program 335, Cash Fund vetoes to the Nebraska Oil and Gas Conservation Commission.
Section 174, Program 82, Cash Fund and Salary Limit veto to Engineers and Architects.
Section 178, Program 84, Cash Fund and Salary Limit vetoes to the Board of Public Accountancy.
Section 180, Program 189, Cash Fund veto to the Nebraska State Patrol.
Section 183, Program 205, Cash Fund vetoes to the Nebraska State Patrol.
Section 213, Program 326, Cash Fund vetoes to the Arts Council.
Section 220, Program 618, Cash Fund vetoes to the Department of Economic Development.
Section 222, Program 72, Cash Fund vetoes to the Power Review Board.
Section 223, Program 610, Cash Fund vetoes to the Nebraska Investment Council.
Section 229, Program 199, Cash Fund and Salary Limit vetoes to the Commission on Law Enforcement.
Section 239, Program 513, Cash Fund vetoes to the Department of Environmental Quality.
Section 243, Program 41, Cash Fund vetoes to the Public Employee's Retirement Board.
Section 249, Program 384, Cash Fund vetoes to the Corn Board.
Section 252, Program 406, Cash Fund vetoes to the Grain Sorghum Board.
Section 17, Program 67, Probation Services, salary limit veto only for both FY1997-98 and FY1998-99.
Section 42, Program 351, Vocational Rehabilitation, vetoes of general and federal funds.

Furthermore, I hereby acknowledge that LB 389, cover letter, certificate, and a copy of the Governor's message have all been filed in this office as a matter of record.

Sincerely,
(Signed) Scott Moore
Secretary of State

dk

CERTIFICATE

STATE OF NEBRASKA

United States of America,)

) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that LB 389, having been returned by the Governor with his signature, but with certain items therein line-item vetoed, the Legislature by a Constitutional majority has overridden said line-item vetoes for FY1997-98 only, as follows:

Section 26, Program 51, Cash Fund vetoes to the Secretary of State.
Section 27, Program 53, Cash Fund vetoes to the Secretary of State.
Section 28, Program 86, Revolving Fund vetoes to the Secretary of State.
Section 31, Program 525, Cash Fund vetoes to the Auditor of Public Accounts.
Section 40, Program 25, Cash Fund vetoes and Cash Fund aid earmarks to the State Department of Education.
Section 46, Program 614, Cash Fund vetoes to the State Department of Education
Section 50, Program 64, Cash Fund vetoes to the Public Service Commission.
Section 52, Program 102, Cash Fund veto to the Department of Revenue.
Section 56, Program 160, Cash Fund vetoes to the Department of Revenue.
Section 62, Program 27, Cash Fund vetoes to the Department of Agriculture.
Section 63, Program 56, Cash Fund vetoes to the Department of Agriculture.
Section 65, Program 61, Cash Fund vetoes to the Department of Agriculture.
Section 67, Program 333, Cash Fund veto to the Department of Agriculture.
Section 68, Program 382, Cash Fund vetoes to the Department of Agriculture.
Section 69, Program 385, Cash Fund vetoes to the Department of Agriculture.
Section 70, Program 387, Cash Fund vetoes to the Department of Agriculture.
Section 72, Program 65, Cash Fund vetoes to the Department of Banking and Finance.
Section 73, Program 66, Cash Fund vetoes to the Department of Banking and Finance.
Section 76, Program 193, Cash Fund veto to the State Fire Marshal.
Section 104, Program 366, General Fund earmark for FY1997-98 only of $11,626,108 for the Nebraska Comprehensive Community Mental Health Services Act.
Section 104, Program 366, General Fund earmarks of $3,614,150 in both fiscal years, for emergency psychiatric services in the state and for amounts identified within earmark ($766,000 and $1,348,150) for both fiscal years for Regions V and VI.
Section 104, Program 366, General Fund earmarks of $424,025 in both fiscal years for mental health services provided by Douglas County Hospital.
Section 104, Program 366, General Fund earmarks of $2,000,000 for both fiscal years for carrying out the provisions of the federal Nursing Home Reform Act.

Section 104, Program 366, General Fund earmarks of $1,212,500 for both fiscal years for services for youth that are not Medicaid eligible and are at risk of becoming state wards to access mental health services.
Section 104, Program 366, General Fund earmark for FY1997-98 only, of $2,500,000 for increased aid to community mental health programs.
Section 105, Program 424, Department of Health and Human Services Finance and Support, General and Federal Fund vetoes, for FY1997-98 only, and associated General and Federal Fund aid earmarks for FY1997-98 only.
Section 120, Program 197, Cash Fund vetoes to the State Electrical Board.
Section 127, Program 582, Cash Fund vetoes to the Board of Educational Lands and Funds.
Section 128, Program 162, Cash Fund and Salary Limit vetoes to the Game and Parks Commission.
Section 129, Program 330, Cash Fund vetoes to the Game and Parks Commission.
Section 132, Program 549, Cash Fund vetoes to the Game and Parks Commission.
Section 140, Program 530, Cash Fund and Salary Limit vetoes to the Worker's Compensation Court.
Section 142, Program 75, Cash Fund vetoes to the Brand Commission.
Section 143, Program 76, Cash Fund vetoes to the Motor Industry Licensing Board.
Section 144, Program 77, Cash Fund veto to the Real Estate Commission.
Section 145, Program 80, Cash Fund vetoes to the Barber Board of Examiners.
Section 159, Program 79, Cash Fund and Salary Limit vetoes, and related earmarks, to the Real Estate Appraiser Board.
Section 172, Program 381, Cash Fund vetoes to the Wheat Board.
Section 173, Program 335, Cash Fund vetoes to the Nebraska Oil and Gas Conservation Commission.
Section 174, Program 82, Cash Fund and Salary Limit veto to Engineers and Architects.
Section 178, Program 84, Cash Fund and Salary Limit vetoes to the Board of Public Accountancy.
Section 180, Program 189, Cash Fund veto to the Nebraska State Patrol.
Section 183, Program 205, Cash Fund vetoes to the Nebraska State Patrol.
Section 213, Program 326, Cash Fund vetoes to the Arts Council.
Section 220, Program 618, Cash Fund vetoes to the Department of Economic Development.
Section 222, Program 72, Cash Fund vetoes to the Power Review Board.
Section 223, Program 610, Cash Fund vetoes to the Nebraska Investment Council.
Section 229, Program 199, Cash Fund and Salary Limit vetoes to the Commission on Law Enforcement.
Section 239, Program 513, Cash Fund vetoes to the Department of Environmental Quality.
Section 243, Program 41, Cash Fund vetoes to the Public Employee's Retirement Board.

Section 249, Program 384, Cash Fund vetoes to the Corn Board.
Section 252, Program 406, Cash Fund vetoes to the Grain Sorghum Board.
Section 17, Program 67, Probation Services, salary limit veto only for both FY1997-98 and FY1998-99.
Section 42, Program 351, Vocational Rehabilitation, vetoes of general and federal funds.

Further, I hereby certify that LB 389 was filed in the office of the Secretary of State on June 12, 1997, along with the cover letter from the Clerk, the certificate of Kim Robak, President of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of the Secretary of State and made a matter of public record.

NOTHING FURTHER IS CERTIFIED

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Twelfth day of June in the year of our Lord, one thousand nine hundred and ninety-seven.

(SEAL) Scott Moore, Secretary of State

MESSAGE FROM THE SECRETARY OF STATE

June 12, 1997

Mr. Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

This letter is to acknowledge I have received on June 12, 1997, LB 485, your cover letter dated June 12, 1997, and a Certificate signed by Kim Robak, President of the Legislature, the contents of which are as follows:

Legislative Bill 485, having been returned by the Governor with his objections hereto, and after reconsideration having passed the Legislature by constitutional majority, it has become law this 12th day of June, 1997.

Furthermore, I hereby acknowledge that LB 485, cover letter, certificate, and a copy of the Governor's message have all been filed in this office as a matter of record.

Sincerely,

(Signed) Scott Moore
Secretary of State

dk

CERTIFICATE

STATE OF NEBRASKA

United States of America,)
) ss. Department of State
State of Nebraska)

I, Scott Moore, Secretary of State of the State of Nebraska do hereby certify that Legislative Bill 485, having been returned by the Governor with his objections hereto, and after reconsideration having passed the Legislature by constitutional majority, it has become law this 12th day of June, 1997.

Further, I hereby certify that LB 485 was filed in the office of the Secretary of State on June 12, 1997, along with the cover letter from the Clerk, the certificate of Kim Robak, President of the Legislature and a copy of the Governor's message.

Finally, I hereby certify that all documents herein certified to have been filed in the office of the Secretary of State and made a matter of public record.

NOTHING FURTHER IS CERTIFIED

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Twelfth day of June in the year of our Lord, one thousand nine hundred and ninety-seven.

(SEAL) Scott Moore, Secretary of State

REPORT OF THE EXECUTIVE BOARD

1997 Resolution calling for an Interim Study

LR 301 Interim study of the process of legislative confirmation of gubernatorial appointments
Executive Board

(Signed) George Coordsen, Chairperson
Legislative Council
Executive Board

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on final passage of LBs 729, 829, 622, 710, 364, and 150.

Had I been present, I would have voted "aye" on the motion of the Appropriations Committee to override the veto in LB 389.

(Signed) Pat Engel

MESSAGE FROM THE GOVERNOR

June 16, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 729, 729A, 829, 829A, 622, 622A, 710, 132A, and 150 were received in my office on June 12, 1997.

These bills were signed by me on June 16, 1997, and delivered to the Secretary of State.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

REPORTS

The following reports were received by the Legislature:

Agriculture, Department of
  Part II, Grade A Pasteurized Milk Ordinance - 1978, Recommendations of the U.S. Public Health Service/Food and Drug Administration, 1995 Revision
  Grade A Condensed and Dry Milk Products and Condensed and Dry Whey, Supplement I to the Grade A Pasteurized Milk Ordinance, 1995 Revision
  Standards for the Fabrication of Single Service Containers and Closures for Milk and Milk Products, 1995 Revision
  Evaluation of Milk Laboratories, 1995 Revision, as referenced in the Pasteurized Milk Ordinance
  Methods of Making Sanitary Ratings of Milk Supplies, as it existed on January 1, 1997, (1995 Revision)
  Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers, as it existed on January 1, 1997, (1995 Revision)

Health and Human Services System

Office of the System Advocate Report regarding contacts

Roads, Department of
Highway Cash Fund and Roads Operation Cash Fund for May 1997

MESSAGE FROM THE GOVERNOR

June 17. 1997

Madam President, Mr. Speaker,
and Members of the Legislature
State Capitol Building
Lincoln, Nebraska 68509

Dear Madam President and Senators:

I have signed LB 364.

As you know, this bill came about under somewhat unusual circumstances in the waning days of the session. Such a scenario can prevent full and adequate discussion and analysis, create misunderstandings such as assumptions of a quid pro quo, and may foster an imprecise knowledge of how the bill will function once it is implemented. It was for that reason I insisted on a one-year delay of implementation date.

The delayed implementation should be a time to further examine this bill. In that regard, Senator Brashear has agreed to establish a committee of interested parties to conduct a serious and meaningful review of the bill and to make, if necessary, recommendations for legislation to correct any unforeseen consequences. Among the issues that need review are the practical effects on plea bargaining, the impact and cost to local jails, and appropriate classification of certain offenses.

The bill creates a new class of offenders, Class IIIA, who have committed crimes against persons. Class IIIA offenders have been moved from Class IV, a lesser penalty classification, to this new classification where they will not qualify for the earlier parole eligibility being granted to some Class IV offenders. Additionally, this bill makes necessary changes to ensure that offenders "earn" positive time rather than be "awarded" good time as was the case prior to the Safe Streets Act of 1995. This provision implements the "positive" provisions as intended under the 1995 act.

I do not support the early release of inmates for the sole purpose of saving taxpayer money. I recognize the effort put forth by the Legislature to deal with the need for prison construction. And while we must be economical with the taxpayers' money, we must also be sure that this does not result in the release of the wrong people at the expense of public safety.

Dealing with issues involving crime and punishment is unfortunately a never-ending task, but one that we must always stand ready to tackle with the goal of protecting our citizens from criminals, most importantly those who would repeat their criminal activity and who feel they can do violent harm to our citizens with impunity. I believe this bill intends to further move us in that direction. The one-year delayed implementation gives the

Legislature an opportunity to ensure it does.

Sincerely,
(Signed) E. Benjamin Nelson
Governor

COMMUNICATION

June 5, 1997

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 269 and 269A were received in my office on May 30, 1997. They were signed by me on June 5, 1997, and delivered to the Secretary of State.

I believe it important to note that these bills were developed by the Legislature's Revenue Committee under the leadership of the late-Senator Jerome Warner and that LB 269 was designated a personal priority bill by Senator Warner.

This bill makes a number of important changes related to property taxes and spending by local governments, including the establishment of the Municipal Equalization Fund. It also reaffirms the commitment to the concepts of LB 1114. This commitment is highlighted by the bill's provisions regarding community colleges.

LB 269 not only sets realistic levy limits for community colleges, but it also specifies that state government will support those community colleges unable to raise 40 percent of their budgets from property taxes, and establishes an equalization formula to ensure adequate funding for all of Nebraska's six community colleges. This bill provides property tax relief, together with the State's commitment to stability and excellence in this important segment of our higher education system.

This bill is only one of many initiatives authored by Senator Warner during his 35 years as a member of the Nebraska Legislature. He was a genuine leader for all Nebraskans, a legislative problem-solver and a man whose fairness, wisdom, honesty and integrity helped to shape the State to which he dedicated his life.

His legacy is one of action, not only in the area of taxation policies, but also in the establishment of a program for state aid to schools; in the growth of educational opportunities in Nebraska's university system; in the development our state's highway planning and construction process; and in providing property tax relief to Nebraskans while maintaining local control.

In building this record, Senator Warner used few words to make his point. Instead, he relied on listening to others, studying the issues, debating the merits and avoiding political games. It is a measure of the greatness of this quiet, simple farmer that both those who called him friend and those that did not know him well thought him a decent, fine man.

It is with honor and pride that I take this opportunity to sign the final priority bill authored during the distinguished career of our friend and fellow Nebraskan, Jerome Warner. In Senator Warner's own words, "I guess we're done now."

Sincerely,
(Signed) E. Benjamin Nelson
Governor

CERTIFICATE

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies of letters provided concerning action on bills and resolutions after adjournment of the Ninety-Fifth Legislature, First Session, and other correspondence.

Patrick J. O'Donnell
Clerk of the Legislature

June 18, 1997
Lincoln, Nebraska

INDEXES FOR

LEGISLATIVE JOURNAL

NINETY-FIFTH LEGISLATURE

FIRST SESSION

1997

CONTENTS

1997 Chronology of Bills 2765
1997 Chronology of Resolutions Referred to Committee 3029
1997 Introducers of Bills and Resolutions Referred to Committee
  By Senators 3045
  By Committees 3146
1997 Bills and Resolutions Heard by Committees 3149
1997 Summary of Legislation 3154
1997 General Index 3161
1997 Subject Index
  to Bills and Resolutions Referred to Committee 1-158
1997 Section Index 1-36
1997 Subject Index to Resolutions 1-39

Compiled by

PATRICK J. O'DONNELL

Clerk of the Legislature

CHRONOLOGY OF BILLS

NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

LEGISLATIVE BILL 1. By Executive Board

Jan.	9	Read first time	105
Jan.	13	Placed on General File	180
Jan.	14	Advanced for Review	220
Jan.	16	Placed on Select File	288
Jan.	17	Advanced for Engrossment	301
Jan.	22	Correctly Engrossed	383
Feb.	6	Final Reading 37-0-12	525
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 2. By Executive Board

Jan.	9	Read first time	105
Jan.	13	Placed on General File	180
Jan.	14	Advanced for Review	220
Jan.	16	Placed on Select File	288
Jan.	17	Advanced for Engrossment	301
Jan.	22	Correctly Engrossed	383
Feb.	6	Final Reading w/E 36-0-13	525
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 3. By Executive Board

Jan.	9	Read first time	105
Jan.	13	Placed on General File	181
Jan.	14	Advanced for Review	220
Jan.	16	Placed on Select File - AM7000	288
Jan.	17	AM7000 (E & R) adopted. Advanced for Engrossment	301
Jan.	22	Correctly Engrossed	383
Feb.	6	Final Reading 41-0-8	526
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 4. By Executive Board

Jan.	9	Read first time	105
Jan.	13	Placed on General File	181
Jan.	14	Advanced for Review	221
Jan.	16	Placed on Select File	288
Jan.	17	Advanced for Engrossment	301
Jan.	22	Correctly Engrossed	383
Feb.	6	Final Reading 40-0-9	527
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 5. By Executive Board

Jan.	9	Read first time	106
Jan.	13	Placed on General File	181
Jan.	14	Advanced for Review	221
Jan.	16	Placed on Select File	288
Jan.	17	Advanced for Engrossment	302
Jan.	22	Correctly Engrossed	383
Feb.	6	Final Reading 42-0-7	528
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 6. By Coordsen

Jan.	9	Read first time	106
Jan.	13	Referred to Committee on Agriculture	181
Jan.	14	Notice of hearing (1/21)	233
Jan.	22	Placed on General File	409
Jan.	23	Advanced for Review	422
Jan.	27	Placed on Select File	436
Jan.	28	Advanced for Engrossment	456
Jan.	29	Correctly Engrossed	473
Feb.	6	Final Reading 41-0-8	528
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 7. By Coordsen

Jan.	9	Read first time	106
Jan.	13	Referred to Committee on Judiciary	181
Jan.	17	Notice of hearing (1/24)	318
Feb.	4	Indefinitely postponed	510

LEGISLATIVE BILL 8. By Coordsen

Jan.	9	Read first time	106
Jan.	13	Referred to Committee on Judiciary	181
Jan.	17	Notice of hearing (1/24)	318
Feb.	4	Indefinitely postponed	510

LEGISLATIVE BILL 9. By Coordsen

Jan.	9	Read first time	106
Jan.	13	Referred to Committee on Transportation	181
Jan.	14	Notice of hearing (1/21)	233
Jan.	23	Placed on General File - Com AM0016	417
Jan.	24	Committee AM0016 p. 417 adopted. Advanced for Review	426
Jan.	27	Placed on Select File	441
Jan.	28	Advanced for Engrossment	456
Jan.	29	Correctly Engrossed	473
Feb.	6	Final Reading 42-0-7	529
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 10. By Coordsen

Jan.	9	Read first time	106
Jan.	13	Referred to Committee on Transportation	181
Jan.	14	Notice of hearing (1/21)	233
Jan.	23	Placed on General File - Com AM0017	417
Jan.	24	Committee AM0017 p. 417 adopted. Advanced for Review	426
Jan.	27	Placed on Select File - AM7006	441
Jan.	28	AM7006 (E & R) adopted. Advanced for Engrossment	456
Jan.	29	Correctly Engrossed	473
Apr.	16	Final Reading 38-0-11	1545
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Governor (4/16)	1563
Apr.	22	Approved by Governor (4/21)	1632

LEGISLATIVE BILL 10A. By Coordsen

Jan.	29	Read first time. Placed on General File	471
Feb.	4	Advanced for Review	501
Feb.	5	Placed on Select File	520
Feb.	6	Advanced for Engrossment	536
Feb.	10	Correctly Engrossed	560
Apr.	16	Final Reading 37-0-12	1546

Apr.	16	Speaker signed	1560
Apr.	16	Presented to Governor (4/16)	1563
Apr.	22	Approved by Governor (4/21)	1632

LEGISLATIVE BILL 11. By Coordsen

Jan.	9	Read first time	107
Jan.	13	Referred to Committee on Agriculture	181
Jan.	24	Notice of hearing (2/4)	427
Feb.	5	Placed on General File	520
Feb.	13	Advanced for Review	624
Feb.	18	Placed on Select File	652
Feb.	24	Advanced for Engrossment	745
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading 35-0-14	949
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 12. By Warner

Jan.	9	Read first time	107
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	181
Jan.	15	Notice of hearing (1/23)	264
Jan.	24	Indefinitely postponed	429

LEGISLATIVE BILL 13. By Warner

Jan.	9	Read first time	107
Jan.	13	Referred to Committee on Education	181
Jan.	14	Notice of hearing (1/21)	232
Jan.	22	Placed on General File	372
Jan.	23	Advanced for Review	416
Jan.	27	Placed on Select File	435
Jan.	28	Advanced for Engrossment	455
Jan.	29	Correctly Engrossed	473
Feb.	6	Final Reading 42-0-7	530
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 14. By Warner

Jan.	9	Read first time	107
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	181
Jan.	15	Notice of hearing (1/23)	264

Apr.	1	Placed on General File - Com AM1246	1292
Apr.	11	Withem name added	1489

LEGISLATIVE BILL 15. By Landis

Jan.	9	Read first time	107
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	181
Jan.	15	Notice of hearing (1/22)	264
Jan.	21	Landis AM0005 printed	351
Jan.	29	Placed on General File - Com AM0123	465
Feb.	5	Committee AM0123 p. 465 adopted. Landis pending AM0005 p. 351 withdrawn. Advanced for Review	519
Feb.	7	Placed on Select File - AM7023	546
Feb.	20	AM7023 (E & R) adopted. Advanced for Engrossment	694
Feb.	25	Correctly Engrossed	763
Mar.	4	Final Reading 34-0-15	853
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 16. By Landis

Jan.	9	Read first time	107
Jan.	13	Referred to Committee on Revenue	181
Jan.	15	Notice of hearing (1/22)	278
Jan.	27	Placed on General File	439
Jan.	28	Advanced for Review	456
Jan.	29	Placed on Select File	462
Feb.	6	Advanced for Engrossment	538
Feb.	10	Correctly Engrossed	560
Feb.	12	Final Reading 32-0-17	597
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 17. By Landis

Jan.	9	Read first time	107
Jan.	13	Referred to Committee on General Affairs	181
Jan.	30	Notice of hearing (2/10)	485
Feb.	26	Indefinitely postponed	789

LEGISLATIVE BILL 18. By Landis

Jan.	9	Read first time	108
Jan.	13	Referred to Committee on Judiciary	181

Jan.	16	Notice of hearing (1/23)	288
Jan.	27	Placed on General File - Com AM0021	440
Jan.	30	Committee AM0021 p. 440 adopted. Advanced for Review	490
Feb.	4	Placed on Select File - AM7013	497
Feb.	6	AM7013 (E & R) adopted. Advanced for Engrossment	539
Feb.	11	Correctly Engrossed	580
Feb.	24	Final Reading 34-0-15	726
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 19. By Landis

Jan.	9	Read first time	108
Jan.	13	Referred to Committee on Natural Resources	181
Jan.	16	Notice of hearing (1/23)	297
Jan.	24	Placed on General File - Com AM0034	429
Jan.	28	Committee AM0034 p. 429 adopted. Advanced for Review	454
Jan.	29	Placed on Select File - AM7010	462
Feb.	6	AM7010 (E & R) adopted. Robak FA17 adopted. Advanced for Engrossment	537
Feb.	10	Correctly Engrossed	560
Feb.	10	ER9002 change	561
Feb.	12	Final Reading w/E 36-0-13	598
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

(Provisions/portions of LB 735 amended into LB 19 by FA 17)

LEGISLATIVE BILL 20. By Landis

Jan.	9	Read first time	108
Jan.	13	Referred to Committee on Revenue	181
Feb.	4	Notice of hearing (2/13)	507

LEGISLATIVE BILL 21. By Cudaback

Jan.	9	Read first time	108
Jan.	13	Referred to Committee on Transportation	181
Jan.	14	Notice of hearing (1/21)	233
Jan.	23	Placed on General File - Com AM0011	417
Jan.	24	Committee AM0011 p. 417 adopted. Advanced for Review	426
Jan.	27	Placed on Select File - AM7004	441
Jan.	28	AM7004 (E & R) adopted.	

	Advanced for Engrossment	456
Jan. 29	Correctly Engrossed	473
Feb. 6	Final Reading w/E 41-0-8	530
Feb. 6	President signed	540
Feb. 6	Presented to Governor (2/6)	543
Feb. 10	Approved by Governor (2/10)	566
Feb 18	Correction	634

LEGISLATIVE BILL 22. By Cudaback, Schrock

Jan. 9	Read first time	108
Jan. 13	Referred to Committee on Transportation	181
Jan. 14	Notice of hearing (1/21)	233
Jan. 22	Placed on General File	364
Jan. 23	Advanced for Review	416
Jan. 27	Placed on Select File	435
Jan. 28	Advanced for Engrossment	455
Jan. 29	Correctly Engrossed	473
Feb. 6	Final Reading 41-0-8	531
Feb. 6	President signed	540
Feb. 6	Presented to Governor (2/6)	543
Feb. 10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 23. By Maurstad

Jan. 9	Read first time	108
Jan. 10	Bruning name added	179
Jan. 13	Referred to Committee on Judiciary	181
Jan. 14	Vrtiska, Hartnett, Jones, Preister, and Schrock names added	253
Jan. 15	Robak and Tyson names added	279
Jan. 30	Notice of hearing (2/12)	487
Feb. 24	Dw. Pedersen name added	761
Mar. 4	Placed on General File - Com AM0748	880
Mar. 4	Witek, Stuhr, Hilgert, Jensen names added	894
Mar. 5	Wehrbein, Dierks, Elmer, Schmitt, D. Pederson, Robinson, Bromm, Brashear, Crosby, and Hudkins names added	913
Mar. 6	Engel and C. Peterson names added	939
Mar. 11	Maurstad priority bill	1011
Mar. 11	Coordsen name added	1012
Mar. 19	McKenzie name added	1120
Apr. 10	Brown AM1394 to AM0748 printed	1469
Apr. 11	Brown pending AM1394 p. 1469 withdrawn. Committee AM0748 p. 880 adopted. Advanced for Review	1483
Apr. 11	Kiel FA161 printed	1483
Apr. 16	Placed on Select File - AM7133	1564
May 12	AM7133 (E & R) adopted. Brown request to	

		substitute amendment prevailed. Brown reoffered AM1394 p. 1469 withdrawn. Brown substitute FA249 adopted. Kiel pending FA161 p. 1483 withdrawn. Landis AM2065 and Schimek AM1966 lost. Chambers FA251 pending	1898
May	12	Kiel AM1968 printed	1903
May	12	Chambers FA252 printed	1903
May	14	Chambers pending FA251 p. 1901 lost. Kiel pending AM1968 p. 1903 pending	1978
May	14	Wesely FA322 printed	1982
May	20	Maurstad request to substitute Kiel amendment prevailed. Kiel AM1968 p. 1903 withdrawn. Maurstad-Hilgert-Brown-Witek substitute AM2325 sustained division of question. Maurstad et al FA358 (1st) adopted. Maurstad et al FA359 (2nd) sustained division of question. Maurstad et al FA360 (1st) adopted. Maurstad et al FA361 (2nd) adopted. Chambers pending FA252 p. 1903 lost	2157
May	20	Wesely FA322 p. 1982 withdrawn. Maurstad motion to invoke cloture prevailed. Wesely AM2342 lost. Advanced for Engrossment	2173
May	21	Chambers FA363 and motion to bracket until 6/6/97 printed. Chambers AM2349, AM2350, AM2351, AM2352, AM2353, and AM2354 printed	2200
May	27	Correctly Engrossed. ER9076 change	2322
May	27	Maurstad FA382 printed	2328
May	30	Maurstad motion to suspend rules and allow for Final Reading without further amendment or motion printed	2517
June	2	Chambers pending motion to bracket until 6/6/97 p. 2200 failed. Chambers motion to return to Select File for FA363 p. 2200 failed	2550
June	2	Chambers motion to return to Select File for AM2349 p. 2200 failed	2550
June	2	Chambers motion to return to Select File for AM2350 p. 2200 failed	2551
June	2	Chambers motion to return to Select File for AM2351 p. 2200 failed	2551
June	2	Chambers motion to return to Select File for AM2352 p. 2200 withdrawn	2552
June	2	Chambers motion to return to Select File for AM2353 p. 2200 pending	2552
June	3	Chambers pending motion to return to Select	

		File p. 2552 for AM2353 failed. Chambers motion to return to Select File for AM2354 p. 2200 failed	2605
June	3	Wesely motion to return to Select File for reoffered AM2342 p. 2174 failed. Maurstad pending FA382 p. 2328 and pending motion to suspend rules and allow Final Reading p. 2517 withdrawn	2608
June	3	Final Reading w/E 45-1-3	2609
June	3	Speaker signed	2612
June	3	Presented to Governor (6/3)	2613
June	4	Raikes explanation of vote	2638
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 24. By Maurstad

Jan.	9	Read first time	108
Jan.	13	Referred to Committee on Revenue	181
Jan.	14	Stuhr, Brown, Hudkins, Witek, Jensen, Engel, Bromm, Vrtiska, Jones, and Coordsen names added	234
Jan.	30	Notice of hearing (2/7)	488
Mar.	3	Placed on General File	846

(Provisions/portions of LB 24 amended into LB 401 by AM2565)

LEGISLATIVE BILL 24A. By Maurstad

Mar.	10	Read first time. Placed on General File	949

LEGISLATIVE BILL 25. By Maurstad

Jan.	9	Read first time	109
Jan.	13	Referred to Committee on Revenue	181
Feb.	10	Notice of hearing (2/26)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 26. By Bruning

Jan.	9	Read first time	109
Jan.	13	Referred to Committee on Judiciary	181
Jan.	28	Notice of hearing (2/5)	460
Feb.	18	Indefinitely postponed	642

LEGISLATIVE BILL 27. By Maurstad

Jan.	9	Read first time	109
Jan.	13	Referred to Committee on Appropriations	181

Jan.	13	Hilgert name added	214
Jan.	14	Brown, Stuhr, Crosby, Hudkins Engel, Jones, Dierks, Lynch, and Chambers names added	233
Feb.	27	Notice of hearing (3/18)	797

(Provisions/portions of LB 27 amended into LB 389 by AM1402)

LEGISLATIVE BILL 28. By Cudaback, Schellpeper, Wickersham

Jan.	9	Read first time	109
Jan.	13	Referred to Committee on Revenue	181
Jan.	17	Notice of hearing (1/24)	305
Feb.	4	Placed on General File	502
Feb.	7	Advanced for Review	552
Feb.	13	Placed on Select File - AM7030	626
Feb.	20	AM7030 (E & R) adopted. Advanced for Engrossment	698
Feb.	26	Correctly Engrossed	784
Mar.	4	Final Reading 42-0-7	859
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 29. By Beutler

Jan.	9	Read first time	112
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	181
Jan.	14	Notice of hearing (1/21)	233
Jan.	22	Placed on General File	381
Jan.	23	Advanced for Review	421
Jan.	27	Placed on Select File	435
Jan.	28	Advanced for Engrossment	455
Jan.	29	Correctly Engrossed	473
Feb.	6	Final Reading 41-0-8	532
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 30. By Beutler

Jan.	9	Read first time	112
Jan.	13	Referred to Committee on Judiciary	181
Jan.	22	Notice of hearing (1/29)	364
Feb.	4	Placed on General File	510
Feb.	10	Advanced for Review	564
Feb.	13	Placed on Select File	628
Feb.	24	Preister motion to indefinitely postpone withdrawn. Elmer AM0531 adopted. Elmer	

	motion to indefinitely postpone laid over	741
Mar. 19	Elmer AM1040 printed separate	1118
Mar. 20	Elmer pending motion to indefinitely postpone p. 744 withdrawn. Elmer pending AM1040 p. 1118 adopted. Advanced for Engrossment	1126
Mar. 24	Correctly Engrossed. ER9031 change	1186
Apr. 1	Dispensing of the reading at large approved. Final Reading w/E 38-0-11	1289
Apr. 1	President signed	1293
Apr. 1	Presented to Governor (4/1)	1294
Apr. 2	Approved by Governor (4/2)	1327

(Provisions/portions of LB 416 amended into LB 30 by AM0531)

LEGISLATIVE BILL 31. By Beutler

Jan. 9	Read first time	112
Jan. 13	Referred to Committee on Government, Military and Veterans Affairs	181
Mar. 4	Notice of hearing (3/21)	889
Apr. 2	Indefinitely postponed	1314

LEGISLATIVE BILL 32. By Vrtiska

Jan. 9	Read first time	113
Jan. 13	Referred to Committee on Business and Labor	181
Feb. 20	Notice of hearing (3/3)	702
Mar. 4	Placed on General File	879

LEGISLATIVE BILL 33. By Vrtiska, Cudaback

Jan. 9	Read first time	113
Jan. 13	Referred to Committee on Government, Military and Veterans Affairs	181
Jan. 15	Notice of hearing (1/22)	264
Feb. 19	Placed on General File - Com AM0137	675

LEGISLATIVE BILL 34. By Vrtiska

Jan. 9	Read first time	113
Jan. 13	Referred to Committee on Government, Military and Veterans Affairs	181
Jan. 15	Notice of hearing (1/22)	264
Jan. 23	Placed on General File	418
Jan. 24	Advanced for Review	426
Jan. 27	Placed on Select File	442
Jan. 28	Advanced for Engrossment	456
Jan. 29	Correctly Engrossed	473
Feb. 6	Final Reading 43-0-6	533
Feb. 6	President signed	540

Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 35. By Vrtiska

Jan.	9	Read first time	113
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	181
Jan.	14	Notice of hearing (1/21)	233
Jan.	22	Placed on General File	382
Jan.	23	Advanced for Review	421
Jan.	27	Placed on Select File	435
Jan.	28	Advanced for Engrossment	455
Jan.	29	Correctly Engrossed	473
Feb.	6	Final Reading w/E 43-0-6	533
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 36. By Vrtiska

Jan.	9	Read first time	113
Jan.	13	Referred to Committee on Judiciary	181
Jan.	22	Notice of hearing (1/29)	364
Feb.	18	Indefinitely postponed	642

LEGISLATIVE BILL 37. By Vrtiska

Jan.	9	Read first time	113
Jan.	13	Referred to Committee on Transportation	181
Jan.	28	Notice of hearing (2/10)	452
Feb.	11	Placed on General File	579
Feb.	18	Advanced for Review	648
Feb.	21	Placed on Select File	715
Feb.	24	Advanced for Engrossment	747
Feb.	28	Correctly Engrossed	838
Mar.	10	Final Reading 44-0-5	960
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 38. By Vrtiska

Jan.	9	Read first time	113
Jan.	13	Referred to Committee on Business and Labor	181
Feb.	20	Notice of hearing (3/10)	702

LEGISLATIVE BILL 39. By Vrtiska

Jan.	9	Read first time	114
Jan.	13	Referred to Committee on Judiciary	181
Jan.	30	Notice of hearing (2/21)	487
Mar.	24	Placed on General File	1195

LEGISLATIVE BILL 40. By Vrtiska

Jan.	9	Read first time	114
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	181
Jan.	15	Notice of hearing (1/22)	264
Jan.	23	Placed on General File - Com AM0019	418
Jan.	24	Committee AM0019 p. 418 adopted. Advanced for Review	427
Jan.	27	Robinson AM0033 printed	437
Jan.	27	Placed on Select File - AM7005	442
Feb.	6	AM7005 (E & R) adopted. Robinson pending AM0033 p. 437 adopted. Advanced for Engrossment	536
Feb.	10	Correctly Engrossed	560
Feb.	12	Final Reading w/E 37-0-12	598
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 41. By Kristensen

Jan.	9	Read first time	114
Jan.	13	Referred to Committee on Judiciary	181
Jan.	30	Notice of hearing (2/21)	487
Feb.	5	Notice of hearing (2/21) (cancel)	515
Feb.	21	Notice of hearing (3/20) (reset)	719

LEGISLATIVE BILL 42. By Coordsen, Kristensen

Jan.	9	Read first time	114
Jan.	13	Referred to Committee on Transportation	181
Jan.	17	Notice of hearing (1/27)	305

LEGISLATIVE BILL 43. By Kristensen

Jan.	9	Read first time	114
Jan.	13	Referred to Committee on Natural Resources	181
Jan.	16	Notice of hearing (1/23)	297
Jan.	30	Indefinitely postponed	489

LEGISLATIVE BILL 44. By Kristensen

Jan.	9	Read first time	114
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	181
Jan.	14	Notice of hearing (1/21)	233
Jan.	22	Placed on General File - Com AM0002	382
Jan.	23	Committe AM0002 p. 382 adopted. Advanced for Review	421
Jan.	27	Placed on Select File - AM7002	435
Jan.	28	AM7002 (E & R) adopted. Advanced for Engrossment	455
Jan.	30	Kristensen AM0124 printed	483
Feb.	6	Returned to Select File for Kristensen AM0124. Kristensen AM0124 p. 483 adopted. Advanced for Engrossment	535
Feb.	10	Correctly Engrossed	560
Feb.	10	ER9000 change	561
Feb.	12	Dispensing of the reading at large approved. Final Reading 44-0-5	605
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 45. By Robinson, Lynch

Jan.	9	Read first time	114
Jan.	13	Referred to Committee on General Affairs	181
Jan.	30	Notice of hearing (2/10)	485
Feb.	27	Placed on General File - Com AM0314	800

LEGISLATIVE BILL 46. By Wickersham

Jan.	9	Read first time	115
Jan.	13	Referred to Committee on Revenue	181
Jan.	15	Notice of hearing (1/22)	278
Jan.	24	Placed on General File	427
Jan.	27	Advanced for Review	437
Jan.	28	Placed on Select File	457
Feb.	6	Advanced for Engrossment	537
Feb.	10	Correctly Engrossed	560
Feb.	12	Final Reading w/E 37-0-12	599
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 47. By Crosby

Jan.	9	Read first time	115
Jan.	13	Referred to Committee on Banking,	

		Commerce and Insurance	181
Jan.	14	Notice of hearing (1/21)	233
Feb.	5	Placed on General File - Com AM0126	516
Feb.	13	Committee AM0126 p. 516 adopted. Advanced for Review	624
Feb.	18	Placed on Select File - AM7045	652
Feb.	24	AM7045 (E & R) adopted. Advanced for Engrossment	745
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading w/E 42-0-7	964
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 48. By Stuhr, Bromm, Hudkins

Jan.	9	Read first time	115
Jan.	13	Referred to Committee on Judiciary	181
Jan.	14	Witek name added	233
Jan.	30	Notice of hearing (2/20)	487

LEGISLATIVE BILL 49. By Schimek

Jan.	9	Read first time	115
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	181
Feb.	5	Notice of hearing (2/12)	515
Feb.	19	Placed on General File	675
Mar.	27	Maurstad AM1248 withdrawn. Advanced for Review	1261
Apr.	2	Placed on Select File	1316
Apr.	15	Withem AM1478 printed	1522
Apr.	16	Withem pending AM1478 p. 1522 adopted as amended by Withem FA169. Advanced for Engrossment	1540
Apr.	23	Correctly Engrossed. ER9049 change	1662
May	20	Withem AM2347 printed	2167
May	21	Returned to Select File for Schimek-Withem AM2347. Schimek-Withem AM2347 p. 2167 adopted. Advanced for Reengrossment	2179
May	27	Correctly Reengrossed. ER9077 change	2329
May	29	Final Reading w/E 36-0-13	2442
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

(Provisions/portions of LB 591 amended into LB 49 by AM1478)

LEGISLATIVE BILL 50. By Schimek

Jan.	9	Read first time	115
Jan.	13	Referred to Committee on Education	181
Jan.	14	Notice of hearing (1/21)	232

LEGISLATIVE BILL 51. By Landis

Jan.	9	Read first time	115
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	181
Feb.	11	Notice of hearing (2/18)	569
Feb.	20	Placed on General File	699
Mar.	6	Advanced for Review	922
Mar.	10	Placed on Select File	980
Mar.	20	Advanced for Engrossment	1128
Mar.	24	Correctly Engrossed	1186
Apr.	1	Dispensing of the reading at large approved. Final Reading 38-0-11	1290
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 52. By Landis

Jan.	9	Read first time	115
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	182
Jan.	17	Notice of hearing (1/27)	319
Jan.	28	Placed on General File	457
Feb.	4	Advanced for Review	502
Feb.	5	Placed on Select File - AM7016	520
Feb.	6	AM7016 (E & R) adopted. Advanced for Engrossment	539
Feb.	11	Correctly Engrossed	580
Feb.	24	Wesely motion to return to Select File for FA37 withdrawn. Dispensing of the reading at large approved. Final Reading w/E 44-0-5	734
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 53. By Landis

Jan.	9	Read first time	116
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	182
Jan.	30	Notice of hearing (2/10)	486
Feb.	11	Placed on General File - Com AM0285	575
Feb.	18	Committee AM0285 p. 575 adopted.	

		Advanced for Review	648
Feb.	21	Placed on Select File - AM7060	715
Apr.	8	Landis AM1275 printed	1380
Apr.	9	AM7060 (E & R) adopted. Landis pending AM1275 p. 1380 adopted. Advanced for Engrossment	1439
Apr.	14	Correctly Engrossed	1503
May	21	Dispensing of the reading at large approved. Final Reading 45-0-4	2195
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 54. By Landis

Jan.	9	Read first time	116
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	182
Feb.	11	Notice of hearing (2/18)	569
Feb.	20	Placed on General File - Com AM0435	699
Mar.	6	Committee AM0435 p. 699 adopted. Advanced for Review	922
Mar.	10	Placed on Select File - AM7081	980
Mar.	20	AM7081 (E & R) adopted. Advanced for Engrossment	1128
Mar.	24	Correctly Engrossed	1186
Apr.	1	Final Reading 41-0-8	1278
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 55. By Landis

Jan.	9	Read first time	116
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	182
Jan.	14	Notice of hearing (1/21)	233
Jan.	22	Placed on General File - Com AM0013	382
Jan.	23	Committee AM0013 p. 382 adopted. Advanced for Review	421
Jan.	27	Placed on Select File	436
Feb.	6	Advanced for Engrossment	536
Feb.	10	Correctly Engrossed	560
May	19	Landis AM2277 printed separate	2083
May	30	Returned to Select File for Landis AM2277. Landis AM2277 p. 2083 adopted. Advanced for Reengrossment	2505
June	2	Wickersham AM2605 to AM2277 printed	2528
June	3	Returned to Select File for Wickersham AM2605.	

		Wickersham AM2605 p. 2528 adopted. Advanced for Engrossment	2561
June	3	Preister motion to return to Select File for FA430 withdrawn	2561
June	3	Correctly Reengrossed. ER9099 change	2603
June	5	Final Reading w/E 47-0-2	2665
June	5	President signed	2672
June	5	Presented to Governor (6/5)	2672
June	12	Approved by Governor (6/11)	2705

(Provisions/portions of LB 55 amended into LB 862 by AM1049)

LEGISLATIVE BILL 56. By Landis

Jan.	9	Read first time	116
Jan.	13	Referred to Committee on Banking, Commerce and Insurance	182
Jan.	21	Notice of hearing (1/28)	332
Jan.	29	Placed on General File	468
Feb.	4	Advanced for Review	509
Feb.	6	Placed on Select File	543
Feb.	20	Advanced for Engrossment	694
Feb.	25	Correctly Engrossed	763
Mar.	4	Final Reading 36-0-13	854
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 57. By Landis

Jan.	9	Read first time	116
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	182
Jan.	15	Notice of hearing (1/22)	264
Jan.	23	Placed on General File	418
Jan.	24	Advanced for Review	426
Jan.	27	Placed on Select File	442
Jan.	28	Advanced for Engrossment	456
Jan.	29	Correctly Engrossed	473
Feb.	6	Final Reading w/E 41-0-8	534
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 58. By Landis

Jan.	9	Read first time	116
Jan.	13	Referred to Committee on Judiciary	182
Jan.	16	Notice of hearing (1/23)	288

Feb.	4	Placed on General File - Com AM0047	510
Feb.	11	Committee AM0047 p. 510 adopted. Advanced for Review	577
Feb.	18	Placed on Select File	652
Feb.	24	Beutler AM0346 adopted. Advanced for Engrossment	744
Feb.	27	Correctly Engrossed. ER9018 change	808
Mar.	10	Final Reading 33-0-16	950
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 59. By Wehrbein

Jan.	9	Read first time	116
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	182
Feb.	24	Notice of hearing (3/5)	748
Mar.	19	Wehrbein priority bill	1110
Mar.	24	Placed on General File - Com AM0691	1188
Apr.	17	Vrtiska AM1604 printed	1589
June	3	Passed over	2554

LEGISLATIVE BILL 60. By Wehrbein

Jan.	9	Read first time	117
Jan.	13	Referred to Committee on Appropriations	182
Feb.	7	Notice of hearing (2/24)	551

LEGISLATIVE BILL 61. By Revenue Committee

Jan.	9	Read first time	117
Jan.	13	Referred to Committee on Revenue	182
Jan.	13	Will name added	213
Jan.	15	Notice of hearing (1/22)	278
Jan.	27	Placed on General File	439
Jan.	30	Advanced for Review	482
Feb.	4	Placed on Select File	497
Feb.	6	Advanced for Engrossment	538
Feb.	10	Correctly Engrossed	561
Feb.	12	Final Reading 38-0-11	600
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 62. By Revenue Committee

Jan.	9	Read first time	117
Jan.	13	Referred to Committee on Revenue	182

Jan.	13	Will name added	213
Jan.	15	Notice of hearing (1/22)	278
Jan.	27	Placed on General File	439
Jan.	28	Advanced for Review	456
Jan.	29	Placed on Select File	469
Feb.	6	Advanced for Engrossment	538
Feb.	10	Correctly Engrossed	561
Mar.	21	Dispensing of the reading at large approved. Final Reading 43-0-6	1158
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 63. By Wehrbein

Jan.	9	Read first time	117
Jan.	13	Referred to Committee on Appropriations	182
Feb.	7	Notice of hearing (2/24)	551

LEGISLATIVE BILL 64. By Robinson, Cudaback, Vrtiska

Jan.	9	Read first time	117
Jan.	13	Referred to Committee on Government, Military and Veterans Affairs	182
Jan.	15	Notice of hearing (1/23)	264

(Provisions/portions of LB 64 amended into LB 764 by AM0874)

LEGISLATIVE BILL 65. By Schrock, Crosby, Engel, Jensen, Suttle

Jan.	9	Read first time	118
Jan.	13	Referred to Committee on Health and Human Services	182
Jan.	29	Notice of hearing (2/27)	471
Mar.	5	Placed on General File	905

LEGISLATIVE BILL 66. By Schrock, Cudaback, Dw. Pedersen, Schellpeper

Jan.	9	Read first time	118
Jan.	13	Referred to Committee on Health and Human Services	182
Jan.	29	Notice of hearing (2/26)	471
Feb.	28	Placed on General File	836
Mar.	27	Advanced for Review	1259
Apr.	2	Placed on Select File	1316
Apr.	8	Schrock AM1272 printed	1410
Apr.	16	Schrock pending AM1272 p. 1410 adopted.	

		Advanced for Engrossment	1535
Apr.	23	Correctly Engrossed	1662
Apr.	23	ER9047 change	1663
May	7	Final Reading 42-0-6	1860
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

(Provisions/portions of LB 259 amended into LB 66 by AM1272)

LEGISLATIVE BILL 67. By Schrock, Cudaback, Elmer, Hudkins, Dw. Pedersen, Schellpeper

Jan.	9	Read first time	118
Jan.	13	Referred to Committee on Urban Affairs	182
Jan.	14	Notice of hearing (1/21)	233
Jan.	22	Placed on General File	409
Jan.	23	Advanced for Review	422
Jan.	27	Placed on Select File	436
Jan.	28	Advanced for Engrossment	456
Jan.	29	Correctly Engrossed	473
Feb.	6	Final Reading 42-0-7	535
Feb.	6	President signed	540
Feb.	6	Presented to Governor (2/6)	543
Feb.	10	Approved by Governor (2/10)	566

LEGISLATIVE BILL 68. By Chambers

Jan.	9	Read first time	118
Jan.	13	Referred to Committee on Judiciary	182
Jan.	17	Notice of hearing (1/24)	318
Feb.	4	Placed on General File	510
Feb.	10	Pending	564
Feb.	11	Advanced for Review	569
Feb.	13	Placed on Select File	628
Feb.	24	Beutler FA34 withdrawn. Advanced for Engrossment	744
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading 33-1-15	950
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 69. By Chambers

Jan.	9	Read first time	118
Jan.	13	Referred to Committee on Health and	

		Human Services	182
Jan.	29	Notice of hearing (2/27)	471
Mar.	5	Indefinitely postponed	909

LEGISLATIVE BILL 70. By Cudaback, Robinson, Schrock

Jan.	9	Read first time	118
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	215
Jan.	22	Notice of hearing (1/29)	372
Jan.	30	Vrtiska name added	495
Feb.	19	Placed on General File - Com AM0371 (printed separate)	676
Feb.	28	Cudaback AM0661 to AM0371 printed	828
Mar.	6	Committee AM0371 pending	921
Mar.	10	Cudaback priority bill	941
Mar.	24	Cudaback AM0995 to AM0371 printed	1210
Apr.	2	Committee AM0371 adopted as amended by Cudaback pending AM0661 p. 828 and pending AM0995 p. 1210. Advanced for Review	1323
Apr.	8	Placed on Select File - AM7122 (printed separate)	1399
Apr.	11	AM7122 (E & R) adopted. Advanced for Engrossment	1479
Apr.	22	Correctly Engrossed	1646
May	21	Final Reading 42-1-6	2191
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 71. By Cudaback, Robinson, Schrock

Jan.	9	Read first time	119
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	215
Jan.	16	Notice of hearing (1/24)	297
Jan.	27	Placed on General File	437
Jan.	27	Cudaback AM0025 printed	437
Jan.	28	Cudaback pending AM0025 p. 437 adopted. Advanced for Review	454
Jan.	29	Placed on Select File	462
Jan.	29	Beutler AM0098 printed	472
Jan.	30	Cudaback AM0133 printed	490
Feb.	6	Beutler pending AM0098 p. 472 withdrawn. Cudaback pending AM0133 p. 490 adopted. Advanced for Engrossment	538
Feb.	10	Correctly Engrossed. ER9003 change	561
Feb.	12	Final Reading 38-1-10	601
Feb.	12	Speaker signed	607

Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 72. By Cudaback, Lynch, Schrock

Jan.	9	Read first time	119
Jan.	14	Referred to Committee on Transportation	216
Jan.	14	Notice of hearing (1/21)	233
Jan.	22	Placed on General File	364
Jan.	23	Advanced for Review	416
Jan.	27	Placed on Select File - AM7003	435
Jan.	28	Cudaback AM0026 printed	458
Jan.	30	Hartnett AM0108 printed	483
Feb.	11	Suttle AM0277 printed	570
Feb.	24	AM7003 (E & R) adopted. Cudaback pending AM0026 p. 458, Hartnett pending AM0108 p. 483 and Suttle pending AM0277 p. 570 withdrawn. Cudaback AM0444 pending. Bracketed until 1/31/98	736

LEGISLATIVE BILL 73. By Stuhr

Jan.	9	Read first time	119
Jan.	14	Referred to Committee on Judiciary	216
Jan.	17	Notice of hearing (1/24)	318
Feb.	4	Indefinitely postponed	510

LEGISLATIVE BILL 74. By Brashear, Wehrbein

Jan.	9	Read first time	119
Jan.	14	Referred to Committee on Transportation	216
Jan.	14	Notice of hearing (1/21)	233

LEGISLATIVE BILL 75. By Brashear

Jan.	9	Read first time	119
Jan.	14	Referred to Committee on Transportation	216
Jan.	17	Notice of hearing (1/27)	305
Jan.	28	Indefinitely postponed	453

LEGISLATIVE BILL 76. By Brashear

Jan.	9	Read first time	119
Jan.	14	Referred to Committee on Transportation	216
Jan.	17	Notice of hearing (1/27)	305
Jan.	28	Indefinitely postponed	453

LEGISLATIVE BILL 77. By Brashear

Jan.	9	Read first time	119
Jan.	14	Referred to Committee on Judiciary	216
Jan.	16	Notice of hearing (1/23)	288
Jan.	27	Placed on General File	440
Jan.	30	Advanced for Review	482
Feb.	4	Placed on Select File	497
Feb.	6	Advanced for Engrossment	538
Feb.	10	Correctly Engrossed	561
Feb.	12	Final Reading 39-0-10	601
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 78. By Stuhr

Jan.	9	Read first time	120
Jan.	10	McKenzie and Coordsen names added	179
Jan.	14	Referred to Committee on Natural Resources	216
Jan.	15	Notice of hearing (1/22)	279
Jan.	24	Placed on General File	427
Jan.	27	Advanced for Review	436
Jan.	28	Placed on Select File - AM7009	457
Feb.	6	AM7009 (E & R) adopted. Advanced for Engrossment	537
Feb.	10	Correctly Engrossed	561
Feb.	12	Final Reading w/E 40-0-9	602
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 79. By Schimek

Jan.	9	Read first time	120
Jan.	14	Referred to Committee on Business and Labor	216
Jan.	17	Notice of hearing (1/27)	319
Jan.	21	Notice of hearing (Room change to 1520)	350
Jan.	28	Placed on General File	457
Feb.	4	Advanced for Review	504
Feb.	6	Placed on Select File	543
Feb.	12	Advanced for Engrossment	606
Feb.	18	Correctly Engrossed	637
Feb.	24	Dispensing of the reading at large approved. Final Reading 44-0-5	736
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 80. By Schimek, Beutler, Matzke

Jan.	9	Read first time	120
Jan.	14	Referred to Committee on Judiciary	216
Jan.	16	Notice of hearing (1/23)	288
Feb.	5	Placed on General File - Com AM0118	516
Feb.	13	Committee AM0118 p. 516 adopted. Advanced for Review	630
Feb.	19	Placed on Select File	685
Feb.	24	Advanced for Engrossment	746
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading 36-0-13	951
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 81. By Schimek, Crosby

Jan.	9	Read first time	120
Jan.	14	Referred to Committee on Education	216
Jan.	21	Notice of hearing (1/28)	332
Jan.	24	Witek and Dw. Pedersen names added	431
Feb.	13	Indefinitely postponed	617

LEGISLATIVE BILL 82. By Bohlke, Crosby

Jan.	9	Read first time	120
Jan.	14	Referred to Committee on General Affairs	216
Jan.	17	Notice of hearing (1/27)	305
Jan.	28	Kristensen AM0089 printed	458
Jan.	29	Placed on General File	468

LEGISLATIVE BILL 83. By Robak, Chambers, Hillman

Jan.	9	Read first time	120
Jan.	14	Referred to Committee on Health and Human Services	216
Jan.	16	Notice of hearing (1/23)	298

LEGISLATIVE BILL 84. By Schellpeper

Jan.	9	Read first time	120
Jan.	14	Referred to Committee on Revenue	216
Feb.	4	Notice of hearing (2/13)	507
Apr.	1	Placed on General File	1306

(Provisions/portions of LB 84 amended into LB 269 by AM2187)

LEGISLATIVE BILL 85. By Schellpeper

Jan.	9	Read first time	120
Jan.	14	Referred to Committee on Government,	

		Military and Veterans Affairs	216
Jan.	22	Notice of hearing (1/30)	373
Feb.	4	Placed on General File	503
Feb.	7	Advanced for Review	553
Feb.	13	Placed on Select File	627
Feb.	20	Advanced for Engrossment	699
Feb.	26	Correctly Engrossed	784
Mar.	4	Final Reading 42-0-7	860
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 86. By Schellpeper

Jan.	9	Read first time	121
Jan.	14	Referred to Committee on Revenue	216
Jan.	17	Notice of hearing (1/24)	305
Feb.	4	Placed on General File - Com AM0131	502
Feb.	7	Committee AM0131 p. 502 adopted. Advanced for Review	553
Feb.	7	Preister name added	555
Feb.	13	Placed on Select File	627
Feb.	20	Advanced for Engrossment	699
Feb.	26	Correctly Engrossed	784
Apr.	16	Final Reading 39-0-10	1546
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Governor (4/16)	1563
Apr.	22	Approved by Governor (4/21)	1632

LEGISLATIVE BILL 86A. By Schellpeper

Feb.	10	Read first time. Placed on General File	565
Feb.	11	Advanced for Review	569
Feb.	13	Placed on Select File	628
Feb.	20	Advanced for Engrossment	699
Feb.	26	Correctly Engrossed	785
Apr.	16	Final Reading 38-0-11	1547
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Governor (4/16)	1563
Apr.	22	Approved by Governor (4/21)	1632

LEGISLATIVE BILL 87. By Dw. Pedersen

Jan.	9	Read first time	121
Jan.	14	Referred to Committee on Judiciary	216
Jan.	16	Notice of hearing (1/23)	288
Feb.	18	Placed on General File	640
Mar.	10	Tyson AM0867 printed	983

LEGISLATIVE BILL 88. By Dw. Pedersen

Jan.	9	Read first time	121
Jan.	14	Referred to Committee on Judiciary	216
Jan.	16	Notice of hearing (1/23)	288
Feb.	4	Indefinitely postponed	510

LEGISLATIVE BILL 89. By Dw. Pedersen

Jan.	9	Read first time	121
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	216
Jan.	30	Notice of hearing (2/11)	486
Feb.	20	Indefinitely postponed	700

(Provisions/portions of LB 89 amended into LB 137 by AM0352)

LEGISLATIVE BILL 90. By Robak

Jan.	9	Read first time	121
Jan.	14	Referred to Committee on Judiciary	216
Jan.	17	Schimek name added	320
Jan.	28	Crosby, Brown, Kiel, Jensen, Lynch, Preister and Hartnett names added	459
Jan.	30	Notice of hearing (2/13)	487
Mar.	12	Robak priority bill	1024
Apr.	9	Placed on General File - Com AM1358	1437
May	27	Beutler FA389 to AM1358 withdrawn. Beutler FA390 to AM1358 adopted	2357
May	27	Committee AM1358 p. 1437 adopted as amended. Advanced for Review	2362
May	27	Beutler FA391 printed	2362
May	28	Placed on Select File - AM7177	2426
May	29	Beutler AM2516 to AM7177 printed	2463
May	29	Wickersham AM2495 to AM7177 printed	2463
June	3	AM7177 (E & R) adopted. Beutler pending FA391 p. 2362 withdrawn. Beutler pending AM2516 p. 2463 and Wickersham pending AM2495 p. 2463 adopted. Advanced for Engrossment	2556
June	3	Correctly Engrossed. ER9105 change	2586
June	5	Final Reading 35-9-5	2666
June	5	President signed. Presented to Governor (6/5)	2672
June	12	Approved by Governor (6/11)	2705

LEGISLATIVE BILL 90A. By Robak

Apr.	21	Read first time.	

		Placed on General File	1623
May	27	Advanced for Review	2364
May	28	Placed on Select File	2428
June	3	Advanced for Engrossment	2556
June	3	Correctly Engrossed	2586
June	5	Final Reading 36-4-9	2667
June	5	President signed. Presented to Governor (6/5)	2672
June	12	Approved by Governor (6/11)	2705

LEGISLATIVE BILL 91. By Robak, Crosby, Maurstad, Schimek, Withem

Jan.	9	Read first time	121
Jan.	14	Referred to Committee on Transportation	216
Feb.	6	Notice of hearing (2/18)	524
Mar.	11	Placed on General File	995
Mar.	20	Speaker priority bill	1142
May	6	Maurstad-Robak AM1943 printed	1832
May	22	Maurstad-Robak pending AM1943 p. 1832 and Maurstad AM2267 adopted. Advanced for Review	2311
May	22	Abboud name added	2321
May	28	Placed on Select File - AM7172	2420
May	30	Chambers motion to indefinitely postpone printed	2513
June	3	AM7172 (E & R) adopted. Chambers pending motion to indefinitely postpone p. 2513 and Withem motion to indefinitely postpone withdrawn. Maurstad AM2595 adopted. Advanced for Engrossment	2556
June	3	Correctly Engrossed	2586
June	5	Final Reading w/E 43-0-6	2668
June	5	President signed. Engel explanation of vote. Presented to Governor (6/5)	2672
June	12	Approved by Governor (6/11)	2705

LEGISLATIVE BILL 92. By Schimek

Jan.	9	Read first time	121
Jan.	14	Referred to Committee on Health and Human Services	216
Jan.	16	Notice of hearing (1/24)	298

LEGISLATIVE BILL 93. By Robak, Bromm, Cudaback, Schellpeper

Jan.	9	Read first time	122
Jan.	14	Referred to Committee on Education	216

Jan.	30	Notice of hearing (2/11)	488
Jan.	30	Dierks name added	495

LEGISLATIVE BILL 94. By Crosby

Jan.	9	Read first time	122
Jan.	14	Referred to Committee on Judiciary	216
Feb.	12	Notice of hearing (2/28)	612
Mar.	13	Placed on General File	1065
Apr.	9	Advanced for Review	1424
Apr.	15	Placed on Select File - AM7128	1522
Apr.	16	AM7128 (E & R) adopted. Advanced for Engrossment	1544
Apr.	28	Correctly Engrossed	1712
May	14	Chambers FA299 printed	1981
May	28	Chambers pending FA299 p. 1981 withdrawn. Final Reading 31-0-18	2384
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 94A. By Crosby

Mar.	27	Read first time. Placed on General File	1258
Apr.	9	Advanced for Review	1424
Apr.	15	Placed on Select File	1522
Apr.	16	Advanced for Engrossment	1544
Apr.	28	Correctly Engrossed	1712
May	14	Chambers FA300 printed	1981
May	28	Chambers pending FA300 p. 1981 withdrawn. Final Reading 35-0-14	2385
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 95. By Crosby

Jan.	9	Read first time	122
Jan.	14	Referred to Committee on Appropriations	216
Feb.	19	Notice of hearing (3/4)	676

LEGISLATIVE BILL 96. By Crosby

Jan.	9	Read first time	122
Jan.	14	Referred to Committee on Nebraska Retirement Systems	216
Jan.	30	Notice of hearing (2/12)	486

June	5	Indefinitely postponed	2688

(Provisions/portions of LB 96 amended into LB 624 by AM0759)

LEGISLATIVE BILL 97. By Matzke, Elmer, Hillman, Wickersham

Jan.	9	Read first time	122
Jan.	14	Referred to Committee on Revenue	216
Jan.	22	Notice of hearing (1/29)	356
Feb.	4	Placed on General File	502
Feb.	7	Advanced for Review	552
Feb.	13	Placed on Select File - AM7031	626
Feb.	20	AM7031 (E & R) adopted. Advanced for Engrossment	698
Feb.	26	Correctly Engrossed	785
Mar.	4	Final Reading 43-0-6	860
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 98. By Will, Hilgert

Jan.	9	Read first time	122
Jan.	14	Referred to Committee on General Affairs	216
Feb.	5	Notice of hearing (3/3)	515
Apr.	1	Indefinitely postponed	1301

LEGISLATIVE BILL 99. By Will, Hartnett, Hilgert, Lynch, Schellpeper

Jan.	9	Read first time	122
Jan.	14	Referred to Committee on General Affairs	216
Feb.	5	Notice of hearing (2/24)	515
Mar.	10	Placed on General File - Com AM0804	975
Mar.	19	Lynch priority bill	1110
May	27	Committee AM0804 p. 975 adopted. Brown AM1999 pending	2343
May	27	Brown pending AM1999 p. 2344 lost. Chambers motion to reconsider AM1999 failed. Chambers FA384 withdrawn. Advanced for Review	2346
May	27	Chambers FA385, FA386, FA387, and FA388 printed	2359
May	28	Placed on Select File - AM7176	2424
June	2	Brown AM2521 to AM7176 printed	2525
June	3	AM7176 (E & R) adopted. Brown pending AM2521 p. 2525 adopted	2555
June	3	Advanced for Engrossment	2556
June	3	Correctly Engrossed	2586

June	3	ER9106 change	2587
June	5	Chambers pending FA385, FA386, FA387, and FA388 p. 2359 withdrawn. Final Reading 43-1-5	2669
June	5	President signed. Engel explanation of vote. Presented to Governor (6/5)	2672
June	12	Approved by Governor (6/11)	2705

LEGISLATIVE BILL 100. By Will, Chambers

Jan.	9	Read first time	123
Jan.	14	Referred to Committee on Business and Labor	216
Feb.	20	Notice of hearing (3/10)	702
Mar.	10	Attorney General's Opinion #97016 to Schrock	943

LEGISLATIVE BILL 101. By Will

Jan.	9	Read first time	123
Jan.	14	Referred to Committee on General Affairs	216
Feb.	28	Notice of hearing (3/10)	820
Mar.	12	Indefinitely postponed	1024

LEGISLATIVE BILL 102. By Coordsen, Bromm, Chambers, Engel, Kristensen, McKenzie, Dw. Pedersen, Vrtiska, Wehrbein, Withem

Jan.	9	Read first time	145
Jan.	14	Referred to Committee on Executive Board	216
Jan.	16	Notice of hearing (1/23)	297
Jan.	29	Placed on General File	467
June	12	Advanced for Review	2710
June	12	Placed on Select File - AM7179	2716
June	12	AM7179 (E & R) adopted. Advanced for Engrossment. Correctly Engrossed	2750

LEGISLATIVE BILL 103. By Kristensen, Maurstad, Wehrbein

Jan.	9	Read first time	146
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	216
Jan.	22	Notice of hearing (1/29)	372
Feb.	4	Placed on General File	503
Feb.	7	Advanced for Review	553
Feb.	13	Placed on Select File	627
Feb.	24	Schimek AM0530 withdrawn. Advanced for Engrossment	740
Feb.	27	Correctly Engrossed	808
Mar.	21	Final Reading 28-15-6	1156

Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	27	Returned by Governor without approval (3/27)	1250
Apr.	15	Communication	1509

LEGISLATIVE BILL 104. By Abboud, Jensen, Lynch, Dw. Pedersen, Suttle

Jan.	9	Read first time	146
Jan.	14	Referred to Committee on Transportation	216
Jan.	28	Notice of hearing (2/10)	452
Feb.	11	Placed on General File	579
Feb.	18	Chambers FA26 printed	658
Feb.	19	Pending	683
Feb.	20	Chambers bracketed until 2/21/97	702
Feb.	21	Chambers pending FA26 p. 658 lost	713
Feb.	21	Bohlke AM0510 adopted	718
Feb.	21	Chambers FA29 pending	719
Feb.	21	Chambers FA30 and FA31 printed	724
Feb.	24	Chambers pending FA29 p. 719 pending	747
Feb.	24	Chambers FA38 printed	761
Feb.	25	Chambers pending FA29 p. 719 withdrawn. Chambers pending FA30 p. 724 pending	767
Feb.	25	Chambers asked unanimous consent to bracket until 6/15/97. Objection. Chambers motion to bracket until 6/15/97 failed. Chambers pending FA30 p. 724 withdrawn	771
Feb.	25	Chambers pending FA31 p. 724 pending	779
Feb.	25	Suttle AM0554 and Chambers AM0568 printed	781
Feb.	25	Suttle AM0569 to FA31 printed	782
Feb.	25	Chambers FA39 and FA40 printed	782
Feb.	28	Suttle pending AM0569 p. 782 lost. Chambers motion to reconsider AM0569 failed. Chambers pending FA31 p. 724 pending	818
Feb.	28	Abboud-Will AM0678 printed	832
Mar.	3	Abboud AM0683 to FA31 printed	849
May	28	Withem FA400 printed	2428

LEGISLATIVE BILL 105. By Withem, Bruning, Hartnett

Jan.	9	Read first time	146
Jan.	14	Referred to Committee on Revenue	216
Jan.	29	Notice of hearing (2/5)	474
Feb.	12	Indefinitely postponed	608

LEGISLATIVE BILL 106. By Hudkins

Jan.	9	Read first time	146
Jan.	14	Referred to Committee on General Affairs	216
Jan.	17	Notice of hearing (1/27)	305
Jan.	17	Stuhr and Dw. Pedersen names added	320
Jan.	28	Kristensen AM0090 printed	459
Jan.	29	Placed on General File	468
Feb.	4	Kristensen pending AM0090 p. 459 adopted. Chambers motion to indefinitely postpone pending	505
Feb.	4	Chambers pending motion to indefinitely postpone p. 505 failed. Chambers FA10 withdrawn. Hudkins-Chambers FA14 adopted. Advanced for Review	507
Feb.	6	Placed on Select File - AM7017	543
Feb.	12	AM7017 (E & R) adopted. Advanced for Engrossment	606
Feb.	18	Correctly Engrossed	637
Feb.	24	Final Reading 27-8-14	731
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 107. By Hudkins, Jones, D. Pederson, Preister

Jan.	9	Read first time	146
Jan.	14	Referred to Committee on Agriculture	216
Jan.	14	Notice of hearing (1/21)	233
Jan.	22	Placed on General File	409
Jan.	23	Hudkins FA1 and Beutler AM0020 adopted. Advanced for Review	422
Jan.	27	Placed on Select File - AM7001	436
Feb.	20	AM7001 (E & R) adopted. Wickersham AM0341 adopted as amended by Beutler AM0455. Beutler AM0454 and Wickersham AM0467 adopted. Advanced for Engrossment	688
Mar.	5	Matzke AM0684 printed	911
Mar.	10	Matzke pending AM0684 p. 911 withdrawn. Returned to Select File for Matzke-Beutler-Hudkins AM0869. Matzke et al AM0869 adopted. Advanced for Engrossment	971
Mar.	11	Correctly Engrossed. ER9008 change	988
Mar.	21	Final Reading 43-0-6	1155
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

(Provisions/portions of LB 733 amended into LB 107 by AM0341)

LEGISLATIVE BILL 108. By Kristensen

Jan.	9	Read first time	146
Jan.	14	Referred to Committee on Judiciary	216
Jan.	16	Notice of hearing (1/23)	288
Jan.	27	Placed on General File	440
Jan.	30	Advanced for Review	482
Feb.	4	Placed on Select File - AM7011	497
Feb.	4	Kristensen AM0148 printed	511
Feb.	6	AM7011 (E & R) adopted. Kristensen pending AM0148 p. 511 adopted. Advanced for Engrossment	538
Feb.	11	Correctly Engrossed	580
Feb.	24	Final Reading w/E 33-0-16	727
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 109. By Brown, Hilgert, Kiel

Jan.	9	Read first time	146
Jan.	14	Referred to Committee on Judiciary	216
Jan.	17	Notice of hearing (1/24)	318
Feb.	18	Placed on General File - Com AM0116	640
Mar.	3	Preister AM0738 to AM0116 printed	849
Mar.	10	Preister AM0878 to AM0116 printed	984

LEGISLATIVE BILL 110. By Brown

Jan.	9	Read first time	147
Jan.	14	Referred to Committee on Judiciary	216
Jan.	28	Notice of hearing (2/6)	460
Mar.	13	Indefinitely postponed	1067

LEGISLATIVE BILL 111. By Brown

Jan.	9	Read first time	147
Jan.	14	Referred to Committee on Health and Human Services	216
Jan.	16	Schimek name added	298
Jan.	22	Notice of hearing (1/30)	383
Feb.	4	Placed on General File - Com AM0144	505
Feb.	10	Committee AM0144 p. 505 adopted. Advanced for Review	559
Feb.	13	Placed on Select File	628
Feb.	24	Advanced for Engrossment	741
Feb.	27	Correctly Engrossed. ER9020 change	808
June	3	Final Reading 40-0-9	2568
June	3	Speaker signed	2579

June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 111A. By Brown

Feb.	10	Read first time. Placed on General File	560
Feb.	11	Advanced for Review	569
Feb.	13	Placed on Select File	628
Feb.	24	Advanced for Engrossment	741
Feb.	27	Correctly Engrossed	808
June	3	Final Reading 41-0-8	2568
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 112. By Brown

Jan.	9	Read first time	147
Jan.	14	Referred to Committee on General Affairs	216
Jan.	17	Notice of hearing (1/27)	305
Jan.	29	Indefinitely postponed	468

(Provisions/portions of LB 112 amended into LB 250 by AM0073)

LEGISLATIVE BILL 113. By Revenue Committee

Jan.	9	Read first time	147
Jan.	13	Will name added	213
Jan.	14	Referred to Committee on Revenue	216
Jan.	15	Notice of hearing (1/22)	278
Jan.	27	Placed on General File	439
Jan.	28	Pending	456
Jan.	29	Advanced for Review	463
Jan.	30	Placed on Select File	477
Jan.	30	C. Peterson explanation of vote	485
Feb.	6	Kristensen motion to indefinitely postpone laid over	538
Feb.	6	Jensen AM0215 printed	542
Feb.	12	Kristensen pending motion to indefinitely postpone p. 538 withdrawn. Jensen pending AM0215 p. 542 adopted. Advanced for Engrossment	606
Feb.	18	Correctly Engrossed. ER9006 change	637
June	3	Matzke motion to return to Select File for FA429 failed	2601
June	3	Final Reading 37-10-2	2603
June	3	President signed	2605
June	3	Presented to Governor (6/3)	2606

June	12	Returned by Governor without approval (6/9)	2701
June	12	Revenue Committee motion to override veto withdrawn	2731
June	12	Communication	2735

LEGISLATIVE BILL 113A. By Warner

Jan.	29	Read first time. Placed on General File	463
Feb.	4	Advanced for Review	501
Feb.	5	Placed on Select File	520
Feb.	12	Advanced for Engrossment	606
Feb.	18	Correctly Engrossed	637
June	3	Final Reading 37-7-5	2604
June	3	President signed	2605
June	3	Presented to Governor (6/3)	2606
June	12	Returned by Governor without approval (6/9)	2701
June	12	Communication	2735

LEGISLATIVE BILL 114. By Landis

Jan.	9	Read first time	147
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	216
Jan.	17	Notice of hearing (1/27)	319
Jan.	28	Placed on General File	457
Feb.	4	Advanced for Review	504
Feb.	6	Placed on Select File - AM7020	542
Feb.	12	AM7020 (E & R) adopted. Advanced for Engrossment	606
Feb.	18	Correctly Engrossed. ER9007 change	637
Apr.	1	Dispensing of the reading at large approved. Final Reading 40-0-9	1286
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 114A. By Landis

Feb.	13	Read first time. Placed on General File	633
Feb.	20	Advanced for Review	702
Feb.	26	Placed on Select File	784
Mar.	4	Advanced for Engrossment	878
Mar.	6	Correctly Engrossed	919
Apr.	1	Final Reading 39-0-10	1287
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294

Apr.	3	Approved by Governor with line-item veto (4/1)	1331
Apr.	15	Communication	1510

LEGISLATIVE BILL 115. By Vrtiska, Cudaback

Jan.	9	Read first time	148
Jan.	14	Referred to Committee on Revenue	216
Jan.	16	Notice of hearing (1/23)	297
Feb.	12	Indefinitely postponed	608

LEGISLATIVE BILL 116. By Janssen, Lynch, Robinson, Schellpeper

Jan.	9	Read first time	148
Jan.	14	Referred to Committee on Urban Affairs	216
Jan.	21	Notice of hearing (1/28)	350
Jan.	30	Placed on General File	495
Feb.	7	Advanced for Review	550
Feb.	13	Placed on Select File	626
Mar.	4	Janssen AM0745 printed	892
Mar.	5	Janssen pending AM0745 p. 892 adopted. Advanced for Engrossment	896
Mar.	6	Correctly Engrossed	919
June	3	Final Reading 42-0-7	2569
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 116A. By Janssen

Mar.	10	Read first time. Placed on General File	985
Apr.	1	Advanced for Review	1292
Apr.	8	Placed on Select File	1391
May	19	Advanced for Engrossment	2080
May	19	Correctly Engrossed	2096
June	3	Final Reading 42-0-7	2570
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 117. By Janssen, Lynch, Robinson

Jan.	9	Read first time	148
Jan.	14	Referred to Committee on Revenue	216
Jan.	29	Notice of hearing (2/5)	474
Feb.	24	Indefinitely postponed	752

LEGISLATIVE BILL 118. By Janssen, Robinson, Schellpeper

Jan.	9	Read first time	148
Jan.	14	Referred to Committee on Education	216
Jan.	14	Notice of hearing (1/21)	232
Jan.	22	Placed on General File	372
Jan.	23	Withem FA2 lost. Advanced for Review	416
Jan.	27	Placed on Select File	435
Jan.	28	Janssen AM0088 printed	458
Feb.	6	Kiel FA16 lost. Janssen pending AM0088 p. 458 adopted. Advanced for Engrossment	536
Feb.	10	Correctly Engrossed. ER9001 change	561
Mar.	21	Bromm motion to return to Select File for FA105 withdrawn. Final Reading 39-0-10	1151
Mar.	21	Wickersham explanation of vote	1172
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 118A. By Janssen

Jan.	28	Read first time. Placed on General File	451
Feb.	4	Advanced for Review	501
Feb.	5	Placed on Select File	520
Feb.	6	Advanced for Engrossment	536
Feb.	10	Correctly Engrossed	561
Mar.	21	Final Reading 40-0-9	1152
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 119. By Janssen, Schimek

Jan.	9	Read first time	148
Jan.	14	Referred to Committee on Health and Human Services	216
Jan.	29	Notice of hearing (2/28)	471
Mar.	6	Placed on General File - Com AM0630	923
Mar.	27	Committee AM0630 p. 923 adopted as amended by Janssen AM1238. Advanced for Review	1267
Apr.	8	Placed on Select File - AM7115	1391
Apr.	16	AM7115 (E & R) adopted. Dw. Pedersen AM1351 adopted. Dw. Pedersen motion to reconsider AM1351 prevailed. Dw. Pedersen AM1351 withdrawn. Advanced	

		for Engrossment	1542
Apr.	23	Correctly Engrossed	1682
May	7	Final Reading 42-0-6	1860
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 120. By Janssen, Schellpeper

Jan.	9	Read first time	148
Jan.	14	Referred to Committee on General Affairs	216
Jan.	30	Notice of hearing (2/10)	485
Feb.	26	Placed on General File	789

LEGISLATIVE BILL 121. By Brashear, Kristensen

Jan.	9	Read first time	148
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	217
Jan.	28	Notice of hearing (2/4)	452
Feb.	5	Placed on General File	516
Feb.	13	Advanced for Review	624
Feb.	18	Placed on Select File - AM7040	652
Feb.	24	AM7040 (E & R) adopted. Advanced for Engrossment	745
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading 36-0-13	952
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 122. By Matzke, Hillman, Wickersham

Jan.	9	Read first time	148
Jan.	14	Referred to Committee on Transportation	217
Jan.	14	Notice of hearing (1/21)	233
Jan.	23	Placed on General File - Com AM0010	422
Jan.	27	Committee AM0010 p. 422 adopted. Advanced for Review	436
Jan.	28	Placed on Select File - AM7007	456
Feb.	6	AM7007 (E & R) adopted. Advanced for Engrossment	537
Feb.	10	Correctly Engrossed	561
Feb.	12	Final Reading w/E 40-0-9	603
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 123. By Lynch, Hartnett

Jan.	9	Read first time	149
Jan.	14	Referred to Committee on Revenue	217
Jan.	15	Notice of hearing (1/22)	278
Feb.	18	Indefinitely postponed	658

LEGISLATIVE BILL 124. By Lynch, Hartnett, Hilgert, Preister, Schimek

Jan.	9	Read first time	149
Jan.	14	Referred to Committee on Business and Labor	217
Jan.	30	Notice of hearing (2/10)	486
Feb.	18	Placed on General File	640
Feb.	25	Lynch AM0560 printed	781
Feb.	27	Lynch pending AM0560 p. 781 adopted	807
Mar.	20	Speaker priority bill	1142
Mar.	25	Lynch AM1023 printed	1226

LEGISLATIVE BILL 125. By Brown, Bromm, Bruning, Engel, Hartnett, Hudkins, Jensen, Jones, Kiel, Lynch, Maurstad, Dw. Pedersen, Robak, Robinson, Schmitt, Stuhr, Vrtiska, Wehrbein

Jan.	9	Read first time	149
Jan.	14	Referred to Committee on Business and Labor	217
Jan.	24	Will name added	431
Feb.	12	Notice of hearing (2/24)	612
Apr.	1	Placed on General File	1296

LEGISLATIVE BILL 125A. By Brown

Apr.	3	Read first time. Placed on General File	1332

LEGISLATIVE BILL 126. By Brown

Jan.	9	Read first time	149
Jan.	14	Referred to Committee on Education	217
Feb.	7	Notice of hearing (3/10)	547
Apr.	2	Indefinitely postponed	1318

LEGISLATIVE BILL 127. By Will

Jan.	9	Read first time	149
Jan.	14	Referred to Committee on Business and Labor	217
Jan.	17	Notice of hearing (1/27)	319
Jan.	21	Notice of hearing (Room change to 1520)	350
Jan.	28	Placed on General File	457
Feb.	5	Failed to Advance for Review w/10-27-12	513

LEGISLATIVE BILL 128. By Business and Labor Committee

Jan.	9	Read first time	149
Jan.	14	Referred to Committee on Business and Labor	217
Jan.	17	Notice of hearing (1/27)	319
Jan.	21	Notice of hearing (Room change to 1520)	350
Jan.	28	Placed on General File	457
Feb.	5	Landis-Abboud FA15 adopted. Advanced for Review	519
Feb.	7	Placed on Select File - AM7022	545
Feb.	20	AM7022 (E & R) adopted. Advanced for Engrossment	694
Feb.	25	Correctly Engrossed. ER9011 change	763
Feb.	25	Landis AM0512 printed	768
Mar.	4	Returned to Select File for Landis AM0512. Landis pending AM0512 p. 768 adopted. Advanced for Reengrossment	855
Mar.	4	Correctly Reengrossed	887
Mar.	21	Final Reading w/E 35-4-10	1157
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 129. By Abboud, Dierks, Preister, Schimek, Schrock

Jan.	9	Read first time	150
Jan.	14	Referred to Committee on Business and Labor	217
Jan.	17	Notice of hearing (1/27)	319
Jan.	21	Notice of hearing (Room change to 1520)	350
Jan.	28	Placed on General File - Com AM0080	457
Feb.	5	Committee AM0080 p. 457 adopted. Advanced for Review	519
Feb.	7	Placed on Select File	546
Feb.	20	Advanced for Engrossment	694
Feb.	25	Correctly Engrossed	763
Mar.	4	Dispensing of the reading at large approved. Final Reading 45-0-4	866
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 130. By Abboud, Dierks, Preister, Schimek, Schrock

Jan.	9	Read first time	150
Jan.	14	Referred to Committee on Business and Labor	217
Jan.	17	Notice of hearing (1/27)	319

Jan.	21	Notice of hearing (Room change to 1520)	350
Feb.	11	Placed on General File - Com AM0280	578
Feb.	18	Committee AM0280 p. 578 adopted as amended by Schimek AM0391. Advanced for Review	648
Feb.	21	Placed on Select File - AM7059	715
Feb.	24	AM7059 (E & R) adopted. Advanced for Engrossment	747
Feb.	28	Correctly Engrossed. ER9023 change	838
Mar.	10	Dispensing of the reading at large approved. Final Reading 42-0-7	968
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 131. By Bromm, Crosby, Schimek

Jan.	9	Read first time	150
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	217
Jan.	16	Notice of hearing (1/24)	297
Jan.	27	Placed on General File	437
Jan.	29	Beutler AM0083 adopted. Beutler AM0084 lost	464
Jan.	29	Failed to Advance for Review w/23-15-11	472
Jan.	30	C. Peterson explanation of vote	485
Feb.	10	Maurstad AM0188 and AM0191 printed	566

LEGISLATIVE BILL 132. By Bohlke

Jan.	9	Read first time	150
Jan.	14	Referred to Committee on Education	217
Jan.	17	Notice of hearing (1/27)	304
Jan.	29	Placed on General File - Com AM0077	473
Feb.	4	Witek AM0153 to AM0077 p. 473 pending	509
Feb.	4	Witek AM0154 printed	510
Feb.	5	Witek pending AM0153 p. 509 and AM0154 p. 510 withdrawn. Committee AM0077 p. 473 adopted. Advanced for Review	512
Feb.	7	Placed on Select File	545
Feb.	12	Witek AM0266 printed	614

LEGISLATIVE BILL 132A. By Bohlke

Feb.	10	Read first time. Placed on General File	565
Feb.	11	Advanced for Review	569

Feb.	13	Placed on Select File	628
June	4	Bohlke AM2660 adopted. Advanced for Engrossment	2626
June	4	Correctly Engrossed	2659
June	12	Final Reading 41-0-8	2746
June	12	President signed	2747
June	12	Presented to Governor (6/12)	2750
June	18	Approved by Governor (6/16)	2759

LEGISLATIVE BILL 133. By Crosby

Jan.	9	Read first time	150
Jan.	14	Referred to Committee on Transportation	217
Jan.	28	Notice of hearing (2/4)	452
Feb.	12	Indefinitely postponed	609

LEGISLATIVE BILL 134. By Abboud

Jan.	10	Read first time	162
Jan.	14	Referred to Committee on Judiciary	248
Mar.	10	Notice of hearing (3/19)	972

LEGISLATIVE BILL 135. By Beutler

Jan.	10	Read first time	163
Jan.	14	Referred to Committee on Natural Resources	248
Feb.	6	Notice of hearing (2/26)	541
Mar.	18	Placed on General File	1080

(Provisions/portions of LB 135 amended into LB 495 by AM1526)

LEGISLATIVE BILL 136. By Landis

Jan.	10	Read first time	163
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	248
Jan.	30	Notice of hearing (2/10)	486
Mar.	6	Placed on General File - Com AM0832	929
Apr.	2	Committee AM0832 p. 929 adopted. Advanced for Review	1312
Apr.	8	Placed on Select File	1392
Apr.	16	Advanced for Engrossment	1543
Apr.	28	Correctly Engrossed. ER9056 change	1688
May	14	Chambers FA301 printed	1981
May	28	Chambers pending FA301 p. 1981 withdrawn. Final Reading w/E 38-0-11	2386
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 137. By Landis

Jan.	10	Read first time	163
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	248
Jan.	21	Notice of hearing (1/28)	332
Jan.	29	Placed on General File - Com AM0032	468
Feb.	6	Committee AM0032 p. 468 adopted. Advanced for Review	539
Feb.	11	Placed on Select File - AM7028	579
Feb.	18	Landis AM0352 printed	642
Feb.	20	AM7028 (E & R) adopted. Landis pending AM0352 p. 642 adopted. Advanced for Engrossment	694
Feb.	25	Correctly Engrossed	763
Feb.	25	ER9009 change	764
Apr.	23	Brashear-Beutler AM1724 printed	1676
May	30	Returned to Select File for Brashear-Beutler AM1724. Brashear-Beutler pending AM1724 p. 1676 adopted. Advanced for Reengrossment	2502
June	2	Correctly Reengrossed	2546
June	2	ER9094 change	2547
June	4	Dispensing of the reading at large approved	2639
June	4	Final Reading w/E 39-0-10	2640
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 89 amended into LB 137 by AM0352)
(Provisions/portions of LB 364 amended into LB 137 by AM1724)

LEGISLATIVE BILL 138. By Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely

Jan.	10	Read first time	163
Jan.	14	Referred to Committee on Health and Human Services	248
Jan.	29	Notice of hearing (2/7)	470
Feb.	20	Placed on General File - Com AM0380 (printed separate)	687
Feb.	26	Robak AM0518 to AM0380 printed	788
Mar.	18	Wickersham priority bill	1100
Apr.	10	Maurstad AM1329 to AM0380 printed	1457
Apr.	11	Committee AM0380 p. 687 adopted as amended by Wickersham AM1382. Advanced for Review	1484
Apr.	21	Placed on Select File - AM7137	1606
Apr.	21	Abboud AM1524 printed	1625
Apr.	21	Abboud AM1681 printed	1627
Apr.	22	Abboud AM1682 printed	1633
Apr.	22	Wickersham AM1705 printed	1648

Apr.	22	Dw. Pedersen AM1499 printed	1655
Apr.	23	Dw. Pedersen AM1685 to AM1524 printed	1681
May	6	Dw. Pedersen AM1956 printed	1847
May	13	Wesely-Matzke-Hillman AM2134 printed separate	1956
May	16	Wickersham AM2245 to AM1705 printed	2061
May	20	Wickersham AM2312 printed	2168
May	22	AM7137 (E & R) adopted. Maurstad pending AM1329 p. 1457, Abboud AM1524 p. 1625, AM1681 p. 1627, AM1682 p. 1633 (Correction p. 2322), Dw. Pedersen pending AM1499 p. 1655, AM1685 p. 1681, AM1956 p. 1847, Wesely et al pending AM2134 p. 1956, and Wickersham pending AM2245 p. 2061 withdrawn. Wickersham request to substitute amendment prevailed. Wickersham pending AM1705 p. 1648 withdrawn. Wickersham pending substitute AM2312 p. 2168 and Robak pending AM0518 p. 788 adopted. Advanced for Engrossment	2297
May	27	Correctly Engrossed. ER9082 change	2331
May	30	Dispensing of the reading at large approved. Final Reading 43-0-6	2501
May	30	Speaker signed	2502
May	30	Presented to Governor (5/30)	2506
June	4	Engel explanation of vote	2638
June	12	Approved by Governor (6/5)	2699

LEGISLATIVE BILL 139. By Preister, Abboud, Beutler, Chambers, Hartnett, Hilgert, Lynch, Schimek

Jan.	10	Read first time	164
Jan.	14	Referred to Committee on Revenue	248
Jan.	23	Notice of hearing (1/30)	421
Feb.	12	Indefinitely postponed	608

LEGISLATIVE BILL 140. By Preister, Bromm, Hartnett

Jan.	10	Read first time	164
Jan.	14	Referred to Committee on Natural Resources	248
Jan.	17	Notice of hearing (1/24)	318
Feb.	10	Placed on General File - Com AM0200	565
Feb.	13	Committee AM0200 p. 565 adopted. Advanced for Review	625
Feb.	18	Placed on Select File	653
Feb.	24	Advanced for Engrossment	745
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading 39-0-10	953
Mar.	10	President signed	974

Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 141. By Beutler

Jan.	10	Read first time	164
Jan.	14	Referred to Committee on Natural Resources	248
Jan.	15	Notice of hearing (1/22)	279
Jan.	24	Placed on General File	427
Jan.	27	Advanced for Review	436
Jan.	28	Placed on Select File - AM7008	457
Feb.	6	AM7008 (E & R) adopted. Advanced for Engrossment	537
Feb.	10	Correctly Engrossed	561
Feb.	12	Final Reading 39-0-10	603
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 142. By Elmer, Schrock

Jan.	10	Read first time	164
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	248
Jan.	21	Notice of hearing (1/28)	332
Jan.	29	Indefinitely postponed	469

LEGISLATIVE BILL 143. By Robak, Crosby

Jan.	10	Read first time	164
Jan.	14	Referred to Committee on Transportation	248
Jan.	27	Dw. Pedersen name added	443
Feb.	6	Notice of hearing (2/18)	524
Mar.	11	Indefinitely postponed	996

LEGISLATIVE BILL 144. By Robak

Jan.	10	Read first time	164
Jan.	14	Referred to Committee on Revenue	248
Feb.	10	Notice of hearing (3/6)	562
Apr.	3	Indefinitely postponed	1332

LEGISLATIVE BILL 145. By Schmitt, Hudkins, Jones

Jan.	10	Read first time	165
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	248
Jan.	29	Notice of hearing (2/7)	470
Feb.	19	Indefinitely postponed	676

LEGISLATIVE BILL 146. By Schmitt, Dierks

Jan.	10	Read first time	165
Jan.	14	Referred to Committee on Health and Human Services	248
Jan.	29	Notice of hearing (2/21)	471
Mar.	5	Placed on General File	905
Mar.	6	Schmitt priority bill	914
Mar.	25	Attorney General's Opinion #97021 to Wesely	1218

LEGISLATIVE BILL 147. By Robak

Jan.	10	Read first time	165
Jan.	14	Referred to Committee on Nebraska Retirement Systems	248
Jan.	30	Notice of hearing (2/24)	486
June	5	Indefinitely postponed	2688

LEGISLATIVE BILL 148. By Kristensen

Jan.	10	Read first time	165
Jan.	14	Referred to Committee on General Affairs	248
Feb.	5	Notice of hearing (2/24)	515
Feb.	27	Placed on General File - Com AM0003	801

(Provisions/portions of LB 148 amended into LB 248 by AM0736)

LEGISLATIVE BILL 149. By Kristensen

Jan.	10	Read first time	165
Jan.	14	Referred to Committee on Judiciary	248
Feb.	21	Notice of hearing (3/20)	719
Mar.	24	Indefinitely postponed	1202

LEGISLATIVE BILL 150. By Maurstad

Jan.	10	Read first time	165
Jan.	14	Referred to Committee on Judiciary	248
Jan.	30	Notice of hearing (2/20)	487
Mar.	24	Placed on General File	1195
May	12	Wehrbein-Maurstad-Chambers AM2051 printed	1901
May	13	Dw. Pedersen-Jones AM2052 to AM2051 printed	1940
May	14	Wehrbein-Chambers AM2206 printed	2005
May	15	Wehrbein et al pending AM2051 p. 1901 and Dw. Pedersen-Jones pending AM2052 p. 1940 withdrawn. Wehrbein-Chambers-Maurstad pending AM2206 p. 2005 adopted as amended by	

		Dw. Pedersen FA329. Chambers FA330 pending	2011
May	15	Chambers FA331, FA332, FA333, FA334, FA335, and FA336 printed	2017
May	15	Dw. Pedersen-Jones AM2050 printed	2034
May	19	Dw. Pedersen AM2289 printed	2089
May	21	Dw. Pederson AM2331 printed	2219
May	21	Wehrbein AM2359 printed	2251
May	27	Chambers pending FA330 p. 2012 withdrawn. Dw. Pedersen-Jones pending AM2050 p. 2034 pending	2326
May	27	Dw. Pedersen-Jones pending AM2050 p. 2034 pending. Chambers asked unanimous consent to bracket until 6/12/97. Objection. Chambers motion to bracket until 6/12/97 pending	2331
May	28	Chambers pending motion to bracket unitl 6/12/97 p. 2331 withdrawn. Chambers FA397 withdrawn. Chambers FA398 to AM2050 pending	2399
May	28	Chambers pending FA398 p. 2399, Dw. Pedersen-Jones pending AM2050 p. 2034, and Dw. Pedersen pending AM2289 p. 2089 withdrawn. Dw. Pedersen request to substitute amendment prevailed. Dw. Pedersen pending AM2331 p. 2219 withdrawn. Brashear substitute AM2479 pending	2400
May	28	Chambers FA401, FA402, and FA403 printed	2428
May	29	Brashear request to substitute amendment prevailed. Brashear pending AM2479 p. 2400 withdrawn. Chambers FA408 and Brashear substitute AM2478 withdrawn. Wehrbein pending AM2359 p. 2251 adopted	2456
May	29	Advanced for Review	2460
May	29	Placed on Select File - AM7178	2469
June	2	Maurstad AM2607 printed	2542
June	2	Maurstad AM2631 printed	2552
June	3	Dw. Pedersen AM2626 printed	2564
June	3	Dw. Pedersen AM2216 printed	2585
June	3	Maurstad AM2644 to AM2206 printed	2602
June	3	Dw. Pedersen AM2647 to AM2206 printed	2606
June	4	AM7178 (E & R) adopted. Chambers reoffered FA330 p. 2012 adopted as amended by Maurstad FA434. Chambers pending FA331, FA332, FA333, FA334, FA335, FA336 p. 2017 withdrawn. Dw. Pedersen request to substitute amendment prevailed. Dw. Pedersen-Jones pending AM2050 p. 2034 withdrawn. Maurstad pending substitute	

		AM2607 p. 2542 adopted as amended by by Schimek-Maurstad FA436. Schimek FA435 withdrawn. Dw. Pedersen request to substitute reoffered AM2331 prevailed. Dw. Pedersen request to substitute AM2647 prevailed. Dw. Pedersen pending AM2647 p. 2606 withdrawn. Dw. Pedersen substitute FA437 lost. Maurstad request to substitute amendment prevailed. Maurstad pending AM2631 p. 2552 withdrawn. Maurstad pending substitute AM2644 p. 2602 adopted	2616
June	4	Dw. Pedersen pending AM2626 p. 2564, AM2216 p. 2585, AM2331 p. 2219, Chambers pending FA401, FA402, and FA403 p. 2428 withdrawn. Maurstad FA438 adopted. Advanced for Engrossment	2627
June	4	Correctly Engrossed. ER9112 change	2659
June	12	Dw. Pedersen motion to return to Select File for FA445 withdrawn	2748
June	12	Final Reading w/E 43-2-4	2749
June	12	President signed. Presented to Governor (6/12)	2750
June	18	Engel explanation of vote. Approved by Governor (6/16)	2759

LEGISLATIVE BILL 151. By Landis, Jensen, Matzke

Jan.	10	Read first time	165
Jan.	14	Referred to Committee on Judiciary	248
Feb.	12	Notice of hearing (2/21)	612
Mar.	18	Landis priority bill	1075
Mar.	24	Placed on General File	1195
May	15	Landis AM2258 printed	2050
May	16	Landis pending AM2258 p. 2050 adopted. Advanced for Review	2067
May	19	Placed on Select File - AM7162	2091
May	22	Landis AM2384 to AM7162 printed	2319
May	28	Landis AM2485 to AM7162 printed	2433
May	30	AM7162 (E & R) adopted. Landis pending AM2384 p. 2319 withdrawn. Landis pending AM2485 p. 2433 adopted. Advanced for Engrossment	2516
June	2	Correctly Engrossed	2547
June	4	Final Reading w/E 44-0-5	2629
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 152. By Witek

Jan.	10	Read first time	166
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	248
Jan.	30	Notice of hearing (2/11)	486
Feb.	13	Placed on General File	628
Feb.	20	Advanced for Review	704
Feb.	26	Placed on Select File	793
Mar.	4	Advanced for Engrossment	879
Mar.	6	Correctly Engrossed	919
Mar.	21	Final Reading w/E 42-0-7	1152
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 153. By Jones, Cudaback, Dierks, Elmer, Hudkins, Schellpeper, Schmitt, Schrock, Wickersham

Jan.	10	Read first time	166
Jan.	14	Referred to Committee on Judiciary	248
Jan.	22	Notice of hearing (1/29)	364
Feb.	4	Placed on General File	510
Feb.	11	Matzke AM0295, Brashear AM0309, Chambers FA21, FA22 and FA25 adopted. Chambers FA20, FA24 and Tyson FA23 withdrawn. Advanced for Review	575
Feb.	18	Placed on Select File - AM7044	649
Feb.	24	AM7044 (E & R) adopted. Advanced for Engrossment	744
Feb.	27	Correctly Engrossed	808
Mar.	10	Returned to Select File for Jones AM0863. Jones AM0863 adopted. Advanced for Reengrossment	953
Mar.	11	Correctly Reengrossed	988
Mar.	21	Final Reading 42-1-6	1156
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 154. By Jones, Dierks

Jan.	10	Read first time	166
Jan.	14	Referred to Committee on Natural Resources	248
Jan.	23	Notice of hearing (1/30)	420
May	2	Indefinitely postponed	1791

LEGISLATIVE BILL 155. By Jones

Jan.	10	Read first time	166
Jan.	13	Schmitt name added	214

Jan.	14	Referred to Committee on Natural Resources	248
Jan.	16	Notice of hearing (1/23)	297

LEGISLATIVE BILL 156. By Jones

Jan.	10	Read first time	166
Jan.	14	Referred to Committee on Transportation	248
Jan.	21	Notice of hearing (1/28)	321
Jan.	29	Indefinitely postponed	467

LEGISLATIVE BILL 157. By Jones, Bromm, Hudkins, Schmitt, Schrock

Jan.	10	Read first time	166
Jan.	14	Referred to Committee on Education	248
Feb.	7	Notice of hearing (3/11)	547
Apr.	2	Indefinitely postponed	1318

LEGISLATIVE BILL 158. By Preister, Jensen

Jan.	10	Read first time	166
Jan.	14	Referred to Committee on Judiciary	248
Feb.	20	Notice of hearing (3/12)	709
Mar.	24	Indefinitely postponed	1202

LEGISLATIVE BILL 159. By Preister, Chambers, Hilgert

Jan.	10	Read first time	167
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	248
Feb.	24	Notice of hearing (3/4)	748
Mar.	5	Indefinitely postponed	904

LEGISLATIVE BILL 160. By Hudkins, Jones, Tyson, Vrtiska

Jan.	10	Read first time	167
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	248
Jan.	22	Notice of hearing (1/30)	372
Feb.	4	Placed on General File	503
Feb.	7	Advanced for Review	554
Feb.	13	Wehrbein AM0308 printed	618
Feb.	13	Placed on Select File - AM7035	627

LEGISLATIVE BILL 161. By Hudkins, Schmitt, Tyson

Jan.	10	Read first time	170
Jan.	14	Referred to Committee on Judiciary	248
Jan.	22	Notice of hearing (1/29)	364

Feb.	4	Placed on General File - Com AM0135	510
Feb.	11	Maurstad-Hudkins AM0310 to AM0135 printed	585
Feb.	12	Maurstad-Hudkins AM0330 to AM0135 printed	615
Feb.	13	Maurstad-Hudkins pending AM0310 p. 585 withdrawn. Committee AM0135 p. 510 adopted as amended by Maurstad-Hudkins pending AM0330 p. 615. Advanced for Review	629
Feb.	19	Placed on Select File - AM7050	685
Feb.	24	AM7050 (E & R) adopted. Advanced for Engrossment	746
Feb.	27	Correctly Engrossed. ER9021 change	808
Mar.	10	Final Reading 43-0-6	954
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 162. By Schmitt, Chambers

Jan.	10	Read first time	170
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	248
Jan.	29	Notice of hearing (2/7)	470
Feb.	19	Placed on General File	675
Mar.	24	Beutler AM1011 printed	1207

LEGISLATIVE BILL 163. By Wehrbein

Jan.	10	Read first time	170
Jan.	14	Referred to Committee on Education	248
Jan.	30	Notice of hearing (2/11)	488
Mar.	26	Indefinitely postponed	1238

LEGISLATIVE BILL 164. By Wehrbein, Stuhr

Jan.	10	Read first time	171
Jan.	13	Coordsen, Bromm, and Jones names added	213
Jan.	14	Hillman name added	234
Jan.	14	Referred to Committee on Appropriations	248
Jan.	16	Warner name added	298
Feb.	11	Vrtiska name added	586
Feb.	19	Notice of hearing (3/11)	677
Mar.	19	Hudkins name added	1120

LEGISLATIVE BILL 165. By Robak

Jan.	10	Read first time	171
Jan.	14	Referred to Committee on Judiciary	248
Jan.	30	Notice of hearing (2/21)	487

Feb.	25	Placed on General File	773
Mar.	6	Advanced for Review	929
Mar.	11	Placed on Select File	994
Mar.	20	Brashear AM1113 adopted. Advanced for Engrossment	1132
Mar.	24	Correctly Engrossed	1209
Apr.	1	Final Reading 37-2-10	1278
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 166. By Janssen, Schmitt, Vrtiska

Jan.	10	Read first time	171
Jan.	14	Referred to Committee on Health and Human Services	248
Jan.	29	Notice of hearing (2/7)	470
Feb.	21	Placed on General File - Com AM0473	713
Mar.	6	Committee AM0473 p. 713 adopted. Advanced for Review	922
Mar.	10	Placed on Select File - AM7082	981
Mar.	20	AM7082 (E & R) adopted. Chambers FA102 withdrawn. Advanced for Engrossment	1131
Mar.	24	Correctly Engrossed	1186
Apr.	1	Final Reading w/E 37-0-12	1279
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 167. By Witek, Crosby, Dierks, Jensen, Maurstad, Preister

Jan.	10	Read first time	171
Jan.	13	Bruning name added	214
Jan.	14	Referred to Committee on Judiciary	248
Jan.	14	Jones name added	253
Jan.	30	Notice of hearing (2/12)	487
Mar.	4	Indefinitely postponed	887

LEGISLATIVE BILL 168. By Crosby

Jan.	10	Read first time	171
Jan.	14	Referred to Committee on Revenue	248
Jan.	29	Notice of hearing (2/5)	474
Feb.	24	Indefinitely postponed	752

LEGISLATIVE BILL 169. By Vrtiska

Jan.	10	Read first time	171
Jan.	14	Referred to Committee on Revenue	248
Feb.	20	Notice of hearing (3/12)	701
Apr.	3	Indefinitely postponed	1332

LEGISLATIVE BILL 170. By Vrtiska

Jan.	10	Read first time	171
Jan.	14	Referred to Committee on Banking, Commerce and Insurance	249
Jan.	17	Notice of hearing (1/27)	319
Jan.	28	Placed on General File	457
Feb.	4	Advanced for Review	504
Feb.	6	Placed on Select File - AM7015	542
Feb.	12	AM7015 (E & R) adopted. Advanced for Engrossment	606
Feb.	18	Correctly Engrossed	637
Feb.	24	Final Reading w/E 39-0-10	731
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 171. By Landis, Warner

Jan.	10	Read first time	172
Jan.	14	Referred to Committee on Business and Labor	249
Feb.	12	Notice of hearing (2/24)	611

LEGISLATIVE BILL 172. By Natural Resources Committee

Jan.	10	Read first time	172
Jan.	14	Referred to Committee on Natural Resouces	249
Jan.	22	Notice of hearing (1/29)	410

LEGISLATIVE BILL 173. By Natural Resources Committee

Jan.	10	Read first time	172
Jan.	14	Referred to Committee on Natural Resources	249
Jan.	15	Notice of hearing (1/22)	279
Feb.	28	Placed on General File - Com AM0323	835
Mar.	27	Committee AM0323 p. 835 adopted. Advanced for Review	1259
Apr.	2	Placed on Select File	1316
Apr.	14	Wickersham AM1362 printed	1492
Apr.	16	Wickersham pending AM1362 p. 1492 adopted. Advanced for Engrossment	1535
Apr.	23	Correctly Engrossed	1662
Apr.	23	ER9046 change	1663
May	7	Final Reading 38-0-10	1861

May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 173A. By Beutler

Mar.	21	Read first time. Placed on General File	1172
Apr.	9	Advanced for Review	1422
Apr.	10	Placed on Select File	1460
Apr.	16	Advanced for Engrossment	1535
Apr.	23	Correctly Engrossed	1662
May	7	Final Reading 38-0-10	1862
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 174. By Wehrbein

Jan.	10	Read first time	172
Jan.	14	Referred to Committee on Education	249
Jan.	17	Notice of hearing (1/28)	304
Feb.	13	Indefinitely postponed	617

LEGISLATIVE BILL 175. By Wehrbein

Jan.	10	Read first time	172
Jan.	14	Referred to Committee on Judiciary	249
Jan.	22	Notice of hearing (1/29)	364
Feb.	4	Indefinitely postponed	510

LEGISLATIVE BILL 176. By Revenue Committee

Jan.	10	Read first time	173
Jan.	13	Will and Schellpeper names added	213
Jan.	14	Referred to Committee on Revenue	249
Jan.	16	Notice of hearing (1/23)	297

(Provisions/portions of LB 176 amended into LB 269 by AM1426)

LEGISLATIVE BILL 177. By Revenue Committee

Jan.	10	Read first time	173
Jan.	13	Will, Schellpeper and Hartnett names added	213
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	249
Feb.	24	Notice of hearing (3/12)	748

LEGISLATIVE BILL 178. By Wickersham, Coordsen, Kristensen, Warner

Jan.	10	Read first time	173
Jan.	13	Will, Schellpeper and Hartnett names added	213
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	249
Feb.	24	Notice of hearing (3/12)	748

LEGISLATIVE BILL 179. By Landis, Coordsen, Kristensen, Warner, Wickersham

Jan.	10	Read first time	173
Jan.	14	Referred to Committee on Revenue	249
Feb.	10	Notice of hearing (2/27)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 180. By Coordsen, Kristensen, Landis, Warner, Wickersham

Jan.	10	Read first time	173
Jan.	14	Referred to Committee on Revenue	249
Feb.	10	Notice of hearing (2/27)	562
Mar.	20	Coordsen priority bill	1128
Apr.	8	Placed on General File - Com AM1213	1381
Apr.	8	Coordsen AM1347 to AM1213 printed	1404
May	1	Coorsden pending AM1347 p. 1404 withdrawn. Committee AM1213 p. 1381 adopted. Advanced for Review	1775
May	8	Placed on Select File - AM7149	1890
May	14	Will AM2160 printed	2003
May	15	Coordsen AM2242 printed	2028
May	19	AM7149 (E & R) adopted. Coordsen pending AM2242 p. 2028 and Will pending AM2160 p. 2003 withdrawn. Maurstad asked unanimous consent to bracket until 5/26/97. Objection. Maurstad motion to bracket until 5/26/97 withdrawn. Coordsen AM2288 and Coordsen-Bohlke FA352 adopted. Advanced for Engrossment	2107
May	27	Correctly Engrossed	2322
May	27	ER9072 change	2323
May	30	Final Reading 26-4-19	2494
May	30	Speaker signed	2502
May	30	Presented to Governor (5/30)	2506

June	4	Engel explanation of vote	2638
June	12	Approved by Governor (6/5)	2699

LEGISLATIVE BILL 181. By Wickersham, Coordsen, Landis, Warner

Jan.	10	Read first time	173
Jan.	13	Will name added	213
Jan.	14	Referred to Committee on Revenue	249
Feb.	10	Notice of hearing (2/27)	562

LEGISLATIVE BILL 182. By Landis, Coordsen, Kristensen, Warner, Wickersham

Jan.	10	Read first time	174
Jan.	13	Will, Schellpeper and Hartnett names added	213
Jan.	14	Referred to Committee on Revenue	249
Jan.	23	Notice of hearing (1/30)	420
Feb.	10	Placed on General File - Com AM0217 (printed separate)	563
Feb.	11	Hilgert name added	586
Feb.	18	Committee AM0217 p. 563 adopted. Advanced for Review	639
Feb.	18	Preister and Abboud names added	658
Feb.	19	Beutler AM0388 printed	682
Feb.	21	Placed on Select File - AM7056	714
Feb.	24	AM7056 (E & R) adopted. Beutler pending AM0388 p. 682 withdrawn. Passed over	747
Feb.	25	Landis AM0552 printed	768
Feb.	28	C. Peterson name added	839
Mar.	3	Beutler name added	850
Mar.	4	Jensen, Wesely names added	894
Mar.	5	Landis pending AM0552 p. 768 adopted. Advanced for Engrossment	896
Mar.	6	Correctly Engrossed	919
Mar.	13	Lynch name added	1070
Apr.	10	Preister-Hilgert-Abboud-Lynch-Will-Suttle-Kiel-Schimek AM1301 printed	1456
Apr.	22	Preister-Hilgert-Lynch-Kiel AM1621 printed	1641
May	27	Landis-Hillman AM2423 printed	2328
May	27	Coordsen AM2427 printed	2346
June	2	Preister et al pending AM1301 p. 1456 withdrawn. Preister motion to return to Select File for pending AM1621 p. 1641 failed. Returned to Select File for Landis-Hillman AM2423. Landis-Hillman	

		pending AM2423 p. 2348 adopted. Advanced for Reengrossment	2521
June	2	Returned to Select File for Coordsen AM2427. Coordsen pending AM2427 p. 2346 adopted. Advanced for Reengrossment	2522
June	2	Correctly Reengrossed. ER9101 change	2552
June	4	Dispensing of the reading at large approved. Final Reading w/E 45-0-4	2641
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 431 amended into LB 182 by AM0217)

LEGISLATIVE BILL 182A. By Warner

Feb.	12	Read first time. Placed on General File	587
Feb.	18	Advanced for Review	639
Feb.	21	Placed on Select File	715
Mar.	5	Advanced for Engrossment	896
Mar.	6	Correctly Engrossed	919
May	27	Coordsen AM2435 printed separate	2350
May	27	Maurstad AM2436 printed	2351
June	2	Returned to Select File for Coordsen AM2435. Coordsen pending AM2435 p. 2350 adopted. Advanced for Reengrossment	2523
June	2	Returned to Select File for Maurstad AM2436. Maurstad pending AM2436 p. 2351 adopted. Advanced for Reengrossment	2523
June	2	Correctly Reengrossed. ER9102 change	2552
June	4	Dispensing of the reading at large approved. Final Reading w/E 44-0-5	2642
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703
June	12	Landis name added	2750

(Provisions/portions of LB 409 amended into LB 182A by AM2435)

LEGISLATIVE BILL 183. By Wesely

Jan.	10	Read first time	174
Jan.	14	Referred to Committee on Health and Human Services	249
Jan.	29	Notice of hearing (2/6)	470
Feb.	12	Placed on General File - Com AM0248	608
Feb.	18	Committee AM0248 p. 608 adopted. Advanced for Review	649
Feb.	21	Placed on Select File - AM7058	715
Feb.	24	AM7058 (E & R) adopted. Advanced for	

		Engrossment	747
Feb.	28	Correctly Engrossed	838
Mar.	10	Final Reading w/E 43-0-6	961
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 184. By Wesely

Jan.	10	Read first time	174
Jan.	14	Referred to Committee on Health and Human Services	249
Jan.	29	Notice of hearing (2/5)	470
Feb.	7	Placed on General File - Com AM0142	552
Feb.	18	Committee AM0142 p. 552 adopted. Advanced for Review	638
Feb.	20	Placed on Select File - AM7051	701
Feb.	24	AM7051 (E & R) adopted. Advanced for Engrossment	747
Feb.	28	Correctly Engrossed	838
Mar.	10	Final Reading 42-0-7	962
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 185. By Wesely

Jan.	10	Read first time	174
Jan.	14	Referred to Committee on Health and Human Services	249
Jan.	16	Notice of hearing (1/24)	298
Jan.	28	Placed on General File - Com AM0045	450
Feb.	4	Committee AM0045 p. 450 and Beutler FA9 adopted. Advanced for Review	502
Feb.	5	Placed on Select File - AM7014	520
Feb.	6	AM7014 (E & R) adopted. Advanced for Engrossment	539
Feb.	11	Correctly Engrossed	580
Feb.	24	Dispensing of the reading at large approved. Final Reading 44-0-5	735
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 186. By McKenzie

Jan.	10	Read first time	174
Jan.	14	Referred to Committee on Health and	

		Human Services	249
Jan.	14	Witek name added	253
Jan.	29	Notice of hearing (3/13)	471
Apr.	8	Placed on General File - Com AM1264 (printed separate)	1403
Apr.	9	Witek AM1356 (on file) printed	1433

LEGISLATIVE BILL 187. By McKenzie

Jan.	10	Read first time	174
Jan.	14	Referred to Committee on Revenue	249
Jan.	17	Notice of hearing (1/24)	305
Feb.	12	Indefinitely postponed	608

LEGISLATIVE BILL 188. By Bromm, Dierks, Elmer, Hudkins, McKenzie, C. Peterson, Schrock

Jan.	10	Read first time	175
Jan.	14	Referred to Committee on Natural Resources	249
Jan.	15	Notice of hearing (1/22)	279
Jan.	24	Placed on General File	427
Jan.	27	Advanced for Review	436
Jan.	28	Placed on Select File	457
Jan.	29	Bromm AM0092 printed	472
Feb.	6	Bromm pending AM0092 p. 472 adopted. Advanced for Engrossment	537
Feb.	10	Correctly Engrossed	561
Feb.	12	Final Reading w/E 40-0-9	604
Feb.	12	Speaker signed	607
Feb.	12	Presented to Governor (2/12)	611
Feb.	18	Approved by Governor (2/13)	634

LEGISLATIVE BILL 189. By Dierks, Jones

Jan.	10	Read first time	175
Jan.	14	Referred to Committee on Agriculture	249
Jan.	30	Notice of hearing (2/18)	491

LEGISLATIVE BILL 190. By Dierks

Jan.	10	Read first time	175
Jan.	14	Referred to Committee on Revenue	249
Feb.	4	Notice of hearing (2/13)	507
Feb.	24	Indefinitely postponed	752

LEGISLATIVE BILL 191. By Dierks

Jan.	10	Read first time	175
Jan.	14	Referred to Committee on Agriculture	249

Feb.	13	Notice of hearing (2/25)	631
Mar.	13	Placed on General File - Com AM0927	1044

LEGISLATIVE BILL 192. By Dierks

Jan.	10	Read first time	175
Jan.	14	Referred to Committee on Agriculture	249
Jan.	24	Notice of hearing (2/4)	427
Feb.	20	Placed on General File - Com AM0450	708
Feb.	21	Dierks AM0504 printed	716
Mar.	12	Agriculture Committee priority bill	1034

LEGISLATIVE BILL 193. By Dierks

Jan.	10	Read first time	175
Jan.	14	Referred to Committee on Agriculture	249
Jan.	30	Notice of hearing (2/18)	491
Feb.	7	Notice of hearing (2/18) (cancel)	555
Feb.	13	Notice of hearing (2/25) (reset)	631
Feb.	27	Placed on General File	805
Mar.	27	Advanced for Review	1258
Apr.	1	Placed on Select File	1307
Apr.	16	Advanced for Engrossment	1535
Apr.	23	Correctly Engrossed	1662
May	7	Final Reading 42-0-6	1863
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 194. By Dierks

Jan.	10	Read first time	176
Jan.	14	Referred to Committee on Health and Human Services	249
Jan.	16	Notice of hearing (1/23)	298
Jan.	28	Placed on General File	449
Jan.	30	Advanced for Review	490
Feb.	4	Placed on Select File	498
Feb.	6	Advanced for Engrossment	539
Feb.	11	Correctly Engrossed	580
Feb.	24	Final Reading 34-1-14	728
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 195. By Dierks

Jan.	10	Read first time	176
Jan.	14	Referred to Committee on Health and Human Services	249
Jan.	16	Notice of hearing (1/23)	298
Jan.	28	Placed on General File	449
Jan.	30	Advanced for Review	490
Feb.	4	Placed on Select File	498
Feb.	6	Advanced for Engrossment	539
Feb.	11	Correctly Engrossed	580
Feb.	24	Final Reading 37-0-12	729
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 196. By Dierks

Jan.	10	Read first time	176
Jan.	14	Referred to Committee on Judiciary	249
Jan.	30	Notice of hearing (2/21)	487
Feb.	25	Indefinitely postponed	775

LEGISLATIVE BILL 197. By Dierks

Jan.	10	Read first time	176
Jan.	14	Referred to Committee on Health and Human Services	249
Jan.	22	Notice of hearing (1/30)	383
Feb.	18	Placed on General File - Com AM0312	654
Mar.	27	Committee AM0312 p. 654 adopted. Dierks AM0503 and AM0486 adopted. Advanced for Review	1260
Apr.	2	Placed on Select File - AM7104	1316
Apr.	16	AM7104 (E & R) adopted. Advanced for Engrossment	1540
Apr.	23	Correctly Engrossed	1662
May	13	Kristensen AM2091 printed	1937
May	14	Chambers FA312 printed	1981
May	30	Returned to Select File for Kristensen AM2091 Kristensen pending AM2091 p. 1937 adopted. Advanced for Reengrossment. Chambers pending FA312 p. 1981 withdrawn	2503
June	2	Correctly Reengrossed	2546
June	4	Dispensing of the reading at large approved. Final Reading 43-0-6	2643
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 476 amended into LB 197 by AM2091)

LEGISLATIVE BILL 198. By Warner

Jan.	10	Read first time	176
Jan.	14	Referred to Committee on Revenue	249
Feb.	10	Notice of hearing (2/28)	562
Apr.	9	Coordsen name added	1451

LEGISLATIVE BILL 199. By Agriculture Committee

Jan.	10	Read first time	176
Jan.	14	Referred to Committee on Agriculture	249
Jan.	21	Notice of hearing (1/28)	332
Feb.	7	Placed on General File - Com AM0218	555
Feb.	13	Committee AM0218 p. 555 adopted	630
Feb.	18	Advanced for Review	638
Feb.	20	Placed on Select File - AM7055	700
Feb.	24	AM7055 (E & R) adopted. Beutler FA32 withdrawn. Advanced for Engrossment	746
Feb.	28	Correctly Engrossed. ER9015 change	838
Mar.	10	Dispensing of the reading at large approved. Final Reading 40-0-9	969
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 200. By Agriculture Committee

Jan.	10	Read first time	177
Jan.	14	Referred to Committee on Agriculture	249
Jan.	21	Notice of hearing (1/28)	332
Jan.	29	Placed on General File - Com AM0070	474
Feb.	7	Committee AM0070 p. 474 adopted. Advanced for Review	548
Feb.	12	Placed on Select File - AM7026	608
Feb.	20	AM7026 (E & R) adopted. Advanced for Engrossment	695
Feb.	25	Correctly Engrossed	771
Mar.	4	Final Reading 38-0-11	855
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 201. By Agriculture Committee

Jan.	10	Read first time	177
Jan.	14	Referred to Committee on Agriculture	249
Jan.	21	Notice of hearing (1/28)	332
Jan.	29	Placed on General File	474
Feb.	6	Advanced for Review	540

Feb.	12	Placed on Select File - AM7027	607
Feb.	20	AM7027 (E & R) adopted. Advanced for Engrossment	695
Feb.	25	Correctly Engrossed	771
Mar.	4	Final Reading 39-0-10	856
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 202. By Agriculture Committee

Jan.	10	Read first time	177
Jan.	14	Referred to Committee on Agriculture	249
Jan.	21	Notice of hearing (1/28)	332
Jan.	29	Placed on General File	474
Feb.	6	Advanced for Review	540
Feb.	12	Placed on Select File	608
Feb.	20	Advanced for Engrossment	695
Feb.	25	Correctly Engrossed	771
Mar.	4	Final Reading w/E 40-0-9	857
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 203. By Abboud, Jones, Dw. Pedersen, Robak

Jan.	10	Read first time	177
Jan.	14	Referred to Committee on Judiciary	249
Jan.	28	Notice of hearing (2/7)	460
Feb.	18	Placed on General File - Com AM0257	641

LEGISLATIVE BILL 204. By Abboud, Jones, Dw. Pedersen, Robak

Jan.	10	Read first time	177
Jan.	14	Referred to Committee on Judiciary	249
Jan.	28	Notice of hearing (2/7)	460
Mar.	4	Placed on General File - Com AM0665	884
Mar.	20	Speaker priority bill	1142
May	20	Corrected Committee AM2323 printed	2130

LEGISLATIVE BILL 205. By Wickersham, Bohlke

Jan.	10	Read first time	178
Jan.	14	Referred to Committee on Education	249
Jan.	21	Notice of hearing (1/28)	332
Apr.	2	Indefinitely postponed	1318

LEGISLATIVE BILL 206. By Bohlke, Withem

Jan.	10	Read first time	178
Jan.	14	Referred to Committee on Education	249
Jan.	17	Notice of hearing (1/28)	304
Jan.	30	Placed on General File	478
Feb.	7	Advanced for Review	548
Feb.	12	Placed on Select File	608
Feb.	20	Advanced for Engrossment	698
Feb.	26	Correctly Engrossed	785
Mar.	4	Final Reading 39-0-10	861
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 207. By Witek, Crosby, Dierks, Hilgert, Hudkins, Jones, Preister, Stuhr, Warner

Jan.	10	Read first time	178
Jan.	14	Referred to Committee on Judiciary	249
Jan.	17	Schimek name added	320
Feb.	12	Notice of hearing (2/28)	612
Mar.	3	Placed on General File	849
Mar.	27	Chambers motion to indefinitely postpone laid over	1263

LEGISLATIVE BILL 208. By Preister

Jan.	10	Read first time	178
Jan.	14	Referred to Committee on Natural Resources	249
Feb.	6	Notice of hearing (2/20)	541

LEGISLATIVE BILL 209. By Wickersham, Bohlke

Jan.	10	Read first time	178
Jan.	14	Referred to Committee on Education	249
Jan.	30	Notice of hearing (2/11)	488

LEGISLATIVE BILL 210. By Kristensen, Crosby, Vrtiska

Jan.	10	Read first time	178
Jan.	14	Referred to Committee on Transportation	249
Jan.	21	Notice of hearing (1/28)	321
Jan.	29	Placed on General File	467
Feb.	5	Advanced for Review	520
Feb.	7	Placed on Select File	546
Feb.	12	Kristensen AM0315 printed	615
Feb.	24	Kristensen pending AM0315 p. 615 withdrawn. Kristensen AM0482 adopted. Advanced for	

	Engrossment	738
Feb. 27	Correctly Engrossed	808
Mar. 10	Final Reading 43-0-6	954
Mar. 10	President signed	974
Mar. 10	Presented to Governor (3/10)	981
Mar. 18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 211. By Dierks

Jan. 13	Read first time	194
Jan. 16	Referred to Committee on Agriculture	280
Jan. 30	Notice of hearing (2/18)	491
Feb. 21	Placed on General File - Com AM0451	716
Feb. 25	Vrtiska name added	782
Mar. 12	Agriculture Committee priority bill	1024
Apr. 22	Robinson AM1577 printed	1648

LEGISLATIVE BILL 212. By Maurstad

Jan. 13	Read first time	194
Jan. 16	Referred to Committee on General Affairs	280
Feb. 5	Notice of hearing (2/24)	515
Apr. 1	Indefinitely postponed	1301

LEGISLATIVE BILL 213. By Maurstad

Jan. 13	Read first time	194
Jan. 16	Referred to Committee on Appropriations	280
Feb. 19	Notice of hearing (3/4)	676

LEGISLATIVE BILL 214. By Maurstad

Jan. 13	Read first time	195
Jan. 16	Referred to Committee on Appropriations	280
Feb. 27	Notice of hearing (3/20)	797

LEGISLATIVE BILL 215. By Vrtiska

Jan. 13	Read first time	195
Jan. 16	Referred to Committee on Business and Labor	280
Feb. 20	Notice of hearing (3/10)	702

LEGISLATIVE BILL 216. By Wehrbein

Jan. 13	Read first time	195
Jan. 16	Referred to Committee on Judiciary	280
Jan. 23	Notice of hearing (1/30)	420
Feb. 18	Indefinitely postponed	642
Feb. 18	Wehrbein motion to place on General File	

		notwithstanding the action of the Judiciary Committee printed	658
Feb.	21	Wehrbein pending motion p. 658 prevailed. Placed on General File	718
May	12	Chambers motion to indefinitely postpone before reading of title and motion to bracket until 5/19/97 failed. Chambers FA253 and FA254 lost	1909
May	12	Chambers FA255, FA256, FA257, FA258, FA259, FA260, FA261, FA262, FA263, and FA264 printed	1916
May	12	Chambers FA265 and FA266 printed	1917
May	13	Chambers pending FA255 p. 1916 lost	1918
May	13	Chambers pending FA256, FA257, and FA258 p. 1916 lost	1922
May	13	Chambers FA267 and FA268 printed	1932
May	14	Chambers motion to indefinitely postpone printed	1998
May	15	Chambers pending FA259, FA260, FA261, FA262, FA263, FA264 p. 1916, FA265, FA266 p. 1917, FA267, FA268 p. 1932 and Chambers pending motion to indefinitely postpone p. 1998 withdrawn. Chambers FA327 adopted. Advanced for Review	2011
May	15	Placed on Select File - AM7160	2046
May	19	Chambers name added	2116
May	20	Chambers AM2287 to AM7160 printed	2118
May	27	AM7160 (E & R) adopted. Chambers pending AM2287 p. 2118 adopted. Advanced for Engrossment	2326
May	27	Correctly Engrossed. ER9085 change	2358
May	29	Final Reading 34-6-9	2453
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

LEGISLATIVE BILL 217. By Hilgert, Bruning, Engel, Jensen, Schrock, Vrtiska

Jan.	13	Read first time	196
Jan.	16	Referred to Committee on Judiciary	280
Jan.	21	Dw. Pedersen name added	353
Jan.	30	Notice of hearing (2/12)	487
Mar.	4	Indefinitely postponed	887

LEGISLATIVE BILL 218. By Maurstad, Brown

Jan.	13	Read first time	196
Jan.	16	Referred to Committee on Judiciary	281

Jan.	22	Notice of hearing (1/29)	364
Mar.	27	Placed on General File	1253

LEGISLATIVE BILL 219. By Witek

Jan.	13	Read first time	196
Jan.	16	Referred to Committee on Health and Human Services	281
Jan.	29	Notice of hearing (3/13)	471

LEGISLATIVE BILL 220. By Robak

Jan.	13	Read first time	196
Jan.	16	Referred to Committee on Transportation	281
Jan.	21	Notice of hearing (1/28)	321
Jan.	29	Indefinitely postponed	467

LEGISLATIVE BILL 221. By Schimek, Crosby, Robinson

Jan.	13	Read first time	196
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	281
Jan.	22	Notice of hearing (1/30)	372
Feb.	4	Placed on General File - Com AM0152	503
Feb.	10	Committee AM0152 p. 503 and Schimek FA19 adopted. Maurstad FA18 withdrawn. Advanced for Review	558
Feb.	13	Placed on Select File - AM7039	627
Feb.	19	Schimek AM0433 printed	685
Feb.	20	AM7039 (E & R) adopted. Schimek pending AM0433 p. 685 adopted. Advanced for Engrossment	699
Feb.	26	Correctly Engrossed. ER9014 change	785
Mar.	4	Final Reading 41-0-8	862
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 222. By Schimek

Jan.	13	Read first time	197
Jan.	16	Referred to Committee on Health and Human Services	281
Jan.	16	Notice of hearing (1/24)	298
Jan.	28	Placed on General File	450
Jan.	30	Advanced for Review	490
Feb.	4	Placed on Select File - AM7012	498
Feb.	6	AM7012 (E & R) adopted.	

		Advanced for Engrossment	539
Feb.	11	Correctly Engrossed. ER9005 change	580
Feb.	24	Final Reading 37-0-12	729
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 223. By Robak

Jan.	13	Read first time	197
Jan.	16	Referred to Committee on Revenue	281
Feb.	10	Notice of hearing (2/27)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 224. By Hudkins, Jones, Stuhr, Wehrbein

Jan.	13	Read first time	197
Jan.	16	Referred to Committee on Revenue	281
Feb.	20	Notice of hearing (3/12)	701
Apr.	3	Indefinitely postponed	1332

LEGISLATIVE BILL 225. By Hilgert, Lynch, Preister, Suttle

Jan.	13	Read first time	197
Jan.	16	Referred to Committee on Business and Labor	281
Feb.	20	Notice of hearing (3/3)	702
Mar.	19	Placed on General File - Com AM1068	1111
Mar.	20	Speaker priority bill	1142

LEGISLATIVE BILL 226. By Janssen, Hillman

Jan.	13	Read first time	197
Jan.	16	Referred to Committee on Transportation	281
Jan.	17	Notice of hearing (1/27)	305
Feb.	13	Placed on General File	628
Feb.	19	Janssen AM0424 printed	682
Feb.	20	Janssen pending AM0424 p. 682 adopted. Advanced for Review	704
Feb.	20	Preister name added	711
Feb.	26	Placed on Select File - AM7065	793
Mar.	4	Beutler FA48 printed	893
Mar.	5	AM7065 (E & R) adopted. Beutler pending FA48 p. 893 withdrawn. Advanced for Engrossment	898
Mar.	10	Correctly Engrossed	942
Mar.	21	Final Reading w/E 38-4-7	1154
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 227. By Robak

Jan.	13	Read first time	197
Jan.	16	Referred to Committee on Judiciary	281
Feb.	20	Notice of hearing (3/12)	710
Mar.	27	Placed on General File - Com AM1188	1253
Apr.	9	Robak AM1363 to AM1188 printed	1438

LEGISLATIVE BILL 228. By Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem

Jan.	13	Read first time	198
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	281
Feb.	11	Notice of hearing (2/20)	570
Feb.	24	Placed on General File	749

LEGISLATIVE BILL 229. By Wickersham

Jan.	13	Read first time	198
Jan.	16	Referred to Committee on Judiciary	281
Jan.	23	Notice of hearing (1/30)	420
Feb.	4	Placed on General File	510
Feb.	19	Beutler AM0423 lost. Advanced for Review	678
Feb.	21	Placed on Select File	716
Feb.	25	Beutler FA35 printed	770
Mar.	4	Beutler pending FA35 p. 770 withdrawn. Wickersham AM0760 adopted. Beutler AM0750 to AM0423 adopted	877
Mar.	4	Wickersham AM0747 (printed separate) pending. Beutler FA53 to AM0747 pending	878
Mar.	20	Beutler pending FA53 and Wickersham pending AM0747 p. 878 withdrawn. Wickersham-Beutler-Hudkins AM1120 (on file) adopted. Advanced for Engrossment	1134
Mar.	26	Correctly Engrossed. ER9035 change	1244
Apr.	23	Hilgert AM1674 printed	1671
June	3	Hilgert pending AM1674 p. 1671 withdrawn. Dispensing of the reading at large approved. Final Reading 43-1-5	2610
June	3	Speaker signed	2612
June	3	Presented to Governor (6/3)	2613
June	12	Approved by Governor (6/9)	2701

(Provisions/portions of LB 505 amended into LB 229 by AM0750)
(Provisions/portions of LB 677 amended into LB 229 by AM1120)

LEGISLATIVE BILL 229A. By Wickersham

May	5	Read first time. Placed on General File	1810
May	7	Advanced for Review	1867
May	12	Placed on Select File	1906
May	14	Advanced for Engrossment	1970
May	14	Correctly Engrossed	1990
June	3	Final Reading 44-0-5	2611
June	3	Speaker signed	2612
June	3	Presented to Governor (6/3)	2613
June	12	Approved by Governor with line-item veto (6/9)	2702
June	12	Communication	2737

LEGISLATIVE BILL 230. By Wickersham

Jan.	13	Read first time	198
Jan.	16	Referred to Committee on Urban Affairs	281
Jan.	21	Notice of hearing (1/28)	350
Feb.	11	Placed on General File - Com AM0289	578
Feb.	13	Committee AM0289 p. 578 adopted. Advanced for Review	626
Feb.	18	Placed on Select File	653
Feb.	24	Advanced for Engrossment	746
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading 43-0-6	955
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 231. By Wickersham

Jan.	13	Read first time	198
Jan.	16	Referred to Committee on Transportation	281
Jan.	21	Notice of hearing (1/28)	321

LEGISLATIVE BILL 232. By Bromm, Coordsen, Engel, Hudkins, Janssen, Jones, Robinson, Stuhr, Vrtiska

Jan.	13	Read first time	198
Jan.	13	Suttle name added	213
Jan.	16	Referred to Committee on Education	281
Feb.	7	Notice of hearing (3/4)	547
Mar.	4	Suttle name withdrawn	894
Mar.	18	Bromm priority bill	1076
Apr.	14	Placed on General File - Com AM1455	1501
May	7	Bromm AM1996 to AM1455 printed	1875
May	16	Committee AM1455 p. 1501 adopted as amended by Bromm pending AM1996	

		p. 1875. Advanced for Review	2067
May	19	Placed on Select File - AM7163	2096
May	20	Withem FA362 printed	2175
May	29	Withem AM2503, AM2502, and AM2504 printed	2471
June	2	AM7163 (E & R) adopted. Withem pending FA362 p. 2175 withdrawn. Withem pending AM2503 and AM2502 p. 2471 adopted. Withem pending AM2504 p. 2471 adopted as amended by Bromm FA428. Advanced for Engrossment	2540
June	3	Correctly Engrossed. ER9103 change	2555
June	5	Final Reading w/E 41-0-8	2669
June	5	President signed. Engel explanation of vote. Presented to Governor (6/5)	2672
June	5	Wickersham explanation of vote	2684
June	12	Approved by Governor (6/11)	2705

LEGISLATIVE BILL 233. By Brashear

Jan.	13	Read first time	198
Jan.	16	Referred to Committee on Judiciary	281
Jan.	28	Notice of hearing (2/5)	460
Mar.	18	Placed on General File - Com AM0887	1076

LEGISLATIVE BILL 234. By Brashear

Jan.	13	Read first time	198
Jan.	16	Referred to Committee on Judiciary	281
Jan.	30	Notice of hearing (2/21)	487
Feb.	25	Placed on General File - Com AM0493	773
Mar.	6	Passed over	937
Mar.	6	Brashear AM0838 to AM0493 printed	938

LEGISLATIVE BILL 235. By Brashear

Jan.	13	Read first time	199
Jan.	16	Referred to Committee on Judiciary	281
Feb.	12	Notice of hearing (2/27)	612
Mar.	18	Placed on General File	1080

LEGISLATIVE BILL 236. By Wesely

Jan.	13	Read first time	199
Jan.	16	Referred to Committee on Judiciary	281
Feb.	20	Notice of hearing (3/13)	710
Mar.	24	Indefinitely postponed	1202

LEGISLATIVE BILL 237. By Hudkins, Bromm, Dierks, Elmer, Schrock

Jan.	13	Read first time	199
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	281
Jan.	22	Notice of hearing (1/30)	372

LEGISLATIVE BILL 238. By Maurstad, Hartnett

Jan.	13	Read first time	199
Jan.	16	Referred to Committee on Urban Affairs	281
Jan.	21	Notice of hearing (1/28)	350
Jan.	30	Placed on General File	495
Feb.	7	Advanced for Review	550
Feb.	13	Placed on Select File	626
Feb.	20	Advanced for Engrossment	698
Feb.	26	Correctly Engrossed	785
Mar.	4	Final Reading 38-1-10	863
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 239. By Crosby, Dierks, Hudkins, Jensen, Jones, Preister, Schrock, Vrtiska, Wehrbein

Jan.	13	Read first time	199
Jan.	16	Referred to Committee on Transportation	281
Jan.	28	Notice of hearing (2/11)	453

LEGISLATIVE BILL 240. By Hilgert, Bruning

Jan.	13	Read first time	199
Jan.	16	Referred to Committee on Judiciary	281
Jan.	28	Notice of hearing (2/5)	460
Feb.	25	Indefinitely postponed	775

LEGISLATIVE BILL 241. By Hilgert, Tyson, Will

Jan.	13	Read first time	200
Jan.	16	Referred to Committee on Judiciary	281
Feb.	20	Notice of hearing (3/12)	710

LEGISLATIVE BILL 242. By Hilgert, Robak

Jan.	13	Read first time	200
Jan.	16	Referred to Committee on General Affairs	281
Feb.	28	Notice of hearing (3/10)	820
Mar.	12	Indefinitely postponed	1024

LEGISLATIVE BILL 243. By Robak

Jan.	13	Read first time	200
Jan.	16	Referred to Committee on Health and Human Services	281
Jan.	29	Notice of hearing (3/12)	471

LEGISLATIVE BILL 244. By Hilgert, Bromm, Will

Jan.	13	Read first time	200
Jan.	16	Referred to Committee on Judiciary	281
Feb.	20	Notice of hearing (3/13)	710
Mar.	24	Placed on General File	1196

LEGISLATIVE BILL 245. By Hilgert, Will

Jan.	13	Read first time	200
Jan.	16	Referred to Committee on Business and Labor	281
Jan.	30	Notice of hearing (2/10)	486
Feb.	13	Placed on General File	631
Feb.	21	Hilgert AM0492 printed	724
Feb.	26	Tyson FA41 lost. Hilgert pending AM0492 p. 724 pending	789
Feb.	26	Hilgert FA42 printed	794
Feb.	27	Hilgert pending AM0492 p. 724 lost. Hilgert pending FA42 p. 794 withdrawn. Failed to Advance for Review w/8-34-7	798

LEGISLATIVE BILL 246. By Kristensen

Jan.	13	Read first time	200
Jan.	16	Referred to Committee on Judiciary	281
Jan.	23	Notice of hearing (1/30)	420
Feb.	18	Placed on General File - Com AM0283	641
Mar.	6	Committee AM0283 p. 641 adopted. Advanced for Review	920
Mar.	10	Placed on Select File - AM7079	979
Mar.	20	AM7079 (E & R) adopted. Advanced for Engrossment	1127
Mar.	24	Correctly Engrossed	1186
Apr.	1	Final Reading 40-0-9	1280
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 247. By Schellpeper

Jan.	13	Read first time	200
Jan.	16	Referred to Committee on General Affairs	281
Feb.	28	Notice of hearing (3/10)	820
Mar.	12	Indefinitely postponed	1024

LEGISLATIVE BILL 248. By General Affairs Committee

Jan.	13	Read first time	200
Jan.	16	Referred to Committee on General Affairs	281
Feb.	5	Notice of hearing (2/24)	515
Feb.	27	Placed on General File - Com AM0591	802
Feb.	27	General Affairs Committee priority bill	809
Mar.	3	Chambers FA43 to AM0591 lost	844
Mar.	3	Chambers FA45 to AM0591 withdrawn. Committee AM0591 p. 802 adopted as amended by Chambers FA46. Advanced for Review	847
Mar.	3	Beutler AM0733 printed	850
Mar.	4	Placed on Select File - AM7076	887
Mar.	11	Kristensen AM0736 printed	1009
Mar.	19	Schellpeper AM0973 printed	1115
Mar.	20	AM7076 (E & R) adopted. Beutler pending AM0733 p. 850 withdrawn. Kristensen pending AM0736 p. 1009 and Schellpeper pending AM0973 p. 1115 adopted. Beutler AM1010 adopted. Beutler AM1123 withdrawn. Advanced for Engrossment	1134
Mar.	20	Beutler AM1129 printed	1142
Mar.	26	Will AM1145 printed	1238
Mar.	26	Correctly Engrossed	1244
Mar.	26	ER9034 change	1246
June	3	Beutler pending AM1129 p. 1142 and Will pending AM1145 p. 1238 withdrawn. Dispensing of the reading at large approved. Final Reading w/E 38-1-10	2587
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/6)	2700

(Provisions/portions of LB 148 amended into LB 248 by AM0736)
(Provisions/portions of LB 288 amended into LB 248 by AM0591)

LEGISLATIVE BILL 248A. By Schellpeper

Mar.	4	Read first time. Placed on General File	888
Mar.	10	Advanced for Review	973
Mar.	11	Placed on Select File	994
Mar.	20	Advanced for Engrossment	1139
Mar.	26	Correctly Engrossed	1244
June	3	Final Reading w/E 41-0-8	2589
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/6)	2700

LEGISLATIVE BILL 249. By General Affairs Committee

Jan. 13	Read first time	201
Jan. 16	Referred to Committee on General Affairs	281
Jan. 30	Notice of hearing (2/10)	485
Feb. 27	Placed on General File - Com AM0592	803
Feb. 27	General Affairs Committee priority bill	809
Mar. 3	Committee AM0592 p. 803 adopted as amended by Schellpeper FA44	848
Mar. 3	Maurstad AM0668 printed separate	850
Mar. 5	Janssen AM0795 printed	911
Mar. 6	Maurstad AM0806 printed separate	936
Mar. 10	Maurstad request to substitute amendment prevailed. Maurstad pending AM0668 p. 850 withdrawn. Maurstad pending substitute AM0806 p. 936 adopted. Janssen pending AM0795 p. 911 adopted. Advanced for Review	974
Mar. 10	Will AM0805 printed	984
Mar. 13	Placed on Select File - AM7094	1036
Mar. 19	Robinson AM0976 printed	1109
Mar. 19	Maurstad AM1043 printed	1114
Mar. 19	Landis AM1071 to AM7094 printed	1115
Mar. 19	Kristensen AM1078 printed separate	1117
Mar. 19	Preister AM0975 printed	1118
Mar. 20	AM7094 (E & R) adopted. Will pending AM0805 p. 984 withdrawn. Robinson pending AM0976 p. 1109 lost	1139
Mar. 20	Maurstad pending AM1043 p. 1114 adopted. Chair ruled Landis pending AM1071 p. 1115 would require thirty votes. Landis pending AM1071 p. 1115 pending. Robak asked unanimous consent to bracket until 4/30/98. Objection. Robak motion to bracket until 4/30/98 pending	1142
Mar. 20	Kristensen AM1121 printed separate and AM1122 printed	1143
Mar. 20	Hilgert AM1127 printed	1146
Mar. 20	Robak pending motion to bracket p. 1142 failed. Dw. Pedersen FA104 to AM1071 adopted	1147
Mar. 20	Landis pending AM1071 p. 1115 adopted as amended	1148
Mar. 21	Brown motion to reconsider AM0976 printed	1172
Mar. 24	Will AM1013 printed	1214

LEGISLATIVE BILL 249A. By Schellpeper

Mar. 21	Read first time. Placed on General File	1184

LEGISLATIVE BILL 250. By General Affairs Committee

Jan.	13	Read first time	201
Jan.	16	Referred to Committee on General Affairs	281
Jan.	17	Notice of hearing (1/27)	305
Jan.	29	Placed on General File - Com AM0073	468
Feb.	4	Committee AM0073 p. 468 adopted. Advanced for Review	509
Feb.	6	Placed on Select File - AM7021	543
Feb.	11	Witek AM0267, AM0268, AM0269, AM0270 and AM0205 printed	572
Feb.	12	AM7021 (E & R) adopted. Witek pending AM0267 p. 572 lost. Witek pending AM0268 p. 572 pending	606
Feb.	12	Witek pending AM0268, AM0269 and AM0270 p. 572 withdrawn. Witek pending AM0205 p. 572 lost. Schellpeper AM0337 pending	609
Feb.	12	Beutler AM0332 printed	615
Feb.	13	Schellpeper-Wickersham AM0348 printed	632
Feb.	20	Schellpeper request to substitute amendment prevailed. Schellpeper pending AM0337 p. 610 withdrawn. Schellpeper-Wickersham pending substitute AM0348 p. 632 pending. Passed over	694
Feb.	28	Wickersham-Schellpeper AM0654 printed	821
Mar.	4	Schellpeper-Wickersham pending AM0348 p. 632 and Beutler pending AM0332 p. 615 withdrawn. Wickersham-Schellpeper pending AM0654 p. 821 adopted. Advanced for Engrossment	876
Mar.	6	Correctly Engrossed. ER9026 change	919
Mar.	21	Dispensing of the reading at large approved. Chambers motion to return to Select File for FA106 withdrawn. Final Reading 39-5-5	1159
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

(Provisions/portions of LB 112 amended into LB 250 by AM0073)

LEGISLATIVE BILL 251. By Janssen, Bromm

Jan.	13	Read first time	201
Jan.	16	Referred to Committee on Education	281
Jan.	28	Notice of hearing (2/4)	449
May	30	Indefinitely postponed	2515

LEGISLATIVE BILL 252. By Janssen, Bromm

Jan.	13	Read first time	201
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	281
Jan.	22	Notice of hearing (1/29)	372
Feb.	27	Placed on General File - Com AM0497	806

LEGISLATIVE BILL 253. By Janssen, Robinson

Jan.	13	Read first time	202
Jan.	16	Referred to Committee on Judiciary	281
Feb.	12	Notice of hearing (2/26)	612
Mar.	24	Indefinitely postponed	1210

LEGISLATIVE BILL 254. By Robak

Jan.	13	Read first time	202
Jan.	16	Referred to Committee on Health and Human Services	281
Jan.	16	Notice of hearing (1/23)	298
Jan.	17	Stuhr name added	320
Jan.	28	Placed on General File	450
Feb.	4	Advanced for Review	501
Feb.	5	Robak AM0182 printed	514
Feb.	5	Placed on Select File	520
Feb.	6	Robak pending AM0182 p. 514 adopted. Advanced for Engrossment	539
Feb.	11	Correctly Engrossed	580
Feb.	11	ER9004 change	581
Feb.	24	Final Reading w/E 37-0-12	730
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 255. By Matzke, Coordsen, Elmer

Jan.	13	Read first time	202
Jan.	16	Referred to Committee on Transportation	281
Feb.	6	Notice of hearing (3/10)	524
Mar.	18	Matzke priority bill	1086
Mar.	21	Placed on General File	1166
Apr.	11	Abboud FA162 withdrawn. Advanced for Review	1484
Apr.	16	Placed on Select File	1564
May	12	Advanced for Engrossment	1901
May	14	Correctly Engrossed	1970
May	21	Final Reading 41-2-6	2192
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 255A. By Matzke

Apr.	2	Read first time. Placed on General File	1324
Apr.	11	Advanced for Review	1484
Apr.	16	Placed on Select File	1565
May	12	Advanced for Engrossment	1901
May	14	Correctly Engrossed	1970
May	21	Final Reading 42-0-7	2193
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor with line-item veto (5/27)	2356
June	12	Communication	2705

LEGISLATIVE BILL 256. By Kristensen

Jan.	13	Read first time	202
Jan.	16	Referred to Committee on Transportation	281
Jan.	17	Notice of hearing (1/27)	305
Feb.	11	Placed on General File	579
Feb.	26	Advanced for Review	787
Feb.	28	Placed on Select File - AM7074	836
Mar.	4	Beutler FA49 printed	894
Mar.	5	AM7074 (E & R) adopted. Beutler pending FA49 p. 894 withdrawn. Dw. Pedersen AM0570 pending	899
Mar.	5	Chambers FA56 printed	911
Mar.	19	Transportation Committee priority bill	1102
Apr.	3	Kristensen AM1141 printed	1377
Apr.	9	Dw. Pedersen pending AM0570 p. 899, Chambers pending FA56 p. 911 and Beutler AM1136 withdrawn. Kristensen pending AM1141 p. 1377, Beutler FA155 and Chambers reoffered FA56 p. 911 adopted. Advanced for Engrossment	1441
Apr.	14	Correctly Engrossed. ER9037 change	1503
May	21	Final Reading 43-0-6	2186
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 256A. By Kristensen

Feb.	26	Read first time. Placed on General File	793
Feb.	27	Advanced for Review	798
Mar.	3	Placed on Select File	842
Apr.	9	Advanced for Engrossment	1443

Apr.	14	Correctly Engrossed	1503
May	21	Final Reading 43-0-6	2187
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 257. By Kristensen

Jan.	13	Read first time	202
Jan.	16	Referred to Committee on Transportation	281
Feb.	6	Notice of hearing (3/10)	524
Mar.	25	Indefinitely postponed	1227

LEGISLATIVE BILL 258. By Wesely

Jan.	13	Read first time	202
Jan.	16	Referred to Committee on Health and Human Services	281
Jan.	16	Notice of hearing (1/29)	298
Feb.	4	Placed on General File - Com AM0145	505
Feb.	10	Committee AM0145 p. 505 adopted as amended by Wesely AM0265. Advanced for Review	564
Feb.	13	Placed on Select File - AM7038	628
Feb.	24	AM7038 (E & R) adopted. Advanced for Engrossment	741
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading w/E 40-0-9	956
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 259. By Wesely

Jan.	13	Read first time	203
Jan.	16	Referred to Committee on Health and Human Services	281
Jan.	29	Notice of hearing (2/13)	470
Feb.	20	Placed on General File - Com AM0321	706

(Provisions/portions of LB 259 amended into LB 66 by AM1272)

LEGISLATIVE BILL 259A. By Wesely

Apr.	10	Read first time. Placed on General File	1468

LEGISLATIVE BILL 260. By Wesely

Jan.	13	Read first time	203
Jan.	16	Referred to Committee on Health and Human Services	281
Jan.	22	Notice of hearing (1/30)	383
Feb.	25	Placed on General File - Com AM0474	775

(Provisions/portions of LB 260 amended into LB 622 by AM2130)

LEGISLATIVE BILL 260A. By Wesely

Mar.	10	Read first time. Placed on General File	985

LEGISLATIVE BILL 261. By Dierks

Jan.	13	Read first time	203
Jan.	16	Referred to Committee on Transportation	281
Jan.	21	Notice of hearing (1/28)	321
Jan.	29	Placed on General File	467
Feb.	4	Advanced for Review	505
Feb.	6	Placed on Select File	543
Feb.	12	Advanced for Engrossment	606
Feb.	18	Correctly Engrossed	637
Feb.	24	Final Reading 39-0-10	732
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 262. By Dierks

Jan.	13	Read first time	203
Jan.	16	Referred to Committee on Agriculture	281
Jan.	30	Notice of hearing (2/11)	491
Feb.	12	Placed on General File	609

LEGISLATIVE BILL 263. By Dierks

Jan.	13	Read first time	203
Jan.	16	Referred to Committee on Agriculture	281
Jan.	30	Notice of hearing (2/11)	491
Feb.	21	Placed on General File - Com AM0452	716
Mar.	6	Committee AM0452 p. 716 adopted. Advanced for Review	922
Mar.	10	Placed on Select File - AM7084	981
Mar.	21	Chambers FA103 printed	1184
Apr.	9	AM7084 (E & R) adopted. Chambers pending FA103 p. 1184 lost. Advanced for Engrossment	1449
Apr.	14	Correctly Engrossed	1503
May	7	Dispensing of the reading at large approved	1866
May	7	Final Reading 41-0-7	1867

May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 264. By Warner, Robinson

Jan.	13	Read first time	203
Jan.	16	Referred to Committee on Revenue	281
Jan.	23	Notice of hearing (1/30)	420
Feb.	10	Placed on General File - Com AM0216	563
Feb.	19	Committee AM0216 p. 563 adopted. Advanced for Review	681
Feb.	24	Placed on Select File - AM7063	749
Mar.	4	AM7063 (E & R) adopted. Advanced for Engrossment	878
Mar.	6	Correctly Engrossed	919
Apr.	1	Final Reading 37-0-12	1277
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 265. By Brown, Cudaback, Jensen, Lynch, Maurstad, Dw. Pedersen

Jan.	13	Read first time	204
Jan.	16	Referred to Committee on Judiciary	281
Feb.	20	Notice of hearing (3/13)	710

LEGISLATIVE BILL 266. By Brown, Dw. Pedersen

Jan.	13	Read first time	204
Jan.	16	Referred to Committee on Health and Human Services	281
Jan.	16	Schimek name added	298
Jan.	22	Notice of hearing (1/30)	383

LEGISLATIVE BILL 267. By Hilgert, Bruning

Jan.	13	Read first time	204
Jan.	14	Will name added	234
Jan.	16	Referred to Committee on Education	282
Feb.	7	Notice of hearing (3/3)	547
Apr.	8	Indefinitely postponed	1420

LEGISLATIVE BILL 268. By Hudkins, Abboud, Jones, Robak, Stuhr, Vrtiska, Witek

Jan.	13	Read first time	204
Jan.	16	Referred to Committee on Judiciary	282
Jan.	28	Notice of hearing (2/6)	460
Feb.	7	Dw. Pedersen name added	555
Feb.	18	Indefinitely postponed	642

LEGISLATIVE BILL 269. By Revenue Committee

Jan.	13	Read first time	204
Jan.	16	Referred to Committee on Revenue	282
Jan.	16	Notice of hearing (1/23)	297
Mar.	20	Warner priority bill	1129
Apr.	1	Placed on General File - Com AM1243 (printed separate)	1304
Apr.	3	Withem request to name Speaker major proposal	1330
Apr.	10	Executive Board approval of Speaker major proposal	1462
Apr.	10	Robinson AM1328 to AM1243 printed	1469
Apr.	22	Hartnett-Wickersham-Coordsen-Landis-Schellpeper-Kristensen AM1426 printed	1639
Apr.	23	Will AM1741 printed	1682
Apr.	29	Robinson AM1746 to AM1243 printed	1715
Apr.	29	Kristensen-Coordsen-Landis-Hartnett-Schellpeper AM1763 to AM1243 printed	1717
Apr.	29	Kristensen-Coordsen AM1790 to to AM1243 printed	1728
Apr.	29	Robinson-Kristensen AM1789 to AM1243 printed	1731
Apr.	30	Robinson request to substitute amendment prevailed. Robinson pending AM1328 p. 1469 and AM1746 p. 1715 withdrawn. Committee AM1243 p. 1304 adopted as amended by Robinson substitute FA200, Robinson-Kristensen pending subsitute AM1789 p. 1731, Kristensen-Coordsen pending AM1790 p. 1728, and Kristensen-Landis-Coordsen-Will-Wickersham-Schellpeper-Hartnett AM1733. Hartnett et al pending AM1426 p. 1639 adopted. Kristensen et al pending AM1763 p. 1717 and Will pending AM1741 p. 1682 withdrawn. Advanced for Review	1734
Apr.	30	Robak AM1813 printed	1740
Apr.	30	Janssen AM1807 printed	1740
May	2	Maurstad AM1860 printed	1797
May	8	Placed on Select File - AM7148 (printed separate)	1894
May	13	Kristensen-Coordsen-Wickersham-Hartnett-Will-Schellpeper AM2104	

		printed separate	1944
May	15	Kristensen-Landis-Coordsen-Wickersham-Schellpeper-Hartnett AM2241 to AM7148 printed	2028
May	15	Schellpeper-Coordsen AM2187 to AM7148 printed	2035
May	15	Janssen AM2246 to AM7148 printed	2044
May	16	Withem AM2257 to AM7148 printed	2054
May	19	AM7148 (E & R) adopted. Janssen pending AM1807 p. 1740 withdrawn. Kristensen request to substitute amendment prevailed. Kristensen et al pending AM2104 p. 1944 withdrawn. Kristensen et al pending substitute AM2241 p. 2028 adopted as amended by Kristensen-Coordsen-Wickersham-Schellpeper AM2285	2084
May	19	Janssen pending AM2246 p. 2049, Withem pending AM2257 p. 2054, Jones AM2279, and Maurstad pending AM1860 p. 1797 withdrawn. Robak pending AM1813 p. 1740 lost. Schellpeper-Coordsen pending AM2187 p. 2035 adopted. Withem AM2256 lost as amended by Hartnett-Beutler FA350. Will request to substitute amendment prevailed. Will reoffered AM1741 p. 1682 withdrawn. Will-Lynch-Dw. Pedersen-Chambers-Jensen-Preister-Hilgert-Brashear-Suttle-Kiel-Brown-Witek substitute AM2290 adopted as amended by Will-Kristensen FA351. Advanced for Engrossment	2096
May	27	Correctly Engrossed	2322
May	27	ER9075 change	2323
May	30	Dispensing of the reading at large approved. Final Reading w/E 42-1-6	2499
May	30	Speaker signed	2502
May	30	Presented to Governor (5/30)	2506
June	4	Engel explanation of vote	2638
June	12	Approved by Governor (6/5)	2699
June	18	Communication	2761

(Provisions/portions of LB 84 amended into LB 269 by AM2187)
(Provisions/portions of LB 305 amended into LB 269 by AM2241)
(Provisions/portions of LB 408 amended into LB 269 by AM1243)
(Provisions/portions of LB 176 amended into LB 269 by AM1426)
(Provisions/portions of LB 304 amended into LB 269 by AM1243)
(Provisions/portions of LB 348 amended into LB 269 by AM2290)

LEGISLATIVE BILL 269A. By Kristensen

May	6	Read first time. Placed on General File	1850
May	19	Advanced for Review	2079
May	19	Placed on Select File	2103
May	21	Advanced for Engrossment	2219
May	27	Correctly Engrossed	2329
May	30	Final Reading w/E 41-1-7	2500
May	30	Speaker signed	2502
May	30	Presented to Governor (5/30)	2506
June	4	Engel explanation of vote	2638
June	12	Approved by Governor (6/5)	2699
June	18	Communication	2761

LEGISLATIVE BILL 270. By Revenue Committee

Jan.	13	Read first time	205
Jan.	16	Referred to Committee on Revenue	282
Jan.	17	Notice of hearing (1/24)	305
Feb.	27	Placed on General File - Com AM0485 (printed separate)	805
Mar.	5	Revenue Committee priority bill	895
Mar.	10	Committee AM0485 p. 805 adopted. Advanced for Review	974
Mar.	18	Placed on Select File - AM7097 (printed separate)	1073
Mar.	25	Warner-Kristensen AM1173 printed	1230
Apr.	9	AM7097 (E & R) adopted. Kristensen-Warner pending AM1173 p. 1230 adopted. Advanced for Engrossment	1450
Apr.	22	Correctly Engrossed. ER9042 change	1646
June	3	Dispensing of the reading at large approved. Final Reading w/E 42-0-7	2589
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/9)	2701

(Provisions/portions of LB 270 amended into LB 397 by AM0632)

LEGISLATIVE BILL 270A. By Kristensen

Mar.	13	Read first time. Placed on General File	1065
Apr.	1	Advanced for Review	1292
Apr.	8	Placed on Select File	1391
Apr.	9	Advanced for Engrossment	1450
Apr.	22	Correctly Engrossed	1646
June	3	Final Reading w/E 42-0-7	2591
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 271. By Warner, Coordsen, Hartnett, Kristensen, Schellpeper, Wickersham

Jan.	13	Read first time	205
Jan.	16	Referred to Committee on Revenue	282
Feb.	10	Notice of hearing (2/27)	562
Mar.	20	Robinson priority bill	1128
Apr.	1	Placed on General File - Com AM1255 (printed separate)	1304
May	2	Bill read section by section. Kristensen AM1868 to AM1255 adopted	1801
May	2	Hilgert AM1832 to AM1255 printed	1805
May	7	Hilgert pending AM1832 p. 1805 to AM1255 adopted. Kristensen-Schellpeper-Will-Wickersham-Coordsen-Hartnett AM1994 to AM1255 pending	1871
May	7	Committee AM1255 p. 1304 adopted as amended by Kristensen et al pending AM1994 p. 1872. Advanced for Review	1876
May	13	Placed on Select File - AM7153 (printed separate)	1949
May	13	Chambers AM2004 to AM7153 printed	1968
May	14	Chambers AM2005 to AM7153 printed	1980
May	19	Kristensen-Coordsen AM2292 to AM7153 printed	2108
May	19	Kristensen AM2305 to AM7153 printed	2110
May	19	Chambers AM2306 to AM7153 printed	2111
May	20	AM7153 (E & R) adopted. Chambers pending AM2004 p. 1968 pending. Will asked unanimous consent to bracket until 5/22/97. Objection. Will motion to bracket until 5/22/97 failed	2137
May	20	Chambers pending AM2004 p. 1968 lost. Chambers pending AM2005 p. 1980 pending	2143
May	20	Wehrbein motion to recommmit to Revenue committee withdrawn. Chambers pending AM2005 p. 1980, Kristensen-Coordsen pending AM2292 p. 2108 and Kristensen pending AM2305 p. 2110 withdrawn. Beutler FA355 lost. Chambers pending AM2306 p. 2110 and Kristensen AM2340 adopted. Kristensen AM2313 adopted as amended by Kristensen-Schellpeper-Hartnett FA356. Beutler FA357 pending	2145
May	21	Beutler pending FA357 p. 2152, Withem AM2361, and AM2348 withdrawn	2220
May	21	Withem-Kristensen AM2367 adopted. Advanced for Engrossment	2240
May	29	Kristensen AM2564 printed	2463
May	30	Returned to Select File for Kristensen AM2564.	

		Kristensen pending AM2564 p. 2463 adopted. Advanced for Engrossment	2505
June	2	Correctly Engrossed. ER9081 change	2547
June	3	Attorney General's Opinion #97032 to Jones	2581
June	4	Dispensing of the reading at large approved. Final Reading w/E 34-11-4	2644
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2704

(Provisions/portions of LB 429 amended into LB 271 by AM1994)

LEGISLATIVE BILL 271A. By Coordsen

Apr.	8	Read first time. Placed on General File	1403
May	7	Advanced for Review	1877
May	13	Placed on Select File	1949
May	20	Kristensen AM2320 printed	2166
May	21	Kristensen pending AM2320 p. 2166 adopted. Advanced for Engrossment	2242
May	30	Returned to Select File for Kristensen AM2576. Kristensen AM2576 adopted. Advanced for Engrossment	2506
June	2	Correctly Engrossed	2547
June	2	ER9080 change	2548
June	4	Final Reading 34-10-5	2645
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2704

LEGISLATIVE BILL 272. By Landis

Jan.	13	Read first time	205
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	282
Jan.	17	Notice of hearing (1/27)	319
Jan.	28	Placed on General File - Com AM0072	457
Feb.	4	Committee AM0072 p. 457 adopted. Advanced for Review	504
Feb.	6	Placed on Select File - AM7018	542
Feb.	12	AM7018 (E & R) adopted. Advanced for Engrossment	606
Feb.	18	Correctly Engrossed	637
Feb.	24	Final Reading 41-0-8	733
Feb.	24	Speaker signed	736
Feb.	24	Presented to Governor (2/24)	760
Mar.	3	Approved by Governor (2/28)	843

LEGISLATIVE BILL 273. By Landis

Jan.	13	Read first time	206
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	282
Jan.	30	Notice of hearing (2/11)	486
Feb.	13	Placed on General File - Com AM0333	628
Feb.	20	Committee AM0333 p. 628 adopted. Advanced for Review	704
Feb.	27	Placed on Select File - AM7070	795
Mar.	4	Beutler FA47 printed	893
Mar.	5	AM7070 (E & R) adopted. Beutler pending FA47 p. 893 withdrawn. Advanced for Engrossment	898
Mar.	10	Correctly Engrossed	942
Apr.	1	Landis AM0991 printed	1300
Apr.	10	Returned to Select File for Landis AM0991. Landis pending AM0991 p. 1300 adopted. Advanced for Reengrossment	1453
Apr.	22	Correctly Reengrossed	1646
May	21	Dispensing of the reading at large approved. Final Reading 44-0-5	2196
May	21	Speaker signed	2200
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 274. By Dw. Pedersen

Jan.	13	Read first time	206
Jan.	16	Referred to Committee on Judiciary	282
Jan.	30	Notice of hearing (2/20)	487
Mar.	3	Placed on General File	849
Mar.	27	Advanced for Review	1259
Apr.	2	Placed on Select File	1316
Apr.	16	Advanced for Engrossment	1540
Apr.	23	Correctly Engrossed	1662
Apr.	23	ER9052 change	1663
May	7	Final Reading 43-0-5	1863
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 275. By Jensen, Witek

Jan.	13	Read first time	206
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	282
Jan.	21	Notice of hearing (1/28)	332

Jan.	29	Placed on General File - Com AM0066	469
Feb.	4	Committee AM0066 p. 469 adopted. Advanced for Review	509
Feb.	6	Placed on Select File - AM7019	543
Feb.	20	AM7019 (E & R) adopted. Advanced for Engrossment	694
Feb.	25	Correctly Engrossed	763
Mar.	4	Final Reading w/E 42-0-7	857
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 276. By Landis, Hartnett, Preister

Jan.	13	Read first time	206
Jan.	16	Referred to Committee on Revenue	282
Feb.	4	Notice of hearing (2/12)	507
Feb.	11	Will name added	586

LEGISLATIVE BILL 277. By Schrock, Coordsen, Cudaback, Dierks, Schellpeper, Vrtiska

Jan.	13	Read first time	206
Jan.	16	Referred to Committee on Revenue	282
Feb.	10	Notice of hearing (2/26)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 278. By Abboud, Hudkins, Jones, Dw. Pedersen, Robak, Witek

Jan.	13	Read first time	207
Jan.	16	Referred to Committee on Judiciary	282
Jan.	28	Notice of hearing (2/7)	460
Feb.	28	Placed on General File - Com AM0427	839
Mar.	3	Abboud priority bill	843
Mar.	24	Abboud AM1175 to AM0427 printed	1215
Apr.	2	Committee AM0427 p. 839 adopted as amended by Abboud pending AM1175 p. 1215. Chambers FA131 withdrawn. Beutler FA132 adopted. Advanced for Review	1314
Apr.	2	Chambers FA138 printed	1328
Apr.	8	Placed on Select File - AM7120	1392
Apr.	10	Abboud AM1349 to AM7120 printed	1467
Apr.	11	AM7120 (E & R) adopted. Chambers pending FA138 p. 1328, and Abboud pending AM1349 p. 1467 adopted. Beutler FA157, Chambers FA158 and FA159 adopted.	

		Advanced for Engrossment	1477
Apr.	22	Correctly Engrossed	1646
Apr.	22	ER9045 change	1647
May	6	Chambers FA245 and FA246 printed	1848
May	30	Returned to Select File for Chambers FA245. Chambers pending FA245 p. 1848 adopted. Advanced for Reengrossment. Returned to Select File for Chambers FA246. Chambers pending FA246 p. 1848 adopted. Advanced for Reengrossment	2495
June	2	Correctly Reengrossed	2546
June	2	ER9091 change	2548
June	4	Final Reading 43-2-4	2630
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 278A. By Abboud

Mar.	25	Read first time. Placed on General File	1229
Apr.	2	Advanced for Review	1315
Apr.	8	Placed on Select File	1397
Apr.	11	Advanced for Engrossment	1479
Apr.	22	Correctly Engrossed	1646
June	4	Final Reading 42-1-6	2630
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 279. By Wesely, Matzke, Schimek

Jan.	13	Read first time	207
Jan.	16	Referred to Committee on Health and Human Services	282
Jan.	16	Notice of hearing (1/29)	298
Mar.	4	Placed on General File - Com AM0746	889
Mar.	18	Health and Human Services Committee priority bill	1100
Mar.	27	Committee AM0746 p. 889 adopted. Advanced for Review	1265
Apr.	3	Placed on Select File - AM7107	1334
Apr.	16	AM7107 (E & R) adopted. Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682
May	7	Final Reading 43-0-5	1864
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871

May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 280. By Jensen, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hartnett, Hilgert, Hudkins, Janssen, Jones, Kristensen, Matzke, Maurstad, Dw. Pedersen, D. Pederson, C. Peterson, Robak, Schellpeper, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek

Jan.	13	Read first time	214
Jan.	16	Referred to Committee on Judiciary	282
Jan.	30	Notice of hearing (2/19)	487
Jan.	30	Preister name added	495
Feb.	27	Jensen priority bill	800
Feb.	28	Placed on General File - Com AM0404	839
Mar.	12	Brashear name added	1034
Mar.	18	Jensen AM0981 to AM0404 pending	1079
Mar.	18	Jensen pending AM0981 p. 1079 to AM0404 adopted	1089
Mar.	18	Chambers motion to reconsider vote on AM0981 failed	1093
Mar.	18	Chambers FA89 to AM0981 pending	1100
Mar.	19	Chambers pending FA89 p. 1100 lost. Landis AM1070 to AM0404 (on file) ruled not germane. Landis motion to overrule the chair failed	1103
Mar.	19	Brashear AM1076 to AM0981 adopted. Chambers motion to reconsider AM1076 withdrawn by unanimous consent	1111
Mar.	19	Landis AM1085 and Chambers FA91 lost	1115
Mar.	19	Chambers FA92 withdrawn. Chambers FA93 and FA94 to AM0981 adopted. Chambers FA95 and FA96 lost. Chambers FA97 to AM0981 pending	1119
Mar.	19	Jensen motion to invoke cloture prevailed. Chambers pending FA97 p. 1120 lost. Committee AM0404 p. 839 adopted as amended. Advanced for Review	1120
Mar.	20	Placed on Select File - AM7098	1129
Apr.	1	Chambers FA121, FA122, FA123, FA124, FA125, FA126, FA127, FA128 and Landis AM1228 to AM7098 printed	1297
Apr.	1	Chambers AM1258 to AM7098 printed	1298
Apr.	1	Chambers FA129 to AM7098 printed	1299
Apr.	3	Chambers pending FA121 and FA122 p. 1297 adopted	1330
Apr.	3	Chambers pending FA123 p. 1297 pending	1332
Apr.	3	Chambers pending FA123 p. 1297 lost	1333
Apr.	3	Witek FA139 withdrawn. Chambers pending	

		FA124 and FA125 p. 1297 adopted	1335
Apr.	3	Chambers pending FA126 p. 1297 pending	1342
Apr.	3	Chambers pending FA126 p. 1297 adopted. Chambers pending FA127 p. 1297 pending. Chambers FA140 lost	1343
Apr.	3	Chambers motion to reconsider FA140 failed. Chambers pending FA127, FA128 p. 1297 and AM1258 p. 1298 withdrawn	1373
Apr.	8	Landis pending AM1228 p. 1297 pending	1380
Apr.	8	Chambers FA141 and FA129 withdrawn. Landis pending AM1228 p. 1297 lost. Chambers reoffered AM1258 p. 1298 pending. Chambers FA142 lost. Jensen motion to invoke cloture failed	1384
Apr.	8	Jensen AM1295 to AM7098 printed	1401
Apr.	8	Chambers FA151 and FA152 to AM7098 printed	1413
Apr.	9	Dw. Pedersen-Hilgert motion to reconsider vote to invoke cloture printed	1445
Apr.	30	Attorney General's Opinion #97027 to Wesely	1759

LEGISLATIVE BILL 281. By Dw. Pedersen, Bruning, Hartnett, Matzke, Schmitt, Withem

Jan.	14	Read first time	217
Jan.	14	Tyson name added	233
Jan.	15	Kiel name added	279
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	295
Jan.	23	Stuhr name added	423
Feb.	11	Notice of hearing (2/27)	570
Mar.	11	Placed on General File	993

LEGISLATIVE BILL 282. By Coordsen

Jan.	14	Read first time	218
Jan.	16	Referred to Committee on Business and Labor	295
Feb.	20	Notice of hearing (3/3)	702

LEGISLATIVE BILL 283. By Withem, Jensen, D. Pederson

Jan.	14	Read first time	223
Jan.	16	Referred to Committee on Judiciary	295
Feb.	12	Notice of hearing (2/28)	612
Mar.	20	Speaker priority bill	1142

LEGISLATIVE BILL 284. By Beutler

Jan.	14	Read first time	223
Jan.	16	Referred to Committee on Judiciary	295

Jan.	30	Notice of hearing (2/21)	487
Feb.	25	Placed on General File - Com AM0458	774
Mar.	6	Committee AM0458 p. 774 adopted. Advanced for Review	937
Mar.	11	Placed on Select File	994
Mar.	20	Beutler AM1119 adopted. Advanced for Engrossment	1133
Mar.	24	Correctly Engrossed	1209
Apr.	1	Final Reading w/E 40-0-9	1280
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 285. By Kristensen

Jan.	14	Read first time	223
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	295
Jan.	28	Notice of hearing (2/4)	452
Feb.	5	Placed on General File	516
Feb.	13	Advanced for Review	624
Feb.	18	Placed on Select File - AM7041	652
Feb.	24	AM7041 (E & R) adopted. Advanced for Engrossment	745
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading 43-0-6	956
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 286. By Kristensen

Jan.	14	Read first time	223
Jan.	16	Referred to Committee on Transportation	295
Jan.	17	Notice of hearing (1/27)	305

LEGISLATIVE BILL 287. By Kristensen

Jan.	14	Read first time	223
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	295
Feb.	5	Notice of hearing (2/13)	515
Apr.	1	Indefinitely postponed	1292

LEGISLATIVE BILL 288. By Witek, Abboud, Brashear, Bromm, Brown, Bruning, Chambers, Crosby, Cudaback, Dierks, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Kiel, Kristensen, Matzke, Dw. Pedersen, Preister, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein

Jan.	14	Read first time	223
Jan.	16	Referred to Committee on General Affairs	295
Feb.	5	Notice of hearing (2/24)	515
Feb.	26	Indefinitely postponed	789

(Provisions/portions of LB 288 amended into LB 248 by AM0591)

LEGISLATIVE BILL 289. By Witek, Jensen, Jones, Tyson, Vrtiska

Jan.	14	Read first time	224
Jan.	16	Referred to Committee on Judiciary	295
Feb.	20	Notice of hearing (3/13)	710
Mar.	24	Indefinitely postponed	1210

LEGISLATIVE BILL 290. By Witek

Jan.	14	Read first time	224
Jan.	16	Referred to Committee on Judiciary	295
Feb.	12	Notice of hearing (3/6)	613
Mar.	10	Placed on General File	975

LEGISLATIVE BILL 291. By Witek

Jan.	14	Read first time	224
Jan.	16	Referred to Committee on Judiciary	295
Feb.	21	Notice of hearing (3/19)	719

LEGISLATIVE BILL 292. By Wehrbein, Beutler

Jan.	14	Read first time	224
Jan.	15	Dw. Pedersen name added	279
Jan.	16	Referred to Committee on Education	295
Jan.	28	Notice of hearing (2/4)	449
Mar.	26	Indefinitely postponed	1238

LEGISLATIVE BILL 293. By Robak

Jan.	14	Read first time	224
Jan.	16	Referred to Committee on Judiciary	295
Jan.	22	Notice of hearing (1/29)	364
Feb.	18	Placed on General File - Com AM0149	642

LEGISLATIVE BILL 294. By Robak

Jan.	14	Read first time	224
Jan.	16	Referred to Committee on Judiciary	295
Jan.	22	Notice of hearing (1/29)	364
Feb.	18	Indefinitely postponed	642

LEGISLATIVE BILL 295. By Robak

Jan. 14	Read first time	224
Jan. 16	Referred to Committee on Transportation	295
Jan. 21	Notice of hearing (1/28)	321
Jan. 29	Indefinitely postponed	467

LEGISLATIVE BILL 296. By Robak, Lynch

Jan. 14	Read first time	225
Jan. 16	Referred to Committee on Revenue	295
Jan. 28	Schimek name added	459
Feb. 10	Notice of hearing (3/5)	562
Mar. 5	Hartnett name added	913
Mar. 20	Speaker priority bill	1142

LEGISLATIVE BILL 297. By Natural Resources Committee

Jan. 14	Read first time	225
Jan. 16	Referred to Committee on Natural Resources	295
Jan. 17	Notice of hearing (1/24)	318
Mar. 5	Natural Resources Committee priority bill	909
Mar. 18	Placed on General File - Com AM0792	1080
Apr. 22	Elmer AM1417 to AM0792 printed	1655
May 13	D. Pederson AM2138 to AM0792 printed	1953

LEGISLATIVE BILL 298. By Lynch

Jan. 14	Read first time	225
Jan. 16	Referred to Committee on Urban Affairs	295
Jan. 28	Notice of hearing (2/4)	460
Feb. 28	Indefinitely postponed	818

LEGISLATIVE BILL 299. By Lynch

Jan. 14	Read first time	225
Jan. 16	Referred to Committee on Urban Affairs	295
Jan. 28	Notice of hearing (2/4)	460
Feb. 28	Placed on General File - Com AM0464	813
Mar. 12	Urban Affairs Committee priority bill	1014
Apr. 8	Suttle AM0824 to AM0464 printed	1381

LEGISLATIVE BILL 300. By Lynch

Jan. 14	Read first time	225
Jan. 16	Referred to Committee on Transportation	295
Feb. 6	Notice of hearing (2/18)	524
Mar. 11	Placed on General File - Com AM0350	995

LEGISLATIVE BILL 301. By Withem, Brown, Hillman, Janssen, Dw. Pedersen, C. Peterson, Suttle

Jan.	14	Read first time	225
Jan.	16	Referred to Committee on Judiciary	295
Feb.	20	Notice of hearing (3/13)	710
Feb.	26	Suttle priority bill	788
Apr.	9	Placed on General File	1425
Apr.	11	Suttle AM1416 printed	1482

LEGISLATIVE BILL 302. By Brashear, Abboud, Beutler, Bromm, Bruning, Hilgert, Kristensen, Matzke, D. Pederson, Wickersham, Will

Jan.	14	Read first time	225
Jan.	16	Referred to Committee on Judiciary	295
Feb.	21	Notice of hearing (3/26)	719
Apr.	3	Placed on General File - Com AM1316	1373

LEGISLATIVE BILL 303. By Hartnett, Brown, Jensen

Jan.	14	Read first time	226
Jan.	16	Referred to Committee on Education	295
Jan.	17	Notice of hearing (1/28)	304
Feb.	18	Placed on General File - Com AM0355	637
Feb.	28	Bohlke AM0558 to AM0355 printed	832
Mar.	26	Bohlke AM1232 to AM0355 printed	1249
Mar.	27	Bohlke pending AM0558 p. 832 withdrawn. Committee AM0355 p. 637 adopted as amended by Bohlke pending AM1232 p. 1249. Advanced for Review	1260
Mar.	27	Chambers FA118 printed	1266
Apr.	2	Placed on Select File	1316
June	5	Hilgert AM2650 printed	2672

LEGISLATIVE BILL 304. By Warner

Jan.	14	Read first time	226
Jan.	16	Referred to Committee on Revenue	295
Jan.	16	Notice of hearing (1/23)	297
Mar.	10	Indefinitely postponed	978

(Provisions/portions of LB 304 amended into LB 269 by AM1243)

LEGISLATIVE BILL 305. By Warner

Jan.	14	Read first time	226
Jan.	16	Referred to Committee on Revenue	295
Feb.	10	Notice of hearing (2/19)	561

Apr.	3	Indefinitely postponed	1333

(Provisions/portions of LB 305 amended into LB 269 by AM2241)

LEGISLATIVE BILL 306. By Warner

Jan.	14	Read first time	226
Jan.	16	Referred to Committee on Revenue	295
Feb.	10	Notice of hearing (2/19)	561
Mar.	20	Schellpeper priority bill	1125
Apr.	1	Placed on General File - Com AM1256 (printed separate)	1304
Apr.	9	Schellpeper name added	1451
Apr.	15	Hilgert AM1450 to AM1256 printed	1513
Apr.	22	Schellpeper-Wickersham-Coordsen-Landis-Hartnett-Kristensen AM1427 to AM1256 printed	1639
Apr.	29	Tyson FA199 printed	1723
Apr.	30	Hilgert pending AM1450 p. 1513 and Schellpeper et al pending AM1427 p. 1639 withdrawn. Schellpeper-Coordsen-Wickersham-Landis-Hartnett-Will AM1808 (on file) (Correction p. 1770) to AM1256 sustained division of question. Schellpeper et al FA204 (1st) adopted	1749
Apr.	30	Schellpeper et al FA206 (2nd) pending	1762
Apr.	30	Tyson-Maurstad AM1816 to AM1256 printed	1767
Apr.	30	Maurstad AM1684 to AM1256 printed	1767
Apr.	30	Withem FA201 to AM1256 and FA203 printed	1767
Apr.	30	Janssen AM1821 to FA206 printed	1768
May	1	Schellpeper et al FA206 (2nd) pending. Passed over	1770
May	1	Beutler AM1827 to AM1256 printed	1771

LEGISLATIVE BILL 307. By Wesely

Jan.	14	Read first time	226
Jan.	16	Referred to Committee on Health and Human Services	295
Jan.	29	Notice of hearing (2/12)	470
Mar.	5	Placed on General File - Com AM0670	905
Mar.	27	Committee AM0670 p. 905 adopted. Advanced for Review	1266
Apr.	8	Placed on Select File - AM7117	1387
Apr.	8	Wesely AM1303 printed	1408
May	21	AM7117 (E & R) adopted. Wesely pending AM1303 p. 1408 adopted. Advanced	

		for Engrossment	2178
May	27	Correctly Engrossed. ER9079 change	2329
June	3	Dispensing of the reading at large approved. Final Reading w/E 43-0-6	2595
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 307A. By Wesely

Mar.	27	Read first time. Placed on General File	1266
Apr.	10	Wesely AM1392 printed	1467
Apr.	21	Wesely pending AM1392 p. 1467 adopted. Advanced for Review	1604
Apr.	28	Placed on Select File	1688
May	21	Advanced for Engrossment	2178
May	27	Correctly Engrossed	2329
June	3	Final Reading 43-0-6	2596
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 308. By Stuhr, Bohlke, Maurstad, McKenzie

Jan.	14	Read first time	227
Jan.	16	Referred to Committee on Revenue	295
Jan.	21	Schrock name added	353
Jan.	30	Notice of hearing (2/7)	488
Feb.	24	Indefinitely postponed	752

LEGISLATIVE BILL 309. By Transportation Committee, Crosby

Jan.	14	Read first time	228
Jan.	16	Referred to Committee on Transportation	295
Jan.	28	Notice of hearing (2/11)	453
Mar.	11	Placed on General File - Com AM0767 (printed separate)	996
Mar.	19	Transportation Committee priority bill	1102
Apr.	1	Dw. Pedersen AM1259 to AM0767 printed	1300

LEGISLATIVE BILL 310. By Janssen, Bohlke

Jan.	14	Read first time	228
Jan.	14	Schimek name added	234
Jan.	16	Referred to Committee on Health and Human Services	295
Jan.	29	Notice of hearing (2/28)	471
Mar.	6	Placed on General File - Com AM0766	926

Mar.	11	Janssen priority bill	992
Apr.	2	Janssen AM0811 to AM0766 printed	1321
Apr.	11	Committee AM0766 p. 926 adopted as amended by Janssen pending AM0811 p. 1321. McKenzie FA160 adopted. Advanced for Review	1481
Apr.	16	Placed on Select File - AM7134	1564
Apr.	17	Janssen AM1576 printed	1594
May	6	AM7134 (E & R) adopted. Janssen pending AM1576 p. 1594 adopted. Advanced for Engrossment	1851
May	13	Correctly Engrossed. ER9064 change	1949
May	21	Dispensing of the reading at large approved. Final Reading 44-0-5	2197
May	21	Speaker signed	2200
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 310A. By Janssen

Mar.	25	Read first time. Placed on General File	1229
Apr.	11	Advanced for Review	1482
Apr.	16	Placed on Select File	1564
May	6	Advanced for Engrossment	1852
May	13	Correctly Engrossed	1949
May	21	Final Reading 43-0-6	2198
May	21	Speaker signed	2200
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 311. By Janssen, Vrtiska

Jan.	14	Read first time	228
Jan.	16	Referred to Committee on Revenue	295
Feb.	10	Notice of hearing (2/26)	562
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 312. By Janssen

Jan.	14	Read first time	228
Jan.	16	Referred to Committee on Revenue	296
Feb.	10	Notice of hearing (2/27)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 313. By Natural Resources Committee

Jan.	14	Read first time	228
Jan.	16	Referred to Committee on Natural Resources	296
Feb.	20	Notice of hearing (3/12)	709

LEGISLATIVE BILL 314. By Landis

Jan.	14	Read first time	229
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	296
Feb.	24	Notice of hearing (3/6)	748
Mar.	18	Placed on General File	1079
Apr.	23	Advanced for Review	1665
Apr.	23	Wickersham AM1365 printed	1668
Apr.	28	Placed on Select File - AM7144	1706
May	13	Landis AM1939 printed separate	1939
May	14	AM7144 (E & R) adopted. Landis pending AM1939 p. 1939 and Wickersham pending AM1365 p. 1668 adopted. Advanced for Engrossment	1971
May	16	Correctly Engrossed. ER9068 change	2072
May	20	Tyson-Schellpeper-Bohlke-Schimek AM2265 printed	2121
May	27	Tyson-Schellpeper-Bohlke-Schimek AM2391 printed	2350
June	3	Tyson et al pending AM2265 p. 2121 withdrawn. Tyson motion to return to Select File for pending AM2391 p. 2350 withdrawn. Returned to Select File for Coordsen AM2596. Coordsen AM2596 adopted. Advanced for Reengrossment	2561
June	3	Correctly Reengrossed	2603
June	5	Dispensing of the reading at large approved	2675
June	5	Final Reading w/E 45-0-4	2676
June	5	Speaker signed	2697
June	12	Presented to Governor (6/5)	2698
June	12	Approved by Governor (6/11)	2705

(Provisions/portions of LB 500 amended into LB 314 by AM1365)
(Provisions/portions of LB 553 amended into LB 314 by AM1939)
(Provisions/portions of LB 878 amended into LB 314 by AM1939)

LEGISLATIVE BILL 314A. By Landis

May	15	Read first time Placed on General File	2025
May	19	Advanced for Review	2079
May	19	Placed on Select File	2103
May	21	Advanced for Engrossment	2177
May	21	Correctly Engrossed	2251
June	2	Tyson AM2627 printed	2543

June	3	Tyson pending AM2627 p. 2543 withdrawn	2563
June	5	Final Reading w/E 43-0-6	2677
June	5	Speaker signed	2697
June	12	Presented to Governor (6/5)	2698
June	12	Approved by Governor (6/11)	2705

LEGISLATIVE BILL 315. By Schimek, Crosby, Hudkins

Jan.	14	Read first time	229
Jan.	16	Referred to Committee on Urban Affairs	296
Jan.	21	Notice of hearing (1/28)	350
Feb.	6	Placed on General File	543
Feb.	13	Advanced for Review	624
Feb.	18	Placed on Select File - AM7048	652
Feb.	24	AM7048 (E & R) adopted. Advanced for Engrossment	745
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading 43-0-6	957
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 316. By Matzke

Jan.	14	Read first time	229
Jan.	16	Referred to Committee on Natural Resources	296
Feb.	20	Notice of hearing (3/13)	709

LEGISLATIVE BILL 317. By Schellpeper, Hartnett, Landis, Wickersham

Jan.	14	Read first time	229
Jan.	16	Referred to Committee on Revenue	296
Jan.	17	Notice of hearing (1/24)	305
Feb.	18	Placed on General File - Com AM0353	654
Feb.	24	Schellpeper AM0543 to AM0353 printed	761
Mar.	6	Committee AM0353 p. 654 adopted as amended by Schellpeper pending AM0543 p. 761. Advanced for Review	921
Mar.	10	Placed on Select File - AM7080	980
Mar.	20	AM7080 (E & R) adopted. Chambers FA101 pending	1127
Apr.	9	Chambers pending FA101 p. 1127 withdrawn. Advanced for Engrossment	1448
Apr.	14	Correctly Engrossed	1503
May	7	Final Reading 34-0-14	1854
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871

May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 318. By Bromm, Preister

Jan.	14	Read first time	231
Jan.	16	Referred to Committee on Urban Affairs	296
Feb.	11	Notice of hearing (3/4)	582
Mar.	21	Placed on General File - Com AM1104	1166

LEGISLATIVE BILL 319. By Bromm

Jan.	14	Read first time	231
Jan.	16	Referred to Committee on Urban Affairs	296
Jan.	21	Notice of hearing (1/28)	350

LEGISLATIVE BILL 320. By Bohlke, Crosby, Engel, Kristensen

Jan.	14	Read first time	231
Jan.	16	Referred to Committee on Transportation	296
Jan.	28	Notice of hearing (2/4)	452
Mar.	11	Placed on General File - Com AM0856 (printed separate)	996
Mar.	20	Speaker priority bill	1142

LEGISLATIVE BILL 321. By Schimek, Beutler, Brashear

Jan.	14	Read first time	231
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	296
Feb.	5	Notice of hearing (2/12)	515
Feb.	24	Placed on General File - Com AM0489	749
Mar.	13	Schimek AM0893 to AM0489 printed	1040

LEGISLATIVE BILL 322. By Dw. Pedersen

Jan.	14	Read first time	231
Jan.	16	Referred to Committee on Education	296
Feb.	7	Notice of hearing (2/25)	546
Mar.	12	Indefinitely postponed	1019

LEGISLATIVE BILL 323. By Wesely, Beutler, Bromm, Brown, Crosby, Cudaback, Engel, Hilgert, Hudkins, Jensen, Jones, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schmitt, Schrock, Suttle, Will

Jan.	14	Read first time	231
Jan.	16	Referred to Committee on Judiciary	296
Jan.	28	Notice of hearing (2/7)	460

LEGISLATIVE BILL 324. By Wesely

Jan.	14	Read first time	232
Jan.	16	Referred to Committee on Judiciary	296
Jan.	28	Notice of hearing (2/7)	460
Mar.	24	Placed on General File	1196

LEGISLATIVE BILL 325. By Wesely

Jan.	14	Read first time	232
Jan.	16	Referred to Committee on Health and Human Services	296
Jan.	29	Notice of hearing (2/5)	470
Feb.	7	Placed on General File - Com AM0183	552
Feb.	18	Committee AM0183 p. 552 adopted. Advanced for Review	639
Feb.	20	Placed on Select File - AM7054	701
Feb.	24	AM7054 (E & R) adopted. Advanced for Engrossment	747
Feb.	28	Correctly Engrossed	838
Mar.	10	Final Reading 43-0-6	962
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 326. By Schimek, Janssen, Preister, Stuhr, Suttle

Jan.	14	Read first time	232
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	296
Mar.	3	Notice of hearing (3/11)	847
Mar.	13	Indefinitely postponed	1044

LEGISLATIVE BILL 327. By Hilgert, McKenzie, C. Peterson, Preister, Will, at the request of the Governor

Jan.	14	Read first time	234
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	296
Feb.	11	Notice of hearing (2/18)	569
Feb.	20	Placed on General File - Com AM0436	700
Mar.	11	Banking, Commerce and Insurance Committee priority bill	1011
May	15	Hilgert AM2239 printed	2041
May	22	Committee AM0436 p. 700 and Hilgert pending AM2239 p. 2041 adopted.	

		Advanced for Review	2307
May	27	Placed on Select File - AM7169	2352
May	29	AM7169 (E & R) adopted. Advanced for Engrossment	2491
June	2	Correctly Engrossed	2534
June	4	Final Reading 44-1-4	2631
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 327A. By Hilgert

Feb.	26	Read first time. Placed on General File	787
May	15	Hilgert AM2251 printed	2044
May	22	Hilgert pending AM2251 p. 2044 adopted. Advanced for Review	2307
May	27	Placed on Select File	2355
May	29	Advanced for Engrossment	2491
June	2	Correctly Engrossed	2534
June	4	Final Reading 40-1-8	2632
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 328. By Coordsen

Jan.	14	Read first time	234
Jan.	16	Referred to Committee on Transportation	296
Jan.	21	Notice of hearing (1/28)	321
Jan.	29	Indefinitely postponed	468

LEGISLATIVE BILL 329. By Schellpeper

Jan.	14	Read first time	234
Jan.	16	Referred to Committee on Natural Resources	296
Feb.	20	Notice of hearing (3/20)	709
Mar.	27	Placed on General File - Com AM1235	1263

(Provisions/portions of LB 329 amended into LB 658 by AM2356)

LEGISLATIVE BILL 330. By Wickersham

Jan.	14	Read first time	237
Jan.	16	Referred to Committee on Nebraska Retirement Systems	296
Jan.	30	Notice of hearing (3/3)	486
June	5	Indefinitely postponed	2688

(Provisions/portions of LB 330 amended into LB 624 by AM0759)

LEGISLATIVE BILL 331. By Chambers

Jan.	14	Read first time	237
Jan.	16	Referred to Committee on Judiciary	296
Jan.	30	Notice of hearing (2/20)	487

LEGISLATIVE BILL 332. By Wickersham, Dierks, Jones

Jan.	14	Read first time	238
Jan.	16	Referred to Committee on Transportation	296
Feb.	6	Notice of hearing (2/18)	524
Mar.	11	Indefinitely postponed	996

LEGISLATIVE BILL 333. By Brown, Robinson

Jan.	14	Read first time	238
Jan.	16	Referred to Committee on Revenue	296
Jan.	30	Notice of hearing (2/6)	488
Mar.	18	Indefinitely postponed	1092

LEGISLATIVE BILL 334. By Matzke, Elmer, Wickersham

Jan.	14	Read first time	238
Jan.	16	Referred to Committee on Natural Resources	296
Jan.	22	Notice of hearing (1/29)	410

LEGISLATIVE BILL 335. By Landis

Jan.	14	Read first time	238
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	296
Feb.	13	Notice of hearing (2/24)	631
Mar.	3	Placed on General File - Com AM0563	845
Apr.	1	Landis AM1130 printed	1300
Apr.	2	Committee AM0563 p. 845 and Landis pending AM1130 p. 1300 adopted. Advanced for Review	1311
Apr.	8	Placed on Select File - AM7123	1391
Apr.	16	AM7123 (E & R) adopted. Advanced for Engrossment	1543
Apr.	28	Correctly Engrossed	1688
May	14	Chambers FA319 printed	1981
May	29	Chambers pending FA319 p. 1981 withdrawn. Dispensing of the reading at large approved	2443
May	29	Final Reading w/E 39-0-10	2444
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

LEGISLATIVE BILL 336. By Landis

Jan.	14	Read first time	238
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	296
Feb.	24	Notice of hearing (3/4)	748
Mar.	5	Indefinitely postponed	904

LEGISLATIVE BILL 337. By Crosby

Jan.	14	Read first time	238
Jan.	16	Referred to Committee on Nebraska Retirement Systems	296
Jan.	30	Notice of hearing (2/12)	486

LEGISLATIVE BILL 338. By Crosby, Schmitt

Jan.	14	Read first time	239
Jan.	16	Referred to Committee on Transportation	296
Jan.	17	Notice of hearing (1/27)	305
Feb.	12	Indefinitely postponed	609

LEGISLATIVE BILL 339. By Crosby

Jan.	14	Read first time	239
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	296
Jan.	22	Notice of hearing (1/30)	373
Feb.	4	Indefinitely postponed	504

LEGISLATIVE BILL 340. By Crosby

Jan.	14	Read first time	239
Jan.	16	Referred to Committee on Health and Human Services	296
Jan.	29	Notice of hearing (2/13)	470
Feb.	26	Placed on General File - Com AM0472	788

LEGISLATIVE BILL 340A. By Crosby

Mar.	24	Read first time. Placed on General File	1211

LEGISLATIVE BILL 341. By Crosby, Lynch, Dw. Pedersen, Will, Witek

Jan.	14	Read first time	239
Jan.	16	Referred to Committee on Health and	

		Human Services	296
Jan.	29	Notice of hearing (2/26)	471
Mar.	19	Placed on General File	1113

LEGISLATIVE BILL 342. By Warner, Bohlke

Jan.	14	Read first time	239
Jan.	16	Referred to Committee on Revenue	296
Jan.	17	Notice of hearing (1/24)	305
Feb.	4	Placed on General File	502
Feb.	7	Advanced for Review	552
Feb.	13	Placed on Select File - AM7034	627
Feb.	20	AM7034 (E & R) adopted. Advanced for Engrossment	699
Feb.	26	Correctly Engrossed	785
Mar.	4	Final Reading w/E 43-0-6	863
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 343. By Warner

Jan.	14	Read first time	239
Jan.	16	Referred to Committee on Revenue	296
Jan.	16	Notice of hearing (1/23)	297
Feb.	10	Placed on General File	563
Feb.	19	Advanced for Review	681
Feb.	24	Placed on Select File	749
Mar.	4	Advanced for Engrossment	878
Mar.	6	Correctly Engrossed	919
Mar.	27	Kristensen-Warner-Coordsen-Hartnett AM1191 printed	1265
Apr.	1	Returned to Select File for Kristensen et al AM1191. Kristensen et al pending AM1191 p. 1265 adopted. Advanced for Reengrossment	1276
Apr.	8	Correctly Reengrossed	1379
Apr.	10	Final Reading 34-0-15	1452
Apr.	10	President signed	1463
Apr.	10	Presented to Governor (4/10)	1468
Apr.	15	Approved by Governor (4/15)	1518

LEGISLATIVE BILL 344. By Withem, Brashear, Brown, Warner

Jan.	14	Read first time	240
Jan.	16	Referred to Committee on Revenue	296
Jan.	21	Speaker priority bill	321
Jan.	22	Notice of hearing (1/29)	356

Feb.	4	Placed on General File - Com AM0119	502
Feb.	10	Committee AM0119 p. 502 adopted. Advanced for Review	558
Feb.	13	Placed on Select File - AM7037	628
Feb.	18	Brown AM0252 printed	647
Feb.	24	AM7037 (E & R) adopted. Brown pending AM0252 p. 647 adopted. Advanced for Engrossment	740
Feb.	27	Correctly Engrossed	808
Feb.	27	ER9016 change	809
May	21	Final Reading w/E 43-0-6	2185
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 345. By Bohlke, McKenzie

Jan.	14	Read first time	251
Jan.	16	Referred to Committee on Education	296
Jan.	17	Notice of hearing (1/27)	304
Jan.	29	Placed on General File - Com AM0075	473
Feb.	6	Committee AM0075 p. 473 adopted. Advanced for Review	540
Feb.	11	Placed on Select File - AM7025	579
Feb.	20	AM7025 (E & R) adopted. Advanced for Engrossment	695
Feb.	25	Correctly Engrossed	763
Feb.	25	ER9012 change	764
Mar.	4	Dispensing of the reading at large approved. Final Reading 44-0-5	866
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 346. By Bohlke, McKenzie

Jan.	14	Read first time	252
Jan.	16	Referred to Committee on Education	296
Jan.	17	Notice of hearing (1/27)	304
Jan.	29	Indefinitely postponed	474
Jan.	30	Corrected Committee Report - Placed on General File	477
Feb.	7	Advanced for Review	548
Feb.	12	Placed on Select File	608
Feb.	20	Bohlke AM0449 adopted. Advanced for Engrossment	695
Feb.	26	Correctly Engrossed. ER9010 change	785
Mar.	4	Dispensing of the reading at large approved.	

		Final Reading 42-0-7	869
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 347. By Bohlke, McKenzie

Jan.	14	Read first time	252
Jan.	16	Referred to Committee on Education	296
Jan.	17	Notice of hearing (1/27)	304
Jan.	29	Placed on General File - Com AM0053	473
Feb.	6	Committee AM0053 p. 473 adopted. Advanced for Review	540
Feb.	12	Placed on Select File - AM7029	607
Feb.	20	AM7029 (E & R) adopted. Advanced for Engrossment	695
Feb.	25	Correctly Engrossed. ER9013 change	771
Mar.	4	Dispensing of the reading at large approved	867
Mar.	4	Final Reading 44-0-5	868
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	5	Correction	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 348. By Will

Jan.	14	Read first time	252
Jan.	16	Referred to Committee on Revenue	296
Feb.	10	Notice of hearing (2/21)	562
Apr.	3	Indefinitely postponed	1333

(Provisions/portions of LB 348 amended into LB 269 by AM2290)

LEGISLATIVE BILL 349. By Bohlke, at the request of the Governor

Jan.	14	Read first time	252
Jan.	16	Referred to Committee on Appropriations	296
Feb.	19	Notice of hearing (3/4)	676

LEGISLATIVE BILL 350. By Robak, Bruning, Engel, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Preister, Schellpeper, Schmitt, Schrock, Tyson, Vrtiska, Witek

Jan.	14	Read first time	253
Jan.	16	Referred to Committee on Judiciary	296
Jan.	28	Notice of hearing (2/6)	460
Feb.	25	Placed on General File - Com AM0566	775

LEGISLATIVE BILL 351. By Landis

Jan.	14	Read first time	253
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	296
Jan.	21	Notice of hearing (1/28)	332
Jan.	29	Placed on General File	468
Feb.	5	Advanced for Review	520
Feb.	7	Placed on Select File - AM7024	546
Feb.	20	AM7024 (E & R) adopted. Advanced for Engrossment	694
Feb.	25	Correctly Engrossed	763
Mar.	4	Final Reading w/E 43-0-6	858
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 352. By Schrock, Elmer

Jan.	14	Read first time	253
Jan.	16	Referred to Committee on Health and Human Services	296
Jan.	29	Notice of hearing (2/20)	470
Mar.	5	Placed on General File - Com AM0742	909
Mar.	27	Committee AM0742 p. 909 adopted. Advanced for Review	1267
Apr.	8	Placed on Select File - AM7109	1390
Apr.	16	AM7109 (E & R) adopted. Advanced for Engrossment	1542
Apr.	23	Correctly Engrossed	1682
May	7	Final Reading 43-0-5	1864
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 353. By Bohlke

Jan.	14	Read first time	253
Jan.	16	Referred to Committee on Transportation	296
Feb.	27	Notice of hearing (3/18)	807
Apr.	1	Placed on General File	1303

LEGISLATIVE BILL 354. By Coordsen

Jan.	15	Read first time	257
Jan.	17	Referred to Committee on Transportation	316
Jan.	21	Notice of hearing (1/28)	321
Feb.	12	Indefinitely postponed	609

LEGISLATIVE BILL 355. By Hudkins

Jan.	15	Read first time	257
Jan.	17	Referred to Committee on Judiciary	316
Feb.	12	Notice of hearing (3/6)	613
Mar.	13	Placed on General File - Com AM0955	1065

LEGISLATIVE BILL 356. By Beutler

Jan.	15	Read first time	257
Jan.	17	Referred to Committee on Natural Resources	316
Jan.	23	Notice of hearing (1/30)	420
Feb.	27	Placed on General File	805
Apr.	21	Beutler AM1661 printed	1624
Apr.	23	Beutler pending AM1661 p. 1624 pending. Hudkins FA195 lost	1666

LEGISLATIVE BILL 357. By Jensen

Jan.	15	Read first time	258
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	316
Feb.	11	Notice of hearing (2/21)	570
Mar.	18	Indefinitely postponed	1080

LEGISLATIVE BILL 358. By Jensen, Engel

Jan.	15	Read first time	258
Jan.	17	Referred to Committee on Judiciary	316
Feb.	12	Notice of hearing (2/26)	612

LEGISLATIVE BILL 359. By Will

Jan.	15	Read first time	258
Jan.	17	Referred to Committee on General Affairs	316
Feb.	28	Notice of hearing (3/10)	821
Mar.	12	Indefinitely postponed	1024

LEGISLATIVE BILL 360. By Brashear

Jan.	15	Read first time	258
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	316
Feb.	5	Notice of hearing (2/13)	515
Mar.	4	Placed on General File	879
Apr.	16	Brashear AM1514 printed	1560

LEGISLATIVE BILL 361. By Brashear

Jan.	15	Read first time	258
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	316
Feb.	5	Notice of hearing (2/13)	515
Mar.	4	Placed on General File	879

LEGISLATIVE BILL 362. By Brashear

Jan.	15	Read first time	258
Jan.	17	Referred to Committee on Judiciary	316
Jan.	23	Notice of hearing (1/30)	420
Feb.	5	Placed on General File	516
Feb.	19	Advanced for Review	679
Feb.	24	Placed on Select File - AM7061	749
Mar.	4	Brashear FA52 and Chambers FA54 printed	893
Mar.	5	AM7061 (E & R) adopted. Brashear request to substitute amendment prevailed. Brashear pending FA52 p. 893 withdrawn. Brashear substitute AM0796 pending. Passed over	896
Mar.	6	Chambers AM0810 printed	935
Mar.	20	Brashear pending substitute AM0796 p. 896 adopted. Kiel name added. Brashear name withdrawn. Chambers pending FA54 p. 893 and AM0810 p. 935 withdrawn. Advanced for Engrossment	1126
Mar.	24	Correctly Engrossed	1186
June	3	Final Reading w/E 33-10-6	2571
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 362A. By Brashear

Feb.	10	Read first time. Placed on General File	560
Feb.	19	Advanced for Review	680
Feb.	24	Placed on Select File	749
Mar.	10	Brashear AM0833 printed	972
Mar.	20	Brashear pending AM0833 p. 972 adopted. Advanced for Engrossment	1126
Mar.	24	Correctly Engrossed	1186
June	3	Final Reading w/E 35-7-7	2571
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 363. By Brashear

Jan.	15	Read first time	259
Jan.	17	Referred to Committee on Judiciary	316
Jan.	30	Notice of hearing (2/21)	487
Feb.	25	Placed on General File	773
Mar.	6	Advanced for Review	936
Mar.	11	Placed on Select File - AM7089	994
Mar.	20	AM7089 (E & R) adopted. Passed over	1133
Apr.	9	Advanced for Engrossment	1450
Apr.	14	Correctly Engrossed	1503
May	7	Final Reading 33-0-15	1855
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 364. By Brashear

Jan.	15	Read first time	259
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	316
Jan.	30	Notice of hearing (2/10)	486
Feb.	11	Placed on General File	575
Feb.	13	Advanced for Review	625
Feb.	18	Placed on Select File - AM7042	653
Feb.	24	AM7042 (E & R) adopted. Beutler motion to indefinitely postpone laid over	745
Feb.	25	Beutler FA36 printed	770
Feb.	27	Beutler AM0539 printed	807
Mar.	5	Beutler pending motion to indefinitely postpone p. 746 withdrawn. Beutler pending FA36 p. 770 and AM0539 p. 807 withdrawn. Beutler FA55 adopted. Advanced for Engrossment	896
Mar.	6	Correctly Engrossed	919
Mar.	6	ER9025 change	920
Apr.	1	Chambers FA119 and FA120 printed	1271
Apr.	23	Brashear-Beutler AM1723 printed	1673
June	4	Chambers pending FA119, FA120 p. 1271, and Brashear-Beutler pending AM1723 p. 1673 withdrawn. Brashear motion to return to Select File for AM2653 (on file) withdrawn	2621
June	4	Returned to Select File for Brashear-Wehrbein-Maurstad AM2656. Brashear et al AM2656 (on file) adopted. Advanced for Reengrossment	2621
June	4	Chambers name added. Correctly Reengrossed. ER9111 change	2659
June	12	Witek motion to return to Select File	

		for FA444 failed. Dispensing of the reading at large approved	2747
June	12	Final Reading 27-18-4	2748
June	12	President signed. Presented to Governor (6/12)	2750
June	18	Engel explanation of vote	2759
June	18	Approved by Governor (6/17)	2760

(Provisions/portions of LB 364 amended into LB 137 by AM1724)

LEGISLATIVE BILL 365. By Brashear

Jan.	15	Read first time	259
Jan.	17	Referred to Committee on Nebraska Retirement Systems	316
Jan.	27	Notice of hearing (3/6)	441

LEGISLATIVE BILL 366. By Robak

Jan.	15	Read first time	259
Jan.	17	Referred to Committee on Transportation	316
Feb.	6	Notice of hearing (3/11)	524
Mar.	13	Indefinitely postponed	1065

LEGISLATIVE BILL 367. By Robak

Jan.	15	Read first time	259
Jan.	17	Referred to Committee on Nebraska Retirement Systems	316
Jan.	27	Notice of hearing (2/19)	441
June	5	Indefinitely postponed	2688

LEGISLATIVE BILL 368. By Robak

Jan.	15	Read first time	259
Jan.	17	Referred to Committee on Transportation	316
Feb.	6	Notice of hearing (3/11)	524
Mar.	13	Indefinitely postponed	1065

LEGISLATIVE BILL 369. By Schrock, Coordsen, Dierks, Elmer, Engel, Hudkins, Jones, Preister, Schmitt, Stuhr, Vrtiska, Wickersham

Jan.	15	Read first time	259
Jan.	17	Referred to Committee on Health and Human Services	316
Jan.	17	Hilgert name added	319
Jan.	23	Wehrbein name added	423
Jan.	29	Notice of hearing (2/6)	470
Feb.	11	Bruning name added	586
Feb.	20	Placed on General File - Com AM0275	705

Feb.	21	Wesely AM0169 printed	717
Apr.	8	Vrtiska name withdrawn	1380

LEGISLATIVE BILL 370. By Will, Brashear, Brown, Hilgert, Kiel, Preister, Suttle

Jan.	15	Read first time	260
Jan.	17	Referred to Committee on Judiciary	316
Jan.	23	Notice of hearing (1/30)	420
Feb.	4	Indefinitely postponed	510

LEGISLATIVE BILL 371. By Kristensen

Jan.	15	Read first time	260
Jan.	17	Referred to Committee on Revenue	316
Feb.	10	Notice of hearing (2/26)	562
Mar.	10	Placed on General File	976
Mar.	20	Speaker priority bill	1142

LEGISLATIVE BILL 372. By Kristensen

Jan.	15	Read first time	260
Jan.	17	Referred to Committee on Judiciary	316
Jan.	30	Notice of hearing (2/21)	487
Feb.	25	Placed on General File - Com AM0495	775
Mar.	6	Committee AM0495 p. 775 adopted. Advanced for Review	937
Mar.	11	Placed on Select File - AM7088	994
Mar.	20	AM7088 (E & R) adopted. Advanced for Engrossment	1133
Apr.	9	Landis AM1285 printed	1433
Apr.	10	Returned to Select File for Landis AM1285. Landis pending AM1285 p. 1433 adopted. Advanced for Engrossment	1455
Apr.	10	Landis name added	1462
Apr.	22	Correctly Engrossed	1646
Apr.	22	ER9041 change	1647
May	21	Final Reading w/E 44-0-5	2191
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

(Provisions/portions of LB 730 amended into LB 372 by AM1285)

LEGISLATIVE BILL 373. By Kristensen

Jan.	15	Read first time	260
Jan.	17	Referred to Committee on Judiciary	317
Jan.	28	Notice of hearing (2/6)	460
Mar.	4	Placed on General File - Com AM0428	885

LEGISLATIVE BILL 374. By Preister, Beutler, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Janssen, Landis, Robinson, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wickersham

Jan.	15	Read first time	260
Jan.	17	Referred to Committee on Natural Resources	317
Jan.	23	Rereferred to Committee on Government, Military and Veterans Affairs	411
Jan.	29	Notice of hearing (2/7)	470
Mar.	11	Placed on General File - Com AM0619	998
Mar.	13	Preister priority bill	1045
Apr.	10	Preister AM1318 to AM0619 printed	1456
Apr.	11	Committee AM0619 p. 998 adopted as amended by Preister pending AM1318 p. 1456. Advanced for Review	1483
Apr.	16	Placed on Select File - AM7135 (printed separate)	1564
Apr.	16	Preister AM1561 to AM7135 printed	1567
Apr.	17	Beutler AM1611 printed separate	1602
May	12	AM7135 (E & R) adopted. Preister pending AM1561 p. 1567 and Beutler pending AM1611 p. 1602 withdrawn. Advanced for Engrossment	1901
May	14	Correctly Engrossed	1970
May	21	Dispensing of the reading at large approved. Final Reading 46-0-3	2199
May	21	Speaker signed	2200
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 375. By Preister, Dierks, Hartnett, Jensen, Matzke, Robinson

Jan.	15	Read first time	260
Jan.	17	Referred to Committee on Health and Human Services	317
Jan.	29	Notice of hearing (2/27)	471
Mar.	5	Placed on General File	905

LEGISLATIVE BILL 376. By Schimek

Jan.	15	Read first time	261
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	317
Feb.	13	Notice of hearing (2/24)	631
Feb.	25	Placed on General File	770

LEGISLATIVE BILL 377. By Will

Jan.	15	Read first time	261
Jan.	17	Referred to Committee on Transportation	317
Jan.	28	Notice of hearing (2/11)	453
Mar.	11	Indefinitely postponed	996

LEGISLATIVE BILL 378. By Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem

Jan.	15	Read first time	261
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Feb.	11	Notice of hearing (2/19)	570
Mar.	4	Indefinitely postponed	880

LEGISLATIVE BILL 379. By Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem

Jan.	15	Read first time	261
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Feb.	11	Notice of hearing (2/19)	570
Mar.	4	Indefinitely postponed	880

LEGISLATIVE BILL 380. By Jensen, Jones, Witek

Jan.	15	Read first time	261
Jan.	17	Referred to Committee on General Affairs	317
Feb.	5	Notice of hearing (3/3)	515
Mar.	10	Indefinitely postponed	976

LEGISLATIVE BILL 381. By Jensen, Jones, Schrock, Witek

Jan.	15	Read first time	261
Jan.	17	Referred to Committee on General Affairs	317
Feb.	5	Notice of hearing (3/3)	515
Mar.	10	Indefinitely postponed	976

LEGISLATIVE BILL 382. By Will

Jan.	15	Read first time	274
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Feb.	24	Notice of hearing (3/12)	748
Mar.	24	Indefinitely postponed	1190

LEGISLATIVE BILL 383. By Schimek, Bohlke, Crosby

Jan.	15	Read first time	275
Jan.	17	Referred to Committee on Judiciary	317
Feb.	12	Notice of hearing (2/27)	612

LEGISLATIVE BILL 384. By Speaker Withem, Wehrbein, at the request of the Governor

Jan.	15	Read first time	275
Jan.	17	Referred to Committee on Appropriations	317
Feb.	7	Notice of hearing (2/24)	550
May	6	Placed on General File - Com AM1751	1835
May	8	Committee AM1751 p. 1835 adopted. Advanced for Review	1895
May	13	Placed on Select File - AM7154	1931
May	14	Wehrbein AM2096 printed	2006
May	15	AM7154 (E & R) adopted. Wehrbein pending AM2096 p. 2006 adopted. Advanced for Engrossment	2010
May	16	Correctly Engrossed	2064
May	22	Final Reading w/E 40-0-9	2291
May	22	President signed	2295
May	22	Presented to Governor (5/22)	2296
May	28	Approved by Governor with line-item veto (5/22)	2435
May	29	Appropriations committee report on line-item veto	2468
June	12	Communication	2738

LEGISLATIVE BILL 385. By Speaker Withem, at the request of the Governor

Jan.	15	Read first time	275
Jan.	17	Referred to Committee on Appropriations	317
Feb.	7	Notice of hearing (2/24)	550
May	6	Placed on General File	1835
May	8	Advanced for Review	1895
May	13	Placed on Select File	1931
May	15	Advanced for Engrossment	2011
May	16	Correctly Engrossed	2064
May	22	Final Reading w/E 41-1-7	2292
May	22	President signed	2295
May	22	Presented to Governor (5/22)	2296
May	28	Approved by Governor (5/28)	2434

LEGISLATIVE BILL 386. By Speaker Withem, at the request of the Governor

Jan.	15	Read first time	275
Jan.	17	Referred to Committee on Appropriations	317

Feb.	7	Notice of hearing (2/24)	550
May	1	Chambers motion to indefinitely postpone before reading of the title and motion to read section by section printed	1776
May	6	Appropriations Committee AM1942 to AM1809 printed	1832
May	6	Placed on General File - Com AM1809	1837
May	6	Dw. Pedersen AM1974 to AM1809 printed	1852
May	12	Chambers pending motion to indefinitely postpone p. 1776, request to read section by section p. 1776, Appropriations pending AM1942 p. 1832, and Dw. Pedersen pending AM1974 p. 1852 withdrawn. Committee AM1809 p. 1837 adopted as amended by Chambers AM2045. Advanced for Review	1906
May	14	Chambers AM2107 to AM7158 printed	1980
May	14	Placed on Select File - AM7158 (printed separate)	1984
May	14	Hillman-Brown-Wehrbein-Withem AM2186 to AM7158 printed	1998
May	19	AM7158 (E & R) adopted. Chambers pending AM2107 p. 1980 withdrawn. Hillman et al pending AM2186 p. 1998 adopted. Chambers FA345 pending	2081
May	19	Chambers FA346, FA347, FA348, and FA349 printed	2083
May	20	Chambers AM2294 printed	2119
May	20	Chambers pending FA345 p. 2082 withdrawn	2130
May	21	Hilgert FA365 printed	2214
May	27	Chambers pending FA346, FA347, FA348, FA349 p. 2083 and AM2294 p. 2119 withdrawn. Hilgert pending FA365 p. 2214 adopted. Advanced for Engrossment	2325
May	27	Correctly Engrossed	2358
May	27	ER9084 change	2359
May	29	Dispensing of the reading at large approved. Final Reading w/E 42-2-5	2454
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor with line-item veto (5/29)	2664
June	12	Chambers motion to override veto (section 56) failed 10-21-18	2734
June	12	Communication	2738

LEGISLATIVE BILL 387. By Speaker Withem, at the request of the Governor

Jan.	15	Read first time	275
Jan.	17	Referred to Committee on Appropriations	317
Feb.	7	Notice of hearing (2/24)	551
May	6	Placed on General File - Com AM1401 (printed separate)	1841
May	12	Committee AM1401 p. 1841 adopted. Advanced for Review	1907
May	14	Placed on Select File	1984
May	21	Chambers-Brashear-Kristensen-C. Peterson AM2358 sustained division of question. Chambers et al FA366 (1st) pending	2208
May	21	Wehrbein-Chambers AM2363 printed	2240
May	27	Chambers et al pending FA366 (1st) p. 2209 and FA367 (2nd) withdrawn. Wehrbein-Chambers pending AM2363 p. 2240 adopted as amended by Kristensen FA383. Advanced for Engrossment	2324
May	27	Correctly Engrossed	2358
May	27	ER9083 change	2359
May	29	Dispensing of the reading at large approved. Final Reading w/E 44-0-5	2455
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

LEGISLATIVE BILL 388. By Speaker Withem, at the request of the Governor

Jan.	15	Read first time	275
Jan.	17	Referred to Committee on Appropriations	317
Feb.	7	Notice of hearing (2/24)	551
May	6	Placed on General File - Com AM1752 (printed separate)	1841
May	8	Chambers AM1961 lost. Coordsen AM1991 to AM1752 adopted	1883
May	8	Maurstad FA247 lost. Committee AM1752 p. 1841 adopted as amended. Advanced for Review	1888
May	13	Placed on Select File - AM7156 (printed separate)	1930
May	13	Wehrbein AM2098 to AM7156 printed	1939
May	15	AM7156 (E & R) adopted. Wehrbein pending AM2098 p. 1939 withdrawn. Wehrbein AM2095 and Chambers-Wehrbein reoffered AM1961 p. 1883 adopted. Advanced for Engrossment	2009
May	16	Correctly Engrossed	2064
May	16	ER9071 change	2065
May	22	Dispensing of the reading at large approved.	

		Final Reading w/E 44-0-5	2293
May	22	President signed	2295
May	22	Presented to Governor (5/22)	2296
May	28	Approved by Governor with line-item veto (5/22)	2435
May	29	Appropriations committee report on line-item veto	2468
June	12	Communication	2738

LEGISLATIVE BILL 389. By Speaker Withem, at the request of the Governor

Jan.	15	Read first time	276
Jan.	17	Referred to Committee on Appropriations	317
Feb.	7	Notice of hearing (2/24)	551
May	1	Chambers motion to indefinitely postpone before the reading of the title and motion to read section by section printed	1776
May	6	Placed on General File - Com AM1402 (printed separate)	1841
May	6	Kristensen AM1955 to AM1402 printed	1847
May	7	Hilgert AM1973 to AM1402 printed	1870
May	7	Landis AM1826 printed	1878
May	7	Hillman-Withem-Wehrbein AM2001 to AM1402 printed	1879
May	8	Chambers pending motion to indefinitely postpone, request to read section by section p. 1776 and Hilgert pending AM1973 p. 1870 withdrawn. Chambers request to substitute amendment prevailed. Chambers AM2023 withdrawn. Landis-Witek pending AM1826 p. 1878 and Stuhr AM2008 lost. Committee AM1402 p. 1841 adopted as amended by Kristensen pending AM1955 p. 1847 and Chambers substitute FA248. Advanced for Review	1890
May	12	Beutler AM2031 printed	1902
May	12	Chambers AM2073 printed	1908
May	12	Chambers AM2074 printed	1909
May	13	Maurstad-Brown AM2066 printed	1922
May	13	Placed on Select File - AM7157	1930
May	13	Chambers AM2108 printed	1944
May	13	Coordsen-Cudaback-Schellpeper-Landis-Hartnett-Dierks-Jones-Stuhr AM2136 printed	1961
May	14	AM7157 (E & R) adopted. Hilgert request to substitute amendment prevailed. Hilgert reoffered AM1973 p. 1870 withdrawn. Hilgert substitute AM2153 adopted. Hillman et al pending AM2001 p. 1879,	

		Beutler pending AM2031 p. 1902 and Chambers pending AM2108 p. 1944 withdrawn. Chambers pending AM2073 p. 1908, AM2074 p. 1909 and Coordsen et al pending AM2136 p. 1961 adopted. Maurstad request to substitute amendment prevailed. Maurstad-Brown pending AM2066 p. 1922 withdrawn. Maurstad substitute AM2149 and Withem AM2161 lost. Will-Kiel AM2043 sustained division of question. Will-Kiel FA324 (1st) lost. Dierks-Jensen-Witek AM2196 withdrawn	1991
May	14	Will-Kiel FA325 (2nd) and Jones AM2080 lost. Wehrbein AM2097 and Brashear AM2204 adopted. Advanced for Engrossment	1999
May	15	Chambers FA337 printed	2028
May	16	Correctly Engrossed	2064
May	16	ER9070 change	2065
May	16	Chambers AM2252 printed	2073
May	19	Chambers AM2283 printed	2089
May	20	Chambers motions to return to Select File for pending FA337 p. 2028, AM2252 p. 2073, and AM2283 p. 2089 failed	2117
May	20	Returned to Select File for Chambers AM2310. Chambers request to substitute amendment prevailed. Chambers AM2310 withdrawn. Returned to Select File for Chambers-Maurstad substitute FA354. Chambers-Maurstad FA354 adopted. Advanced for Reengrossment. Wehrbein motion to reconsider vote on motion to return to Select File for Chambers AM2252 prevailed. Returned to Select File for Chambers AM2252. Chambers pending AM2252 p. 2073 adopted. Advanced for Reengrossment. Returned to Select File for Wesely-Chambers-Wehrbein AM2316. Wesely et al AM2316 adopted. Advanced for Reengrossment. Chambers motion to return to Select File for AM2311 withdrawn	2127
May	20	Correctly Reengrossed. ER9074 change	2144
May	22	Dispensing of the reading at large approved. Final Reading w/E 41-2-6	2294
May	22	President signed	2295
May	22	Presented to Governor (5/22)	2296
May	28	Approved by Governor with line-item veto (5/22)	2436
May	29	Appropriations committee report on	

		line-item veto	2469
June	2	Coordsen motion to override Governor's line item veto, cash fund veto only, printed	2524
June	2	Coordsen-Jensen-Schrock-Kristensen-Jones-Schellpeper-Cudaback-Janssen-Hartnett-Dierks-Robak-Stuhr motion to override Governor's line item veto, section 216, printed	2543
June	2	Dw. Pedersen motion to override Governor's line item veto, section 17, printed	2550
June	12	Appropriations Committee motion to override line-item vetoes passed 40-4-5 (sections 26, 27, 28, 31, 40, 46, 50, 52, 56, 62, 63, 65, 67, 68, 69, 70, 72, 73, 76, 104, 105, 120, 127, 128, 129, 132, 140, 142, 143, 144, 145, 159, 172, 173, 174, 178, 180, 183, 213, 220, 222, 223, 229, 239, 243, 249, and 252)	2710
June	12	Coordsen pending motion p. 2524 to override line-item veto (section 696) withdrawn	2714
June	12	Coordsen et al pending motion p. 2543 to override line-item veto (section 216) failed 23-19-7	2714
June	12	Dw. Pedersen pending motion p. 2550 to override line-item veto (section 17) failed 26-8-15	2715
June	12	Communication	2721
June	12	Kiel motion to override line-item veto (section 146) failed 21-5-23	2722
June	12	Chambers motion to override line-item veto (secion 42) failed 27-7-15	2723
June	12	Dw. Pedersen motion to override line-item veto (section 17) passed 33-0-16	2724
June	12	Lynch motion to reconsider Chambers motion to override line-item veto (section 42) prevailed	2725
June	12	Chambers reconsidered motion to override line-item veto (section 42) passed 31-7-11	2726
June	12	Chambers motion to override line-item veto (section 214) failed 22-11-16	2727
June	12	Beutler motion to override line-item veto (section 156) withdrawn	2728
June	12	Maurstad motion to override line-item veto (section 108) failed 9-18-22	2728
June	12	Communication	2731
June	12	Certificate	2732
June	18	Message from Secretary of State	2752
June	18	Certificate	2754

June	18	Engel explanation of vote	2759

(Provisions/portions of LB 27 amended into LB 389 by AM1402)

LEGISLATIVE BILL 390. By Jensen, Bromm

Jan.	15	Read first time	276
Jan.	17	Referred to Committee on Judiciary	317
Jan.	30	Notice of hearing (2/20)	487

LEGISLATIVE BILL 391. By Tyson

Jan.	15	Read first time	276
Jan.	17	Referred to Committee on Judiciary	317
Jan.	28	Notice of hearing (2/6)	460

LEGISLATIVE BILL 392. By Hillman, Bromm, Engel, Robak, Suttle

Jan.	15	Read first time	276
Jan.	17	Referred to Committee on Judiciary	317
Feb.	20	Notice of hearing (3/13)	710
Feb.	25	Notice of hearing (3/13) (cancel) Notice of hearing (3/26) (reset)	781
Mar.	27	Placed on General File - Com AM1241	1255

LEGISLATIVE BILL 393. By Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle

Jan.	15	Read first time	276
Jan.	17	Referred to Committee on Judiciary	317
Jan.	28	Notice of hearing (2/5)	459
Feb.	18	Placed on General File - Com AM0157	642
Mar.	6	Committee AM0157 p. 642 adopted. Advanced for Review	921
Mar.	10	Placed on Select File - AM7078	979
Mar.	12	Hillman-Beutler AM0852 printed	1033
Mar.	20	AM7078 (E & R) adopted. Hillman-Beutler pending AM0852 p. 1033 adopted. Chambers FA100 pending. Hillman asked unanimous consent to bracket until 3/21/97. Objection. Hillman motion to bracket until 3/21/97 pending	1127
Apr.	9	Hillman pending motion to bracket p. 1127 withdrawn. Chambers pending FA100 p. 1127 lost. Advanced for Engrossment	1448
Apr.	14	Correctly Engrossed	1503
June	3	Final Reading 43-0-6	2572
June	3	Speaker signed	2579

June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 393A. By Hillman

Feb.	24	Read first time. Placed on General File	760
Mar.	6	Advanced for Review	921
Mar.	10	Placed on Select File	980
Apr.	9	Advanced for Engrossment	1448
Apr.	14	Correctly Engrossed	1503
June	3	Final Reading 43-0-6	2573
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 394. By Hillman, Engel, Schellpeper, Tyson, Wickersham

Jan.	15	Read first time	276
Jan.	17	Referred to Committee on Appropriations	317
Feb.	19	Notice of hearing (3/10)	677
May	14	Placed on General File - Com AM1717	1986

LEGISLATIVE BILL 395. By Kristensen, Bromm

Jan.	15	Read first time	277
Jan.	17	Referred to Committee on Natural Resources	317
Jan.	30	Notice of hearing (2/6)	488
Mar.	20	Speaker priority bill	1142
Mar.	24	Placed on General File - Com AM1138	1191

LEGISLATIVE BILL 396. By Dierks, Schimek, at the request of the Governor

Jan.	15	Read first time	277
Jan.	16	C. Peterson name added	298
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Jan.	21	Schimek name added	353
Feb.	11	Notice of hearing (2/27)	570
Mar.	5	Placed on General File	904
Mar.	11	Dierks AM0876 printed	992
Mar.	27	Dierks pending AM0876 p. 992 adopted. Advanced for Review	1265
Apr.	3	Placed on Select File - AM7111	1334
Apr.	16	AM7111 (E & R) adopted. Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682

May	14	Chambers FA313 printed	1981
May	29	Chambers pending FA313 p. 1981 withdrawn. Dispensing of the reading at large approved	2444
May	29	Final Reading 37-0-12	2445
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	2	Approved by Governor (6/2)	2531

LEGISLATIVE BILL 396A. By Dierks

Mar.	11	Read first time. Placed on General File	992
Mar.	27	Advanced for Review	1265
Apr.	3	Placed on Select File	1334
Apr.	16	Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682
May	14	Chambers FA314 printed	1981
May	29	Chambers pending FA314 p. 1981 withdrawn. Final Reading 39-0-10	2446
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	2	Approved by Governor (6/2)	2531

LEGISLATIVE BILL 397. By Kristensen, Hartnett, Landis, Schellpeper, Warner

Jan.	15	Read first time	277
Jan.	16	Coordsen name added	298
Jan.	17	Referred to Committee on Revenue	317
Jan.	22	Notice of hearing (1/29)	356
Jan.	30	Placed on General File - Com AM0129	491
Feb.	7	Committee AM0129 p. 491 adopted as amended by Kristensen AM0226. Advanced for Review	548
Feb.	13	Placed on Select File - AM7032 (printed separate)	626
Feb.	24	AM7032 (E & R) adopted. Kristensen AM0384 and AM0362 adopted. Advanced for Engrossment	738
Feb.	27	Kristensen AM0632 printed	809
Mar.	4	Returned to Select File for Kristensen AM0632. Kristensen pending AM0632 p. 809 adopted. Advanced for Engrossment. Returned to Select File for Landis AM0753. Landis AM0753 adopted. Advanced for Engrossment	871
Mar.	4	Correctly Engrossed. ER9017 change	887
Mar.	10	Dispensing of the reading at large approved. Final Reading w/E 42-0-7	967
Mar.	10	President signed	974

Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

(Provisions/portions of LB 270 amended into LB 397 by AM0632)

LEGISLATIVE BILL 398. By Abboud

Jan.	15	Read first time	277
Jan.	17	Referred to Committee on Judiciary	317
Jan.	30	Notice of hearing (2/21)	487
Feb.	25	Placed on General File	773
Mar.	6	Advanced for Review	936
Mar.	11	Placed on Select File	994
Apr.	2	Abboud AM1230 printed	1325
Apr.	9	Abboud pending AM1230 p. 1325 adopted. Advanced for Engrossment	1450
Apr.	14	Correctly Engrossed	1503
May	7	Final Reading 37-0-11	1856
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 399. By Legislative Program Evaluation Committee

Jan.	15	Read first time	278
Jan.	17	Referred to Committee on Transportation	317
Feb.	6	Notice of hearing (3/11)	524
Apr.	1	Indefinitely postponed	1303

LEGISLATIVE BILL 400. By Bohlke

Jan.	15	Read first time	278
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Mar.	4	Notice of hearing (3/19)	889
Mar.	24	Placed on General File	1188

LEGISLATIVE BILL 401. By Warner at the request of the Governor

Jan.	15	Read first time	278
Jan.	17	Referred to Committee on Revenue	317
Jan.	30	Notice of hearing (2/7)	488
Mar.	20	Hilgert priority bill	1142
Mar.	25	Hilgert and Witek names added	1234
Mar.	26	Will and Dw. Pedersen names added	1249
Apr.	1	Maurstad name added	1309
Apr.	8	Placed on General File - Com AM1315	1381

Apr.	9	Wickersham and Jensen names added	1439
Apr.	21	Maurstad AM1645 to AM1315 printed	1626
Apr.	28	Robak AM1727 to AM1315 printed	1694
Apr.	29	Executive Board approval of Speaker major proposal	1722
Apr.	30	Bruning name added	1768
May	1	Wickersham AM1838 to AM1315 printed	1780
May	1	Maurstad-Tyson-Jensen-Hilgert-Will-Dw. Pedersen-Bruning-C. Peterson-Crosby-Robak-Brown-Suttle-Witek AM1785 to AM1315 printed	1781
May	7	Maurstad request to substitute amendment prevailed. Maurstad pending AM1645 p. 1626 withdrawn. Maurstad et al pending substitute AM1785 p. 1781 adopted. Robak pending AM1727 p. 1694 pending	1877
May	7	Beutler AM2000 to AM1315 printed	1879
May	7	Chambers motion to bracket until 6/22/97 printed	1880
May	8	Janssen-Landis-Jones-Chambers-Schmitt-Vrtiska-Elmer-Lynch-Beutler AM2012 to AM1315 printed	1895
May	12	Beutler AM2009 to AM1785 printed	1902
May	12	Beutler AM2069 to AM1785 printed	1914
May	13	Robak pending AM1727 p. 1694, Wickersham pending AM1838 p. 1780, Beutler pending AM2000 p. 1879, AM2009 p. 1902, AM2069 p. 1914, Janssen et al pending AM2012 p. 1895, Kristensen AM2121 and Chambers pending motion to bracket p. 1880 withdrawn	1932
May	13	Chambers FA269 ruled a reconsideration, (Rule 7, Section 7). Chair sustained	1940
May	13	Kristensen AM2123 printed	1941
May	13	Maurstad AM2114 printed	1945
May	13	Maurstad AM2118 printed	1946
May	13	Chambers FA270 lost	1951
May	13	Chambers FA271 lost	1957
May	13	Chambers FA272 pending. Chambers FA274, FA273, and Beutler AM2124 printed	1965
May	13	Chambers pending FA272 and Beutler pending AM2124 p. 1965 withdrawn. Committee AM1315 p. 1381 adopted as amended by Withem FA290 and Beutler reoffered AM2069 p. 1914. Advanced for Review	1967
May	14	Placed on Select File - AM7159	1987
May	15	Withem motion to reconsider AM2069 and motion to return to General File to take up reconsideration	

		motion printed	2016
May	15	Maurstad AM2210 to AM7159 printed	2026
May	15	Chambers AM2211, AM2212 and Robak AM2250 to AM7159 printed	2041
May	15	Maurstad AM2223 to AM7159 printed	2049
May	19	Janssen AM2201 to AM7159 printed	2105
May	22	Wesely AM2380 printed	2302
May	29	AM7159 (E & R) adopted. Schimek request to substitute reoffered Robak AM1727 prevailed. Robak pending AM1727 p. 1694 withdrawn. Robak pending substitute AM2250 p. 2041 lost. Bruning FA412 and Janssen AM2571 lost. Janssen pending AM2201 p. 2105 lost. Wickersham-Raikes-Wesely-Hilgert-Jensen-Dw. Pedersen-Tyson-Schmitt-Cudaback-Beutler-Kristensen-Landis-Maurstad-Coordsen-Bruning-Brashear-Preister-Jones-Hartnett-Withem-Schellpeper-Matzke-Bromm-Will-Crosby-Brown-Witek-Hillman-Hudkins-Stuhr-Bohlke-Suttle-Schimek AM2565 pending	2472
May	29	Chambers FA413 lost. Chambers motion to reconsider FA413 withdrawn. Chambers FA414 lost. Kristensen pending AM2123 p. 1941, Maurstad pending AM2114 p. 1945, AM2118 p. 1946, AM2210 p. 2026, AM2223 p. 2049, Chambers pending FA274 and FA273 p. 1965, AM2211 and AM2212 p. 2041 and Wesely pending AM2380 p. 2302 withdrawn. Withem pending motion to reconsider AM2069 and motion to return to General File p. 2016 withdrawn. Wickersham pending et al AM2565 p. 2475 adopted. Advanced for Engrossment	2487
May	30	Bruning explanation of vote	2506
June	2	Correctly Engrossed. ER9093 change	2534
June	4	Chambers motion to return to Select File for FA440 withdrawn. Chambers motion to bracket until 6/20/97 failed	2657
June	4	Dispensing of the reading at large approved. Final Reading 38-7-4	2658
June	4	Speaker signed	2659
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/5)	2699

(Provisions/portions of LB 24 amended into LB 401 by AM2565)

LEGISLATIVE BILL 402. By Schrock, Coordsen

Jan.	15	Read first time	278
Jan.	17	Referred to Committee on Transportation	317

Feb.	27	Notice of hearing (3/18)	807
Apr.	1	Indefinitely postponed	1303

LEGISLATIVE BILL 403. By Bromm, Hartnett, Jones, Robinson

Jan.	15	Read first time	278
Jan.	17	Referred to Committee on Education	317
Feb.	7	Notice of hearing (2/25)	546
June	4	Indefinitely postponed	2616

LEGISLATIVE BILL 404. By Dw. Pedersen

Jan.	16	Read first time	283
Jan.	17	Referred to Committee on Judiciary	317
Jan.	23	Notice of hearing (1/30)	420
Jan.	27	Witek name added	443
Feb.	5	Placed on General File - Com AM0114	516
Feb.	5	Will name added	521
Feb.	19	Committee AM0114 p. 516 adopted. Advanced for Review	680
Feb.	24	Placed on Select File - AM7062	749
Mar.	3	Hudkins-Stuhr-Robak-Hillman-McKenzie-Vrtiska-Bromm-Wickersham-Matzke AM0567 printed	850
Mar.	5	AM7062 (E & R) adopted. Hudkins et al pending AM0567 p. 850 lost. Tyson motion to indefinitely postpone laid over	897
Mar.	5	D. Pederson motion to reconsider AM0567 printed	910
Mar.	13	Hudkins-Stuhr-Hillman-D. Pederson-Engel-Wickersham-Bromm-Jones AM0968 to AM0567 printed	1068
Mar.	13	D. Pederson pending motion p. 910 to reconsider AM0567 prevailed	1070
Apr.	9	Tyson pending motion to indefinitely postpone p. 898 withdrawn. Hudkins et al pending AM0567 p. 850 adopted as amended by Hudkins et al pending AM0968 p. 1068. Withem motion to indefinitely postpone laid over	1440

LEGISLATIVE BILL 404A. By Dw. Pedersen

Feb.	24	Read first time. Placed on General File	726
Feb.	26	Advanced for Review	787
Feb.	28	Placed on Select File	836

LEGISLATIVE BILL 405. By Chambers

Jan.	16	Read first time	283
Jan.	17	Referred to Committee on Judiciary	317
Jan.	30	Notice of hearing (2/20)	487

LEGISLATIVE BILL 406. By Chambers

Jan.	16	Read first time	283
Jan.	17	Referred to Committee on Judiciary	317
Jan.	30	Notice of hearing (2/12)	487
Feb.	25	Indefinitely postponed	775

LEGISLATIVE BILL 407. By Chambers

Jan.	16	Read first time	283
Jan.	17	Referred to Committee on Judiciary	317
Jan.	30	Notice of hearing (2/19)	487
Feb.	27	Indefinitely postponed	806

LEGISLATIVE BILL 408. By Bohlke, Beutler, Brown, Coordsen, Crosby, Cudaback, Elmer, Engel, Hartnett, Hillman, Kiel, Kristensen, Lynch, Matzke, Maurstad, McKenzie, D. Pederson, Stuhr, Suttle, Tyson, Vrtiska, Warner, Wehrbein, Wickersham

Jan.	16	Read first time	283
Jan.	16	Schimek name added	298
Jan.	17	Referred to Committee on Revenue	317
Feb.	10	Notice of hearing (2/21)	562
Apr.	3	Indefinitely postponed	1333

(Provisions/portions of LB 408 amended into LB 269 by AM1243)

LEGISLATIVE BILL 409. By Warner

Jan.	16	Read first time	283
Jan.	17	Referred to Committee on Revenue	317
Jan.	29	Notice of hearing (2/5)	474
Feb.	24	Placed on General File - Com AM0484	751
Mar.	21	Dw. Pedersen AM0547 printed	1173
Mar.	25	Coordsen AM0969 printed	1223
Apr.	9	Landis name added	1451

(Provisions/portions of LB 409 amended into LB 182A by AM2435)

LEGISLATIVE BILL 410. By Warner

Jan.	16	Read first time	284
Jan.	17	Referred to Committee on Revenue	317
Jan.	30	Notice of hearing (2/7)	488
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 411. By Warner

Jan.	16	Read first time	284
Jan.	17	Referred to Committee on Revenue	317
Feb.	10	Notice of hearing (2/28)	562
Apr.	3	Indefinitely postponed	1344

LEGISLATIVE BILL 412. By Landis

Jan.	16	Read first time	284
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	317
Jan.	30	Notice of hearing (2/10)	486
Feb.	11	Placed on General File - Com AM0286	575
Feb.	13	Committee AM0286 p. 575 adopted. Advanced for Review	625
Feb.	18	Placed on Select File - AM7043	653
Feb.	24	AM7043 (E & R) adopted. Advanced for Engrossment	746
Feb.	27	Correctly Engrossed	808
Feb.	27	ER9019 change	809
Mar.	10	Final Reading w/E 44-0-5	958
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 413. By Coordsen

Jan.	16	Read first time	284
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	317
Feb.	24	Notice of hearing (3/3)	748
Mar.	11	Indefinitely postponed	995

LEGISLATIVE BILL 414. By Vrtiska, Schimek

Jan.	16	Read first time	284
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Jan.	22	Notice of hearing (1/29)	372
Feb.	19	Indefinitely postponed	676

LEGISLATIVE BILL 415. By Warner, Coordsen, Hartnett

Jan.	16	Read first time	284
Jan.	17	Referred to Committee on Revenue	317
Feb.	10	Notice of hearing (2/20)	562
Mar.	10	Placed on General File - Com AM0822	976

LEGISLATIVE BILL 416. By Elmer

Jan.	16	Read first time	284
Jan.	17	Referred to Committee on Natural Resources	317
Feb.	6	Notice of hearing (2/20)	541
Feb.	13	Elmer AM0344 printed separate	618

(Provisions/portions of LB 416 amended into LB 30 by AM0531)

LEGISLATIVE BILL 417. By Elmer

Jan.	16	Read first time	285
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Feb.	11	Notice of hearing (2/21)	570
Mar.	12	Placed on General File - Com AM0784	1019

LEGISLATIVE BILL 418. By Hartnett, Bohlke

Jan.	16	Read first time	285
Jan.	17	Referred to Committee on Revenue	317
Jan.	30	Notice of hearing (2/6)	488
Mar.	18	Indefinitely postponed	1093

LEGISLATIVE BILL 419. By Hartnett, Bohlke

Jan.	16	Read first time	286
Jan.	17	Referred to Committee on Education	317
Feb.	7	Notice of hearing (2/24)	546
Mar.	19	Stuhr priority bill	1102
Apr.	2	Placed on General File - Com AM1204	1316
Apr.	10	Hartnett-Wickersham AM1374 to AM1204 printed	1461
May	1	Stuhr name added	1776
May	12	Stuhr AM1957 to AM1204 printed	1914

(Provisions/portions of LB 419 amended into LB 806 by FA 193)

LEGISLATIVE BILL 420. By Brashear

Jan.	16	Read first time	286
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Feb.	11	Notice of hearing (2/26)	570
Feb.	25	Wickersham name added	782
Feb.	28	Maurstad name added	839
Mar.	11	Placed on General File	993
Mar.	12	Beutler motion to layover until 4/15/97, motion to indefinitely postpone, FA74, FA75, and FA76 printed	1034
Mar.	13	Beutler AM0937 printed	1045
Mar.	13	Beutler AM0938 printed	1046
Mar.	13	Beutler AM0939 printed	1048

Mar.	13	Beutler AM0940 printed	1049
Mar.	13	Beutler AM0941 printed	1051
Mar.	13	Beutler AM0942 printed	1055
Mar.	13	Beutler AM0943 printed	1058
Mar.	13	Beutler AM0944 and AM0945 printed	1060
Mar.	13	Beutler AM0946, AM0947 and AM0948 printed	1061
Mar.	19	Brashear priority bill	1117
Apr.	16	Brashear AM1549 printed separate	1565
May	16	Brashear-Beutler AM2264 printed separate	2064
May	22	Beutler request to substitute amendment for motion prevailed. Beutler pending motion to layover p. 1034 withdrawn. Brashear-Beutler pending substitute AM2264 p. 2064 adopted. Beutler pending motion to indefinitely postpone p. 1034 withdrawn. Beutler pending FA74, FA75, FA76, AM0937, AM0938, AM0939, AM0940, AM0941, AM0942, AM0943, AM0944, AM0945, AM0946, AM0947, and AM0948 p. 1034, 1045, 1046, 1048, 1049, 1051, 1055, 1058, 1060 and 1061 and Brashear pending AM1549 p. 1565 withdrawn. Advanced for Review	2305
May	27	Placed on Select File - AM7167	2332
May	28	Brashear motion to suspend rules and vote on advancement without further amendment motion or debate printed	2397
May	29	AM7167 (E & R) adopted. Brashear pending motion to suspend rules p. 2397 and vote on advancement without further amendment, motion or debate withdrawn. Advanced for Engrossment	2491
May	30	Brashear motion to suspend rules and allow for Final Reading without further amendment or motion printed	2515
May	30	Maurstad name withdrawn	2517
June	2	Correctly Engrossed	2534
June	2	ER9090 change	2535
June	4	Brashear pending motion to suspend rules p. 2515 and allow for Final Reading without further amendment or motion withdrawn. Dispensing of the reading at large approved. Final Reading 31-13-5	2646
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 621 amended into LB 420 by AM2264)
(Provisions/portions of LB 678 amended into LB 420 by AM2264)

LEGISLATIVE BILL 421. By Brashear

Jan.	16	Read first time	286
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	317
Feb.	5	Notice of hearing (2/13)	515
Mar.	5	Placed on General File	904

LEGISLATIVE BILL 422. By Matzke, at the request of the Governor

Jan.	16	Read first time	286
Jan.	17	Referred to Committee on Judiciary	318
Jan.	28	Bromm name added	459
Jan.	30	Notice of hearing (2/13)	487
Feb.	25	Placed on General File	773
Feb.	26	Bruning priority bill	788
Feb.	27	Bruning name added	810
Mar.	10	Chambers FA58 printed	985
Mar.	10	Chambers FA59, FA60, FA61, FA62, FA63 and FA64 printed	986
Mar.	11	Chambers motion to indefinitely postpone before reading of the title failed	989
Mar.	11	Bill read section by section. Chambers pending FA58 p. 985, FA59, FA60, FA61, FA62, FA63, and FA64 p. 986 withdrawn. Chambers FA65 pending	991
Mar.	11	Chambers pending FA65 p. 992 and FA67 adopted. Chambers FA66 lost	996
Mar.	11	Chambers FA68, FA69, FA70 printed	1012
Mar.	12	Chambers pending FA68 p. 1012 lost	1018
Mar.	12	Chambers pending FA69 p. 1012 adopted as amended by Chambers FA73	1031
Mar.	13	Chambers pending FA70 p. 1012 adopted. Chambers FA72 lost as amended by Chambers FA83	1041
Mar.	13	Chambers FA84 lost. Chambers request to substitute amendment prevailed. Chambers FA85 withdrawn. Chambers substitute FA87 adopted. Beutler FA86 withdrawn. Advanced for Review	1064
Mar.	13	Chambers FA77, FA78, FA79, FA80 printed	1067
Mar.	13	Chambers FA81 and FA82 printed	1068
Mar.	18	Placed on Select File - AM7096	1073
Mar.	26	AM7096 (E & R) adopted. Chambers pending FA77 and FA78 p. 1067 adopted	1237
Mar.	26	Chambers pending FA79 p. 1067 pending	1238
Mar.	26	Chambers FA112 to FA79 adopted	1240
Mar.	26	Chambers FA113 to FA79 adopted	1246

Mar. 26 Chambers FA114 printed ... 1248
Mar. 27 Chambers FA115, FA116, and FA117 printed ... 1264
Mar. 27 Chambers AM1253 printed ... 1268
Mar. 27 Chambers AM1254 printed ... 1269
Apr. 1 Chambers pending FA79 p. 1067 lost. Chambers pending FA80 p. 1067 pending ... 1293
Apr. 1 Chambers pending FA80 p. 1067 adopted. Chambers pending FA81 p. 1068 lost ... 1295
Apr. 1 Chambers pending FA82 p. 1068 withdrawn. Chambers pending FA114 p. 1248 ruled not germane. Chair sustained ... 1300
Apr. 1 Chambers pending FA115, FA116, FA117 p. 1264, and AM1253 p. 1268 withdrawn. Chambers pending AM1254 p. 1269 lost ... 1302
Apr. 1 Chambers reoffered FA116 p. 1264 adopted. Advanced for Engrossment ... 1308
Apr. 8 Correctly Engrossed. ER9036 change ... 1379
Apr. 10 Returned to Select File for Chambers AM1254. Chambers reoffered AM1254 p. 1269 adopted. Advanced for Reengrossment ... 1454
Apr. 10 Kristensen motion to return to Select File for FA156 withdrawn ... 1455
Apr. 11 Attorney General's Opinion #97025 to Kristensen ... 1471
Apr. 17 Chambers AM1578 printed ... 1577
Apr. 17 Chambers AM1579, AM1580, AM1581, AM1582, and AM1583 printed ... 1578
Apr. 17 Chambers AM1584, AM1585, AM1586, and FA180 printed ... 1579
Apr. 17 Chambers motion to return to Judiciary Committee for a public hearing and motion to bracket until 1/15/98 printed ... 1579
Apr. 17 Chambers AM1587 printed ... 1579
Apr. 17 Chambers AM1588, AM1589, AM1590, AM1591, AM1592, AM1593, AM1594, and AM1595 printed ... 1580
Apr. 17 Chambers AM1596, AM1597, AM1598, AM1599 and motion to bracket printed ... 1581
Apr. 17 Will AM1559, AM1558, Hilgert FA174, FA175, Schimek FA182, AM1564, Lynch AM1563, and AM1560 printed ... 1582
Apr. 17 Hilgert FA177, Kiel FA178, FA179, and Matzke AM1529 printed ... 1583
Apr. 22 Correctly Reengrossed ... 1646
Apr. 22 ER9039 change ... 1648

LEGISLATIVE BILL 423. By Landis

Jan.	16	Read first time	286
Jan.	17	Referred to Committee on Judiciary	318
Feb.	12	Notice of hearing (2/28)	612
May	7	Placed on General File - Com AM0681	1869

LEGISLATIVE BILL 424. By Landis

Jan.	16	Read first time	286
Jan.	17	Referred to Committee on Health and Human Services	318
Jan.	29	Notice of hearing (2/21)	471
Feb.	5	Notice of hearing (2/19) (reset)	515
Feb.	27	Placed on General File	800
Mar.	27	Advanced for Review	1258
Apr.	1	Placed on Select File - AM7100	1307
Apr.	9	Landis AM1339 printed	1435
Apr.	16	AM7100 (E & R) adopted. Landis pending AM1339 p. 1435 adopted. Advanced for Engrossment	1535
Apr.	23	Correctly Engrossed	1662
May	14	Chambers FA315 printed	1981
May	29	Chambers pending FA315 p. 1981 withdrawn. Dispensing of the reading at large approved	2446
May	29	Final Reading 39-0-10	2447
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

LEGISLATIVE BILL 425. By Banking

Jan.	16	Read first time	287
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	318
Mar.	3	Notice of hearing (3/18)	847
Mar.	4	Correction	852

LEGISLATIVE BILL 426. By Cudaback

Jan.	16	Read first time	287
Jan.	17	Referred to Committee on Urban Affairs	318
Jan.	28	Notice of hearing (2/4)	460
Feb.	11	Placed on General File - Com AM0288	579
Feb.	13	Committee AM0288 p. 579 adopted. Advanced for Review	626
Feb.	18	Placed on Select File - AM7046	653
Feb.	24	AM7046 (E & R) adopted. Advanced for Engrossment	746
Feb.	27	Correctly Engrossed	808

Mar.	10	Final Reading w/E 44-0-5	958
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 427. By Cudaback

Jan.	16	Read first time	287
Jan.	17	Referred to Committee on Urban Affairs	318
Feb.	4	Notice of hearing (2/11)	507
Feb.	24	Placed on General File	752

(Provisions/portions of LB 427 amended into LB 875 by AM1788)

LEGISLATIVE BILL 428. By McKenzie

Jan.	16	Read first time	287
Jan.	17	Referred to Committee on Natural Resources	318
Jan.	30	Notice of hearing (2/12)	489

LEGISLATIVE BILL 429. By McKenzie

Jan.	16	Read first time	287
Jan.	17	Referred to Committee on Revenue	318
Feb.	10	Notice of hearing (2/27)	562
Mar.	10	Indefinitely postponed	978

(Provisions/portions of LB 429 amended into LB 271 by AM1994)

LEGISLATIVE BILL 430. By Wickersham, Beutler

Jan.	16	Read first time	287
Jan.	17	Referred to Committee on Judiciary	318
Feb.	12	Notice of hearing (2/28)	612
Mar.	4	Indefinitely postponed	887

LEGISLATIVE BILL 431. By Wickersham

Jan.	16	Read first time	288
Jan.	17	Referred to Committee on Revenue	318
Jan.	23	Notice of hearing (1/30)	420
Feb.	12	Indefinitely postponed	608

(Provisions/portions of LB 431 amended into LB 182 by AM0217)

LEGISLATIVE BILL 432. By Crosby

Jan.	16	Read first time	288
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	318
Mar.	3	Notice of hearing (3/11)	847

Mar.	13	Indefinitely postponed	1044
Mar.	19	Will name added	1120

LEGISLATIVE BILL 433. By Crosby

Jan.	16	Read first time	289
Jan.	17	Referred to Committee on Education	318
Jan.	30	Notice of hearing (2/10)	488
Mar.	26	Indefinitely postponed	1238

LEGISLATIVE BILL 434. By Crosby

Jan.	16	Read first time	289
Jan.	17	Referred to Committee on Judiciary	318
Jan.	30	Notice of hearing (2/21)	487
Feb.	25	Placed on General File - Com AM0523	775
Mar.	6	Committee AM0523 p. 775 adopted. Advanced for Review	939
Mar.	11	Placed on Select File - AM7090	994
Mar.	20	AM7090 (E & R) adopted. Advanced for Engrossment	1133
Mar.	24	Correctly Engrossed	1209
Apr.	1	Final Reading 39-0-10	1281
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 435. By Lynch

Jan.	16	Read first time	289
Jan.	17	Referred to Committee on Revenue	318
Jan.	29	Notice of hearing (2/5)	474
Feb.	24	Indefinitely postponed	752

LEGISLATIVE BILL 436. By Brown

Jan.	16	Read first time	289
Jan.	17	Referred to Committee on Banking, Commerce and Insurance	318
Feb.	24	Notice of hearing (3/3)	748
Mar.	13	Placed on General File - Com AM0912	1043

LEGISLATIVE BILL 437. By Brown

Jan.	16	Read first time	289
Jan.	17	Referred to Committee on Judiciary	318
Feb.	12	Notice of hearing (2/28)	612
Mar.	6	Placed on General File - Com AM0846	935
Mar.	27	Committee AM0846 p. 935 adopted.	

		Advanced for Review	1268
Apr.	8	Placed on Select File - AM7114	1391
Apr.	16	AM7114 (E & R) adopted. Advanced for Engrossment	1542
Apr.	23	Correctly Engrossed. ER9054 change	1682
May	7	Final Reading w/E 41-0-7	1865
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 438. By Brown

Jan.	16	Read first time	289
Jan.	17	Referred to Committee on Judiciary	318
Feb.	20	Notice of hearing (3/13)	710

LEGISLATIVE BILL 439. By Lynch

Jan.	16	Read first time	289
Jan.	22	Referred to Committee on Judiciary	354
Feb.	21	Notice of hearing (3/19)	719

LEGISLATIVE BILL 440. By Abboud, Hudkins, Janssen, Stuhr

Jan.	16	Read first time	289
Jan.	22	Referred to Committee on Judiciary	354
Jan.	28	Notice of hearing (2/5)	460
Feb.	11	Indefinitely postponed	578

LEGISLATIVE BILL 441. By Hilgert, Brown, Kiel, Schrock

Jan.	16	Read first time	290
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	354
Jan.	22	Notice of hearing (1/29)	372
Feb.	4	Placed on General File	503
Feb.	7	Advanced for Review	554
Feb.	13	Placed on Select File	627
Feb.	20	Advanced for Engrossment	699
Feb.	26	Correctly Engrossed	785
Mar.	4	Final Reading 42-0-7	864
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 442. By Abboud, Hilgert

Jan.	16	Read first time	290
Jan.	22	Referred to Committee on Judiciary	354
Feb.	13	Notice of hearing (3/6)	631

LEGISLATIVE BILL 443. By Will, Coordsen, McKenzie

Jan.	16	Read first time	290
Jan.	22	Referred to Committee on Revenue	355
Jan.	24	Schrock name added	431
Jan.	28	Schellpeper name added	459
Feb.	4	Notice of hearing (2/12)	507
Feb.	4	Bruning name added	511
Mar.	3	Indefinitely postponed	846

(Provisions/portions of LB 443 amended into LB 886 by AM0629)

LEGISLATIVE BILL 444. By Hartnett, Bruning

Jan.	16	Read first time	290
Jan.	22	Referred to Committee on Education	355
Feb.	7	Notice of hearing (2/25)	546
June	2	Indefinitely postponed	2518

LEGISLATIVE BILL 445. By Crosby, Jensen

Jan.	16	Read first time	290
Jan.	21	Schimek name added	353
Jan.	22	Referred to Committee on Transportation	355
Jan.	28	Notice of hearing (2/4)	452
Apr.	1	Indefinitely postponed	1303

LEGISLATIVE BILL 446. By Tyson

Jan.	16	Read first time	290
Jan.	22	Referred to Committee on Education	355
Feb.	7	Notice of hearing (3/11)	547
Feb.	18	Notice of hearing (3/11) (cancel) Notice of hearing (3/10) (reset)	636
Apr.	2	Indefinitely postponed	1318

LEGISLATIVE BILL 447. By Will, Bruning, Hilgert

Jan.	16	Read first time	290
Jan.	22	Referred to Committee on Urban Affairs	355
Feb.	11	Notice of hearing (2/18)	581
Feb.	12	Robak name added	615
Feb.	24	Placed on General File - Com AM0459	753
Mar.	10	Attorney General's Opinion #97017 to Bruning	982

LEGISLATIVE BILL 448. By Schimek, Crosby, Hillman

Jan.	16	Read first time	291
Jan.	22	Referred to Committee on Judiciary	355
Jan.	28	Notice of hearing (2/5)	459
Mar.	24	Indefinitely postponed	1210

(Provisions/portions of LB 448 amended into LB 829 by AM1114)

LEGISLATIVE BILL 449. By Schimek

Jan.	16	Read first time	291
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	355
Mar.	4	Notice of hearing (3/20)	889

LEGISLATIVE BILL 450. By Wesely

Jan.	16	Read first time	291
Jan.	22	Referred to Committee on Health and Human Services	355
Jan.	29	Notice of hearing (2/20)	470
Feb.	25	Placed on General File - Com AM0476 (printed separate)	780
Apr.	9	Witek AM1354 and AM1355 (on file) printed	1433

LEGISLATIVE BILL 451. By Wesely

Jan.	16	Read first time	291
Jan.	22	Referred to Committee on Health and Human Services	355
Jan.	29	Notice of hearing (3/5)	471
Mar.	11	Placed on General File - Com AM0843	998

LEGISLATIVE BILL 452. By Wesely

Jan.	16	Read first time	291
Jan.	22	Referred to Committee on Health and Human Services	355
Jan.	29	Notice of hearing (2/20)	470
Feb.	25	Placed on General File - Com AM0502	780
Mar.	27	Committee AM0502 p. 780 adopted. Advanced for Review	1252
Apr.	1	Placed on Select File	1306
Apr.	16	Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682
May	7	Final Reading 42-0-6	1866
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 453. By Wesely

Jan.	16	Read first time	291
Jan.	22	Referred to Committee on Banking, Commerce and Insurance	355
Jan.	28	Notice of hearing (2/4)	452
Feb.	6	Placed on General File - Com AM0187	523
Feb.	18	Committee AM0187 p. 523 adopted. Advanced for Review	638
Feb.	19	Beutler AM0387 printed	682
Feb.	20	Placed on Select File - AM7053	701
Feb.	20	Beutler-Wesely AM0477 printed	708
Feb.	24	AM7053 (E & R) adopted. Beutler pending AM0387 p. 682 withdrawn. Beutler-Wesely pending AM0477 p. 708 adopted. Advanced for Engrossment	747
Feb.	28	Correctly Engrossed	838
Feb.	28	ER9022 change	839
Mar.	10	Dispensing of the reading at large approved Final Reading 42-0-7	970
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 454. By Wesely

Jan.	16	Read first time	292
Jan.	22	Referred to Committee on Revenue	355
Feb.	20	Notice of hearing (3/13)	701
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 455. By Wesely

Jan.	16	Read first time	292
Jan.	22	Referred to Committee on Revenue	355
Feb.	20	Notice of hearing (3/13)	701
Apr.	3	Indefinitely postponed	1344

LEGISLATIVE BILL 456. By Wesely

Jan.	16	Read first time	292
Jan.	22	Referred to Committee on Revenue	355
Feb.	20	Notice of hearing (3/13)	701
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 457. By Wesely

Jan.	16	Read first time	292
Jan.	22	Referred to Committee on Revenue	355
Feb.	20	Notice of hearing (3/13)	701
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 458. By Will

Jan.	16	Read first time	292
Jan.	22	Referred to Committee on Judiciary	355
Feb.	13	Notice of hearing (2/27)	631

LEGISLATIVE BILL 459. By Chambers

Jan.	16	Read first time	292
Jan.	22	Referred to Committee on Nebraska Retirement Systems	355
Jan.	30	Notice of hearing (2/12)	486

LEGISLATIVE BILL 460. By Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem

Jan.	16	Read first time	292
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	355
Feb.	11	Notice of hearing (2/20)	570
Feb.	25	Placed on General File - Com AM0534	770
Mar.	19	Government, Military and Veterans Affairs Committee priority bill	1110
May	22	Committee AM0534 p. 770 adopted. Advanced for Review	2309
May	28	Placed on Select File - AM7170 (printed separate)	2412
May	29	AM7170 (E & R) adopted. Advanced for Engrossment	2491
June	2	Correctly Engrossed	2534
June	4	Dispensing of the reading at large approved. Final Reading 45-3-1	2647
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 461. By Bromm, Jones, Robinson, Schellpeper, Vrtiska, Wehrbein

Jan.	16	Read first time	293
Jan.	21	Stuhr name added	353
Jan.	22	Referred to Committee on Education	355
Feb.	7	Notice of hearing (2/18)	546
Mar.	12	Indefinitely postponed	1019

LEGISLATIVE BILL 462. By Bromm, Jensen, Jones

Jan.	16	Read first time	293
Jan.	22	Referred to Committee on Judiciary	355
Feb.	20	Notice of hearing (3/12)	710

LEGISLATIVE BILL 463. By Coordsen

Jan.	16	Read first time	293
Jan.	22	Referred to Committee on Transportation	355
Feb.	27	Notice of hearing (3/18)	807
Apr.	1	Indefinitely postponed	1303

LEGISLATIVE BILL 464. By Crosby, Kristensen, Schimek

Jan.	16	Read first time	293
Jan.	22	Referred to Committee on Transportation	355
Jan.	28	Notice of hearing (2/11)	453
Mar.	11	Indefinitely postponed	996

LEGISLATIVE BILL 465. By Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Maurstad, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek

Jan.	16	Read first time	293
Jan.	22	Referred to Committee on Judiciary	355
Jan.	28	Notice of hearing (2/6)	460
Feb.	27	Jones priority bill	807
Mar.	4	Placed on General File - Com AM0617 (printed separate)	888
Mar.	10	Brashear AM0865 to AM0617 printed	972
Mar.	13	Schellpeper AM0958, AM0956 to AM0617 printed	1063
Mar.	13	Schellpeper AM0957 to AM0617 printed	1064
Mar.	18	Jones AM0749 to AM0617 printed	1076
Mar.	18	Brashear AM1036 to AM0617 printed	1087
Mar.	18	Brashear AM1035 and AM1034 to AM0617 printed	1088
Mar.	19	D. Pederson AM0959 and Schellpeper AM1072 to AM0617 printed	1118
Mar.	20	Schellpeper AM1100 to AM0617 printed	1130
Mar.	24	Brashear pending AM0865 p. 972 to AM0617 pending	1187
Mar.	24	Brashear pending AM0865 p. 972 to AM0617 pending	1187
Mar.	24	Withem AM1058 to AM0617 printed	1203

Mar.	24	Beutler AM0703 to AM0617 printed	1204
Mar.	24	Beutler AM0702, Bohlke AM1148, AM1150, AM1151, Brown AM1059, and Beutler AM0705 to AM0617 printed	1205
Mar.	24	Beutler AM0706, AM0730 and Hilgert AM1061 to AM0617 printed	1206
Mar.	24	Beutler AM0701, AM0700 to AM0617 printed	1207
Mar.	24	Brashear pending AM0865 p. 972 to AM0617 adopted. Chambers motion to reconsider AM0865 pending	1207
Mar.	24	Chambers pending motion p. 1209 to reconsider AM0865 failed. Schellpeper pending AM0958 p. 1063 withdrawn. Schellpeper AM0956 sustained division of question. Schellpeper FA109 (1st) to AM0617 pending	1210
Mar.	24	Schellpeper FA108 printed. Suttle AM1112 and Kiel AM1060 to AM0617 printed	1212
Mar.	24	Hilgert AM1179, Beutler AM0711, and Wesely AM1176 to AM0617 printed	1213
Mar.	24	Schellpeper pending FA109 (1st) p. 1211 and FA110 (2nd) withdrawn	1215
Mar.	24	Chambers FA111 to AM0956 printed	1216
Mar.	24	Schellpeper pending AM0957 p. 1064 pending	1217
Mar.	25	Schellpeper pending AM0957 p. 1064 withdrawn	1223
Mar.	25	Jones pending AM0749 p. 1076 withdrawn. Brashear pending AM1036 p. 1087 to AM0617 pending	1227
Mar.	25	Brashear pending AM1036 p. 1087 to AM0617 adopted. Chambers motion to reconsider AM1036 failed. Bracketed until 4/15/97	1228
Mar.	25	Robinson AM1199 and Chambers AM1062 to AM0617 printed	1230
Mar.	25	Maurstad name withdrawn	1235
Mar.	26	Brown AM1222 to AM0617 printed	1241
Apr.	11	Robinson AM1080 to AM0617 printed	1479
Apr.	11	Robinson AM1081 and AM1187 to AM0617 printed	1480
Apr.	14	Robinson AM1429 to AM0617 printed	1493

LEGISLATIVE BILL 465A. By Schellpeper

Mar.	20	Read first time. Placed on General File	1141

LEGISLATIVE BILL 466. By Bromm, Matzke D. Pederson

Jan.	16	Read first time	294
Jan.	22	Referred to Committee on Judiciary	355
Jan.	30	Notice of hearing (2/21)	487
Feb.	25	Placed on General File	773
Mar.	6	Advanced for Review	936
Mar.	11	Placed on Select File - AM7093	994
Mar.	13	Bromm AM0919 printed	1070
Mar.	20	AM7093 (E & R) adopted. Bromm pending AM0919 p. 1070 adopted. Advanced for Engrossment	1133
Mar.	24	Correctly Engrossed	1209
Mar.	26	Bromm AM1227 printed	1248
Apr.	1	Returned to Select File for Bromm AM1227. Bromm pending AM1227 p. 1248 adopted. Advanced for Reengrossment	1291
Apr.	8	Correctly Reengrossed	1379
Apr.	10	Dispensing of the reading at large approved. Final Reading 40-0-9	1453
Apr.	10	President signed	1463
Apr.	10	Presented to Governor (4/10)	1468
Apr.	15	Approved by Governor (4/15)	1518

LEGISLATIVE BILL 467. By Hilgert, Crosby, Elmer, Hudkins, Janssen, Jones, Robinson

Jan.	16	Read first time	294
Jan.	17	Engel and Robak names added	319
Jan.	22	Referred to Committee on Judiciary	355
Feb.	20	Notice of hearing (3/12)	710

LEGISLATIVE BILL 468. By Cudaback, Schrock, Vrtiska

Jan.	16	Read first time	294
Jan.	17	Cudaback motion to suspend rules to permit withdrawal prevailed. Cudaback motion to withdraw bill prevailed	302

LEGISLATIVE BILL 469. By Schellpeper, Coordsen, Cudaback, Jones, Vrtiska, Wickersham

Jan.	16	Read first time	294
Jan.	22	Referred to Committee on Agriculture	355
Jan.	24	Notice of hearing (2/4)	427
Feb.	10	Placed on General File - Com AM0125 (printed separate)	557
Feb.	13	Committee AM0125 p. 557 adopted. Advanced for Review	625
Feb.	18	Placed on Select File - AM7049	653
Feb.	25	Beutler FA33 and Schellpeper AM0386	

		printed	764
Mar.	4	AM7049 (E & R) adopted. Beutler pending FA33 p. 764 withdrawn. Schellpeper pending AM0386 p. 764 and Beutler FA51 adopted. Advanced for Engrossment	876
Mar.	6	Correctly Engrossed	919
Mar.	6	ER9024 change	920
Mar.	21	Dispensing of the reading at large approved. Final Reading 42-0-7	1160
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 470. By Kiel

Jan.	17	Read first time	302
Jan.	22	Referred to Committee on Business and Labor	355
Feb.	20	Notice of hearing (3/3)	702
Mar.	18	Placed on General File	1085
Mar.	20	Business and Labor Committee priority bill	1142

LEGISLATIVE BILL 471. By Coordsen, Schellpeper

Jan.	17	Read first time	302
Jan.	22	Referred to Committee on Natural Resources	355
Jan.	30	Notice of hearing (2/13)	489
May	2	Indefinitely postponed	1791

LEGISLATIVE BILL 472. By Dw. Pedersen

Jan.	17	Read first time	302
Jan.	22	Referred to Committee on Health and Human Services	355
Jan.	29	Notice of hearing (2/28)	471

LEGISLATIVE BILL 473. By Vrtiska, Wehrbein

Jan.	17	Read first time	302
Jan.	22	Referred to Committee on Natural Resources	355
Feb.	20	Notice of hearing (3/26)	709

LEGISLATIVE BILL 474. By Vrtiska, Brashear, Bromm, Bruning, Coordsen, Crosby, Cudaback, Hudkins, Jensen, Jones, Kristensen, Landis, Matzke, Maurstad, Dw. Pedersen, Robinson, Schmitt, Schrock, Stuhr, Warner, Wehrbein, Wesely, Witek

Jan.	17	Read first time	303
Jan.	22	Referred to Committee on Business and Labor	355
Jan.	27	Tyson name added	443

Jan.	30	Notice of hearing (2/10)	486
Feb.	13	Placed on General File - Com AM0294	623
Feb.	19	Abboud name added	685
Feb.	20	Committee AM0294 p. 623 adopted. Advanced for Review	703
Feb.	26	Placed on Select File - AM7066	793
Mar.	4	AM7066 (E & R) adopted. Advanced for Engrossment	879
Mar.	6	Correctly Engrossed	919
Mar.	6	ER9028 change	920
Mar.	21	Dispensing of the reading at large approved. Final Reading 41-0-8	1161
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 475. By Kristensen

Jan.	17	Read first time	303
Jan.	22	Referred to Committee on Revenue	355
Feb.	10	Notice of hearing (3/5)	562
Apr.	3	Indefinitely postponed	1344

LEGISLATIVE BILL 476. By Kristensen

Jan.	17	Read first time	303
Jan.	22	Referred to Committee on Health and Human Services	355
Jan.	29	Notice of hearing (2/20)	470
Feb.	25	Placed on General File	780
Mar.	27	Advanced for Review	1252
Apr.	1	Placed on Select File	1306
Apr.	16	Advanced for Engrossment	1534
Apr.	23	Correctly Engrossed	1662
May	6	Kristensen AM1852 printed	1848
June	3	Kristensen pending AM1852 p. 1848 withdrawn. Returned to Select File for Kristensen AM2600. Kristensen AM2600 adopted. Advanced for Reengrossment	2559
June	3	Correctly Reengrossed	2603
June	5	Kristensen motion to return to Select File for FA443 withdrawn. Failed on Final Reading w/E 5-29-15	2670
June	5	Final Reading 41-0-8	2671
June	5	Engel explanation of vote	2672
June	5	Correctly Enrolled. Speaker signed	2673
June	5	Presented to Governor (6/5)	2683
June	12	Approved by Governor (6/11)	2705

(Provisions/portions of LB 476 amended into LB 197 by AM2091)

LEGISLATIVE BILL 477. By Robak

Jan.	17	Read first time	303
Jan.	22	Referred to Committee on Transportation	355
Feb.	6	Notice of hearing (2/18)	524
Mar.	11	Indefinitely postponed	996

LEGISLATIVE BILL 478. By Robak

Jan.	17	Read first time	303
Jan.	22	Referred to Committee on Agriculture	355
Feb.	7	Notice of hearing (2/18)	555
Feb.	24	Indefinitely postponed	751

LEGISLATIVE BILL 479. By Schellpeper, Wehrbein

Jan.	17	Read first time	303
Jan.	22	Referred to Committee on General Affairs	355
Jan.	30	Notice of hearing (2/10)	485
Feb.	11	Placed on General File	575
Feb.	13	Advanced for Review	625
Feb.	18	Placed on Select File	653
Feb.	24	Advanced for Engrossment	745
Feb.	27	Correctly Engrossed	808
Mar.	10	Final Reading 41-0-8	959
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 480. By Witek

Jan.	17	Read first time	304
Jan.	22	Referred to Committee on Judiciary	355
Jan.	28	Notice of hearing (2/7)	460
Mar.	4	Indefinitely postponed	887

LEGISLATIVE BILL 481. By Schimek

Jan.	17	Read first time	304
Jan.	22	Referred to Committee on Urban Affairs	355
Feb.	4	Notice of hearing (2/11)	507

LEGISLATIVE BILL 482. By Kristensen

Jan.	17	Read first time	304
Jan.	22	Referred to Committee on General Affairs	355
Jan.	30	Notice of hearing (2/10)	485

Feb.	25	Attorney General's Opinion #97014 to Schellpeper	764
Feb.	27	Indefinitely postponed	804

LEGISLATIVE BILL 483. By Hillman, Robinson

Jan.	17	Read first time	306
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	355
Feb.	24	Notice of hearing (3/5)	748

LEGISLATIVE BILL 484. By Suttle, Kiel, Preister

Jan.	17	Read first time	306
Jan.	22	Referred to Committee on Judiciary	355
Feb.	20	Notice of hearing (3/12)	710

LEGISLATIVE BILL 485. By Hudkins, Crosby, Lynch, Schrock, Stuhr, Vrtiska

Jan.	17	Read first time	306
Jan.	22	Referred to Committee on Judiciary	355
Jan.	30	Notice of hearing (2/21)	487
Mar.	4	Placed on General File	870
Mar.	5	Hudkins priority bill	909
Mar.	18	Hudkins AM0928 printed	1089
Apr.	2	Hudkins pending AM0928 p. 1089 and Chambers FA133 adopted. Advanced for Review	1319
Apr.	8	Placed on Select File - AM7121	1397
Apr.	21	Hudkins AM1515 to AM7121 printed	1609
May	5	Chambers FA237 to AM7121 printed	1825
May	6	AM7121 (E & R) adopted. Chambers asked unanimous consent to bracket until 5/30/97. Objection. Chambers motion to bracket until 5/30/97 and pending FA237 p. 1825 withdrawn. Hudkins pending AM1515 p. 1609 and Chambers-Hudkins FA244 adopted. Advanced for Engrossment	1834
May	8	Correctly Engrossed. ER9061 change	1885
May	30	Final Reading w/E 39-1-9	2496
May	30	Speaker signed	2502
May	30	Presented to Governor (5/30)	2506
June	4	Engel explanation of vote	2638
June	12	Returned by Governor without approval (6/5)	2699
June	12	Hudkins motion to override veto passed 33-4-12	2729
June	12	Communication and Certificate	2735
June	18	Message from Secretary of State	2757
June	18	Certificate	2758

LEGISLATIVE BILL 485A. By Hudkins

Mar.	11	Read first time. Placed on General File	992
Apr.	2	Advanced for Review	1322
Apr.	2	Hudkins AM1186 printed	1325
Apr.	8	Placed on Select File	1399
May	6	Hudkins pending AM1186 p. 1325 adopted. Advanced for Engrossment	1835
May	8	Correctly Engrossed. ER9066 change	1885
May	30	Final Reading w/E 40-0-9	2497
May	30	Speaker signed	2502
May	30	Presented to Governor (5/30)	2506
June	4	Engel explanation of vote	2638
June	12	Returned by Governor without approval (6/5)	2699
June	12	Hudkins motion to override veto failed 24-12-13	2730
June	12	Communication	2736

LEGISLATIVE BILL 486. By Hartnett

Jan.	17	Read first time	306
Jan.	22	Referred to Committee on Revenue	355
Jan.	22	Notice of hearing (1/29)	356
Feb.	4	Placed on General File - Com AM0130	503
Feb.	7	Committee AM0130 p. 503 adopted. Advanced for Review	553
Feb.	13	Placed on Select File	627
Feb.	24	Hartnett AM0532 printed	761
Mar.	4	Hartnett pending AM0532 p. 761 adopted. Advanced for Engrossment	876
Mar.	6	Correctly Engrossed	919
Mar.	21	Final Reading 41-0-8	1153
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 487. By Hartnett, Preister

Jan.	17	Read first time	306
Jan.	22	Referred to Committee on Urban Affairs	355
Feb.	4	Notice of hearing (2/11)	507

LEGISLATIVE BILL 488. By Kiel, Brashear, Bruning, Hillman, Schimek, Schrock, Suttle

Jan.	17	Read first time	307
Jan.	22	Referred to Committee on Revenue	355

Feb.	10	Notice of hearing (2/21)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 489. By Hartnett, Bruning, Dw. Pedersen, Preister, Will, Withem

Jan.	17	Read first time	307
Jan.	22	Referred to Committee on Revenue	355
Jan.	22	Notice of hearing (1/29)	356
Feb.	4	Placed on General File	502
Feb.	7	Advanced for Review	553
Feb.	13	Placed on Select File - AM7033	627
Feb.	20	AM7033 (E & R) adopted. Advanced for Engrossment	699
Feb.	26	Correctly Engrossed	785
Mar.	4	Final Reading 39-0-10	865
Mar.	4	President signed	878
Mar.	5	Presented to Governor (3/4)	895
Mar.	11	Approved by Governor (3/10)	989

LEGISLATIVE BILL 490. By Stuhr

Jan.	17	Read first time	307
Jan.	22	Referred to Committee on Judiciary	355
Feb.	12	Notice of hearing (3/6)	613
Apr.	9	Placed on General File	1425

LEGISLATIVE BILL 491. By Stuhr, Crosby, Lynch

Jan.	17	Read first time	307
Jan.	22	Referred to Committee on Nebraska Retirement Systems	355
Jan.	30	Notice of hearing (2/24)	486
June	5	Indefinitely postponed	2688

LEGISLATIVE BILL 492. By Will, Hartnett, Hilgert

Jan.	17	Read first time	307
Jan.	22	Referred to Committee on Revenue	355
Feb.	10	Notice of hearing (3/5)	562
Feb.	28	Preister name added	839

LEGISLATIVE BILL 493. By Will, at the request of the Governor

Jan.	17	Read first time	307
Jan.	22	Referred to Committee on Revenue	356
Jan.	30	Notice of hearing (2/7)	488
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 494. By Beutler, Preister

Jan.	17	Read first time	307
Jan.	22	Referred to Committee on Transportation	356
Jan.	28	Notice of hearing (2/4)	452

LEGISLATIVE BILL 495. By Beutler, at the request of the Governor

Jan.	17	Read first time	308
Jan.	22	Referred to Committee on Natural Resources	356
Feb.	6	Notice of hearing (2/21)	541
Mar.	6	Placed on General File	937
Mar.	27	Advanced for Review	1268
Apr.	8	Placed on Select File	1391
Apr.	16	Beutler AM1526 (printed separate) adopted. Advanced for Engrossment	1542
Apr.	23	Correctly Engrossed. ER9050 change	1682
May	13	Beutler AM2094 printed	1944
May	14	Chambers FA316 printed	1981
May	30	Returned to Select File for Beutler AM2094 Beutler pending AM2094 p. 1944 adopted. Advanced for Reengrossment. Chambers pending FA316 p. 1981 withdrawn	2503
June	2	Correctly Reengrossed	2546
June	2	ER9100 change	2548
June	4	Preister motion to return to Select File for FA441 withdrawn. Dispensing of the reading at large approved. Final Reading w/E 48-0-1	2648
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 135 amended into LB 495 by AM1526)
(Provisions/portions of LB 594 amended into LB 495 by AM1526)
(Provisions/portions of LB 679 amended into LB 495 by AM1526)

LEGISLATIVE BILL 496. By Engel, Hartnett

Jan.	17	Read first time	308
Jan.	22	Referred to Committee on Revenue	356
Jan.	22	Notice of hearing (1/29)	356

LEGISLATIVE BILL 497. By Will, Brown, Hartnett, Hilgert, Kiel, Dw. Pedersen, Preister, Suttle, Withem

Jan.	17	Read first time	308
Jan.	22	Referred to Committee on Nebraska	

		Retirement Systems	356
Jan.	30	Notice of hearing (3/3)	486
Mar.	20	Placed on General File	1141
Mar.	20	Speaker priority bill	1142

LEGISLATIVE BILL 498. By Will

Jan.	17	Read first time	308
Jan.	22	Referred to Committee on Revenue	356
Jan.	24	Jensen name added	431
Feb.	10	Notice of hearing (2/28)	562
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 499. By Tyson

Jan.	17	Read first time	308
Jan.	22	Referred to Committee on Natural Resources	356
Feb.	20	Notice of hearing (3/26)	709
Apr.	2	Placed on General File - Com AM1245	1318

(Provisions/portions of LB 499 amended into LB 658 by AM2356)

LEGISLATIVE BILL 500. By Wickersham, Warner

Jan.	17	Read first time	308
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	356
Mar.	4	Notice of hearing (3/19)	889
Mar.	24	Placed on General File	1188

(Provisions/portions of LB 500 amended into LB 314 by AM1365)

LEGISLATIVE BILL 501. By Schimek, Kiel, Preister

Jan.	17	Read first time	309
Jan.	23	Referred to Committee on Natural Resources	411
Jan.	30	Notice of hearing (2/12)	489

LEGISLATIVE BILL 502. By Preister, Hartnett

Jan.	17	Read first time	309
Jan.	23	Referred to Committee on Urban Affairs	411
Jan.	28	Notice of hearing (2/4)	460
Feb.	18	Placed on General File - Com AM0359	639
Feb.	27	Committee AM0359 p. 639 adopted. Failed to Advance for Review w/22-14-13	804

LEGISLATIVE BILL 503. By Wesely

Jan.	17	Read first time	309
Jan.	23	Referred to Committee on Education	411

Jan.	30	Notice of hearing (2/10)	488
May	30	Indefinitely postponed	2515

LEGISLATIVE BILL 504. By Jensen

Jan.	17	Read first time	309
Jan.	23	Referred to Committee on Judiciary	411
Feb.	12	Notice of hearing (2/27)	612
Mar.	5	Placed on General File - Com AM0782	904

LEGISLATIVE BILL 505. By Beutler

Jan.	17	Read first time	309
Jan.	23	Referred to Committee on Judiciary	411
Jan.	30	Notice of hearing (2/19)	487
Feb.	25	Indefinitely postponed	775

(Provisions/portions of LB 505 amended into LB 229 by AM0750)

LEGISLATIVE BILL 506. By Beutler, Bohlke, Bromm, Elmer, McKenzie, Preister, Schrock

Jan.	17	Read first time	309
Jan.	23	Referred to Committee on Transportation	411
Feb.	6	Notice of hearing (2/24)	524
Mar.	25	Indefinitely postponed	1227

LEGISLATIVE BILL 507. By Beutler

Jan.	17	Read first time	310
Jan.	23	Referred to Committee on Judiciary	411
Jan.	30	Notice of hearing (2/19)	487
Mar.	12	Beutler priority bill	1034

LEGISLATIVE BILL 508. By Bromm, Engel, Hudkins, Jensen, Maurstad, D. Pederson, Schrock, Witek

Jan.	17	Read first time	310
Jan.	23	Referred to Committee on Judiciary	411
Jan.	30	Notice of hearing (2/20)	487

LEGISLATIVE BILL 509. By Brashear, Bohlke, Brown, Crosby, Hartnett, Hilgert, Hillman, Hudkins, Kiel, Lynch, Robak, Schimek, Schrock, Stuhr, Suttle

Jan.	17	Read first time	310
Jan.	23	Referred to Committee on Judiciary	412
Jan.	27	Dw. Pedersen name added	443
Jan.	28	Notice of hearing (2/5)	460
Feb.	11	Indefinitely postponed	578

LEGISLATIVE BILL 510. By Brashear

Jan.	17	Read first time	310
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	412
Feb.	24	Notice of hearing (3/13)	748
Apr.	1	Indefinitely postponed	1292

LEGISLATIVE BILL 511. By Brashear

Jan.	17	Read first time	310
Jan.	21	Kiel name added	353
Jan.	23	Referred to Committee on Judiciary	412
Jan.	28	Notice of hearing (2/5)	460
Mar.	18	Placed on General File - Com AM0889	1077

LEGISLATIVE BILL 512. By Will

Jan.	17	Read first time	311
Jan.	23	Referred to Committee on Judiciary	412
Jan.	24	Dw. Pedersen name added	431
Feb.	20	Notice of hearing (3/13)	710
Mar.	20	Will priority bill	1125
Mar.	24	Placed on General File	1196
May	15	Will AM1703 printed	2013
May	22	Will pending AM1703 p. 2013 and FA381 adopted. Advanced for Review	2306
May	27	Placed on Select File - AM7165	2332
June	2	AM7165 (E & R) adopted. Chambers asked unanimous consent to pass over. Objection. Chambers motion to indefinitely postpone failed. Chambers motion to bracket failed	2541
June	3	Advanced for Engrossment	2554
June	3	Correctly Engrossed	2564

LEGISLATIVE BILL 512A. By Will

May	14	Read first time. Placed on General File	1998
May	22	Advanced for Review	2306
May	27	Placed on Select File	2337
May	28	Will AM2404 printed	2428
June	3	Will pending AM2404 p. 2428 withdrawn. Advanced for Engrossment	2554
June	3	Correctly Engrossed	2564

LEGISLATIVE BILL 513. By Will

Jan.	17	Read first time	311
Jan.	23	Referred to Committee on Revenue	412
Feb.	10	Notice of hearing (2/21)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 514. By Maurstad, Bohlke, Brown, Kiel, Dw. Pedersen, Preister, Suttle

Jan.	17	Read first time	311
Jan.	21	C. Peterson name added	353
Jan.	23	Referred to Committee on Appropriations	412
Feb.	6	Lynch name added	544
Feb.	27	Notice of hearing (3/18)	797

LEGISLATIVE BILL 515. By Wesely, Crosby, Hilgert

Jan.	17	Read first time	311
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	412
Mar.	3	Notice of hearing (3/11)	847
Mar.	19	Placed on General File - Com AM1030	1112

(Provisions/portions of LB 515 amended into LB 610 by AM1109)

LEGISLATIVE BILL 516. By Beutler

Jan.	17	Read first time	311
Jan.	23	Referred to Committee on Natural Resources	412
Jan.	23	Notice of hearing (1/30)	420

LEGISLATIVE BILL 517. By Natural Resources Committee

Jan.	17	Read first time	319
Jan.	23	Referred to Committee on Natural Resourcs	412
Feb.	6	Notice of hearing (2/20)	541
Feb.	25	Placed on General File	779
Mar.	6	Beutler AM0835 adopted. Advanced for Review	939
Mar.	11	Placed on Select File - AM7091	994
Mar.	20	AM7091 (E & R) adopted. Advanced for Engrossment	1134
Apr.	2	Beutler AM1208 printed	1319
Apr.	10	Returned to Select File for Beutler AM1208. Beutler pending AM1208 p. 1319 adopted. Advanced for Engrossment	1455
Apr.	22	Correctly Engrossed	1646
Apr.	22	ER9040 change	1648
Apr.	30	Beutler AM1806 printed separate	1738
May	7	Beutler pending AM1806 p. 1738 withdrawn. Returned to Select File for Beutler AM1986.	

		Beutler AM1986 (on file) adopted. Advanced for Reengrossment	1859
May	13	Correctly Reengrossed	1949
May	13	ER9065 change	1950
May	27	D. Pederson AM2408 printed	2344
May	28	Beutler-Schellpeper AM2470 printed	2397
June	3	D. Pederson motion to return to Select File for pending AM2408 p. 2344 withdrawn. Returned to Select File for Beutler-Schellpeper AM2470. Beutler-Schellpeper pending AM2470 p. 2397 adopted. Advanced for Reengrossment	2563
June	3	Correctly Reengrossed	2613
June	5	Dispensing of the reading at large approved	2677
June	5	Final Reading w/E 48-0-1	2678
June	5	Speaker signed	2697
June	12	Presented to Governor (6/5)	2698
June	12	Approved by Governor (6/11)	2705

(Provisions/portions of LB 518 amended into LB 517 by AM1986)

LEGISLATIVE BILL 517A. By Beutler

May	7	Read first time. Placed on General File	1869
May	19	Advanced for Review	2079
May	19	Placed on Select File	2103
May	21	Advanced for Engrossment	2177
May	21	Correctly Engrossed	2251
June	5	Final Reading w/E 46-0-3	2678
June	5	Speaker signed	2697
June	12	Presented to Governor (6/5)	2698
June	12	Approved by Governor (6/11)	2705

LEGISLATIVE BILL 518. By Beutler, Preister, at the request of the Governor

Jan.	17	Read first time	319
Jan.	23	Referred to Committee on Natural Resources	412
Feb.	6	Notice of hearing (2/20)	541
Feb.	27	Placed on General File - Com AM0403 (printed separate)	805
Mar.	5	Natural Resources Committee priority bill	909
Mar.	6	Beutler AM0777 to AM0403 printed	927
Mar.	10	Schellpeper AM0844 to AM0403 pending	979
Mar.	12	Schellpeper AM0926 to AM0403 printed	1024
Mar.	13	Schellpeper AM0933 to AM0403 printed	1040
Apr.	17	Schellpeper AM1556 to AM0403 printed	1586

(Provisions/portions of LB 518 amended into LB 517 by AM1986)

LEGISLATIVE BILL 519. By Coordsen

Jan.	21	Read first time	322
Jan.	23	Referred to Committee on Business and Labor	412
Feb.	12	Notice of hearing (2/24)	611
Mar.	18	Tyson priority bill	1100
Mar.	18	Coordsen motion to place on General File (Rule 3, Section 19(b)) printed	1100
Mar.	19	Indefinitely postponed	1109
Mar.	19	Coordsen motion to place on General File (Rule 3, Section 17) printed	1120
Mar.	26	Coordsen pending motion p. 1120 to place on General File (Rule 3, Section 17) failed	1247
Mar.	26	Coordsen pending motion p. 1100 to place on General File (Rule 3, Section 19(b) withdrawn	1249

LEGISLATIVE BILL 520. By Tyson

Jan.	21	Read first time	322
Jan.	23	Referred to Committee on Urban Affairs	412
Feb.	4	Notice of hearing (2/11)	507
Feb.	24	Indefinitely postponed	758

LEGISLATIVE BILL 521. By Tyson

Jan.	21	Read first time	322
Jan.	23	Referred to Committee on Urban Affairs	412
Feb.	4	Notice of hearing (2/11)	507
Feb.	24	Placed on General File	752

LEGISLATIVE BILL 522. By Schellpeper

Jan.	21	Read first time	323
Jan.	23	Referred to Committee on General Affairs	412
Feb.	5	Notice of hearing (3/3)	515
Feb.	18	Attorney General's Opinion #97013 to Schellpeper	659
Apr.	3	Placed on General File - Com AM1274 (printed separate)	1337

LEGISLATIVE BILL 523. By Landis

Jan.	21	Read first time	323
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	412
Feb.	11	Notice of hearing (2/18)	570
Feb.	26	Placed on General File - Com AM0520	790
Mar.	27	Committee AM0520 p. 790 adopted.	

		Advanced for Review	1258
Apr.	1	Placed on Select File - AM7103	1307
Apr.	16	AM7103 (E & R) adopted. Advanced for Engrossment	1535
Apr.	23	Correctly Engrossed	1662
May	29	Dispensing of the reading at large approved. Final Reading 39-0-10	2447
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

LEGISLATIVE BILL 523A. By Landis

Apr.	16	Read first time. Placed on General File	1562
Apr.	21	Advanced for Review	1605
Apr.	28	Placed on Select File	1688
May	14	Advanced for Engrossment	1970
May	14	Correctly Engrossed	1990
May	29	Final Reading 41-0-8	2448
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor with line-item veto (6/4)	2664
June	12	Communication	2739

LEGISLATIVE BILL 524. By Withem

Jan.	21	Read first time	323
Jan.	23	Referred to Committee on Education	412
Feb.	7	Notice of hearing (2/18)	546
May	30	Indefinitely postponed	2515

(Provisions/portions of LB 524 amended into LB 806 by AM1389)

LEGISLATIVE BILL 525. By Withem

Jan.	21	Read first time	323
Jan.	23	Referred to Committee on Education	412
Feb.	7	Notice of hearing (2/18)	546
Feb.	19	Placed on General File	683
Mar.	20	Speaker priority bill	1142

LEGISLATIVE BILL 526. By Dw. Pedersen

Jan.	21	Read first time	323
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	412
Feb.	5	Notice of hearing (2/12)	515
Feb.	19	Placed on General File	675
Mar.	6	Advanced for Review	921

Mar.	10	Placed on Select File	980
Mar.	20	Chambers motion to indefinitely postpone laid over	1128
Apr.	9	Withem-Dw. Pedersen AM1360 printed	1445
Apr.	9	Chambers pending motion to indefinitely postpone p. 1128 withdrawn. Withem-Dw. Pedersen pending AM1360 p. 1445 adopted. Advanced for Engrossment	1449
Apr.	14	Correctly Engrossed. ER9038 change	1503
May	7	Final Reading 36-0-12	1856
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 527. By Dw. Pedersen

Jan.	21	Read first time	323
Jan.	23	Referred to Committee on Judiciary	412
Feb.	12	Notice of hearing (3/6)	613
Mar.	10	Placed on General File	975
Apr.	2	Advanced for Review	1313
Apr.	8	Placed on Select File	1392
Apr.	16	Advanced for Engrossment	1543
Apr.	28	Correctly Engrossed	1688
May	14	Chambers FA302 printed	1981
May	28	Chambers pending FA302 p. 1981 withdrawn. Final Reading 33-0-16	2387
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 528. By Dw. Pedersen

Jan.	21	Read first time	324
Jan.	23	Referred to Committee on Judiciary	412
Feb.	12	Notice of hearing (3/6)	613

LEGISLATIVE BILL 529. By Hilgert, Kiel

Jan.	21	Read first time	324
Jan.	23	Referred to Committee on Transportation	412
Jan.	28	Notice of hearing (2/10)	452
Feb.	12	Indefinitely postponed	609

LEGISLATIVE BILL 530. By Hilgert, Abboud, Beutler, Crosby, Hartnett, Kiel, Lynch, Dw. Pedersen, Preister, Robak, Suttle, Wesely, Will, Witek

Jan.	21	Read first time	324
Jan.	23	Referred to Committee on Revenue	412
Jan.	23	Notice of hearing (1/30)	421
Jan.	23	Jensen name added	423
Feb.	12	Indefinitely postponed	608

LEGISLATIVE BILL 531. By Withem

Jan.	21	Read first time	324
Jan.	23	Referred to Committee on Urban Affairs	412
Feb.	11	Notice of hearing (2/18)	581
Feb.	24	Placed on General File - Com AM0463	754
Mar.	6	Committee AM0463 p. 754 adopted. Advanced for Review	928
Mar.	11	Placed on Select File - AM7087	987
Mar.	20	AM7087 (E & R) adopted. Advanced for Engrossment	1131
Mar.	24	Correctly Engrossed	1186
Apr.	1	Final Reading w/E 40-0-9	1282
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 532. By Robak, Crosby

Jan.	21	Read first time	324
Jan.	23	Referred to Committee on Nebraska Retirement Systems	412
Jan.	30	Notice of hearing (3/3)	486
Apr.	30	Attorney General's Opinion #97026 to Crosby-Stuhr	1755

LEGISLATIVE BILL 533. By Withem

Jan.	21	Read first time	324
Jan.	23	Referred to Committee on Judiciary	412
Feb.	12	Notice of hearing (2/27)	612

LEGISLATIVE BILL 534. By Robak

Jan.	21	Read first time	325
Jan.	23	Referred to Committee on General Affairs	412
Feb.	5	Notice of hearing (3/3)	515
Feb.	18	Attorney General's Opinion #97013 to Schellpeper	659

LEGISLATIVE BILL 535. By Robak

Jan.	21	Read first time	325
Jan.	23	Referred to Committee on Education	412

Feb.	7	Notice of hearing (3/11)	547
June	4	Indefinitely postponed	2616

LEGISLATIVE BILL 536. By Withem

Jan.	21	Read first time	325
Jan.	23	Referred to Committee on Judiciary	412
Feb.	12	Notice of hearing (2/28)	612
Mar.	27	Placed on General File - Com AM1162	1256

LEGISLATIVE BILL 537. By Beutler

Jan.	21	Read first time	325
Jan.	23	Referred to Committee on Judiciary	412
Jan.	28	Notice of hearing (2/5)	460
Feb.	11	Indefinitely postponed	578

LEGISLATIVE BILL 538. By Beutler

Jan.	21	Read first time	325
Jan.	23	Referred to Committee on Revenue	412
Jan.	30	Notice of hearing (2/6)	488
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 539. By Beutler

Jan.	21	Read first time	325
Jan.	23	Referred to Committee on Education	412
Feb.	7	Notice of hearing (3/11)	547
June	4	Placed on General File	2616

LEGISLATIVE BILL 540. By Beutler

Jan.	21	Read first time	325
Jan.	23	Referred to Committee on Natural Resources	412
Jan.	30	Notice of hearing (2/7)	488
May	12	Placed on General File - Com AM2047	1908

LEGISLATIVE BILL 541. By Beutler

Jan.	21	Read first time	325
Jan.	23	Referred to Committee on Natural Resources	412
Jan.	30	Notice of hearing (2/6)	488
May	2	Indefinitely postponed	1791

LEGISLATIVE BILL 542. By Beutler

Jan.	21	Read first time	326
Jan.	23	Referred to Committee on Education	412

Jan.	30	Notice of hearing (2/10)	488
June	5	Indefinitely postponed	2665

LEGISLATIVE BILL 543. By Coordsen

Jan.	21	Read first time	326
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	412
Feb.	24	Notice of hearing (3/4)	748
Mar.	6	Placed on General File - Com AM0799	922
Apr.	2	Committee AM0799 p. 922 adopted. Advanced for Review	1312
Apr.	8	Placed on Select File	1392
Apr.	16	Advanced for Engrossment	1543
Apr.	28	Correctly Engrossed	1688
May	14	Chambers FA303 printed	1981
May	28	Chambers pending FA303 p. 1981 withdrawn. Final Reading 39-0-10	2388
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 544. By Coordsen

Jan.	21	Read first time	326
Jan.	23	Referred to Committee on Health and Human Services	412
Jan.	29	Notice of hearing (2/27)	471
Mar.	5	Placed on General File - Com AM0669	911

LEGISLATIVE BILL 545. By Withem

Jan.	21	Read first time	326
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	412
Feb.	11	Notice of hearing (2/27)	570
Mar.	11	Indefinitely postponed	993

LEGISLATIVE BILL 546. By Janssen, Robinson, Schmitt

Jan.	21	Read first time	326
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	412
Feb.	11	Notice of hearing (2/27)	570
Mar.	5	Placed on General File	904
Mar.	27	Advanced for Review	1266
Apr.	3	Placed on Select File	1334
Apr.	16	Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682

May	14	Chambers FA291 printed	1981
May	21	Chambers pending FA291 p. 1981 withdrawn. Final Reading 38-0-11	2179
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 547. By Legislative Program Evaluation Committee

Jan.	21	Read first time	326
Jan.	23	Referred to Committee on Education	412
Feb.	7	Notice of hearing (3/10)	547

LEGISLATIVE BILL 548. By Legislative Program Evaluation Committee

Jan.	21	Read first time	326
Jan.	23	Referred to Committee on Business and Labor	412
Feb.	12	Notice of hearing (2/24)	611
Mar.	4	Placed on General File	879

LEGISLATIVE BILL 548A. By Hillman

Mar.	25	Read first time. Placed on General File	1229

LEGISLATIVE BILL 549. By Dierks

Jan.	21	Read first time	327
Jan.	23	Referred to Committee on Natural Resources	412
Feb.	5	Lynch name added	521
Feb.	6	Notice of hearing (2/27)	541

LEGISLATIVE BILL 550. By Dierks

Jan.	21	Read first time	327
Jan.	23	Referred to Committee on Judiciary	412
Jan.	28	Notice of hearing (2/6)	460
Feb.	18	Placed on General File	640
Mar.	6	Advanced for Review	920
Mar.	10	Placed on Select File - AM7077	979
Mar.	20	AM7077 (E & R) adopted. Chambers FA99 pending	1127
Mar.	21	Chambers FA107 printed	1184
Apr.	9	Chambers pending FA99 p. 1127 and FA107 p. 1184 lost. Advanced for Engrossment	1445
Apr.	14	Correctly Engrossed	1503

May	7	Final Reading w/E 37-0-11	1857
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 551. By Dierks

Jan.	21	Read first time	327
Jan.	23	Referred to Committee on Judiciary	412
Jan.	28	Schimek name added	459
Feb.	12	Notice of hearing (3/5)	613
Mar.	6	Placed on General File	923
Mar.	27	Advanced for Review	1267
Apr.	8	Placed on Select File	1391
Apr.	16	Advanced for Engrossment	1542
Apr.	23	Correctly Engrossed	1682
May	14	Chambers FA292 printed	1981
May	21	Chambers pending FA292 p. 1981 withdrawn. Final Reading 40-0-9	2180
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 552. By Dierks, Preister, Schellpeper

Jan.	21	Read first time	327
Jan.	23	Referred to Committee on Natural Resources	412
Feb.	20	Notice of hearing (3/20)	709
Mar.	13	Dierks priority bill	1038

LEGISLATIVE BILL 553. By Landis

Jan.	21	Read first time	327
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	412
Feb.	24	Notice of hearing (3/6)	748
Mar.	19	Placed on General File - Com AM0993	1106

(Provisions/portions of LB 553 amended into LB 314 by AM1939)

LEGISLATIVE BILL 554. By Landis

Jan.	21	Read first time	328
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	412
Feb.	13	Notice of hearing (2/24)	631
Feb.	25	Placed on General File	770
Mar.	6	Advanced for Review	929
Mar.	11	Placed on Select File - AM7085	988

Mar.	11	Landis AM0884 printed	991
Mar.	20	AM7085 (E & R) adopted. Landis pending AM0884 p. 991 adopted. Advanced for Engrossment	1132
Mar.	24	Correctly Engrossed	1209
Apr.	1	Final Reading w/E 40-0-9	1282
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 555. By Landis

Jan.	21	Read first time	328
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	412
Feb.	13	Notice of hearing (2/25)	631
Feb.	26	Placed on General File	789
Mar.	27	Advanced for Review	1252
Apr.	1	Placed on Select File - AM7099	1306
Apr.	16	AM7099 (E & R) adopted. Advanced for Engrossment	1534
May	28	Correctly Engrossed. ER9087 change	2438
June	3	Dispensing of the reading at large approved. Final Reading 43-0-6	2598
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 556. By Withem, Brown

Jan.	21	Read first time	328
Jan.	23	Referred to Committee on Transportation	418
Feb.	6	Notice of hearing (3/11)	524

LEGISLATIVE BILL 557. By Brashear

Jan.	21	Read first time	328
Jan.	23	Referred to Committee on Business and Labor	418
Feb.	12	Notice of hearing (2/24)	612
Feb.	25	Indefinitely postponed	773

LEGISLATIVE BILL 558. By Brashear

Jan.	21	Read first time	328
Jan.	23	Referred to Committee on Health and Human Services	418
Jan.	29	Notice of hearing (3/6)	471
Mar.	11	Placed on General File	1000
Apr.	2	Advanced for Review	1313

Apr. 8	Placed on Select File	1392
Apr. 8	Beutler AM1320 printed	1400
Apr. 16	Beutler pending AM1320 p. 1400 adopted. Advanced for Engrossment	1543
Apr. 28	Correctly Engrossed	1688
May 14	Chambers FA304 printed	1981
May 28	Chambers pending FA304 p. 1981 withdrawn. Final Reading 39-0-10	2389
May 28	Speaker signed	2400
May 28	Presented to Governor (5/28)	2407
June 3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 559. By Brashear

Jan. 21	Read first time	328
Jan. 23	Referred to Committee on Judiciary	418
Jan. 30	Notice of hearing (2/19)	487
Mar. 18	Placed on General File	1076

LEGISLATIVE BILL 560. By Brashear

Jan. 21	Read first time	328
Jan. 23	Referred to Committee on Judiciary	418
Feb. 12	Notice of hearing (3/6)	613
Mar. 10	Placed on General File	971

LEGISLATIVE BILL 561. By Brashear

Jan. 21	Read first time	329
Jan. 23	Referred to Committee on Judiciary	418
Jan. 28	Notice of hearing (2/5)	460
Mar. 18	Placed on General File	1076

LEGISLATIVE BILL 562. By Brashear

Jan. 21	Read first time	329
Jan. 23	Referred to Committee on Judiciary	418
Feb. 12	Notice of hearing (3/6)	613
Mar. 10	Placed on General File	971

LEGISLATIVE BILL 563. By Janssen, Withem

Jan. 21	Read first time	329
Jan. 23	Referred to Committee on Education	418
Jan. 28	Notice of hearing (2/4)	449
June 5	Indefinitely postponed	2665

(Provisions/portions of LB 563 amended into LB 806 by FA 190)

LEGISLATIVE BILL 564. By Schmitt

Jan.	21	Read first time	329
Jan.	23	Referred to Committee on Transportation	418
Jan.	28	Notice of hearing (2/4)	452
Feb.	12	Indefinitely postponed	609

LEGISLATIVE BILL 565. By Schmitt, Jensen

Jan.	21	Read first time	329
Jan.	23	Referred to Committee on Transportation	418
Jan.	28	Notice of hearing (2/4)	452

LEGISLATIVE BILL 566. By Wickersham

Jan.	21	Read first time	329
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	418
Feb.	7	Correction	545
Mar.	3	Notice of hearing (3/10)	846
Mar.	19	Placed on General File - Com AM1012	1112

LEGISLATIVE BILL 567. By Wickersham

Jan.	21	Read first time	330
Jan.	23	Referred to Committee on Nebraska Retirement Systems	418
Jan.	27	Notice of hearing (3/6)	441
June	5	Indefinitely postponed	2688

LEGISLATIVE BILL 568. By Bruning

Jan.	21	Read first time	330
Jan.	23	Referred to Committee on Transportation	418
Jan.	28	Notice of hearing (2/4)	452
Feb.	11	Placed on General File	579
Feb.	18	Advanced for Review	648
Feb.	21	Placed on Select File	715
Feb.	24	Advanced for Engrossment	747
Feb.	28	Correctly Engrossed	838
Mar.	10	Final Reading 42-0-7	963
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 569. By Wesely, Beutler, Chambers, Hartnett, Hilgert, Landis, Lynch, Preister, Schimek, Will, Withem

Jan.	21	Read first time	330
Jan.	23	Referred to Committee on Business and Labor	418

Feb.	20	Notice of hearing (3/10)	702
Mar.	11	Placed on General File - Com AM0571	995
Mar.	20	Speaker priority bill	1142
May	21	Wesely AM2375 printed	2279
May	22	Committee AM0571 p. 995 adopted. Wesely pending AM2375 p. 2279 withdrawn. Advanced for Review	2313
May	28	Placed on Select File	2423
May	29	Advanced for Engrossment	2491
June	2	Correctly Engrossed	2534
June	4	Final Reading 38-4-7	2633
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 570. By Suttle, Brown, Coordsen, Hartnett

Jan.	21	Read first time	330
Jan.	23	Referred to Committee on Revenue	418
Jan.	30	Notice of hearing (2/6)	488
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 571. By Hartnett, Dierks, Preister

Jan.	21	Read first time	330
Jan.	23	Referred to Committee on Natural Resources	418
Jan.	30	Notice of hearing (2/12)	489

LEGISLATIVE BILL 572. By Hartnett, Dierks, Hilgert, Dw. Pedersen, Preister, Schellpeper

Jan.	21	Read first time	330
Jan.	23	Referred to Committee on Education	418
Jan.	23	Robak name added	423
Feb.	7	Notice of hearing (3/10)	547
Feb.	18	Notice of hearing (3/10) (cancel) Notice of hearing (3/11) (reset)	636
June	4	Indefinitely postponed	2616

LEGISLATIVE BILL 573. By Cudaback

Jan.	21	Read first time	330
Jan.	23	Referred to Committee on Judiciary	418
Jan.	30	Notice of hearing (2/19)	487
Feb.	28	Placed on General File - Com AM0639	836

LEGISLATIVE BILL 574. By Cudaback, Vrtiska

Jan.	21	Read first time	331
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	418
Feb.	11	Notice of hearing (2/28)	570
Mar.	12	Placed on General File	1019

LEGISLATIVE BILL 575. By Cudaback

Jan.	21	Read first time	331
Jan.	23	Referred to Committee on Revenue	418
Jan.	29	Notice of hearing (2/5)	474
Feb.	12	Indefinitely postponed	608

LEGISLATIVE BILL 576. By Cudaback

Jan.	21	Read first time	331
Jan.	23	Referred to Committee on Revenue	418
Feb.	10	Notice of hearing (3/6)	562
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 577. By Dierks

Jan.	21	Read first time	331
Jan.	23	Referred to Committee on Health and Human Services	418
Jan.	29	Notice of hearing (2/21)	471
Mar.	5	Placed on General File	905
Mar.	27	Advanced for Review	1266
Apr.	3	Placed on Select File - AM7108	1334
Apr.	16	AM7108 (E & R) adopted. Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682
May	28	Final Reading 43-0-6	2389
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 577A. By Dierks

Mar.	25	Read first time. Placed on General File	1229
Apr.	9	Advanced for Review	1422
Apr.	10	Placed on Select File	1460
Apr.	16	Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682
May	28	Final Reading 43-0-6	2390
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 578. By McKenzie

Jan.	21	Read first time	331
Jan.	23	Referred to Committee on Education	418
Feb.	7	Notice of hearing (3/4)	547
Mar.	6	Placed on General File	929
Mar.	20	Speaker priority bill	1142

LEGISLATIVE BILL 579. By McKenzie

Jan.	21	Read first time	331
Jan.	23	Referred to Committee on Natural Resources	418
Feb.	6	Notice of hearing (2/28)	541
Mar.	12	Placed on General File	1024
Mar.	20	Speaker priority bill	1142
Apr.	9	Advanced for Review	1423
Apr.	15	Placed on Select File - AM7130	1520

LEGISLATIVE BILL 579A. By McKenzie

Mar.	27	Read first time. Placed on General File	1266
Apr.	9	Advanced for Review	1423
Apr.	15	Placed on Select File	1520

LEGISLATIVE BILL 580. By McKenzie

Jan.	21	Read first time	331
Jan.	23	Referred to Committee on Natural Resources	418
Jan.	29	Notice of hearing (2/5)	469
Mar.	5	Placed on General File - Com AM0481	900
Mar.	27	McKenzie AM1239 to AM0481 printed	1269

(Provisions/portions of LB 580 amended into LB 658 by AM2148)

LEGISLATIVE BILL 581. By Schellpeper

Jan.	21	Read first time	332
Jan.	23	Referred to Committee on General Affairs	418
Feb.	5	Notice of hearing (2/24)	515
Feb.	26	Indefinitely postponed	789

LEGISLATIVE BILL 582. By Schellpeper

Jan.	21	Read first time	332
Jan.	23	Referred to Committee on General Affairs	418
Feb.	28	Notice of hearing (3/10)	821
Mar.	12	Indefinitely postponed	1024

LEGISLATIVE BILL 583. By Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt

Jan.	21	Read first time	333
Jan.	23	Referred to Committee on Revenue	418
Feb.	10	Notice of hearing (2/20)	562
Mar.	3	Placed on General File	846
Mar.	20	Revenue Committee priority bill	1141
Apr.	14	Wickersham AM1415 printed	1492
May	21	Wickersham AM2261 printed	2279
May	22	Wickersham pending AM1415 p. 1492 adopted. Wickersham pending AM2261 p. 2279 withdrawn. Failed to Advance for Review w/16-15-18	2310

LEGISLATIVE BILL 583A. By Wickersham

May	7	Read first time. Placed on General File	1869

LEGISLATIVE BILL 584. By Schimek

Jan.	21	Read first time	333
Jan.	23	Referred to Committee on Natural Resources	418
Feb.	6	Notice of hearing (2/26)	541
Mar.	27	Placed on General File	1263
Apr.	2	Schimek AM1273 printed	1322

LEGISLATIVE BILL 585. By Schimek, Vrtiska, Will

Jan.	21	Read first time	333
Jan.	23	Referred to Committee on Natural Resources	419
Jan.	23	Hilgert name added	423
Feb.	6	Notice of hearing (2/27)	541

LEGISLATIVE BILL 586. By Wehrbein

Jan.	21	Read first time	333
Jan.	23	Referred to Committee on Education	419
Feb.	7	Notice of hearing (3/3)	547
June	5	Indefinitely postponed	2665

LEGISLATIVE BILL 587. By Wesely, Withem, at the request of the Governor

Jan.	21	Read first time	333
Jan.	23	Referred to Committee on Health and Human Services	419
Jan.	29	Notice of hearing (2/12)	470

Mar.	5	Wesely priority bill	909

(Provisions/portions of LB 587 amended into LB 622 by AM1766)

LEGISLATIVE BILL 588. By Vrtiska, Wehrbein

Jan.	21	Read first time	334
Jan.	23	Referred to Committee on Judiciary	419
Feb.	12	Notice of hearing (2/28)	612
Mar.	3	Placed on General File	849
Mar.	18	Vrtiska priority bill	1076
Apr.	14	Advanced for Review	1491
Apr.	21	Placed on Select File	1608
May	12	Advanced for Engrossment	1901
May	14	Correctly Engrossed	1970
May	30	Final Reading 42-0-7	2497
May	30	Speaker signed	2502
May	30	Presented to Governor (5/30)	2506
June	4	Engel explanation of vote	2638
June	12	Approved by Governor (6/5)	2699

LEGISLATIVE BILL 588A. By Vrtiska

Mar.	6	Read first time. Placed on General File	935
Apr.	14	Advanced for Review	1491
Apr.	21	Placed on Select File	1608
May	12	Advanced for Engrossment	1901
May	14	Correctly Engrossed	1970
May	30	Final Reading 40-0-9	2498
May	30	Speaker signed	2502
May	30	Presented to Governor (5/30)	2506
June	12	Returned by Governor with line-item veto (6/5) (Correction p. 2752)	2699
June	12	Communication	2737

LEGISLATIVE BILL 589. By Hartnett, Bruning, Jensen, Withem

Jan.	21	Read first time	334
Jan.	23	Referred to Committee on Urban Affairs	419
Feb.	11	Notice of hearing (2/18)	581
Feb.	24	Placed on General File - Com AM0461	757
Mar.	6	Committee AM0461 p. 757 adopted. Advanced for Review	928
Mar.	11	Placed on Select File - AM7092	988
Mar.	20	AM7092 (E & R) adopted. Abboud AM1101 adopted. Advanced for Engrossment	1131
Mar.	24	Correctly Engrossed. ER9033 change	1209
Apr.	1	Final Reading w/E 40-0-9	1283
Apr.	1	President signed	1293

Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

(Provisions/portions of LB 855 amended into LB 589 by AM1101)
(Provisions/portions of LB 589 amended into LB 874 by AM1984)

LEGISLATIVE BILL 590. By Withem, Brashear, Brown, Hillman, Kristensen, Robinson

Jan.	21	Read first time	334
Jan.	28	Referred to Committee on Transportation	445
Feb.	6	Notice of hearing (2/24)	524
Feb.	20	Withem priority bill	711
Apr.	2	Placed on General File - Com AM1198 (printed separate)	1324
Apr.	3	Withem request to name Speaker major proposal	1330
Apr.	14	Bromm AM1324 printed separate and Coordsen FA164 printed	1500
Apr.	15	Bromm AM1465 to AM1198 printed	1510
Apr.	15	Bromm AM1466, Withem AM1460, AM1461, AM1440 and AM1462 to AM1198 printed	1511
Apr.	15	Withem AM1439 and AM1464 to AM1198 printed	1512
Apr.	15	Bromm AM1468 to AM1198 printed	1513
Apr.	15	Bromm AM1491 to AM1198 printed	1529
Apr.	15	Landis AM1322 to AM1198 printed	1530
Apr.	21	Withem requested his amendments to AM1198 be taken up prior to other amendments. Chair ruled amendments to AM1198 would be taken up in the order filed. Withem request for division of question on Bromm AM1324 withdrawn. Bromm pending AM1324 p. 1500 withdrawn. Coordsen pending FA164 p. 1500 to AM1198 adopted	1605
Apr.	21	Bromm pending AM1465 p. 1510 lost	1609
Apr.	21	Bromm pending AM1466 and Withem pending AM1461 p. 1511 withdrawn. Withem request to substitute amendment prevailed. Withem pending AM1460 p. 1511 withdrawn. Withem substitute FA188 to AM1198 adopted. Withem pending AM1440 and AM1462 p. 1511 to AM1198 adopted. Withem pending AM1439 p. 1512 lost	1611
Apr.	21	Withem pending AM1464 p. 1512 to AM1198 adopted. Bromm pending AM1468 p. 1513 lost	1623
Apr.	21	Tyson AM1651 and Kristenen-Bromm AM1675 to AM1198 printed	1631
Apr.	22	Bromm request to substitute amendment prevailed. Bromm pending AM1491 p. 1529	

		withdrawn. Bromm substitute AM1691 lost. Landis pending AM1322 p. 1530, Tyson pending AM1651 p. 1631 and Kristensen-Bromm pending AM1675 p. 1631 to AM1198 adopted. Bromm AM1693 and Kristensen AM1700 withdrawn. Chambers FA194 lost. Committee AM1198 p. 1324 adopted as amended. Advanced for Review	1635
Apr.	22	Withem AM1640 printed	1653
Apr.	23	Brashear FA196 printed	1672
Apr.	28	Placed on Select File - AM7146 (printed separate)	1706
May	5	Brashear AM1707 to AM7146 printed	1810
May	20	Bromm AM2019, AM2021, AM2022, AM2018, and AM2020 to AM7146 printed	2141
May	20	Bromm AM1780, AM2028, AM2030, and AM2029 to AM7146 printed	2142
May	22	Abboud AM2376 and Withem-Bromm AM2381 to AM7146 printed	2301
May	22	Withem AM2304 and AM1892 to AM7146 printed	2302
May	22	Kristensen AM2385 to AM7146 printed	2314
May	30	AM7146 (E & R) adopted. Kristensen request to substitute amendment prevailed. Kristensen reoffered AM1700 p. 1637 withdrawn. Kristensen pending substitute AM2385 p. 2314 sustained division of question. Kristensen FA416 (1st) adopted. Kristensen FA417 (2nd) lost. Withem request to substitute amendment prevailed. Withem pending AM1640 p. 1653 withdrawn. Withem-Bromm pending substitute AM2381 p. 2301 adopted as amended by Abboud FA418	2507
May	30	Brashear pending FA196 p. 1672, AM1707 p. 1810, Withem FA419, Bromm pending AM2021, AM2018 p. 2141, AM2028, AM2030, AM2029 p. 2142 and Abboud pending AM2376 p. 2301 withdrawn. Bromm pending AM2019, AM2022, AM2020 p. 2141, AM1780 p. 2142 and Withem pending AM2304 p. 2302 adopted	2513
May	30	Withem pending AM1892 p. 2302 and Bohlke AM2582 adopted. Advanced for Engrossment	2516
June	2	Correctly Engrossed	2547
June	2	ER9098 change	2549
June	4	Dispensing of the reading at large approved. Final Reading w/E 46-1-2	2649
June	4	Speaker signed	2656

June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/6)	2700

LEGISLATIVE BILL 590A. By Withem

May	6	Read first time. Placed on General File	1850
May	19	Advanced for Review	2080
May	19	Placed on Select File	2103
May	30	Advanced for Engrossment	2516
June	2	Correctly Engrossed	2547
June	4	Final Reading w/E 45-0-4	2650
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/6)	2700

LEGISLATIVE BILL 591. By Withem, Coordsen, Dierks, Robinson, Schellpeper, Schimek, Warner

Jan.	21	Read first time	334
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	419
Feb.	5	Notice of hearing (2/12)	515
Mar.	4	Placed on General File	880
Mar.	20	Speaker priority bill	1142

(Provisions/portions of LB 591 amended into LB 49 by AM1478)

LEGISLATIVE BILL 592. By Withem

Jan.	21	Read first time	335
Jan.	23	Referred to Committee on Education	419
Feb.	7	Notice of hearing (2/18)	546
June	4	Indefinitely postponed	2616

LEGISLATIVE BILL 593. By Withem, Brashear, Brown, Chambers, Coordsen, Schimek

Jan.	21	Read first time	335
Jan.	23	Referred to Committee on Judiciary	419
Jan.	30	Notice of hearing (2/20)	487
Feb.	28	Chambers name withdrawn	840

LEGISLATIVE BILL 594. By Robinson, Schimek, at the request of the Governor

Jan.	21	Read first time	335
Jan.	23	Referred to Committee on Natural Resources	419
Feb.	6	Notice of hearing (2/21)	541

Apr.	22	Placed on General File - Com AM1530	1661

(Provisions/portions of LB 594 amended into LB 495 by AM1526)

LEGISLATIVE BILL 595. By Robinson

Jan.	21	Read first time	335
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	419
Feb.	11	Notice of hearing (2/28)	570
Mar.	12	Placed on General File	1019
Apr.	9	Advanced for Review	1423
Apr.	10	Placed on Select File - AM7126	1460
Apr.	16	AM7126 (E & R) adopted. Advanced for Engrossment	1544
Apr.	28	Correctly Engrossed	1688
May	14	Chambers FA305 printed	1981
May	27	Robinson AM2371 printed	2327
May	28	Chambers pending FA305 p. 1981 withdrawn. Returned to Select File for Robinson AM2371. Robinson pending AM2371 p. 2327 adopted. Advanced for Reengrossment	2391
May	28	Correctly Reengrossed	2432
June	3	Final Reading w/E 43-0-6	2577
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 596. By Robinson, Janssen

Jan.	21	Read first time	335
Jan.	23	Referred to Committee on Judiciary	419
Feb.	21	Notice of hearing (3/26)	719
Mar.	27	Indefinitely postponed	1258

LEGISLATIVE BILL 597. By Robinson, Brown, Janssen, Stuhr, Witek

Jan.	21	Read first time	335
Jan.	22	Dw. Pedersen name added	409
Jan.	23	Referred to Committee on Revenue	419
Jan.	30	Notice of hearing (2/6)	488
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 598. By Robinson, Brown, Janssen

Jan.	21	Read first time	336
Jan.	23	Referred to Committee on Revenue	419
Jan.	23	Robinson AM0015 printed	421

Jan.	30	Notice of hearing (2/6)	488
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 599. By Robinson, Janssen, Stuhr

Jan.	21	Read first time	336
Jan.	23	Referred to Committee on Revenue	419
Jan.	30	Notice of hearing (2/6)	488
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 600. By Hillman, Brown, Kiel

Jan.	21	Read first time	336
Jan.	23	Referred to Committee on Judiciary	419
Jan.	28	Notice of hearing (2/5)	459
Feb.	11	Indefinitely postponed	578

LEGISLATIVE BILL 601. By Hillman, Brown, Kiel

Jan.	21	Read first time	336
Jan.	23	Referred to Committee on Judiciary	419
Feb.	12	Notice of hearing (3/5)	612
Mar.	20	Judiciary Committee priority bill	1125
Mar.	24	Placed on General File - Com AM0967	1196

LEGISLATIVE BILL 602. By Beutler, Bohlke, Landis, C. Peterson, Wesely

Jan.	21	Read first time	336
Jan.	23	Referred to Committee on Natural Resources	419
Jan.	30	Notice of hearing (2/13)	489

LEGISLATIVE BILL 603. By Dw. Pedersen, Crosby

Jan.	21	Read first time	336
Jan.	23	Referred to Committee on Transportation	419
Jan.	28	Notice of hearing (2/11)	453
Mar.	11	Placed on General File - Com AM0857	996
Mar.	19	Dw. Pedersen priority bill	1110

LEGISLATIVE BILL 603A. By Dw. Pedersen

Mar.	26	Read first time. Placed on General File	1244

LEGISLATIVE BILL 604. By Jones

Jan.	21	Read first time	337
Jan.	23	Referred to Committee on Education	419

Feb.	7	Notice of hearing (3/4)	547
Mar.	12	Indefinitely postponed	1019

LEGISLATIVE BILL 605. By Robak

Jan.	12	Read first time	337
Jan.	23	Referred to Committee on Judiciary	419
Jan.	28	Notice of hearing (2/6)	460
Feb.	18	Indefinitely postponed	642

LEGISLATIVE BILL 606. By Bromm, Hudkins, Janssen, Jones, Matzke, Schellpeper, Vrtiska, Witek

Jan.	21	Read first time	337
Jan.	23	Referred to Committee on Judiciary	419
Feb.	12	Notice of hearing (3/5)	612
Feb.	24	Preister name added	761

LEGISLATIVE BILL 607. By Bromm, Cudaback, Robinson

Jan.	21	Read first time	337
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	419
Mar.	4	Notice of hearing (3/20)	889

LEGISLATIVE BILL 608. By Wesely

Jan.	21	Read first time	337
Jan.	23	Referred to Committee on Health and Human Services	419
Jan.	29	Notice of hearing (2/13)	470
Mar.	18	Placed on General File - Com AM0841	1082
Mar.	20	Speaker priority bill	1142
Apr.	9	Brown AM1357 printed	1429
Apr.	23	Committee AM0841 p. 1082 adopted. Brown pending AM1357 p. 1429 withdrawn. Advanced for Review	1665
Apr.	28	Placed on Select File - AM7147	1706
May	14	AM7147 (E & R) adopted. Brown reoffered AM1357 p. 1429 withdrawn. Advanced for Engrossment	1971
May	16	Correctly Engrossed	2072
May	29	Dispensing of the reading at large approved. Final Reading 42-0-7	2449
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

LEGISLATIVE BILL 609. By Wesely

Jan.	21	Read first time	338
Jan.	23	Referred to Committee on Health and Human Services	419
Jan.	29	Notice of hearing (2/5)	470

LEGISLATIVE BILL 610. By Wesely

Jan.	21	Read first time	338
Jan.	23	Referred to Committee on Health and Human Services	419
Jan.	29	Notice of hearing (2/6)	470
Feb.	12	Placed on General File - Com AM0249	609
Feb.	18	Committee AM0249 p. 609 adopted. Advanced for Review	649
Feb.	21	Placed on Select File	716
Feb.	24	Advanced for Engrossment	747
Feb.	28	Correctly Engrossed	838
Mar.	20	Wesely AM1109 printed	1130
May	30	Returned to Select File for Wesely AM1109. Wesely pending AM1109 p. 1130 adopted. Advanced for Reengrossment	2504
June	2	Correctly Reengrossed	2546
June	4	Final Reading 41-0-8	2633
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 515 amended into LB 610 by AM1109)

LEGISLATIVE BILL 610A. By Wesely

Feb.	28	Read first time. Placed on General File	833
Mar.	6	Wesely AM0758 printed	927
Apr.	1	Wesely pending AM0758 p. 927 adopted. Advanced for Review	1292
Apr.	8	Placed on Select File	1391
May	19	Advanced for Engrossment	2080
May	19	Correctly Engrossed	2096
May	28	Wesely AM2332 printed	2403
May	30	Returned to Select File for Wesely AM2332 Wesely pending AM2332 p. 2403 adopted. Advanced for Reengrossment	2504
June	2	Correctly Reengrossed	2546
June	4	Final Reading 42-0-7	2634
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 611. By Dw. Pedersen, Bruning, Hartnett, Hilgert

Jan.	21	Read first time	338
Jan.	23	Referred to Committee on Urban Affairs	419
Jan.	24	Lynch name added	431
Feb.	11	Notice of hearing (2/25)	582

LEGISLATIVE BILL 612. By Hartnett, Bromm, Janssen

Jan.	21	Read first time	338
Jan.	23	Referred to Committee on Revenue	419
Feb.	10	Notice of hearing (2/21)	562
Feb.	24	Dw. Pedersen name added	761
Mar.	10	Lynch name added	985
Mar.	13	Bruning name added	1070
Mar.	19	Suttle name added	1120
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 613. By Dw. Pedersen

Jan.	21	Read first time	338
Jan.	23	Referred to Committee on General Affairs	419
Jan.	30	Notice of hearing (2/10)	485
Feb.	26	Indefinitely postponed	789

LEGISLATIVE BILL 614. By Crosby

Jan.	21	Read first time	338
Jan.	23	Referred to Committee on Judiciary	419
Feb.	12	Notice of hearing (2/27)	612

LEGISLATIVE BILL 615. By McKenzie

Jan.	21	Read first time	338
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	419
Feb.	24	Notice of hearing (3/6)	748
Mar.	18	Indefinitely postponed	1080

LEGISLATIVE BILL 616. By Elmer, Bromm, Bruning, McKenzie, Preister, Schrock

Jan.	21	Read first time	338
Jan.	23	Referred to Committee on Natural Resources	419
Feb.	6	Notice of hearing (2/27)	541
Mar.	18	Placed on General File - Com AM0952	1082

LEGISLATIVE BILL 617. By Schrock, Bromm, Cudaback, Elmer, Engel, McKenzie, Robinson, Schellpeper, Stuhr, Vrtiska

Jan.	21	Read first time	339
Jan.	23	Referred to Committee on Revenue	419
Feb.	10	Notice of hearing (3/6)	563
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 618. By Preister

Jan.	21	Read first time	339
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	419
Feb.	5	Will, Lynch, Hilgert and Hartnett names added	521
Mar.	3	Notice of hearing (3/10)	846
Mar.	11	Indefinitely postponed	995

LEGISLATIVE BILL 619. By Dierks

Jan.	21	Read first time	339
Jan.	23	Referred to Committee on Health and Human Services	419
Jan.	29	Notice of hearing (2/20)	470
Mar.	18	Placed on General File - Com AM0918	1084
Apr.	8	Dierks AM1344 printed	1410

LEGISLATIVE BILL 620. By Beutler

Jan.	21	Read first time	339
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	419
Feb.	11	Notice of hearing (2/26)	570
Apr.	29	Beutler motion to place on General File printed	1715

LEGISLATIVE BILL 621. By Beutler

Jan.	21	Read first time	339
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	419
Feb.	11	Notice of hearing (2/26)	570
Apr.	29	Beutler motion to place on General File printed	1715

(Provisions/portions of LB 621 amended into LB 420 by AM2264)

LEGISLATIVE BILL 622. By Health and Human Services Committee

Jan.	21	Read first time	339
Jan.	23	Referred to Committee on Health and Human Services	419
Jan.	29	Notice of hearing (2/6)	470
Feb.	20	Placed on General File - Com AM0426	704
Mar.	3	Health and Human Services Committee priority bill	850
Mar.	10	Committee AM0426 p. 704 adopted. Advanced for Review	974
Mar.	13	Placed on Select File - AM7095	1038
Apr.	3	Schrock-Tyson-Dw. Pedersen-Engel-D. Pederson-Wehrbein-Schmitt-Jones-Coordsen-Elmer-Preister-Bruning-Dierks-Hilgert-Hartnett-Wickersham-Witek-Hudkins-Stuhr-Suttle-Kiel-McKenzie-Schimek AM1185 printed	1337
Apr.	3	Kristensen AM1291 printed	1346
Apr.	3	Kristensen AM1292 printed	1350
Apr.	3	Kristensen AM1293 printed	1355
Apr.	3	Kristensen AM1288 printed	1359
Apr.	3	Kristensen AM1289 printed	1364
Apr.	3	Kristensen AM1290 printed	1368
Apr.	8	C. Peterson AM1336 printed separate	1381
Apr.	8	Wesely AM1137 printed separate	1400
Apr.	8	Wesely AM1317 printed	1408
Apr.	9	Matzke AM1383 to AM1137 printed	1451
Apr.	22	Witek AM1672 printed	1642
May	5	Wesely AM1766 printed	1810
May	13	Wesely AM2130 printed separate	1939
May	22	Witek AM2392 printed	2314
June	2	C. Peterson AM2407 printed	2543
June	3	AM7095 (E & R) adopted. Schrock et al pending AM1185 p. 1337, Kristensen pending AM1291, AM1292, AM1293, AM1288, AM1289, AM1290 p. 1346, 1350, 1355, 1359, 1364, 1368, C. Peterson pending AM1336 p. 1381, Wesely pending AM1137 p. 1400, AM1317 p. 1408, Matzke pending AM1383 p. 1451, and Witek pending AM1672 p. 1642 withdrawn. Wesely pending AM1766 p. 1810 adopted	2612
June	3	Wesely pending AM2130 p. 1939 and C. Peterson pending AM2407 p. 2543 adopted. Witek pending AM2392 p. 2314 withdrawn. Advanced for Engrossment	2612
June	4	Correctly Engrossed. ER9109 change	2622
June	12	Dispensing of the reading at large approved. Final Reading w/E 43-0-6	2743
June	12	President signed	2747

June	12	Presented to Governor (6/12)	2750
June	18	Engel explanation of vote. Approved by Governor (6/16)	2759

(Provisions/portions of LB 260 amended into LB 622 by AM2130)
(Provisions/portions of LB 587 amended into LB 622 by AM1766)
(Provisions/portions of LB 757 amended into LB 622 by AM2407)

LEGISLATIVE BILL 622A. By Wesely

May	29	Read first time. Placed on General File	2467
June	2	Advanced for Review	2518
June	2	Placed on Select File	2527
June	3	Advanced for Engrossment	2613
June	4	Correctly Engrossed	2622
June	12	Final Reading 42-0-7	2744
June	12	President signed	2747
June	12	Presented to Governor (6/12)	2750
June	18	Approved by Governor (6/16)	2759

LEGISLATIVE BILL 623. By Nebraska Retirement Systems Committee

Jan.	21	Read first time	340
Jan.	23	Referred to Committee on Nebraska Retirement Systems	419
Jan.	27	Notice of hearing (2/7)	441
Feb.	13	Placed on General File - Com AM0255	617
Feb.	20	Committee AM0255 p. 617 adopted. Advanced for Review	703
Feb.	21	Wickersham AM0488 printed	716
Feb.	26	Placed on Select File - AM7068	792
Mar.	5	AM7068 (E & R) adopted. Wickersham pending AM0488 p. 716 adopted. Advanced for Engrossment	898
Mar.	10	Correctly Engrossed. ER9029 change	942
Mar.	21	Dispensing of the reading at large approved. Final Reading w/E 39-0-10	1164
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 624. By Nebraska Retirement Systems Committee

Jan.	21	Read first time	341
Jan.	23	Referred to Committee on Nebraska Retirement Systems	419
Jan.	27	Notice of hearing (2/19)	441
Mar.	5	Nebraska Retirement Systems Committee	

		priority bill	909
Mar.	12	Placed on General File - Com AM0759	1019
Apr.	8	Wickersham AM1346 printed	1415
Apr.	9	Committee AM0759 p. 1019 adopted as amended by Wickersham pending AM1346 p. 1415. Advanced for Review	1423
Apr.	15	Placed on Select File - AM7131 (printed separate)	1520
Apr.	15	Wickersham AM1452 printed	1530
Apr.	16	AM7131 (E & R) adopted. Wickersham pending AM1452 p. 1530 adopted. Advanced for Engrossment	1544
Apr.	28	Correctly Engrossed. ER9051 change	1712
May	14	Chambers FA320 printed	1981
May	29	Chambers pending FA320 p. 1981 withdrawn. Dispensing of the reading at large approved. Final Reading 42-0-7	2450
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

(Provisions/portions of LB 96 amended into LB 624 by AM0759)
(Provisions/portions of LB 330 amended into LB 624 by AM0759)

LEGISLATIVE BILL 625. By Lynch

Jan.	21	Read first time	341
Jan.	23	Referred to Committee on Revenue	419
Feb.	10	Notice of hearing (2/19)	561
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 626. By Wesely, Matzke, Wickersham

Jan.	21	Read first time	341
Jan.	23	Referred to Committee on Health and Human Services	419
Jan.	29	Notice of hearing (2/7)	470
Mar.	18	Placed on General File - Com AM0655	1094
Mar.	20	Speaker priority bill	1142
May	14	Wesely-Matzke-Wickersham-Hillman AM2189 printed separate	2005
May	22	Committee AM0655 p. 1094 lost. Wesely et al pending AM2189 p. 2005 adopted as amended by Wickersham AM2253. Advanced for Review	2313
May	28	Placed on Select File - AM7174 (printed separate)	2423
May	29	AM7174 (E & R) adopted. Advanced for Engrossment	2491
June	2	Correctly Engrossed	2534
June	2	ER9096 change	2536
June	4	Dispensing of the reading at large approved.	

		Final Reading 48-0-1	2651
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 626A. By Wesely

May	22	Read first time. Placed on General File	2321
May	28	Advanced for Review	2397
May	28	Placed on Select File	2428
May	29	Advanced for Engrossment	2491
June	2	Correctly Engrossed	2534
June	4	Final Reading 46-0-3	2651
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 627. By Hilgert

Jan.	21	Read first time	341
Jan.	23	Referred to Committee on General Affairs	419
Feb.	5	Notice of hearing (3/3)	516
Mar.	10	Placed on General File	975
Apr.	8	Will AM1300 printed	1414

LEGISLATIVE BILL 628. By Dw. Pedersen

Jan.	21	Read first time	341
Jan.	23	Referred to Committee on Judiciary	419
Jan.	27	Preister name added	443
Feb.	20	Notice of hearing (3/13)	710
Feb.	25	Notice of hearing (3/13) (cancel) Notice of hearing (3/20) (reset)	781

LEGISLATIVE BILL 629. By Crosby

Jan.	21	Read first time	341
Jan.	23	Referred to Committee on Education	419
Feb.	7	Notice of hearing (2/18)	546
Feb.	19	Placed on General File	683

LEGISLATIVE BILL 630. By Kristensen

Jan.	21	Read first time	342
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	419
Mar.	3	Notice of hearing (3/10)	846
Mar.	11	Indefinitely postponed	995

LEGISLATIVE BILL 631. By Kristensen

Jan.	21	Read first time	342
Jan.	23	Referred to Committee on Banking, Commerce and Insurance	419
Jan.	28	Notice of hearing (2/4)	452
Feb.	5	Placed on General File	516
Feb.	13	Advanced for Review	630
Feb.	20	Placed on Select File - AM7052	700
Feb.	24	AM7052 (E & R) adopted. Advanced for Engrossment	746
Feb.	27	Correctly Engrossed	808
Mar.	10	Dispensing of the reading at large approved. Wesely motion to return to Select File for FA57 withdrawn	965
Mar.	10	Final Reading w/E 40-1-8	966
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 632. By Chambers

Jan.	21	Read first time	342
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	419
Feb.	5	Notice of hearing (2/12)	515
Feb.	6	Robinson motion to suspend rules to permit the cancellation of hearing prevailed	539
Feb.	6	Notice of hearing (2/12) (cancel)	541
Feb.	24	Notice of hearing (3/13) (reset)	748
Mar.	24	Placed on General File - Com AM0922	1188

LEGISLATIVE BILL 633. By Chambers

Jan.	21	Read first time	342
Jan.	23	Referred to Committee on Health and Human Services	419
Jan.	29	Notice of hearing (2/19)	470
Mar.	4	Placed on General File - Com AM0465	871
May	20	Chambers AM2296 printed	2119

LEGISLATIVE BILL 633A. By Chambers

Apr.	14	Read first time. Placed on General File	1528

LEGISLATIVE BILL 634. By Chambers

Jan.	21	Read first time	342
Jan.	23	Referred to Committee on Revenue	419
Feb.	4	Notice of hearing (2/12)	507
Mar.	3	Indefinitely postponed	846

LEGISLATIVE BILL 635. By Kristensen

Jan.	21	Read first time	342
Jan.	23	Referred to Committee on Transportation	420
Jan.	28	Notice of hearing (2/10)	452
Feb.	13	Placed on General File - Com AM0245	630
Feb.	26	Committee AM0245 p. 630 adopted. Advanced for Review	788
Mar.	3	Placed on Select File - AM7075	842
Mar.	4	AM7075 (E & R) adopted. Advanced for Engrossment	879
Mar.	6	Correctly Engrossed	919
Apr.	16	Dispensing of the reading at large approved. Final Reading w/E 43-0-6	1558
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Governor (4/16)	1563
Apr.	22	Approved by Governor (4/21)	1632

LEGISLATIVE BILL 635A. By Kristensen

Feb.	26	Read first time. Placed on General File	793
Feb.	27	Advanced for Review	798
Mar.	3	Placed on Select File	842
Mar.	4	Advanced for Engrossment	879
Mar.	6	Correctly Engrossed	919
Apr.	16	Final Reading w/E 40-0-9	1559
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Governor (4/16)	1563
Apr.	22	Approved by Governor (4/21)	1632

LEGISLATIVE BILL 636. By Kristensen, Cudaback, Withem

Jan.	21	Read first time	343
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	420
Feb.	11	Notice of hearing (2/21)	570
Mar.	4	Placed on General File	880
Mar.	27	Advanced for Review	1264
Apr.	3	Placed on Select File - AM7105	1334
Apr.	16	AM7105 (E & R) adopted. Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682

May	14	Chambers FA293 printed	1981
May	21	Chambers pending FA293 p. 1981 withdrawn. Final Reading 38-0-11	2181
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 637. By Coordsen, Schellpeper

Jan.	21	Read first time	343
Jan.	23	Referred to Committee on Urban Affairs	420
Feb.	4	Notice of hearing (2/11)	507

LEGISLATIVE BILL 638. By Robinson, Bromm, Brown, Cudaback, Dierks, Janssen, Jensen, Jones, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wesely, Witek

Jan.	21	Read first time	343
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	420
Feb.	24	Notice of hearing (3/13)	748

LEGISLATIVE BILL 639. By Robinson, Abboud, Crosby, Hartnett, Hilgert, Janssen, Jensen, Lynch, Dw. Pedersen, Stuhr, Will

Jan.	21	Read first time	343
Jan.	23	Referred to Committee on Education	420
Feb.	7	Notice of hearing (3/3)	547
June	5	Indefinitely postponed	2688

LEGISLATIVE BILL 640. By Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham

Jan.	21	Read first time	343
Jan.	23	Referred to Committee on Transportation	420
Jan.	28	Notice of hearing (2/4)	452

LEGISLATIVE BILL 641. By Hilgert

Jan.	21	Read first time	344
Jan.	23	Referred to Committee on Business and Labor	420
Jan.	30	Notice of hearing (2/10)	486
Feb.	13	Placed on General File	623
Feb.	26	Advanced for Review	788
Feb.	28	Placed on Select File - AM7073	836
Mar.	6	Hilgert AM0800 to AM7073 printed	936
Mar.	20	AM7073 (E & R) adopted. Hilgert	

		pending AM0800 p. 936 adopted. Advanced for Engrossment	1126
Mar.	24	Correctly Engrossed	1186
Mar.	24	ER9030 change	1187
Apr.	16	Final Reading 39-0-10	1548
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Governor (4/16)	1563
Apr.	22	Approved by Governor (4/21)	1632

LEGISLATIVE BILL 641A. By Hilgert

Feb.	19	Read first time. Placed on General File	683
Feb.	26	Advanced for Review	788
Feb.	28	Placed on Select File	838
Mar.	20	Advanced for Engrossment	1126
Mar.	24	Correctly Engrossed	1186
Apr.	16	Final Reading 37-0-12	1548
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Governor (4/16)	1563
Apr.	22	Approved by Governor with line-item veto (4/16)	1633
May	6	Communication	1833

LEGISLATIVE BILL 642. By Abboud, Bruning, Hartnett, Hilgert, Dw. Pedersen

Jan.	21	Read first time	344
Jan.	23	Referred to Committee on Judiciary	420
Jan.	30	Notice of hearing (2/19)	487
Feb.	25	Indefinitely postponed	775

LEGISLATIVE BILL 643. By Abboud

Jan.	21	Read first time	344
Jan.	23	Referred to Committee on Judiciary	420
Jan.	28	Notice of hearing (2/7)	460
Feb.	27	Placed on General File - Com AM0593	806
Mar.	27	Committee AM0593 p. 806 adopted. Advanced for Review	1259
Apr.	1	Placed on Select File - AM7101	1307
Apr.	16	AM7101 (E & R) adopted. Advanced for Engrossment	1535
Apr.	23	Correctly Engrossed	1662
May	14	Chambers FA294 printed	1981
May	21	Chambers pending FA294 p. 1981 withdrawn. Final Reading 42-0-7	2182
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 644. By Beutler

Jan.	21	Read first time	344
Jan.	23	Referred to Committee on Judiciary	420
Jan.	28	Notice of hearing (2/7)	460
Feb.	18	Indefinitely postponed	642

LEGISLATIVE BILL 645. By Lynch, Crosby, Engel, Kiel

Jan.	21	Read first time	344
Jan.	23	Referred to Committee on Appropriations	420
Feb.	19	Notice of hearing (3/10)	677

LEGISLATIVE BILL 646. By Cudaback, Schrock, Vrtiska

Jan.	21	Read first time	344
Jan.	23	Referred to Committee on Revenue	420
Feb.	10	Notice of hearing (2/26)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 647. By Schimek, Withem

Jan.	21	Read first time	344
Jan.	23	Referred to Committee on Education	420
Feb.	7	Notice of hearing (2/24)	546
Feb.	26	Indefinitely postponed	792

LEGISLATIVE BILL 648. By Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson

Jan.	21	Read first time	345
Jan.	23	Referred to Committee on Judiciary	420
Feb.	12	Notice of hearing (3/5)	613
Mar.	6	Dw. Pedersen name added	939
Mar.	10	Kiel priority bill	941
Mar.	27	Placed on General File - Com AM1142	1256
May	16	Kiel AM2141 printed	2056

LEGISLATIVE BILL 649. By Dierks

Jan.	21	Read first time	345
Jan.	23	Referred to Committee on Agriculture	420
Jan.	24	Notice of hearing (2/4)	427
Feb.	5	Placed on General File	520

LEGISLATIVE BILL 649A. By Dierks

Feb.	7	Read first time.	

		Placed on General File	552

LEGISLATIVE BILL 650. By Hartnett

Jan.	22	Read first time	357
Jan.	24	Referred to Committee on Nebraska Retirement Systems	429
Jan.	27	Notice of hearing (3/6)	441

LEGISLATIVE BILL 651. By Hartnett

Jan.	22	Read first time	357
Jan.	24	Referred to Committee on Urban Affairs	429
Feb.	11	Notice of hearing (3/4)	582

LEGISLATIVE BILL 652. By Withem

Jan.	22	Read first time	357
Jan.	24	Referred to Committee on Education	429
Feb.	7	Notice of hearing (2/25)	546
June	4	Indefinitely postponed	2616

LEGISLATIVE BILL 653. By Warner

Jan.	22	Read first time	357
Jan.	24	Referred to Committee on Business and Labor	429
Jan.	30	Notice of hearing (2/10)	486

LEGISLATIVE BILL 654. By Coordsen, Schellpeper

Jan.	22	Read first time	357
Jan.	24	Referred to Committee on Natural Resources	429
Jan.	30	Notice of hearing (2/13)	489

LEGISLATIVE BILL 655. By Beutler

Jan.	22	Read first time	358
Jan.	24	Referred to Committee on Natural Resources	429
Jan.	28	Engel name added	459
Feb.	20	Notice of hearing (3/6)	709

LEGISLATIVE BILL 656. By Beutler

Jan.	22	Read first time	358
Jan.	24	Referred to Committee on Natural Resources	429
Jan.	29	Notice of hearing (2/5)	469
Feb.	28	Placed on General File - Com AM0521	834
Mar.	6	Beutler AM0807 to AM0521 printed	937

LEGISLATIVE BILL 656A. By Beutler

Mar.	6	Read first time. Placed on General File	927

LEGISLATIVE BILL 657. By Beutler

Jan.	22	Read first time	358
Jan.	24	Referred to Committee on Natural Resouces	429
Feb.	6	Notice of hearing (2/19)	541
May	2	Indefinitely postponed	1791

LEGISLATIVE BILL 658. By Beutler

Jan.	22	Read first time	358
Jan.	24	Referred to Committee on Health and Human Services	429
Jan.	29	Notice of hearing (3/13)	471
Mar.	18	Placed on General File - Com AM0960	1084
Apr.	23	Committee AM0960 p. 1084 adopted. Advanced for Review	1665
Apr.	28	Placed on Select File - AM7142	1707
Apr.	30	Beutler AM1811 to AM7142 printed	1738
May	13	Beutler AM2142 to AM7142 printed	1961
May	14	AM7142 (E & R) adopted. Beutler pending AM1811 p. 1738 and AM2142 p. 1961 withdrawn. McKenzie AM2148 adopted. Advanced for Engrossment	1971
May	20	Beutler-Tyson-Schellpeper AM2330 printed separate	2157
May	21	Beutler et al pending AM2330 p. 2157 withdrawn. Returned to Select File for Beutler AM2356. Beutler AM2356 (on file) adopted. Advanced for Engrossment	2178
May	27	Correctly Engrossed. ER9069 change	2329
May	29	Dispensing of the reading at large approved. Final Reading w/E 43-0-6	2451
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

(Provisions/portions of LB 580 amended into LB 658 by AM2148)
(Provisions/portions of LB 499 amended into LB 658 by AM2356)
(Provisions/portions of LB 684 amended into LB 658 by AM2148)
(Provisions/portions of LB 329 amended into LB 658 by AM2356)

LEGISLATIVE BILL 659. By Withem

Jan.	22	Read first time	358
Jan.	23	Robak name added	423
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	429
Feb.	13	Notice of hearing (2/25)	631
Mar.	13	Placed on General File - Com AM0897	1044
Mar.	20	Speaker priority bill	1142
Apr.	9	Committee AM0897 p. 1044 adopted. Advanced for Review	1424
Apr.	15	Placed on Select File - AM7127	1520
Apr.	16	AM7127 (E & R) adopted. Advanced for Engrossment	1544
Apr.	28	Correctly Engrossed	1712
May	14	Chambers FA306 printed	1981
May	28	Chambers pending FA306 p. 1981 withdrawn. Final Reading 42-0-7	2391
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 660. By Kristensen

Jan.	22	Read first time	358
Jan.	24	Referred to Committee on Transportation	429
Feb.	6	Notice of hearing (2/25)	524
Mar.	18	Kristensen priority bill	1076
Mar.	18	Elmer, Dw. Pedersen, Coordsen, Robinson, Bruning, Matzke, and C. Peterson names added	1100
Mar.	25	Placed on General File - Com AM1051 (printed separate)	1227
Apr.	3	Withem request to name Speaker major proposal	1330
Apr.	10	Executive Board approval of Speaker major proposal	1462
Apr.	15	Beutler AM1470, AM1474, and AM1471 withdrawn. Beutler request to substitute amendment prevailed. Beutler AM1469 withdrawn. Landis substitute FA165 lost. Beutler AM1477 to AM1051 pending	1505
Apr.	15	Beutler pending AM1477 p. 1508 , AM1476, AM1472, reoffered AM1469 p. 1506 and AM1475 withdrawn. Committee AM1051 p. 1227 adopted. Advanced for Review	1518
Apr.	15	Beutler FA166 printed	1522
Apr.	21	Robak AM1650 printed	1613
Apr.	22	Placed on Select File - AM7140	1638
May	5	AM7140 (E & R) adopted. Beutler request to	

		substitute amendment prevailed. Beutler pending FA166 p. 1522 withdrawn. Kristensen substitute AM1719 to AM1051 adopted as amended by Beutler FA234. Robak pending AM1650 p. 1613 lost. Chambers FA226, FA227, and FA228 adopted	1807
May	5	Chambers FA229 adopted. Chambers FA230 pending	1813
May	5	Chambers request to substitute amendment prevailed. Chambers pending FA230 p. 1814 and FA232 withdrawn. Chambers substitute FA235, FA231, and FA233 adopted	1819
May	5	Abboud AM1829 ruled not germane. Beutler AM1893 adopted. Beutler AM1937 lost. Advanced for Engrossment	1821
May	8	Correctly Engrossed. ER9059 change	1885
May	28	Final Reading w/E 33-0-16	2416
May	28	President signed	2430
May	28	Presented to Governor (5/28)	2432
June	3	Approved by Governor (6/3)	2581

(Provisions/portions of LB 685 amended into LB 660 by AM1051)
(Provisions/portions of LB 689 amended into LB 660 by AM1051)

LEGISLATIVE BILL 660A. By Kristensen

May	6	Read first time. Placed on General File	1833
May	7	Advanced for Review	1867
May	12	Placed on Select File	1906
May	14	Advanced for Engrossment	1978
May	14	Correctly Engrossed	1990
May	28	Final Reading 35-0-14	2417
May	28	President signed	2430
May	28	Presented to Governor (5/28)	2432
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 661. By Dierks, at the request of the Governor

Jan.	22	Read first time	358
Jan.	24	Referred to Committee on Agriculture	429
Feb.	13	Notice of hearing (3/4)	631

LEGISLATIVE BILL 662. By Schellpeper

Jan.	22	Read first time	359
Jan.	24	Referred to Committee on Revenue	429

Feb. 10	Notice of hearing (2/28)	562
Apr. 3	Indefinitely postponed	1333

LEGISLATIVE BILL 663. By Schellpeper

Jan. 22	Read first time	359
Jan. 24	Referred to Committee on Education	429
Feb. 7	Notice of hearing (2/24)	546
Mar. 18	Indefinitely postponed	1090

LEGISLATIVE BILL 664. By Hudkins

Jan. 22	Read first time	359
Jan. 24	Referred to Committee on Natural Resources	429
Feb. 20	Notice of hearing (3/12)	709

LEGISLATIVE BILL 665. By Coordsen

Jan. 22	Read first time	359
Jan. 24	Referred to Committee on Government, Military and Veterans Affairs	429
Feb. 11	Notice of hearing (2/27)	570
Mar. 5	Indefinitely postponed	904

LEGISLATIVE BILL 666. By Lynch

Jan. 22	Read first time	359
Jan. 24	Referred to Committee on Urban Affairs	429
Jan. 28	Notice of hearing (2/4)	460
Feb. 11	Placed on General File - Com AM0287	579
Feb. 13	Committee AM0287 p. 579 adopted. Advanced for Review	626
Feb. 18	Placed on Select File	654
Feb. 24	Advanced for Engrossment	746
Feb. 27	Correctly Engrossed	808
Mar. 10	Final Reading 44-0-5	960
Mar. 10	President signed	974
Mar. 10	Presented to Governor (3/10)	981
Mar. 18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 667. By Lynch

Jan. 22	Read first time	359
Jan. 24	Referred to Committee on Natural Resources	429
Feb. 20	Notice of hearing (3/13)	709
Feb. 27	Notice of hearing (3/13) (cancel) Notice of hearing (3/6) (reset)	807

LEGISLATIVE BILL 668. By Lynch

Jan.	22	Read first time	359
Jan.	24	Referred to Committee on Natural Resources	429
Jan.	28	Rereferred to Committee on Revenue	445
Feb.	10	Notice of hearing (3/6)	562

LEGISLATIVE BILL 669. By Wehrbein, Brown, Crosby, Engel, Hillman, Kiel, Lynch, Maurstad, D. Pederson

Jan.	22	Read first time	360
Jan.	24	Referred to Committee on Appropriations	429
Feb.	27	Notice of hearing (3/18)	797

LEGISLATIVE BILL 670. By Preister

Jan.	22	Read first time	360
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	429
Jan.	29	Notice of hearing (2/7)	470
Feb.	19	Indefinitely postponed	676

LEGISLATIVE BILL 671. By Suttle

Jan.	22	Read first time	360
Jan.	24	Referred to Committee on Revenue	429
Jan.	29	Notice of hearing (2/5)	474
Feb.	12	Indefinitely postponed	608

LEGISLATIVE BILL 672. By Warner

Jan.	22	Read first time	360
Jan.	24	Referred to Committee on Education	429
Jan.	30	Notice of hearing (2/10)	488
June	2	Indefinitely postponed	2518

LEGISLATIVE BILL 673. By Warner

Jan.	22	Read first time	360
Jan.	24	Referred to Committee on Appropriations	429
Feb.	27	Notice of hearing (3/20)	797

LEGISLATIVE BILL 674. By Beutler

Jan.	22	Read first time	360
Jan.	24	Referred to Committee on Judiciary	429
Feb.	12	Notice of hearing (2/26)	612
Mar.	24	Placed on General File - Com AM1125	1196

LEGISLATIVE BILL 675. By Beutler

Jan.	22	Read first time	360
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	430
Feb.	13	Notice of hearing (2/25)	631
Mar.	11	Indefinitely postponed	995

LEGISLATIVE BILL 676. By Beutler

Jan.	22	Read first time	361
Jan.	24	Referred to Committee on Judiciary	430
Feb.	12	Notice of hearing (3/6)	613

LEGISLATIVE BILL 677. By Beutler

Jan.	22	Read first time	361
Jan.	24	Referred to Committee on Judiciary	430
Jan.	30	Notice of hearing (2/21)	487
Feb.	11	Notice of hearing (2/21) (cancel)	
		Notice of hearing (2/19) (reset)	582
Mar.	4	Indefinitely postponed	887
Mar.	20	Speaker priority bill	1142

(Provisions/portions of LB 677 amended into LB 229 by AM1120)

LEGISLATIVE BILL 678. By Beutler

Jan.	22	Read first time	361
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	430
Feb.	11	Notice of hearing (2/26)	570
Apr.	29	Beutler motion to place on General File printed	1715

(Provisions/portions of LB 678 amended into LB 420 by AM2264)

LEGISLATIVE BILL 679. By Beutler

Jan.	22	Read first time	361
Jan.	24	Referred to Committee on Natural Resources	430
Feb.	6	Notice of hearing (2/21)	541
Mar.	6	Placed on General File	937

(Provisions/portions of LB 679 amended into LB 495 by AM1526)

LEGISLATIVE BILL 680. By Beutler

Jan.	22	Read first time	361
Jan.	24	Referred to Committee on Education	430
Jan.	30	Notice of hearing (2/10)	488
June	4	Indefinitely postponed	2616

LEGISLATIVE BILL 681. By Beutler

Jan.	22	Read first time	362
Jan.	24	Referred to Committee on Appropriations	430
Feb.	27	Notice of hearing (3/21)	797

LEGISLATIVE BILL 682. By Beutler

Jan.	22	Read first time	362
Jan.	24	Referred to Committee on Natural Resources	430
Jan.	30	Notice of hearing (2/7)	488

LEGISLATIVE BILL 683. By Beutler

Jan.	22	Read first time	362
Jan.	24	Referred to Committee on Natural Resources	430
Feb.	20	Notice of hearing (3/19)	709
Mar.	27	Placed on General File	1263

LEGISLATIVE BILL 684. By Beutler

Jan.	22	Read first time	362
Jan.	24	Referred to Committee on Natural Resources	430
Jan.	30	Notice of hearing (2/6)	488
Feb.	19	Placed on General File	683

(Provisions/portions of LB 684 amended into LB 658 by AM2148)

LEGISLATIVE BILL 685. By Kristensen

Jan.	22	Read first time	362
Jan.	24	Referred to Committee on Transportation	430
Feb.	6	Notice of hearing (2/25)	524
Mar.	25	Indefinitely postponed	1227

(Provisions/portions of LB 685 amended into LB 660 by AM1051)

LEGISLATIVE BILL 686. By Kristensen

Jan.	22	Read first time	362
Jan.	24	Referred to Committee on Transportation	430
Feb.	6	Notice of hearing (2/25)	524
Mar.	18	Elmer priority bill	1076
Mar.	18	Elmer, Dw. Pedersen, Coordsen, Robinson, and Matzke names added	1101
Mar.	25	Placed on General File	1227
Apr.	15	Beutler AM1500 pending	1528
Apr.	15	Beutler AM1501 printed	1528
Apr.	15	Beutler AM1497, AM1498, AM1496 and Chambers FA167 printed	1529
Apr.	16	Beutler pending AM1500 p. 1528	

		pending	1560
Apr.	16	Beutler pending AM1500 p. 1528 pending. Chambers FA171 to AM1500 pending. Tyson asked unanimous consent to bracket until 5/8/97. Objection. Tyson motion to bracket until 5/8/97 failed	1563
Apr.	16	Beutler pending AM1501 p. 1528 and AM1498 p. 1529 adopted. Beutler pending AM1500 p. 1528 lost. Beutler request to substitute amendment prevailed. Beutler pending AM1497 p. 1529 withdrawn. Chambers pending FA171 p. 1563, FA167, Beutler pending AM1497, AM1496 p. 1529, substitute FA172 and FA173 withdrawn. Beutler AM1535 pending	1565
Apr.	16	Beutler pending AM1535 p. 1567 adopted as amended by Elmer FA176. Advanced for Review	1567
Apr.	28	Placed on Select File - AM7141	1685
May	5	AM7141 (E & R) adopted. Beutler request to substitute amendment prevailed. Beutler AM1941 withdrawn. Chambers substitute AM1759, AM1836 and Landis AM1867 adopted. Beutler AM1938 lost. Beutler AM1900 pending	1825
May	6	Beutler pending AM1900 p. 1827 withdrawn. Kristensen AM1758 adopted. Advanced for Engrossment	1829
May	8	Correctly Engrossed. ER9060 change	1885
May	28	Final Reading 33-1-15	2417
May	28	President signed	2430
May	28	Presented to Governor (5/28)	2432
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 687. By Kristensen

Jan.	22	Read first time	362
Jan.	24	Referred to Committee on Transportation	430
Feb.	6	Notice of hearing (2/25)	524
Mar.	25	Indefinitely postponed	1227

LEGISLATIVE BILL 688. By Kristensen

Jan.	22	Read first time	362
Jan.	24	Referred to Committee on Transportation	430
Feb.	6	Notice of hearing (2/24)	524
Mar.	25	Indefinitely postponed	1227

LEGISLATIVE BILL 689. By Kristensen

Jan.	22	Read first time	363
Jan.	24	Referred to Committee on Transportation	430
Feb.	6	Notice of hearing (2/24)	524
Mar.	25	Indefinitely postponed	1227

(Provisions/portions of LB 689 amended into LB 660 by AM1051)

LEGISLATIVE BILL 690. By Vrtiska

Jan.	22	Read first time	363
Jan.	24	Referred to Committee on Revenue	430
Feb.	4	Notice of hearing (2/13)	507
Feb.	24	Indefinitely postponed	752

LEGISLATIVE BILL 691. By Vrtiska

Jan.	22	Read first time	363
Jan.	24	Referred to Committee on Revenue	430
Feb.	10	Notice of hearing (2/20)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 692. By Hilgert

Jan.	22	Read first time	363
Jan.	24	Referred to Committee on Health and Human Services	430
Jan.	29	Notice of hearing (2/12)	470

LEGISLATIVE BILL 693. By Hilgert

Jan.	22	Read first time	363
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	430
Feb.	11	Notice of hearing (2/19)	570
Feb.	24	Indefinitely postponed	751

LEGISLATIVE BILL 694. By Cudaback

Jan.	22	Read first time	363
Jan.	24	Referred to Committee on Transportation	430
Feb.	27	Notice of hearing (3/18)	807

LEGISLATIVE BILL 695. By Cudaback

Jan.	22	Read first time	363
Jan.	24	Referred to Committee on Judiciary	430
Jan.	30	Notice of hearing (2/20)	487

Mar.	24	Placed on General File	1196
June	3	Cudaback AM1406 printed	2564

LEGISLATIVE BILL 696. By Hartnett

Jan.	22	Read first time	364
Jan.	24	Referred to Committee on Revenue	430
Feb.	4	Notice of hearing (2/12)	507
Mar.	3	Indefinitely postponed	846

LEGISLATIVE BILL 697. By Hartnett

Jan.	22	Read first time	364
Jan.	24	Referred to Committee on Transportation	430
Feb.	27	Notice of hearing (3/18)	807
Apr.	1	Indefinitely postponed	1303

LEGISLATIVE BILL 698. By Hartnett

Jan.	22	Read first time	364
Jan.	24	Referred to Committee on Transportation	430
Feb.	27	Notice of hearing (3/18)	807
Apr.	1	Indefinitely postponed	1304

LEGISLATIVE BILL 699. By Natural Resources Committee

Jan.	22	Read first time	365
Jan.	24	Referred to Committee on Natural Resources	430
Feb.	6	Notice of hearing (2/28)	541
Mar.	20	Speaker priority bill	1142

LEGISLATIVE BILL 700. By Beutler

Jan.	22	Read first time	365
Jan.	24	Referred to Committee on Natural Resources	430
Feb.	6	Notice of hearing (2/28)	541
Mar.	11	Placed on General File - Com AM0794	991

LEGISLATIVE BILL 701. By Beutler

Jan.	22	Read first time	365
Jan.	24	Referred to Committee on Natural Resources	430
Feb.	20	Notice of hearing (3/5)	709
Mar.	19	Placed on General File	1109

LEGISLATIVE BILL 702. By Beutler

Jan.	22	Read first time	365
Jan.	24	Referred to Committee on Natural Resources	430

Feb.	20	Notice of hearing (3/5)	709
Mar.	19	Placed on General File	1109
Apr.	9	Beutler FA154 printed	1431
Apr.	23	Beutler pending FA154 p. 1431 withdrawn. Beutler AM1725 adopted. Advanced for Review	1666
Apr.	28	Placed on Select File - AM7143	1709

LEGISLATIVE BILL 703. By Beutler

Jan.	22	Read first time	365
Jan.	24	Referred to Committee on Natural Resources	430
Feb.	6	Notice of hearing (2/27)	541

LEGISLATIVE BILL 704. By Beutler

Jan.	22	Read first time	365
Jan.	24	Referred to Committee on Natural Resources	430
Feb.	20	Notice of hearing (3/12)	709

LEGISLATIVE BILL 705. By Beutler

Jan.	22	Read first time	365
Jan.	24	Referred to Committee on Natural Resources	430
Feb.	20	Notice of hearing (3/12)	709

LEGISLATIVE BILL 706. By Beutler

Jan.	22	Read first time	366
Jan.	24	Referred to Committee on Judiciary	430
Jan.	30	Notice of hearing (2/19)	487
Mar.	24	Indefinitely postponed	1210

LEGISLATIVE BILL 707. By Bohlke, Janssen

Jan.	22	Read first time	366
Jan.	23	C. Peterson name added	423
Jan.	24	Referred to Committee on Natural Resources	430
Feb.	20	Notice of hearing (3/6)	709
Feb.	27	Notice of hearing (3/6) (cancel) Notice of hearing (3/13) (reset)	807

LEGISLATIVE BILL 708. By Janssen, Hartnett

Jan.	22	Read first time	366
Jan.	24	Referred to Committee on Urban Affairs	430
Feb.	11	Notice of hearing (3/4)	582

LEGISLATIVE BILL 709. By Schmitt

Jan.	22	Read first time	366
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	430
Feb.	24	Notice of hearing (3/5)	748
Mar.	18	Placed on General File	1079

LEGISLATIVE BILL 710. By Bohlke

Jan.	22	Read first time	367
Jan.	24	Referred to Committee on Education	430
Jan.	30	Notice of hearing (2/11)	488
Feb.	13	Placed on General File	617
Feb.	20	Advanced for Review	703
Feb.	26	Placed on Select File - AM7067	792
Apr.	9	AM7067 (E & R) adopted. Advanced for Engrossment	1441
Apr.	9	Bracketed until 6/1/97	1451
May	30	Bohlke AM2492 printed separate	2506
June	2	Wickersham-Bromm AM2488 printed	2532
June	3	Returned to Select File for Bohlke AM2492. Bohlke request to substitute amendment prevailed. Bohlke pending AM2492 p. 2506 withdrawn. Bohlke substitute AM2635 (on file) adopted. Advanced for Engrossment	2557
June	3	Wickersham-Bromm pending AM2488 p. 2532 withdrawn. Returned to Select File for Bohlke AM2636. Bohlke AM2636 adopted. Advanced for Engrossment	2558
June	3	Returned to Select File for Bromm AM2637. Bromm AM2637 adopted. Advanced for Engrossment	2567
June	3	Returned to Select File for Wickersham-Bohlke AM2646. Wickersham-Bohlke AM2646 adopted. Advanced for Engrossment	2593
June	4	Correctly Engrossed. ER9108 change	2615
June	12	Dispensing of the reading at large approved. Final Reading 37-7-5	2745
June	12	President signed	2747
June	12	Presented to Governor (6/12)	2750
June	18	Engel explanation of vote. Approved by Governor (6/16)	2759 2759

LEGISLATIVE BILL 711. By Bohlke

Jan.	22	Read first time	367
Jan.	24	Referred to Committee on Education	430
Feb.	7	Notice of hearing (3/10)	547

Mar. 20	Education Committee priority bill	1125
June 4	Placed on General File	2616

LEGISLATIVE BILL 712. By Bohlke

Jan. 22	Read first time	367
Jan. 24	Referred to Committee on Education	430
Feb. 7	Notice of hearing (2/18)	546
Feb. 21	Placed on General File - Com AM0475	712

LEGISLATIVE BILL 713. By Bohlke

Jan. 22	Read first time	367
Jan. 24	Referred to Committee on Education	430
Jan. 30	Notice of hearing (2/10)	488
Feb. 18	Placed on General File - Com AM0274	638
Feb. 20	Committee AM0274 p. 638 adopted. Advanced for Review	710
Feb. 27	Placed on Select File - AM7072	796
Mar. 4	AM7072 (E & R) adopted. Advanced for Engrossment	879
Mar. 6	Correctly Engrossed	919
Mar. 21	Dispensing of the reading at large approved. Final Reading 42-0-7	1162
Mar. 21	Speaker signed	1177
Mar. 21	Presented to Governor (3/21)	1184
Mar. 26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 714. By Bohlke

Jan. 22	Read first time	367
Jan. 24	Referred to Committee on Education	430
Jan. 30	Notice of hearing (2/11)	488
June 5	Placed on General File	2683

LEGISLATIVE BILL 715. By Bohlke

Jan. 22	Read first time	367
Jan. 24	Referred to Committee on Education	430
Feb. 7	Notice of hearing (3/11)	547

LEGISLATIVE BILL 716. By Bohlke

Jan. 22	Read first time	368
Jan. 24	Referred to Committee on Education	430
Feb. 7	Notice of hearing (2/24)	546
June 2	Indefinitely postponed	2518

(Provisions/portions of LB 716 amended into LB 806 by FA 191)

LEGISLATIVE BILL 717. By Preister, Kiel, Lynch, C. Peterson, Suttle

Jan.	22	Read first time	368
Jan.	24	Referred to Committee on Revenue	430
Feb.	20	Notice of hearing (3/12)	701
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 718. By Preister, Hartnett, Kiel, Landis, Lynch, Schimek, Wesely

Jan.	22	Read first time	368
Jan.	24	Referred to Committee on Natural Resources	430
Feb.	6	Notice of hearing (2/19)	541

LEGISLATIVE BILL 719. By Schrock, Coordsen, Schellpeper, Vrtiska

Jan.	22	Read first time	368
Jan.	24	Referred to Committee on Revenue	430
Feb.	10	Notice of hearing (2/28)	562
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 720. By Transportation Committee

Jan.	22	Read first time	368
Jan.	24	Referred to Committee on Transportation	430
Jan.	28	Notice of hearing (2/10)	452
Feb.	13	Placed on General File - Com AM0317 (printed separate)	631
Feb.	20	Committee AM0317 p. 631 adopted. Advanced for Review	704
Feb.	24	Kristensen AM0506 printed	760
Feb.	27	Placed on Select File - AM7069	796
Mar.	5	AM7069 (E & R) adopted. Kristensen pending AM0506 p. 760 adopted. Advanced for Engrossment	898
Mar.	10	Correctly Engrossed. ER9027 change	942
Mar.	21	Dispensing of the reading at large approved. Final Reading w/E 39-0-10	1165
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

(Provisions/portions of LB 721 amended into LB 720 by AM0317)

LEGISLATIVE BILL 721. By Transportation Committee

Jan.	22	Read first time	369
Jan.	24	Referred to Committee on Transportation	430

Jan.	28	Notice of hearing (2/10)	452
Feb.	12	Indefinitely postponed	609

(Provisions/portions of LB 721 amended into LB 720 by AM0317)

LEGISLATIVE BILL 722. By Transportation Committee

Jan.	22	Read first time	369
Jan.	24	Referred to Committee on Transportation	430
Jan.	28	Notice of hearing (2/10)	452
Feb.	11	Placed on General File	579
Feb.	18	Advanced for Review	649
Feb.	21	Placed on Select File	715
Feb.	24	Advanced for Engrossment	747
Feb.	28	Correctly Engrossed	838
Mar.	10	Final Reading 43-0-6	964
Mar.	10	President signed	974
Mar.	10	Presented to Governor (3/10)	981
Mar.	18	Approved by Governor (3/13)	1075

LEGISLATIVE BILL 723. By Hilgert

Jan.	22	Read first time	369
Jan.	24	Referred to Committee on General Affairs	430
Feb.	5	Notice of hearing (3/3)	516
Apr.	1	Indefinitely postponed	1301

LEGISLATIVE BILL 724. By Wickersham

Jan.	22	Read first time	369
Jan.	24	Referred to Committee on Nebraska Retirement Systems	431
Jan.	30	Notice of hearing (3/13)	486
Mar.	5	Nebraska Retirement Systems Committee priority bill	909
Mar.	20	Placed on General File - Com AM1093	1143
Apr.	23	Committee AM1093 p. 1143 adopted. Advanced for Review	1666
Apr.	28	Placed on Select File - AM7145	1709
May	2	Wickersham AM1828 printed	1792
May	14	AM7145 (E & R) adopted. Wickersham pending AM1828 p. 1792 adopted. Advanced for Engrossment	1976
May	16	Correctly Engrossed	2072
June	3	Final Reading 45-0-4	2578
June	3	Speaker signed	2586
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 724A. By Wickersham

May	5	Read first time. Placed on General File	1828
May	7	Advanced for Review	1868
May	12	Placed on Select File	1906
May	14	Advanced for Engrossment	1977
May	16	Correctly Engrossed	2072
May	21	Wickersham AM2374 printed	2279
May	28	Returned to Select File for Wickersham AM2374. Wickersham pending AM2374 p. 2279 adopted. Advanced for Reengrossment	2392
May	28	Correctly Reengrossed. ER9086 change	2432
June	3	Final Reading 43-0-6	2578
June	3	Speaker signed	2586
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 725. By Wickersham

Jan.	22	Read first time	369
Jan.	24	Referred to Committee on Nebraska Retirement Systems	431
Jan.	30	Notice of hearing (3/13)	486
June	5	Indefinitely postponed	2688

LEGISLATIVE BILL 726. By Wickersham

Jan.	22	Read first time	370
Jan.	24	Referred to Committee on Government, Military and Veterans Affairs	431
Feb.	5	Notice of hearing (2/12)	515
Mar.	4	Placed on General File	880

LEGISLATIVE BILL 727. By Landis

Jan.	22	Read first time	370
Jan.	24	Referred to Committee on Judiciary	431
Feb.	12	Notice of hearing (2/26)	612
Mar.	3	Placed on General File	849
Apr.	2	Advanced for Review	1311
Apr.	8	Placed on Select File	1391
Apr.	9	Landis AM1281 printed	1435
Apr.	16	Landis pending AM1281 p. 1435 adopted. Advanced for Engrossment	1543
Apr.	28	Correctly Engrossed	1688
May	14	Chambers FA321 printed	1981
May	29	Chambers pending FA321 p. 1981 withdrawn. Dispensing of the reading at large	

		approved. Final Reading 43-0-6	2452
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

LEGISLATIVE BILL 728. By Landis

Jan.	22	Read first time	370
Jan.	24	Referred to Committee on Judiciary	431
Feb.	21	Notice of hearing (3/19)	719

LEGISLATIVE BILL 729. By Landis

Jan.	22	Read first time	370
Jan.	24	Referred to Committee on Judiciary	431
Feb.	20	Notice of hearing (3/12)	710
Mar.	20	Speaker priority bill	1142
Apr.	9	Placed on General File - Com AM1323	1425
May	22	Committee AM1323 p. 1425 adopted. Advanced for Review	2314
May	28	Landis AM2443 printed	2407
May	28	Placed on Select File - AM7173	2423
June	3	AM7173 (E & R) adopted. Landis pending AM2443 p. 2407 withdrawn. D. Pederson-Landis AM2648 adopted. Advanced for Engrossment	2613
June	4	Correctly Engrossed	2622
June	12	Beutler asked unanimous consent to bracket until 1/1/98. Objection. Beutler motion to bracket until 1/1/98 withdrawn	2739
June	12	Final Reading 32-5-12	2740
June	12	President signed	2747
June	12	Presented to Governor (6/12)	2750
June	18	Engel explanation of vote. Approved by Governor (6/16)	2759

LEGISLATIVE BILL 729A. By Landis

May	27	Read first time. Placed on General File	2344
May	30	Advanced for Review	2502
May	30	Placed on Select File	2510
June	3	Advanced for Engrossment	2613
June	4	Correctly Engrossed	2622
June	12	Final Reading 38-0-11	2741
June	12	President signed	2747
June	12	Presented to Governor (6/12)	2750
June	18	Approved by Governor (6/16)	2759

LEGISLATIVE BILL 730. By Landis

Jan.	22	Read first time	370
Jan.	24	Referred to Committee on Judiciary	431
Jan.	30	Notice of hearing (2/21)	487
Feb.	13	Notice of hearing (2/21) (cancel)	631
Feb.	21	Notice of hearing (3/19) (reset)	719
Mar.	24	Placed on General File - Com AM1046	1197

(Provisions/portions of LB 730 amended into LB 372 by AM1285)

LEGISLATIVE BILL 731. By Landis

Jan.	22	Read first time	370
Jan.	24	Referred to Committee on Banking, Commerce and Insurance	431
Mar.	3	Notice of hearing (3/10)	846

LEGISLATIVE BILL 732. By Will

Jan.	22	Read first time	371
Jan.	24	Referred to Committee on General Affairs	431
Feb.	5	Notice of hearing (3/3)	516
Mar.	10	Placed on General File - Com AM0688	975

LEGISLATIVE BILL 733. By Wickersham, Beutler

Jan.	22	Read first time	371
Jan.	24	Referred to Committee on Natural Resources	431
Jan.	29	Notice of hearing (2/5)	469
May	2	Indefinitely postponed	1792

(Provisions/portions of LB 733 amended into LB 107 by AM0341)

LEGISLATIVE BILL 734. By Robinson

Jan.	22	Read first time	371
Jan.	24	Referred to Committee on Urban Affairs	431
Feb.	11	Notice of hearing (2/18)	581
Feb.	24	Placed on General File	752
Mar.	6	Advanced for Review	928
Mar.	11	Placed on Select File	987
Mar.	20	Advanced for Engrossment	1131
Mar.	24	Correctly Engrossed	1186
Apr.	1	Final Reading 41-0-8	1284
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 735. By Robak

Jan. 22	Read first time	371
Jan. 24	Referred to Committee on Natural Resources	431
Jan. 29	Notice of hearing (2/5)	469
May 2	Indefinitely postponed	1792

(Provisions/portions of LB 735 amended into LB 19 by FA 17)

LEGISLATIVE BILL 736. By Robak

Jan. 22	Read first time	371
Jan. 24	Referred to Committee on Health and Human Services	431
Jan. 29	Notice of hearing (3/12)	471
Mar. 20	Placed on General File - Com AM1052	1141

LEGISLATIVE BILL 737. By Will

Jan. 22	Read first time	372
Jan. 24	Referred to Committee on Revenue	431
Jan. 30	Notice of hearing (2/6)	488
Apr. 3	Indefinitely postponed	1333

LEGISLATIVE BILL 738. By Chambers

Jan. 22	Read first time	372
Jan. 24	Referred to Committee on Government, Military and Veterans Affairs	431
Feb. 24	Notice of hearing (3/6)	748
Mar. 18	Indefinitely postponed	1080

LEGISLATIVE BILL 739. By Landis

Jan. 22	Read first time	372
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	431
Mar. 3	Notice of hearing (3/18)	847
Mar. 5	Correction	852

LEGISLATIVE BILL 740. By Landis

Jan. 22	Read first time	372
Jan. 24	Referred to Committee on Banking, Commerce and Insurance	431
Feb. 13	Notice of hearing (2/25)	631
Feb. 26	Placed on General File	789
Mar. 20	Banking, Commerce and Insurance Committee priority bill	1125
Mar. 27	Advanced for Review	1253
Apr. 1	Placed on Select File	1307
Apr. 16	Advanced for Engrossment	1534

Apr.	23	Correctly Engrossed	1662
May	14	Chambers FA295 printed	1981
May	21	Chambers pending FA295 p. 1981 withdrawn. Final Reading 42-0-7	2183
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 741. By Landis

Jan.	22	Read first time	373
Jan.	28	Referred to Committee on Banking, Commerce and Insurance	445
Feb.	24	Notice of hearing (3/4)	748
Mar.	5	Placed on General File	904
Mar.	21	Landis AM1144 printed	1183
Apr.	2	Landis pending AM1144 p. 1183 adopted. Advanced for Review	1312
Apr.	8	Placed on Select File - AM7116	1392
Apr.	16	AM7116 (E & R) adopted. Advanced for Engrossment	1543
Apr.	28	Correctly Engrossed	1688
May	14	Chambers FA307 printed	1981
May	28	Chambers pending FA307 p. 1981 withdrawn	2392
May	28	Final Reading 43-0-6	2393
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 742. By Wickersham, Jones

Jan.	22	Read first time	373
Jan.	28	Referred to Committee on Education	445
Jan.	28	Notice of hearing (2/4)	449
May	30	Indefinitely postponed	2515

LEGISLATIVE BILL 743. By Wickersham

Jan.	22	Read first time	373
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	445
Mar.	4	Notice of hearing (3/19)	889
Mar.	24	Indefinitely postponed	1190

LEGISLATIVE BILL 744. By Beutler

Jan.	22	Read first time	373
Jan.	28	Referred to Committee on Natural Resources	445
Jan.	30	Notice of hearing (2/13)	489

LEGISLATIVE BILL 745. By Hartnett, Hillman, McKenzie, Preister, Tyson, Wickersham, at the request of the Governor

Jan.	22	Read first time	373
Jan.	28	Referred to Committee on Revenue	445
Feb.	4	Notice of hearing (2/12)	507
Mar.	3	Indefinitely postponed	846

LEGISLATIVE BILL 746. By Tyson

Jan.	22	Read first time	374
Jan.	28	Referred to Committee on Urban Affairs	445
Feb.	4	Notice of hearing (2/11)	507
Feb.	24	Placed on General File	752
Mar.	6	Advanced for Review	928
Mar.	11	Placed on Select File	987
Mar.	20	Pending	1131
Mar.	26	Tyson AM1154 printed	1242
Apr.	8	Tyson AM1277 printed	1408
Apr.	9	Tyson pending AM1154 p. 1242 withdrawn. Tyson pending AM1277 p. 1408 adopted. Advanced for Engrossment	1450
Apr.	14	Correctly Engrossed. ER9044 change	1503
May	7	Final Reading 39-0-9	1858
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 747. By Tyson, Wesely

Jan.	22	Read first time	374
Jan.	28	Referred to Committee on Natural Resources	445
Jan.	30	Notice of hearing (2/7)	488
May	2	Indefinitely postponed	1792

LEGISLATIVE BILL 748. By Tyson

Jan.	22	Read first time	374
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (2/27)	612

LEGISLATIVE BILL 749. By Tyson

Jan.	22	Read first time	374
Jan.	28	Referred to Committee on Natural Resources	446
Feb.	6	Notice of hearing (2/26)	541
May	2	Indefinitely postponed	1792

LEGISLATIVE BILL 750. By Tyson

Jan.	22	Read first time	374
Jan.	28	Referred to Committee on Natural Resources	446
Feb.	6	Notice of hearing (2/26)	541
May	5	Indefinitely postponed	1820

LEGISLATIVE BILL 751. By Beutler

Jan.	22	Read first time	374
Jan.	28	Referred to Committee on Judiciary	446
Feb.	21	Notice of hearing (3/19)	719

LEGISLATIVE BILL 752. By Beutler, at the request of the Governor

Jan.	22	Read first time	375
Jan.	23	Brown name added	423
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (2/26)	612
Mar.	11	Brown priority bill	990
Apr.	14	Placed on General File - Com AM1359 (printed separate)	1497
Apr.	29	Executive Board approval of Speaker major proposal	1722
Apr.	30	Brashear AM1819 to AM1359 printed	1768
May	1	Chambers motion to indefinitely postpone before reading of the title pending	1775
May	1	Chambers pending motion to indefinitely postpone p. 1775 failed. Bill read section by section. Committee AM1359 p. 1497 sustained division of question. Brashear pending AM1819 p. 1768 to FA207 (1st) adopted. Chambers FA217 withdrawn. Brown FA219 to FA207 (1st) adopted. Chambers motion to reconsider FA219 pending	1777
May	1	Chambers FA218 to FA207 and Brown AM1855 to FA209 printed	1785
May	1	Brown AM1853 to FA212 printed	1786
May	1	Brown AM1856 to FA216 printed	1787
May	2	Chambers pending motion p. 1780 to reconsider FA219 withdrawn. Chambers motion to bracket until 5/19/97 pending	1791
May	2	Chambers pending motion to bracket p. 1791 failed. Chambers reoffered FA217 p. 1779, pending FA218 p. 1785, and FA220 lost. Beutler motion to invoke cloture prevailed. Committee AM1359 p. 1497 adopted.	

		Advanced for Review	1792
May	2	Chambers FA221, FA222, FA223, FA224, and FA225 printed	1800
May	2	Chambers AM1872, AM1873 and AM1874 printed	1803
May	2	Chambers AM1875, AM1876, AM1877, AM1878, AM1879, AM1880, and AM1881 printed	1804
May	2	Chambers AM1882, AM1883, and AM1884 printed	1805
May	5	Bruning explanation of vote	1813
May	5	Chambers AM1901 printed	1814
May	5	Chambers AM1902, AM1903, AM1904, AM1905, AM1906, AM1907 and AM1908 printed	1815
May	5	Chambers AM1909, AM1910, AM1911, AM1912, AM1913, AM1914 and AM1915 printed	1816
May	5	Chambers AM1916, AM1917, AM1918, AM1919, AM1920, AM1921 and AM1922 printed	1817
May	5	Chambers AM1923, AM1924, AM1925, AM1926, AM1927, AM1928 and AM1929 printed	1818
May	5	Chambers AM1930 printed	1819
May	12	Placed on Select File - AM7155	1904
May	15	Brown AM2195 printed	2039
May	20	Beutler AM2307 printed separate	2157
May	21	Coordsen AM2357 printed	2214
May	21	AM7155 (E & R) adopted. Brown AM2364 (on file) pending	2251
May	21	Brown pending AM2364 p. 2251 sustained division of question. Brown FA370 (1st) pending	2252
May	21	Brown pending FA370 (1st) p. 2252 adopted. Brown FA368 (2nd) adopted as amended by Chambers FA374	2262
May	21	Dw. Pedersen AM2373 printed	2274
May	21	Brown FA369 (3rd) adopted as amended by Beutler FA375	2280
May	21	Raikes AM2379 printed	2281
May	21	Brown FA371 (4th) and FA372 (5th) adopted. Brown FA373 (6th) pending	2282
May	21	Coordsen AM2377 to AM2307 printed	2288
May	29	Brown pending FA373 (6th) p. 2288 pending	2460
May	29	Brown pending FA373 (6th) p. 2288 adopted. Chambers motion to reconsider FA373 pending	2462
May	29	Chambers pending motion p. 2462 to reconsider FA373 failed. Coordsen pending AM2377 p. 2288 withdrawn. Beutler pending AM2307 p. 2157 withdrawn as amended	

		by Chambers FA410. Brown pending AM1855, AM1853, and AM1856 p. 1785, 1786, and 1787 withdrawn. Beutler motion to invoke cloture prevailed. Chambers pending FA221 p. 1800 lost. Advanced for Engrossment	2464
June	2	Correctly Engrossed	2534
June	2	ER9089 change	2537
June	4	Beutler motion to suspend rules to permit consideration on Final Reading without the A bill printed	2620
June	5	Chambers motion to return to Select File for pending FA222 p. 1800 withdrawn	2672
June	5	Chambers motion to return to Select File for pending FA223 p. 1800 withdrawn. Chambers motion to return to Select File for pending FA224 p. 1800 withdrawn. Chambers pending FA225, AM1872 through AM1884, and AM1901 through AM1930 p. 1800, 1803, 1804, 1805, 1814, 1815, 1816, 1817, 1818, 1819 withdrawn. Brown pending AM2195 p. 2039, Coordsen pending AM2357 p. 2214, Dw. Pedersen pending AM2373 p. 2274 and Raikes pending AM2379 p. 2281 withdrawn	2673
June	5	Beutler pending motion p. 2620 to permit consideration on Final Reading without the A bill prevailed. Dispensing of the reading at large approved. Final Reading 28-19-2	2674
June	5	Speaker signed	2697
June	12	Presented to Governor (6/5)	2698
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 752A. By Beutler

May	5	Read first time. Placed on General File	1821
May	7	Advanced for Review	1868
May	12	Placed on Select File - AM7151	1906
May	29	AM7151 (E & R) adopted. Passed over	2472
May	29	Chambers AM2538, AM2539, AM2540, AM2541, AM2542, AM2543, AM2544, AM2545, and AM2546 printed	2482
May	29	Chambers AM2547, AM2548, AM2549, AM2550, AM2551, AM2552, AM2553, AM2554, AM2555, AM2556, AM2557, and AM2558 printed	2483
May	29	Chambers AM2559 and AM2560 printed	2484
May	29	Beutler motion to suspend rules and vote on advancement without further	

		amendment, motion or debate printed	2484

LEGISLATIVE BILL 753. By Matzke

Jan.	22	Read first time	375
Jan.	28	Referred to Committee on Banking, Commerce and Insurance	446
Feb.	13	Notice of hearing (2/24)	631
Feb.	25	Placed on General File	770
Mar.	6	Advanced for Review	929
Mar.	11	Placed on Select File - AM7086	988
Mar.	20	AM7086 (E & R) adopted. Advanced for Engrossment	1132
Mar.	24	Correctly Engrossed	1209
Apr.	1	Final Reading w/E 40-0-9	1285
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 754. By Matzke

Jan.	22	Read first time	375
Jan.	28	Referred to Committee on Banking, Commerce and Insurance	446
Feb.	24	Notice of hearing (3/3)	748
Mar.	11	Indefinitely postponed	995

LEGISLATIVE BILL 755. By C. Peterson, Bruning, Dierks, Hudkins, Janssen, Kiel, McKenzie, Schmitt, Stuhr, Suttle, Vrtiska

Jan.	22	Read first time	375
Jan.	23	Robak name added	423
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	446
Feb.	11	Notice of hearing (2/19)	570
Feb.	25	Placed on General File - Com AM0533	771
Feb.	25	Hilgert name added	783
Feb.	26	Bromm name added	794
Mar.	6	Committee AM0533 p. 771 adopted. Advanced for Review	929
Mar.	11	Placed on Select File	988
Mar.	12	Attorney General's Opinion #97020 to C. Peterson	1025
Mar.	20	Advanced for Engrossment	1132
Mar.	24	Correctly Engrossed	1209
June	3	Final Reading w/E 43-0-6	2573
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 756. By C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Preister, Stuhr, Suttle

Jan.	22	Read first time	375
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (3/5)	613
Mar.	18	C. Peterson priority bill	1075
Mar.	24	Placed on General File - Com AM0787	1198

LEGISLATIVE BILL 757. By C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr

Jan.	22	Read first time	375
Jan.	28	Referred to Committee on Health and Human Services	446
Jan.	29	Notice of hearing (3/12)	471
Mar.	19	Placed on General File	1113
Mar.	20	Speaker priority bill	1142

(Provisions/portions of LB 757 amended into LB 622 by AM2407)

LEGISLATIVE BILL 758. By Withem

Jan.	22	Read first time	376
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (2/28)	612
Mar.	13	Placed on General File - Com AM0850	1066
Apr.	9	Committee AM0850 p. 1066 adopted. Advanced for Review	1424
Apr.	15	Placed on Select File - AM7129	1522
Apr.	16	AM7129 (E & R) adopted. Advanced for Engrossment	1545
Apr.	28	Correctly Engrossed	1712
May	14	Chambers FA308 printed	1981
May	28	Chambers pending FA308 p. 1981 withdrawn	2393
May	28	Final Reading 45-0-4	2394
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 759. By Withem

Jan.	22	Read first time	376
Jan.	28	Referred to Committee on Revenue	446
Feb.	10	Notice of hearing (2/26)	562
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 760. By Dw. Pedersen, at the request of the Governor

Jan.	22	Read first time	376
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (2/28)	612
Mar.	4	Placed on General File	870

(Provisions/portions of LB 760 amended into LB 882 by AM1373)

LEGISLATIVE BILL 761. By Dw. Pedersen

Jan.	22	Read first time	376
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (2/28)	612

LEGISLATIVE BILL 762. By Dw. Pedersen

Jan.	22	Read first time	376
Jan.	28	Referred to Committee on Health and Human Services	446
Jan.	29	Notice of hearing (3/6)	471

LEGISLATIVE BILL 763. By Hudkins

Jan.	22	Read first time	376
Jan.	28	Referred to Committee on Urban Affairs	446
Feb.	11	Notice of hearing (3/4)	582

LEGISLATIVE BILL 764. By Robinson, Matzke, Maurstad, Schimek, Withem

Jan.	22	Read first time	377
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	446
Feb.	11	Notice of hearing (2/28)	570
Mar.	11	Placed on General File - Com AM0874 (printed separate)	993
Mar.	19	Government, Military and Veterans Affairs Committee priority bill	1110
May	13	Schimek AM2105 printed	1934
May	22	Committee AM0874 p. 993 and Schimek pending AM2105 p. 1934 adopted. Advanced for Review	2307
May	28	Placed on Select File - AM7175 (printed separate)	2412
May	29	AM7175 (E & R) adopted. Advanced for Engrossment	2491
June	2	Correctly Engrossed	2534
June	4	Dispensing of the reading at large approved. Final Reading w/E 47-0-2	2652
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662

June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 64 amended into LB 764 by AM0874)

LEGISLATIVE BILL 765. By Brashear

Jan.	22	Read first time	377
Jan.	28	Referred to Committee on Business and Labor	446
Feb.	20	Notice of hearing (3/3)	702

LEGISLATIVE BILL 766. By Brashear

Jan.	22	Read first time	377
Jan.	24	Will name added	431
Jan.	28	Referred to Committee on Judiciary	446
Feb.	21	Notice of hearing (3/26)	719
Mar.	27	Placed on General File	1253

LEGISLATIVE BILL 766A. By Brashear

Apr.	17	Read first time. Placed on General File	1592

LEGISLATIVE BILL 767. By Brashear

Jan.	22	Read first time	377
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	446
Feb.	11	Notice of hearing (2/26)	570
Mar.	5	Placed on General File	904

LEGISLATIVE BILL 768. By Brashear, Landis, Maurstad

Jan.	22	Read first time	377
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	446
Feb.	5	Notice of hearing (2/13)	515
Mar.	4	Placed on General File	880

LEGISLATIVE BILL 769. By Brashear, at the request of the Governor

Jan.	22	Read first time	378
Jan.	28	Referred to Committee on Judiciary	446
Feb.	20	Notice of hearing (3/12)	710
Mar.	24	Placed on General File - Com AM0906	1199

LEGISLATIVE BILL 770. By Brashear

Jan.	22	Read first time	378
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (3/6)	613
Mar.	10	Placed on General File	971
Mar.	27	Advanced for Review	1268
Apr.	8	Placed on Select File	1391
Apr.	16	Advanced for Engrossment	1543
Apr.	23	Correctly Engrossed	1682
May	14	Chambers FA296 printed	1981
May	21	Chambers pending FA296 p. 1981 withdrawn	2183
May	21	Final Reading 42-1-6	2184
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 771. By Brashear

Jan.	22	Read first time	378
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (3/6)	613
Mar.	10	Placed on General File - Com AM0864	971
Apr.	2	Committee AM0864 p. 971 adopted. Advanced for Review	1312
Apr.	8	Placed on Select File	1392
Apr.	16	Advanced for Engrossment	1543
Apr.	28	Correctly Engrossed	1688
Apr.	28	ER9055 change	1693
May	14	Chambers FA309 printed	1981
May	28	Chambers pending FA309 p. 1981 withdrawn. Final Reading 45-0-4	2394
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 772. By Brashear

Jan.	22	Read first time	378
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (3/6)	613
Mar.	10	Placed on General File	971
Apr.	2	Advanced for Review	1312
Apr.	8	Placed on Select File - AM7118	1392
Apr.	16	AM7118 (E & R) adopted. Advanced for Engrossment	1543
Apr.	28	Correctly Engrossed	1688
Apr.	28	ER9053 change	1693
May	14	Chambers FA310 printed	1981
May	28	Chambers pending FA310 p. 1981 withdrawn.	

		Final Reading 44-0-5	2395
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 773. By McKenzie

Jan.	22	Read first time	378
Jan.	28	Referred to Committee on Education	446
Feb.	7	Notice of hearing (3/3)	547
June	5	Indefinitely postponed	2665

LEGISLATIVE BILL 774. By Witek, Bruning, Jensen, Jones, Robinson, Schmitt, Schrock, Stuhr

Jan.	22	Read first time	378
Jan.	28	Referred to Committee on Judiciary	446
Feb.	5	Notice of hearing (2/13)	515
Feb.	25	Indefinitely postponed	775

LEGISLATIVE BILL 775. By Bohlke, Janssen, Robinson

Jan.	22	Read first time	379
Jan.	28	Referred to Committee on Education	446
Jan.	28	Notice of hearing (2/4)	449
Mar.	26	Indefinitely postponed	1238

LEGISLATIVE BILL 776. By Jensen

Jan.	22	Read first time	379
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	446
Feb.	11	Notice of hearing (2/21)	570
Mar.	5	Placed on General File	904
Mar.	26	Maurstad name added	1249

LEGISLATIVE BILL 777. By Jensen, Brown, Hudkins, Kiel, Dw. Pedersen, Schimek, Stuhr

Jan.	22	Read first time	379
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (2/26)	612
June	5	Placed on General File	2688

LEGISLATIVE BILL 778. By Wesely

Jan.	22	Read first time	379
Jan.	28	Referred to Committee on Government,	

		Military and Veterans Affairs	446
Mar.	4	Notice of hearing (3/19)	889
Apr.	2	Placed on General File - Com AM1252	1313

LEGISLATIVE BILL 779. By Wesely

Jan.	22	Read first time	379
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (2/27)	612

LEGISLATIVE BILL 780. By Wickersham

Jan.	22	Read first time	379
Jan.	28	Referred to Committee on Judiciary	446
Jan.	30	Notice of hearing (2/19)	487
Mar.	4	Placed on General File - Com AM0698 (printed separate)	870

LEGISLATIVE BILL 781. By Wesely

Jan.	22	Read first time	380
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	446
Feb.	24	Notice of hearing (3/5)	748
Mar.	18	Indefinitely postponed	1080

LEGISLATIVE BILL 782. By Wesely

Jan.	22	Read first time	380
Jan.	28	Referred to Committee on Health and Human Services	446
Jan.	29	Notice of hearing (2/19)	470
Feb.	21	Placed on General File	713

LEGISLATIVE BILL 782A. By Wesely

Apr.	10	Read first time. Placed on General File	1468

LEGISLATIVE BILL 783. By Wesely

Jan.	22	Read first time	380
Jan.	28	Referred to Committee on Health and Human Services	446
Jan.	29	Notice of hearing (2/13)	470

LEGISLATIVE BILL 784. By Wickersham, McKenzie, Stuhr

Jan.	22	Read first time	380
Jan.	28	Referred to Committee on Education	446
Jan.	30	Notice of hearing (2/11)	488
June	5	Indefinitely postponed	2683

LEGISLATIVE BILL 785. By Kristensen

Jan.	22	Read first time	380
Jan.	28	Referred to Committee on Judiciary	446
Feb.	12	Notice of hearing (2/28)	612
Mar.	24	Indefinitely postponed	1210

LEGISLATIVE BILL 786. By Warner

Jan.	22	Read first time	380
Jan.	28	Referred to Committee on Transportation	446
Feb.	6	Notice of hearing (2/25)	524
Mar.	11	Indefinitely postponed	996

LEGISLATIVE BILL 787. By Warner

Jan.	22	Read first time	381
Jan.	28	Referred to Committee on Revenue	446
Feb.	10	Notice of hearing (3/5)	562
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 788. By D. Pederson, Bromm, Bruning, Engel, Hillman, Matzke

Jan.	22	Read first time	381
Jan.	28	Referred to Committee on Health and Human Services	446
Jan.	29	Notice of hearing (2/28)	471
Mar.	5	Placed on General File - Com AM0770	912
Mar.	20	D. Pederson priority bill	1129
Mar.	27	Committee AM0770 p. 912 adopted. Advanced for Review	1267
Apr.	8	Placed on Select File - AM7110	1391
Apr.	11	AM7110 (E & R) adopted. Advanced for Engrossment	1480
Apr.	22	Correctly Engrossed	1646
May	7	Final Reading 42-0-6	1859
May	7	President signed	1869
May	7	Maurstad explanation of vote	1871
May	7	Presented to Governor (5/7)	1874
May	12	Approved by Governor (5/9)	1897

LEGISLATIVE BILL 789. By Bohlke, Hillman, McKenzie, Vrtiska, Warner, Wickersham

Jan.	22	Read first time	381
Jan.	28	Referred to Committee on Education	446
Jan.	28	Preister name added	459
Feb.	4	Will name added	511
Feb.	7	Notice of hearing (2/24)	546
Feb.	10	Brashear name added	567
Mar.	24	Indefinitely postponed	1188

LEGISLATIVE BILL 790. By Bromm, Bruning, Hudkins, Jensen, Jones, Maurstad

Jan.	22	Read first time	381
Jan.	28	Referred to Committee on Judiciary	446
Feb.	21	Notice of hearing (3/20)	719

LEGISLATIVE BILL 791. By Bromm, Engel, Jones, D. Pederson, Stuhr

Jan.	22	Read first time	383
Jan.	28	Referred to Committee on Education	446
Feb.	7	Notice of hearing (3/4)	547

LEGISLATIVE BILL 792. By Bromm, Coordsen, Cudaback, Engel, Janssen, Preister, Robinson, Schmitt, Stuhr, Witek

Jan.	22	Read first time	383
Jan.	28	Referred to Committee on Transportation	446
Feb.	6	Notice of hearing (2/24)	524

LEGISLATIVE BILL 793. By Bromm, Cudaback, Jones, Robinson, Schrock, Witek

Jan.	22	Read first time	384
Jan.	28	Referred to Committee on Education	446
Feb.	7	Notice of hearing (3/4)	547
Feb.	18	Tyson name added	659

LEGISLATIVE BILL 794. By Bromm

Jan.	22	Read first time	384
Jan.	28	Referred to Committee on Revenue	446
Feb.	20	Notice of hearing (3/12)	701
Apr.	3	Indefinitely postponed	1333

LEGISLATIVE BILL 795. By Bromm, Cudaback

Jan.	22	Read first time	384
Jan.	28	Referred to Committee on Government,	

		Military and Veterans Affairs	446
Feb.	11	Notice of hearing (2/19)	570
Feb.	24	Indefinitely postponed	751

LEGISLATIVE BILL 796. By Bromm, Brashear, Janssen

Jan.	22	Read first time	384
Jan.	28	Referred to Committee on Nebraska Retirement Systems	446
Jan.	30	Notice of hearing (2/7)	486

LEGISLATIVE BILL 797. By McKenzie

Jan.	22	Read first time	384
Jan.	28	Referred to Committee on Education	447
Feb.	7	Notice of hearing (2/25)	547
June	4	Indefinitely postponed	2616

(Provisions/portions of LB 797 amended into LB 865 by AM2509)

LEGISLATIVE BILL 798. By Crosby

Jan.	22	Read first time	384
Jan.	28	Referred to Committee on Health and Human Services	447
Jan.	29	Notice of hearing (2/20)	470
Mar.	6	Placed on General File	937
Mar.	18	Witek priority bill	1076
Mar.	18	Witek AM1002 printed separate	1076
Apr.	9	Witek AM1353 printed separate (Correction p. 1490)	1433
Apr.	11	Wesely AM1398 printed separate and motion to indefinitely postpone printed	1488
Apr.	14	Witek pending AM1002 p. 1076 withdrawn. Wesely FA163 to AM1353 pending	1494
Apr.	14	Wesely pending FA163 p. 1494 lost. Witek pending AM1353 p. 1433 adopted	1495
Apr.	14	Wesely pending AM1398 and motion to indefinitely postpone p. 1488 withdrawn. Advanced for Review	1497
Apr.	14	Witek-Crosby-McKenzie AM1437 printed	1499
Apr.	21	Placed on Select File - AM7138	1608
Apr.	22	Witek name added	1645
Apr.	28	Wesely-C. Peterson AM1612 and AM1613 printed	1699
Apr.	29	Wesely AM1736 printed separate	1731
Apr.	30	Withem AM1814 printed	1741
Apr.	30	Wesely AM1798 printed	1744
Apr.	30	Wesely AM1800 printed	1745

Apr.	30	Wesely AM1801 and AM1802 printed	1746
Apr.	30	Wesely AM1805, AM1804, and AM1799 printed	1748
Apr.	30	Withem AM1815 printed	1755
May	6	Matzke-Kristensen-Bromm-C. Peterson AM1844 printed	1844
May	7	McKenzie-Witek AM1989 printed separate	1875
May	13	Wesely FA275, FA276, FA277, FA278, FA279, and FA280 to AM1989 printed	1952
May	13	Wesely FA281, FA282, FA283, FA284, FA285, FA286, FA287, and FA288 to AM1989 printed	1953
May	13	Matzke-Bromm-Kristensen AM2139 printed and AM2140 to AM1989 printed	1961
May	20	Matzke-Kristensen-Bromm-McKenzie AM2298 to AM1989 printed	2167
May	21	Bohlke AM2326 to AM1989 printed	2201
May	27	Witek AM2446 printed	2364
May	27	Witek AM2447 and AM2448 printed	2366
May	27	Witek AM2449 and AM2450 printed	2367
May	27	Witek AM2465, AM2466 and AM2467 to AM1989 printed	2368
May	28	AM7138 (E & R) adopted. Witek asked unanimous consent to substitute AM1437. Objection. Witek-Crosby-McKenzie pending AM1437 p. 1499 pending. Chambers asked unanimous consent to bracket until 6/12/97. Objection. Chambers motion to bracket until 6/12/97 withdrawn	2432
May	28	Witek-McKenzie pending AM1989 p. 1875 to AM1437 ruled out of order. Witek modified version of AM1989 ruled out of order. Chair sustained. Witek-Crosby-McKenzie pending AM1437 p. 1499 withdrawn	2433
May	28	Wesely asked unanimous consent to substitute AM1612. Objection. Wesely motion to substitute amendment prevailed. Wesley-C. Peterson pending AM1612 p. 1699 withdrawn. Wesely-Matzke-McKenzie substitute AM2505 (printed separate) pending	2439
May	29	Witek AM2512 printed separate	2441
May	29	Wesely FA409 printed. Witek AM2563, AM2511, AM2522, AM2523, AM2524, AM2525, AM2526, AM2527, AM2528 and AM2529 (on file) printed	2462
May	29	Witek AM2530, AM2531, AM2532, and	

		AM2533 (on file) printed	2463
May	29	Wesely AM2575 to AM2505 printed	2491
May	30	McKenzie-Bohlke-Kristensen-Brashear AM2573 to AM2505 (printed separate)	2515
June	2	Witek asked unanimous consent to substitute amendment. Objection. Witek motion to substitute amendment ruled out of order. McKenzie motion to overrule the chair withdrawn. Witek pending AM2512, p. 2441, AM2563, and Wesely pending FA409 p. 2462 withdrawn. Wesely asked unanimous consent to substitute amendment. Objection. Wesely pending AM2575 p. 2491 withdrawn. McKenzie et al pending AM2573 p. 2515 to AM2505 adopted	2526
June	2	Wesely motion to reconsider AM2573 withdrawn. Wesely et al pending AM2505 p. 2439 adopted as amended. Wesely-C. Peterson pending AM1613 p. 1699, Withem pending AM1814 p. 1741, AM1815 p. 1755, Wesely pending AM1736, AM1798 p. 1744, AM1800 p. 1745, AM1801, AM1802 p. 1746, AM1805, AM1804, and AM1799 p. 1748 withdrawn. Kristensen et al pending AM1844 p. 1844, McKenzie-Witek pending AM1989 p. 1875, Wesely pending FA275, FA276, FA277, FA278, FA279, FA280 p. 1952, FA281, FA282, FA283, FA284, FA285, FA286, FA287, and FA288 p. 1953 withdrawn. Matzke-Bromm-Kristensen pending AM2139, AM2140 p. 1961, Matzke et al pending AM2298 p. 2167, and Bohlke pending AM2326 p. 2201 withdrawn. Witek pending AM2446, AM2447, AM2448, AM2449, AM2450, AM2465, AM2466, AM2467 p. 2364, 2366, 2367, 2368, AM2511, AM2522, AM2523, AM2524, AM2525, AM2526, AM2527, AM2528, AM2529 p. 2462, AM2530, AM2531, AM2532, and AM2533 p. 2463 withdrawn. Advanced for Engrossment	2530
June	3	Correctly Engrossed. ER9104 change	2555
June	5	Wesely motion to return to Select File for FA442 withdrawn. Dispensing of the reading at large approved. Final Reading w/E 37-5-7	2679
June	5	Speaker signed	2697
June	12	Presented to Governor (6/5)	2698
June	12	Approved by Governor (6/11)	2705

LEGISLATIVE BILL 798A. By Crosby

May	5	Read first time. Placed on General File	1810
May	7	Advanced for Review	1868
May	12	Placed on Select File	1906
June	2	Advanced for Engrossment	2531
June	3	Correctly Engrossed	2555
June	5	Final Reading 40-4-5	2680
June	5	Speaker signed	2697
June	12	Presented to Governor (6/5)	2698
June	12	Approved by Governor (6/11)	2705

LEGISLATIVE BILL 799. By Crosby

Jan.	22	Read first time	385
Jan.	28	Referred to Committee on Appropriations	447
Feb.	19	Notice of hearing (3/4)	676
Apr.	1	Attorney General's Opinion #97022 to Crosby	1272
May	6	Placed on General File - Com AM1795	1841

LEGISLATIVE BILL 799A. By Crosby

May	6	Read first time. Placed on General File	1844

LEGISLATIVE BILL 800. By Crosby

Jan.	22	Read first time	385
Jan.	28	Referred to Committee on Banking, Commerce and Insurance	447
Mar.	3	Notice of hearing (3/11)	847
Mar.	18	Placed on General File	1080

LEGISLATIVE BILL 801. By Crosby

Jan.	22	Read first time	385
Jan.	28	Referred to Committee on Transportation	447
Feb.	6	Notice of hearing (2/18)	524
Mar.	11	Placed on General File	995

LEGISLATIVE BILL 802. By Lynch, Stuhr

Jan.	22	Read first time	385
Jan.	28	Referred to Committee on Health and Human Services	447
Jan.	29	Notice of hearing (3/5)	471
Feb.	28	Lynch AM0667 printed	828
Mar.	11	Placed on General File - Com AM0842	1000
Apr.	2	Committee AM0842 p. 1000 adopted.	

		Lynch pending AM0667 p. 828 withdrawn. Advanced for Review	1313
Apr.	8	Placed on Select File - AM7119	1392
Apr.	16	AM7119 (E & R) adopted. Advanced for Engrossment	1544
Apr.	28	Correctly Engrossed	1688
Apr.	28	ER9058 change	1693
May	14	Chambers FA311 printed	1981
May	28	Chambers pending FA311 p. 1981 withdrawn. Final Reading 44-0-5	2396
May	28	Speaker signed	2400
May	28	Presented to Governor (5/28)	2407
June	3	Approved by Governor (6/3)	2581

LEGISLATIVE BILL 803. By Lynch, Coordsen, Crosby, Hartnett, Stuhr

Jan.	22	Read first time	385
Jan.	28	Referred to Committee on Health and Human Services	447
Jan.	29	Notice of hearing (3/5)	471
Feb.	28	Lynch AM0672 printed	824
Mar.	11	Placed on General File - Com AM0873	1004
Mar.	20	Speaker priority bill	1142

LEGISLATIVE BILL 804. By Janssen, at the request of the Governor

Jan.	22	Read first time	385
Jan.	28	Referred to Committee on Revenue	447
Feb.	10	Notice of hearing (2/26)	562
Mar.	20	Speaker priority bill	1142
Apr.	1	Placed on General File - Com AM1242	1304

LEGISLATIVE BILL 805. By Preister

Jan.	22	Read first time	385
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	447
Mar.	4	Notice of hearing (3/19)	889

LEGISLATIVE BILL 806. By Education Committee

Jan.	22	Read first time	385
Jan.	28	Referred to Committee on Education	447
Jan.	30	Notice of hearing (2/10)	488
Mar.	18	Bohlke priority bill	1093
Apr.	3	Withem request to name Speaker major	

		proposal	1330
Apr.	9	Placed on General File - Com AM1205 (printed separate)	1444
Apr.	10	Robak AM1380 to AM1205 printed	1460
Apr.	10	Executive Board approval of Speaker major proposal	1462
Apr.	10	Withem AM1389 to AM1205 printed	1463
Apr.	15	Dierks AM1458 and AM1457 to AM1205 printed	1510
Apr.	15	Bohlke AM1503 to AM1205 printed	1527
Apr.	16	Hilgert AM1482 to AM1205 printed	1560
Apr.	16	Brown AM1536 and Bromm AM1527 to AM1205 printed	1565
Apr.	17	Schrock AM1502 to AM1205 printed	1583
Apr.	17	Stuhr FA184, Wickersham AM1509 and AM1486 to AM1205 printed	1592
Apr.	17	Wickersham AM1531 to AM1205 printed	1593
Apr.	17	Wickersham AM1532, AM1533, and AM1534 to AM1205 printed	1594
Apr.	17	Stuhr AM1626, Jones AM1574, Cudaback AM1617 and AM1618 to AM1205 printed	1602
Apr.	21	Bromm AM1652 to AM1205 printed	1614
Apr.	21	Wickersham AM1663, Jones AM1610, Wickersham AM1667, AM1668, and AM1669 to AM1205 printed	1615
Apr.	21	Wickersham AM1647 and AM1649 to AM1205 printed	1616
Apr.	21	Wickersham AM1646 and AM1679 to AM1205 printed	1620
Apr.	21	Dierks AM1680 to AM1205 printed	1630
Apr.	22	Committee AM1205 p. 1444 sustained division of question. FA189 (1st) pending. Hilgert pending AM1482 p. 1560 pending	1641
Apr.	22	Wickersham AM1695 and AM1694 to AM1205 printed	1643
Apr.	22	Cudaback AM1698 to AM1205 and Withem motions to vote on the adoption of FA189, FA190, FA191 without further amendment, motion or debate printed	1644
Apr.	22	Withem motions to vote on the adoption of FA192 and FA193 without further amendment, motion or debate and motion to vote on the advancement of bill without further amendment, motion or debate printed	1645
Apr.	22	Hilgert pending AM1482 p. 1560 pending	1645
Apr.	22	Hilgert pending AM1482 p. 1560 lost Schrock pending AM1502 p. 1583 withdrawn. Wickersham pending AM1533 and	

		AM1534 p. 1594 adopted	1653
Apr.	22	Jones AM1706 to FA189 printed	1655
Apr.	22	Wickersham AM1722 to FA189 printed	1660
Apr.	23	Jones pending AM1574 p. 1602 lost	1667
Apr.	23	Bromm-Robak AM1715 to FA192 printed	1668
Apr.	23	Bromm AM1716 to FA192 printed	1669
Apr.	23	Cudaback pending AM1617 p. 1602 to FA189 pending	1671
Apr.	23	Cudaback pending AM1617 p. 1602 lost. Cudaback pending AM1618 p. 1602 withdrawn. Bromm pending AM1652 p. 1614 to FA189 pending	1672
Apr.	23	Wickersham AM1735 to FA192 printed	1679
Apr.	23	Bromm pending AM1652 p. 1614 pending	1680
Apr.	23	Withem motions to suspend rules and vote on FA189, FA190, FA191, FA192 and FA193 without further amendment, motion or debate printed	1681
Apr.	23	Withem motion to suspend rules and vote on advancement of bill without further amendment, motion or debate printed	1682
Apr.	28	Committee FA190 (2nd) printed. Withem pending motion p. 1644 to vote on FA190 without further amendment, motion or debate and motion p. 1681 to suspend rules and vote on FA190 without further amendment, motion or debate withdrawn. Committee FA190 (2nd) adopted	1684
Apr.	28	Committee FA191 (3rd) printed. Bromm request to substitute amendment prevailed. Bromm pending AM1527 p. 1565 withdrawn. Committee FA191 adopted as amended by Bromm-Wickersham-Bohlke-McKenzie substitute AM1755. Withem pending motion p. 1644 to vote on FA191 without further amendment, motion or debate and motion p. 1681 to suspend rules and vote on FA191 without further amendment, motion or debate withdrawn. Bohlke FA198 withdrawn	1697
Apr.	28	Bromm request to substitute amendment prevailed. Bromm pending AM1652 p. 1614 withdrawn. Bohlke-Bromm-Wickersham substitute AM1754 to FA189 adopted	1701
Apr.	28	Wickersham pending AM1667 p. 1615, AM1647, AM1649 p. 1616, AM1679 p. 1620, AM1695 p. 1643, AM1722 p. 1660, Cudaback pending AM1698 p. 1644, Jones pending AM1706 p. 1655, Withem pending motion p. 1644 to vote on FA189 without further amendment,	

		motion, or debate and motion p. 1681 to suspend rules and vote on FA189 without further amendment, motion or debate withdrawn. FA189 adopted as amended. FA192 (4th) printed. Robak pending AM1380 p. 1460 lost	1709
Apr.	28	Dierks AM1761 and Stuhr AM1771 to FA192 printed	1711
Apr.	29	Robak motion to bracket until 5/19/97 withdrawn. Withem pending AM1389 p. 1463 and Dierks pending AM1458 p. 1510 withdrawn	1714
Apr.	29	Wickersham AM1772 to FA192 printed	1715
Apr.	29	Wickersham AM1689 to AM1205 printed	1716
Apr.	29	Dierks request to substitute amendment prevailed. Dierks pending AM1457 p. 1510 withdrawn. Dierks pending substitute AM1761 p. 1711 to FA192 passed over. Bohlke pending AM1503 p. 1527 to FA192 pending	1720
Apr.	29	Bohlke pending AM1503 p. 1527, Dierks reoferred AM1761 p. 1709 and Stuhr pending FA184 p. 1592 withdrawn. Brown request to substitute amendment prevailed. Brown pending AM1536 p. 1565 withdrawn. Brown substitute AM1776 withdrawn	1721
Apr.	29	Wehrbein AM1782 and Will AM1774 to FA192 printed	1722
Apr.	29	Cudaback AM1787 to FA192 printed	1724
Apr.	29	Wickersham request to substitute amendment prevailed. Wickersham pending AM1509 p. 1592 withdrawn. Wickersham-Bohlke substitute AM1738 and Wickersham pending AM1486 p. 1592 to FA192 adopted. Wickersham request to substitute amendment prevailed. Wickersham pending AM1531 p. 1593 withdrawn. Wickersham substitute AM1792 to FA192 pending	1724
Apr.	29	Wickersham pending AM1792 p. 1725 to FA192 pending	1731
Apr.	29	Wickersham pending AM1792 p. 1725, AM1532 p. 1594, AM1663 p. 1615, and Stuhr AM1626 p. 1602 withdrawn. Jones pending AM1610 p. 1615 to FA192 adopted	1732
Apr.	30	Chambers motion to bracket until 2:30 p.m., 4/30/97 withdrawn. Withem pending motion p. 1682 to suspend rules and vote on advancement of bill prevailed. Advanced for Review	1742
May	7	Wickersham AM1896 and AM1964 to FA192	

		printed	1870
May	7	Wickersham AM1992 to FA192 printed	1876
May	8	Placed on Select File - AM7150 (printed separate)	1890
May	13	Wickersham AM2106 to FA193 printed	1944
May	13	Stuhr AM2115 to FA192 printed	1953
May	13	Bromm AM2085, AM2084, Stuhr AM2117 Bromm AM2087 and AM2082 to FA192 printed	1956
May	13	Dierks-Jones AM2036 to AM7150 printed	1968
May	13	Dierks-Jones AM2037 and AM2039 to AM7150 printed	1969
May	14	Bromm AM2086 and AM1796 to FA192 printed	1981
May	14	Robak AM2152 printed separate	1987
May	14	Stuhr AM1764 to FA192 printed	1990
May	14	Will AM2159 to FA192 printed	2002
May	14	Wickersham AM2185 to FA192 printed	2006
May	15	AM7150 (E & R) adopted. FA193 (5th) printed. Wickersham request to substitute amendment prevailed. Wickersham pending AM1694 p. 1643 withdrawn. Withem pending motion p. 1645 to vote on FA193 without further amendment, motion or debate and motion p. 1681 to suspend rules withdrawn. FA193 (5th) adopted as amended by Wickersham pending substitute AM2106 p. 1944, Hartnett-Wickersham AM2111 and Stuhr-Hartnett AM2198. Wickersham FA338 withdrawn. Bromm FA340 lost. Bohlke-McKenzie AM2237 pending	2017
May	15	Bohlke-McKenzie pending AM2237 p. 2220 adopted as amended by Bromm FA339 and McKenzie FA342. Dierks-Jones pending AM2036 p. 1968 and AM2037 p. 1969 lost. Dierks-Jones pending AM2039 p. 1969 and Bohlke-McKenzie AM2233 withdrawn	2037
May	15	Withem reoffered AM1389 p. 1463 to FA192 and Wickersham pending AM1992 p. 1876 to FA192 adopted. Stuhr pending AM1771 p. 1711 lost	2047
May	16	Bromm pending AM2086 p. 1981 to FA192 pending	2056
May	16	Withem AM2238 to FA192 printed	2062
May	16	Bohlke-McKenzie AM2231 and McKenzie-Brown AM2232 to FA192 printed	2063
May	16	Bromm pending AM2086 p. 1981 to FA192 pending	2064
May	16	Bromm pending AM2086 p. 1981 withdrawn. Bohlke-McKenzie AM2217 to FA192	

		adopted	2065
May	16	Bohlke-McKenzie-Suttle-Stuhr-Wickersham-Bromm AM2269 and Bohlke AM2274 to FA192 adopted. Bromm pending AM1716 p. 1669, AM2085, AM2084, AM2087, AM2082 p. 1956, and AM1796 p. 1981 withdrawn. Bromm-Robak pending AM1715 p. 1668, Stuhr pending AM1764 p. 1990, AM2115 p. 1953, and AM2117 p. 1956 withdrawn. Wickersham pending AM1668, AM1669 p. 1615, AM1646 p. 1620, AM1735 p. 1679, AM1772 p. 1715, AM1689 p. 1716, AM1896, AM1964 p. 1870, and AM2185 p. 2006 withdrawn. Withem pending motions p. 1645 and 1681 withdrawn. Dierks pending AM1680 p. 1630, Will pending AM1774 p. 1722, AM2159 p. 2002, Wehrbein pending AM1782 p. 1722 and Cudaback pending AM1787 p. 1724 withdrawn. McKenzie-Brown pending AM2232, Bohlke-McKenzie pending AM2231 p. 2063, Withem pending AM2238 p. 2062 and Robak pending AM2152 p. 1987 withdrawn. FA192 (4th) p. 1710 adopted as amended. Advanced for Engrossment	2067
May	22	Correctly Engrossed. ER9073 change	2303
May	28	Bohlke motion to return to Select File for FA395 withdrawn. Bromm motion to return to Select File for AM2486 failed	2418
May	28	Dispensing of the reading at large approved. Final Reading 36-13-0	2419
May	28	President signed	2430
May	28	Presented to Governor (5/28)	2432
June	3	Approved by Governor (6/3)	2564

(Provisions/portions of LB 419 amended into LB 806 by FA 193)
(Provisions/portions of LB 563 amended into LB 806 by FA 190)
(Provisions/portions of LB 716 amended into LB 806 by FA 191)
(Provisions/portions of LB 524 amended into LB 806 by AM1389)
(Provisions/portions of LB 808 amended into LB 806 by AM2198)

LEGISLATIVE BILL 806A. By Bohlke, Abboud, Beutler, Chambers, Crosby, Cudaback, Elmer, Hilgert, Hudkins, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schrock, Suttle, Wehrbein, Wesely, Withem

Apr.	30	Read first time. Placed on General File	1768
May	7	Advanced for Review	1868
May	12	Placed on Select File	1906

May	15	Wickersham AM1863 and AM1862 printed	2053
May	16	Wickersham pending AM1862 p. 2053 withdrawn. Wickersham pending AM1863 p. 2053 and Bohlke FA344 adopted. Advanced for Engrossment	2070
May	22	Correctly Engrossed	2303
May	28	Hilgert motion to return to Select File for FA396 withdrawn	2428
May	28	Final Reading 41-6-2	2429
May	28	President signed	2430
May	28	Presented to Governor (5/28)	2432
June	3	Approved by Governor (6/3)	2564

LEGISLATIVE BILL 807. By Stuhr

Jan.	22	Read first time	386
Jan.	28	Referred to Committee on Education	447
Feb.	7	Notice of hearing (3/10)	547

LEGISLATIVE BILL 808. By Stuhr, Bromm, Coordsen, Jensen, Maurstad, Robinson, Vrtiska, Witek

Jan.	22	Read first time	386
Jan.	28	Referred to Committee on Education	447
Feb.	7	Notice of hearing (2/24)	546
June	2	Indefinitely postponed	2518

(Provisions/portions of LB 808 amended into LB 806 by AM2198)

LEGISLATIVE BILL 809. By Landis, Brashear

Jan.	22	Read first time	386
Jan.	28	Referred to Committee on Education	447
Jan.	30	Notice of hearing (2/10)	488
Feb.	18	Placed on General File - Com AM0278	638
Feb.	20	Committee AM0278 p. 638 adopted. Advanced for Review	710
Feb.	27	Placed on Select File - AM7071	796
Mar.	4	AM7071 (E & R) adopted. Advanced for Engrossment	879
Mar.	6	Correctly Engrossed	919
Mar.	21	Dispensing of the reading at large approved. Final Reading 39-0-10	1163
Mar.	21	Speaker signed	1177
Mar.	21	Presented to Governor (3/21)	1184
Mar.	26	Approved by Governor (3/26)	1248

LEGISLATIVE BILL 810. By Crosby, Coordsen, Dw. Pedersen, Schimek

Jan.	22	Read first time	386
Jan.	23	Robak name added	423
Jan.	28	Referred to Committee on Health and Human Services	447
Jan.	29	Notice of hearing (2/26)	471
Mar.	18	Placed on General File - Com AM0868	1095

(Provisions/portions of LB 810 amended into LB 851 by AM1516)

LEGISLATIVE BILL 811. By McKenzie, Bromm, Wickersham

Jan.	22	Read first time	386
Jan.	28	Referred to Committee on Education	447
Jan.	30	Notice of hearing (2/11)	488
June	4	Indefinitely postponed	2616

LEGISLATIVE BILL 812. By Kiel, Brown, McKenzie, Schrock

Jan.	22	Read first time	386
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	447
Feb.	24	Notice of hearing (3/12)	748
Mar.	24	Indefinitely postponed	1190

LEGISLATIVE BILL 813. By Kiel, Brown, Bruning, Coordsen, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Lynch, McKenzie, D. Pederson, C. Peterson, Preister, Robinson, Schimek, Schrock, Stuhr, Suttle, Tyson, at the request of the Governor

Jan.	22	Read first time	387
Jan.	28	Referred to Committee on Education	447
Feb.	7	Notice of hearing (3/3)	547
June	4	Indefinitely postponed	2616

LEGISLATIVE BILL 814. By Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek

Jan.	22	Read first time	387
Jan.	28	Referred to Committee on Judiciary	447
Feb.	12	Notice of hearing (3/5)	613
Mar.	6	Placed on General File	923
Mar.	27	Advanced for Review	1267
Apr.	8	Placed on Select File - AM7113	1391
Apr.	16	AM7113 (E & R) adopted. Advanced for Engrossment	1542
Apr.	23	Correctly Engrossed	1682
May	14	Chambers FA317 printed	1981
June	3	Chambers pending FA317 p. 1981 withdrawn. Dispensing of the reading at large	

		approved. Final Reading 43-0-6	2592
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 815. By Withem

Jan.	22	Read first time	387
Jan.	28	Referred to Committee on Education	447
Jan.	30	Notice of hearing (2/11)	488
June	5	Indefinitely postponed	2665

LEGISLATIVE BILL 816. By Wickersham

Jan.	22	Read first time	387
Jan.	28	Referred to Committee on Judiciary	447
Feb.	21	Notice of hearing (3/20)	719
Mar.	24	Indefinitely postponed	1210

LEGISLATIVE BILL 817. By Wickersham

Jan.	22	Read first time	387
Jan.	28	Referred to Committee on Judiciary	447
Jan.	30	Notice of hearing (2/19)	487
Mar.	24	Indefinitely postponed	1210

LEGISLATIVE BILL 818. By Wickersham

Jan.	22	Read first time	388
Jan.	28	Referred to Committee on Judiciary	447
Feb.	21	Notice of hearing (3/20)	719

LEGISLATIVE BILL 819. By Wickersham

Jan.	22	Read first time	388
Jan.	28	Referred to Committee on Natural Resources	447
Feb.	20	Notice of hearing (3/21)	709

LEGISLATIVE BILL 820. By Wickersham

Jan.	22	Read first time	388
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	447
Mar.	4	Notice of hearing (3/20)	889

LEGISLATIVE BILL 821. By Lynch

Jan.	22	Read first time	388
Jan.	28	Referred to Committee on Revenue	447

Feb.	10	Notice of hearing (2/28)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 822. By Robinson, Brown, Crosby, Janssen, Lynch, Stuhr

Jan.	22	Read first time	388
Jan.	28	Referred to Committee on Nebraska Retirement Systems	447
Jan.	30	Notice of hearing (2/24)	486

LEGISLATIVE BILL 823. By Wickersham, Bromm, Coordsen, Cudaback, Elmer, Hartnett, Hillman, Hudkins, Janssen, Jones, McKenzie, Robinson, Schellpeper, Schmitt, Schrock, Vrtiska

Jan.	22	Read first time	389
Jan.	28	Referred to Committee on Education	447
Feb.	7	Notice of hearing (3/3)	547

LEGISLATIVE BILL 824. By Coordsen

Jan.	22	Read first time	389
Jan.	28	Referred to Committee on Appropriations	447
Feb.	19	Notice of hearing (3/4)	676

LEGISLATIVE BILL 825. By Hartnett

Jan.	22	Read first time	389
Jan.	28	Referred to Committee on Urban Affairs	447
Feb.	11	Notice of hearing (2/25)	582

LEGISLATIVE BILL 826. By Hartnett

Jan.	22	Read first time	390
Jan.	28	Referred to Committee on Urban Affairs	447
Feb.	11	Notice of hearing (2/25)	582

LEGISLATIVE BILL 827. By Hillman, Cudaback, Engel, Vrtiska

Jan.	22	Read first time	390
Jan.	28	Referred to Committee on Transportation	447
Feb.	6	Notice of hearing (3/10)	524
Apr.	1	Indefinitely postponed	1304

LEGISLATIVE BILL 828. By Hillman, Maurstad

Jan.	22	Read first time	390
Jan.	28	Referred to Committee on Revenue	447

Jan.	29	Notice of hearing (2/5)	474
Feb.	12	Indefinitely postponed	608

LEGISLATIVE BILL 829. By Hillman, Brown, Kiel, Schimek

Jan.	22	Read first time	390
Jan.	28	Referred to Committee on Judiciary	447
Feb.	12	Notice of hearing (3/5)	613
Mar.	20	Judiciary Committee priority bill	1125
Mar.	24	Placed on General File - Com AM1114	1200
May	22	Committee AM1114 p. 1200 adopted. Advanced for Review	2309
May	28	Placed on Select File - AM7171	2412
May	30	Chambers motion to indefinitely postpone printed	2513
June	2	Chambers FA422 printed	2525
June	3	AM7171 (E & R) adopted. Advanced for Engrossment	2556
June	3	Correctly Engrossed	2586
June	4	Chambers pending motion to indefinitely postpone p. 2513 withdrawn. Returned to Select File for Chambers FA422. Chambers pending FA422 p. 2525 adopted. Advanced for Reengrossment	2626
June	4	Correctly Reengrossed	2659
June	4	ER9110 change	2660
June	12	Final Reading 40-0-9	2741
June	12	President signed	2747
June	12	Presented to Governor (6/12)	2750
June	18	Engel explanation of vote. Approved by Governor (6/16)	2759

(Provisions/portions of LB 448 amended into LB 829 by AM1114)

LEGISLATIVE BILL 829A. By Hillman

May	27	Read first time. Placed on General File	2326
May	28	Advanced for Review	2397
May	28	Placed on Select File	2428
June	3	Advanced for Engrossment	2556
June	3	Correctly Engrossed	2586
June	12	Final Reading 43-0-6	2742
June	12	President signed	2747
June	12	Presented to Governor (6/12)	2750
June	18	Approved by Governor (6/16)	2759

LEGISLATIVE BILL 830. By Hillman, Hudkins, Jones, Schmitt, Schrock, Wickersham

Jan.	22	Read first time	390
Jan.	28	Referred to Committee on Natural Resources	447
Feb.	20	Notice of hearing (3/21)	709

LEGISLATIVE BILL 831. By Maurstad

Jan.	22	Read first time	391
Jan.	28	Referred to Committee on Revenue	447
Feb.	10	Notice of hearing (2/21)	562
Mar.	10	Indefinitely postponed	978

LEGISLATIVE BILL 832. By Maurstad

Jan.	22	Read first time	391
Jan.	28	Referred to Committee on Education	447
Feb.	7	Notice of hearing (2/24)	546
Feb.	27	Indefinitely postponed	805

LEGISLATIVE BILL 833. By Maurstad

Jan.	22	Read first time	391
Jan.	28	Referred to Committee on Appropriations	447
Feb.	27	Notice of hearing (3/18)	797

LEGISLATIVE BILL 834. By Tyson

Jan.	22	Read first time	391
Jan.	28	Referred to Committee on Business and Labor	447
Feb.	20	Notice of hearing (3/3)	702
Mar.	4	Placed on General File	879

LEGISLATIVE BILL 835. By Hillman, Brashear, Crosby, D. Pederson, Tyson, Wickersham

Jan.	22	Read first time	391
Jan.	23	Bohlke name added	423
Jan.	28	Referred to Committee on Education	447
Feb.	7	Notice of hearing (3/10)	547
Mar.	19	Hillman priority bill	1117
Mar.	20	Placed on General File - Com AM1064	1129
Apr.	14	Committee AM1064 p. 1129 adopted. Failed to Advance for Review w/24-0-25	1498
May	22	Advanced for Review	2306
May	27	Placed on Select File - AM7168	2337
May	29	AM7168 (E & R) adopted. Advanced for Engrossment	2490
June	2	Correctly Engrossed	2534
June	2	ER9092 change	2539

June	4	Final Reading 34-2-13	2635
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 835A. By Hillman

Apr.	8	Read first time. Placed on General File	1419
May	22	Advanced for Review	2306
May	27	Placed on Select File	2337
May	29	Advanced for Engrossment	2491
June	2	Correctly Engrossed	2534
June	4	Final Reading w/E 33-2-14	2635
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 836. By Schimek

Jan.	22	Read first time	391
Jan.	28	Referred to Committee on Urban Affairs	447
Jan.	28	Notice of hearing (2/4)	460

LEGISLATIVE BILL 837. By Wickersham, Coordsen, Dierks, Elmer, Jones, Matzke, Schellpeper

Jan.	22	Read first time	391
Jan.	28	Referred to Committee on Health and Human Services	447
Jan.	29	Notice of hearing (2/21)	471
Mar.	5	Placed on General File	905
Mar.	27	Advanced for Review	1266
Mar.	27	Bromm name added	1269
Apr.	3	Placed on Select File - AM7112	1335
Apr.	16	AM7112 (E & R) adopted. Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682
May	14	Chambers FA318 printed	1981
June	3	Chambers pending FA318 p. 1981 withdrawn. Dispensing of the reading at large approved. Final Reading 45-0-4	2594
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 838. By Suttle, Beutler, McKenzie, C. Peterson

Jan.	22	Read first time	392
Jan.	28	Referred to Committee on Education	447
Feb.	7	Notice of hearing (3/4)	547

LEGISLATIVE BILL 839. By Withem

Jan.	22	Read first time	392
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	447
Mar.	4	Notice of hearing (3/20)	889
Apr.	2	Placed on General File	1313

LEGISLATIVE BILL 840. By Crosby, Lynch

Jan.	22	Read first time	392
Jan.	28	Referred to Committee on Nebraska Retirement Systems	447
Jan.	30	Notice of hearing (2/24)	486

LEGISLATIVE BILL 841. By Crosby, Wesely

Jan.	22	Read first time	392
Jan.	28	Referred to Committee on Judiciary	447
Feb.	20	Notice of hearing (3/12)	710
Mar.	24	Placed on General File	1196

LEGISLATIVE BILL 842. By Crosby, Bromm, Elmer

Jan.	22	Read first time	392
Jan.	23	Bohlke and Warner names added	423
Jan.	28	Referred to Committee on Health and Human Services	447
Jan.	29	Notice of hearing (3/6)	471

LEGISLATIVE BILL 843. By Legislative Program Evaluation Committee

Jan.	22	Read first time	392
Jan.	28	Referred to Committee on Education	447
Feb.	7	Notice of hearing (3/10)	547
June	5	Placed on General File	2665
June	5	Bohlke AM0666 printed separate	2673

LEGISLATIVE BILL 844. By Wehrbein, at the request of the Governor

Jan.	22	Read first time	393
Jan.	28	Referred to Committee on Appropriations	447
Feb.	4	Notice of hearing (2/13)	507

LEGISLATIVE BILL 845. By Suttle, Preister

Jan.	22	Read first time	393
Jan.	28	Referred to Committee on Judiciary	447
Feb.	20	Notice of hearing (3/12)	710

LEGISLATIVE BILL 846. By Will

Jan.	22	Read first time	393
Jan.	28	Referred to Committee on General Affairs	448
Feb.	28	Notice of hearing (3/10)	821
Apr.	3	Placed on General File - Com AM0921	1337
Apr.	30	Will AM1393 to AM0921 printed	1754

LEGISLATIVE BILL 847. By Will

Jan.	22	Read first time	393
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	448
Mar.	4	Notice of hearing (3/20)	889
Apr.	2	Indefinitely postponed	1314

LEGISLATIVE BILL 848. By Will

Jan.	22	Read first time	393
Jan.	28	Referred to Committee on General Affairs	448
Feb.	5	Notice of hearing (2/24)	515
Feb.	27	Placed on General File - Com AM0590	804

LEGISLATIVE BILL 849. By Suttle

Jan.	22	Read first time	393
Jan.	28	Referred to Committee on Banking, Commerce and Insurance	448
Mar.	3	Notice of hearing (3/11)	847
Mar.	6	Schimek name added	939
Mar.	18	Placed on General File	1080

LEGISLATIVE BILL 850. By Suttle, Brown

Jan.	22	Read first time	393
Jan.	28	Referred to Committee on Education	448
Jan.	28	Notice of hearing (2/4)	449
Apr.	8	Indefinitely postponed	1401

LEGISLATIVE BILL 851. By Crosby, Dw. Pedersen

Jan.	22	Read first time	394
Jan.	28	Referred to Committee on Health and Human Services	448
Jan.	29	Notice of hearing (2/26)	471
Feb.	28	Placed on General File	836
Mar.	27	Advanced for Review	1259
Apr.	2	Placed on Select File - AM7102	1316
Apr.	16	AM7102 (E & R) adopted. Crosby AM1516 adopted. Advanced for Engrossment	1535
Apr.	23	Correctly Engrossed	1662
Apr.	23	ER9048 change	1663
Apr.	28	Bromm-McKenzie AM1678 printed	1712
May	20	Crosby-McKenzie-Bromm AM2329 printed	2166
May	30	Bromm-McKenzie pending AM1678 p. 1712 withdrawn. Returned to Select File for Crosby et al AM2329. Crosby et al pending AM2329 p. 2166 adopted. Advanced for Reengrossment	2504
June	2	Correctly Reengrossed	2546
June	2	ER9095 change	2549
June	4	Dispensing of the reading at large approved	2653
June	4	Final Reading 48-0-1	2654
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 810 amended into LB 851 by AM1516)

LEGISLATIVE BILL 851A. By Crosby

May	1	Read first time. Placed on General File	1787
May	7	Advanced for Review	1869
May	12	Placed on Select File - AM7152	1906
May	21	AM7152 (E & R) adopted. Advanced for Engrossment	2177
May	21	Correctly Engrossed	2251
May	30	Returned to Select File for Crosby FA415 Crosby FA415 adopted. Stands indefinitely postponed	2505

LEGISLATIVE BILL 852. By Crosby, Dierks, Lynch, Tyson, Vrtiska

Jan.	22	Read first time	394
Jan.	23	Engel, Wehrbein, Warner, Maurstad, and Robak names added	423
Jan.	28	Referred to Committee on Health and Human Services	448
Jan.	29	Notice of hearing (3/5)	471

Mar.	11	Placed on General File - Com AM0798	1008
Apr.	2	Jensen name added	1327
Apr.	9	Committee AM0798 p. 1008 adopted as amended by Crosby AM1271. Advanced for Review	1423
Apr.	10	Placed on Select File - AM7124	1460
Apr.	16	AM7124 (E & R) adopted. Crosby AM1449 adopted. Advanced for Engrossment	1544
Apr.	28	Correctly Engrossed	1688
Apr.	28	ER9057 change	1694
Apr.	30	Crosby AM1812 printed	1766
May	28	Returned to Select File for Crosby AM1812. Crosby pending AM1812 p. 1766 adopted. Advanced for Reengrossment	2397
May	28	Correctly Reengrossed	2432
June	3	Final Reading 44-0-5	2579
June	3	Speaker signed	2586
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 852A. By Crosby

Apr.	14	Read first time. Placed on General File	1501
Apr.	21	Advanced for Review	1605
Apr.	28	Placed on Select File	1688
May	14	Advanced for Engrossment	1970
May	14	Correctly Engrossed	1990
June	3	Final Reading 42-0-7	2580
June	3	Speaker signed	2586
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 853. By Will

Jan.	22	Read first time	394
Jan.	28	Referred to Committee on Business and Labor	448
Jan.	28	Hilgert name added	459
Jan.	30	Notice of hearing (2/10)	486
Feb.	13	Placed on General File - Com AM0293	623
Feb.	20	Committee AM0293 p. 623 adopted. Advanced for Review	703
Feb.	26	Placed on Select File	793
Mar.	4	Advanced for Engrossment	879
Mar.	4	Abboud name added	894
Mar.	6	Correctly Engrossed	919
Mar.	12	Will AM0907 printed	1032
Mar.	21	Retuned to Select File for Will AM0907. Will pending AM0907 p. 1032 adopted.	

		Advanced for Reengrossment	1154
Mar.	26	Correctly Reengrossed	1244
May	21	Final Reading 41-0-8	2194
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 853A. By Will

Apr.	8	Read first time. Placed on General File	1419
Apr.	21	Advanced for Review	1605
Apr.	28	Placed on Select File	1688
May	19	Advanced for Engrossment	2080
May	19	Correctly Engrossed	2096
May	21	Final Reading 40-0-9	2194
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Returned by Governor without approval (5/27)	2356
May	28	Will motion that LB853A pass notwithstanding the objections of the Governor printed	2433
June	12	Will motion p. 2433 to override veto withdrawn	2729
June	12	Communication	2736

LEGISLATIVE BILL 854. By Abboud

Jan.	22	Read first time	394
Jan.	28	Referred to Committee on Business and Labor	448
Jan.	30	Notice of hearing (2/10)	486
Mar.	4	Placed on General File - Com AM0739	879
Mar.	6	Business and Labor Committee priority bill	914
May	22	Committee AM0739 p. 879 adopted. Advanced for Review	2307
May	27	Placed on Select File - AM7166	2337
May	29	AM7166 (E & R) adopted. Advanced for Engrossment	2491
June	2	Correctly Engrossed	2534
June	4	Final Reading 44-0-5	2636
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 854A. By Abboud

Mar.	11	Read first time. Placed on General File	997
May	22	Advanced for Review	2307

May	27	Placed on Select File	2343
May	29	Advanced for Engrossment	2491
June	2	Correctly Engrossed	2534
June	4	Final Reading 46-0-3	2637
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 855. By Abboud

Jan.	22	Read first time	394
Jan.	28	Referred to Committee on Urban Affairs	448
Feb.	11	Notice of hearing (2/18)	581
Feb.	24	Placed on General File - Com AM0462	758

(Provisions/portions of LB 855 amended into LB 589 by AM1101)

LEGISLATIVE BILL 856. By Abboud

Jan.	22	Read first time	394
Jan.	28	Referred to Committee on Judiciary	448
Feb.	12	Notice of hearing (2/28)	612
Mar.	3	Placed on General File	849
Mar.	27	Advanced for Review	1260
Apr.	2	Placed on Select File	1316
Apr.	16	Advanced for Engrossment	1540
Apr.	23	Correctly Engrossed	1662
May	14	Chambers FA297 printed	1981
May	21	Chambers pending FA297 p. 1981 withdrawn	2184
May	21	Final Reading 43-0-6	2185
May	21	Speaker signed	2196
May	21	Presented to Governor (5/21)	2208
May	27	Approved by Governor (5/27)	2356

LEGISLATIVE BILL 857. By Wesely, Crosby

Jan.	22	Read first time	395
Jan.	28	Referred to Committee on Appropriations	448
Feb.	19	Notice of hearing (3/11)	677
Mar.	11	Lynch name added	1012

LEGISLATIVE BILL 858. By Wesely, Beutler, Crosby, Landis, Schimek

Jan.	22	Read first time	395
Jan.	28	Referred to Committee on Education	448
Feb.	7	Notice of hearing (3/3)	547
June	5	Indefinitely postponed	2665

LEGISLATIVE BILL 859. By Wesely

Jan.	22	Read first time	395
Jan.	28	Referred to Committee on Education	448
Feb.	7	Notice of hearing (3/3)	547
June	5	Indefinitely postponed	2665

LEGISLATIVE BILL 860. By Wesely

Jan.	22	Read first time	395
Jan.	28	Referred to Committee on Business and Labor	448
Feb.	20	Notice of hearing (3/10)	702

LEGISLATIVE BILL 861. By Jensen, Chambers

Jan.	22	Read first time	395
Jan.	28	Referred to Committee on Banking, Commerce and Insurance	448
Feb.	24	Notice of hearing (3/3)	748
Mar.	4	Placed on General File	852
Mar.	27	Advanced for Review	1264
Apr.	3	Placed on Select File	1334
Apr.	16	Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682
May	13	Hilgert AM2092 printed	1926
May	28	Hilgert AM2474 printed	2403
June	3	Hilgert pending AM2092 p. 1926, and AM2474 p. 2403 withdrawn. Final Reading 43-0-6	2574
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 861A. By Chambers

Apr.	17	Read first time. Placed on General File	1586
Apr.	21	Advanced for Review	1605
Apr.	28	Placed on Select File	1688
May	6	Hilgert AM1975 printed	1849
May	14	Hilgert pending AM1975 p. 1849 withdrawn. Advanced for Engrossment	1971
May	14	Correctly Engrossed	1990
May	28	Hilgert AM2476 printed	2407
June	3	Hilgert pending AM2476 p. 2407 withdrawn. Final Reading 43-0-6	2575
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	12	Approved by Governor (6/9)	2701

LEGISLATIVE BILL 862. By Banking, Commerce and Insurance Committee, at the request of the Governor

Jan.	22	Read first time	395
Jan.	28	Referred to Committee on Banking, Commerce and Insurance	448
Jan.	30	Notice of hearing (2/11)	486
Feb.	21	Placed on General File - Com AM0437	720
Mar.	6	Committee AM0437 p. 720 adopted. Advanced for Review	922
Mar.	11	Placed on Select File - AM7083 (printed separate)	987
Mar.	19	Landis AM1049 to AM7083 printed	1113
Mar.	20	AM7083 (E & R) adopted. Landis pending AM1049 p. 1113 adopted. Advanced for Engrossment	1131
Mar.	20	Expedited	1131
Mar.	21	Correctly Engrossed. ER9032 change	1171
Apr.	1	Dispensing of the reading at large approved. Final Reading w/E 38-0-11	1288
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

(Provisions/portions of LB 55 amended into LB 862 by AM1049)

LEGISLATIVE BILL 863. By Withem, Wesely

Jan.	22	Read first time	396
Jan.	28	Referred to Committee on Education	448
Feb.	7	Notice of hearing (2/18)	546
May	30	Indefinitely postponed	2515

LEGISLATIVE BILL 864. By Wesely, at the request of the Governor

Jan.	22	Read first time	396
Jan.	28	Referred to Committee on Health and Human Services	448
Jan.	29	Notice of hearing (2/19)	470
Feb.	25	Placed on General File - Com AM0234	772
Mar.	10	Crosby priority bill	985
Apr.	2	Bohlke AM1276 printed	1324
Apr.	8	Bohlke AM1348 printed	1420
Apr.	10	Committee AM0234 p. 772 adopted. Bohlke pending AM1276 p. 1324 withdrawn. Advanced for Review	1463
Apr.	15	Placed on Select File - AM7132	1522
Apr.	16	Wesely AM1601 printed	1568
Apr.	16	Wesely AM1600 printed	1571
Apr.	17	Beutler FA181 to AM1600 printed	1602

Apr.	28	Chambers FA197 printed	1694
May	6	AM7132 (E & R) adopted. Beutler pending FA181 p. 1602, Wesely pending AM1600 p. 1571 and Bohlke pending AM1348 p. 1420 withdrawn. Wesely pending AM1601 p. 1568 and Chambers pending FA197 p. 1694 adopted. Advanced for Engrossment	1846
May	12	Correctly Engrossed. ER9063 change	1907
May	13	Chambers name added	1966
June	3	Returned to Select File for Chambers FA432. Chambers FA432 adopted. Advanced for Reengrossment	2593
June	3	Maurstad motion to return to Select File for FA433 withdrawn	2593
June	3	Correctly Reengrossed	2613
June	5	Dispensing of the reading at large approved. Final Reading w/E 47-0-2	2681
June	5	Speaker signed	2697
June	12	Presented to Governor (6/5)	2698
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 870 amended into LB 864 by AM1601)

LEGISLATIVE BILL 864A. By Wesely

May	14	Read first time. Placed on General File	1983
May	19	Advanced for Review	2080
May	19	Placed on Select File	2103
May	28	Advanced for Engrossment	2429
May	29	Correctly Engrossed	2460
June	5	Final Reading w/E 46-0-3	2682
June	5	Speaker signed	2697
June	12	Presented to Governor (6/5)	2698
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 865. By Education Committee and Brashear, Engel, Hartnett, Hillman, Maurstad, Robinson, Schimek

Jan.	22	Read first time	396
Jan.	28	Referred to Committee on Education	448
Feb.	7	Notice of hearing (2/25)	547
Mar.	6	Education Committee priority bill	914
Mar.	20	Placed on General File - Com AM1042 (printed separate)	1129
Mar.	20	McKenzie priority bill	1143
Apr.	14	Committee AM1042 p. 1129 adopted. Advanced for Review	1498
Apr.	21	Placed on Select File - AM7139	1608

May	13	McKenzie AM2044 printed	1957
May	29	McKenzie AM2509 printed	2484
May	30	AM7139 (E & R) adopted. McKenzie pending AM2044 p. 1957 withdrawn. McKenzie pending AM2509 p. 2484 adopted. Advanced for Engrossment	2507
June	2	Correctly Engrossed	2547
June	2	ER9097 change	2549
June	4	Dispensing of the reading at large approved. Final Reading 48-0-1	2654
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 797 amended into LB 865 by AM2509)

LEGISLATIVE BILL 865A. By McKenzie

Apr.	21	Read first time. Placed on General File	1630
May	7	Advanced for Review	1869
May	12	Placed on Select File	1906
May	30	Advanced for Engrossment	2507
June	2	Correctly Engrossed	2547
June	4	Final Reading 48-0-1	2655
June	4	Speaker signed	2656
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor with line-item veto (6/4)	2703
June	12	Communication	2737

LEGISLATIVE BILL 866. By Preister

Jan.	22	Read first time	396
Jan.	28	Referred to Committee on Natural Resources	448
Feb.	20	Notice of hearing (3/5)	709

LEGISLATIVE BILL 867. By Preister, Beutler, Hartnett

Jan.	22	Read first time	396
Jan.	28	Referred to Committee on Natural Resources	448
Jan.	30	Notice of hearing (2/12)	489

LEGISLATIVE BILL 868. By Schmitt, Jones

Jan.	22	Read first time	396
Jan.	28	Referred to Committee on Banking, Commerce and Insurance	448
Mar.	3	Notice of hearing (3/18)	847
Mar.	3	Correction	852

LEGISLATIVE BILL 869. By Chambers

Jan.	22	Read first time	397
Jan.	28	Referred to Committee on Business and Labor	448
Feb.	12	Notice of hearing (2/24)	611
Mar.	20	Chambers priority bill	1125

LEGISLATIVE BILL 870. By Wesely, Chambers, Hillman, Landis, Schimek

Jan.	22	Read first time	397
Jan.	28	Referred to Committee on Revenue	448
Feb.	10	Notice of hearing (2/20)	562
Apr.	8	Placed on General File - Com AM1224 (printed separate)	1384

(Provisions/portions of LB 870 amended into LB 864 by AM1601)

LEGISLATIVE BILL 871. By Wesely

Jan.	22	Read first time	397
Jan.	28	Referred to Committee on Health and Human Services	448
Jan.	29	Notice of hearing (2/12)	470

LEGISLATIVE BILL 872. By Urban Affairs Committee

Jan.	22	Read first time	397
Jan.	28	Referred to Committee on Urban Affairs	448
Feb.	11	Notice of hearing (2/18)	582
Feb.	24	Placed on General File - Com AM0460	758

LEGISLATIVE BILL 873. By Urban Affairs Committee

Jan.	22	Read first time	398
Jan.	28	Referred to Committee on Urban Affairs	448
Feb.	11	Notice of hearing (2/25)	582
Feb.	28	Placed on General File	813
Mar.	27	Advanced for Review	1259
Apr.	1	Placed on Select File	1307
Apr.	16	Advanced for Engrossment	1535
Apr.	23	Correctly Engrossed	1662
May	20	D. Pederson AM2317 printed	2139
May	21	D. Pederson motion to suspend rules to permit consideration of AM2317 pending	2185
June	2	D. Pederson pending motion p. 2185 to suspend rules to permit consideration of AM2317 withdrawn. D. Pederson pending AM2317 p. 2139 withdrawn.	

		Returned to Select File for Withem AM2599. Withem AM2599 adopted. Advanced for Reengrossment	2519
June	2	Correctly Reengrossed	2546
June	4	Final Reading w/E 42-0-7	2638
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 873 amended into LB 874 by AM1984)

LEGISLATIVE BILL 874. By Urban Affairs Committee

Jan.	22	Read first time	398
Jan.	28	Referred to Committee on Urban Affairs	448
Feb.	11	Notice of hearing (2/25)	582
Feb.	28	Placed on General File	813
Mar.	27	Advanced for Review	1259
Apr.	2	Placed on Select File	1316
Apr.	16	Advanced for Engrossment	1535
Apr.	21	Hartnett AM1607 printed	1613
May	8	Hartnett AM1984 printed separate	1887
May	21	Hartnett pending AM1607 p. 1613 withdrawn. Returned to Select File for Hartnett AM1984. Hartnett pending AM1984 p. 1887 adopted. Advanced for Engrossment	2178
May	27	Correctly Engrossed	2329
May	27	ER9078 change	2330
June	3	Dispensing of the reading at large approved. Final Reading w/E 46-0-3	2597
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/9)	2701

(Provisions/portions of LB 589 amended into LB 874 by AM1984)
(Provisions/portions of LB 873 amended into LB 874 by AM1984)

LEGISLATIVE BILL 875. By Urban Affairs Committee

Jan.	22	Read first time	398
Jan.	28	Referred to Committee on Revenue	448
Feb.	10	Notice of hearing (2/20)	562
Mar.	12	Hartnett priority bill	1014
Mar.	18	Placed on General File - Com AM0963	1090
Apr.	2	Hartnett AM1287 to AM0963 printed	1327
Apr.	14	Committee AM0963 p. 1090 adopted as amended by Hartnett pending AM1287 p. 1327. Advanced for Review	1491
Apr.	21	Placed on Select File - AM7136 (printed separate)	1608
Apr.	23	Dierks AM1676 to AM7136 printed	1669

Apr.	29	Cudaback AM1788 to AM7136 printed	1725
Apr.	30	Hartnett-D. Pederson AM1677 to AM7136 printed	1754
May	19	Hartnett-D. Pederson AM2297 to AM7136 printed	2104
May	20	Hartnett-D. Pederson AM2341 to AM7136 printed	2172
May	22	AM7136 (E & R) adopted. Hartnett-D. Pederson pending AM1677 p. 1754, AM2297 p. 2104 and Kristensen-Wickersham-Will-Coordsen FA379 withdrawn. Dierks pending AM1676 p. 1669, Cudaback pending AM1788 p. 1725, Hartnett-D. Pederson pending AM2341 p. 2172, Coordsen AM2382 and Kristensen-Wickersham FA380 adopted. Coordsen motion to reconsider AM1676 pending	2298
May	27	Withem AM2445 printed	2360
May	27	Dierks-Cudaback-Schrock AM2429 printed	2363
May	28	Coordsen pending motion p. 2300 to reconsider AM1676 prevailed. Dierks request to substitute amendment prevailed. Dierks reconsidered AM1676 p. 1669 withdrawn. Dierks-Cudaback-Schrock pending substitute AM2429 p. 2363 adopted. Withem pending AM2445 p. 2360 withdrawn. Hartnett AM2481 and Chambers FA404 adopted. Advanced for Engrossment	2430
May	29	Correctly Engrossed. ER9088 change	2481
June	3	Dispensing of the reading at large approved. Final Reading 42-0-7	2599
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606
June	12	Approved by Governor (6/9)	2701

(Provisions/portions of LB 427 amended into LB 875 by AM1788)

LEGISLATIVE BILL 875A. By Hartnett

Apr.	15	Read first time. Placed on General File	1518
Apr.	21	Advanced for Review	1605
Apr.	28	Placed on Select File	1688
May	28	Advanced for Engrossment	2431
May	29	Correctly Engrossed	2481
June	3	Final Reading 45-0-4	2600
June	3	President signed	2601
June	3	Presented to Governor (6/3)	2606

June	12	Approved by Governor with line-item veto (6/3)	2702
June	12	Communication	2739

LEGISLATIVE BILL 876. By Urban Affairs Committee

Jan.	22	Read first time	398
Jan.	28	Referred to Committee on Urban Affairs	448
Feb.	11	Notice of hearing (2/25)	582
Mar.	12	Urban Affairs Committee priority bill	1014

LEGISLATIVE BILL 877. By McKenzie, Brashear, Bromm, Coordsen, Cudaback, Dierks, Elmer, Engel, Hillman, Hudkins, Jones, Kiel, Dw. Pedersen, D. Pederson, C. Peterson, Schellpeper, Schmitt, Schrock, Stuhr, Tyson, Wehrbein, Wickersham

Jan.	22	Read first time	398
Jan.	28	Referred to Committee on Natural Resources	448
Feb.	6	Notice of hearing (2/19)	541
Mar.	13	Schrock priority bill	1038
Apr.	8	Placed on General File - Com AM1283 (printed separate)	1384
May	8	McKenzie-Preister-Schrock-Beutler AM1742 to AM1283 printed	1894
May	13	Jensen name added	1966
May	16	Committee AM1283 p. 1384 adopted as amended by McKenzie et al pending AM1742 p. 1894. Advanced for Review	2066
May	19	Placed on Select File - AM7161	2090
May	29	AM7161 (E & R) adopted. Advanced for Engrossment	2490
June	2	Correctly Engrossed	2534
June	4	Beutler motion to return to Select File for FA439 withdrawn. Dispensing of the reading at large approved. Final Reading 47-0-2	2656
June	4	Speaker signed	2659
June	5	Presented to Governor (6/4)	2662
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 878. By Brown, Maurstad

Jan.	22	Read first time	399
Jan.	28	Referred to Committee on Government, Military and Veterans Affairs	448
Mar.	4	Notice of hearing (3/21)	889
Mar.	6	Attorney General's Opinion #97015 to Maurstad	914
Apr.	2	Placed on General File - Com AM1124	1313

(Provisions/portions of LB 878 amended into LB 314 by AM1939)

LEGISLATIVE BILL 878A. By Brown

Apr.	17	Read first time. Placed on General File	1590

LEGISLATIVE BILL 879. By Hilgert

Jan.	22	Read first time	408
Jan.	28	Referred to Committee on Judiciary	448
Feb.	20	Notice of hearing (3/12)	710
Mar.	24	Indefinitely postponed	1210

LEGISLATIVE BILL 880. By Engel, Brashear, Hartnett, Hillman, Robinson, Schmitt

Jan.	22	Read first time	409
Jan.	28	Referred to Committee on Transportation	448
Feb.	6	Notice of hearing (3/10)	524
Apr.	1	Indefinitely postponed	1304

LEGISLATIVE BILL 881. By Engel, Robinson

Jan.	22	Read first time	409
Jan.	28	Referred to Committee on Transportation	448
Feb.	6	Notice of hearing (3/10)	524
Apr.	1	Placed on General File - Com AM0812	1303
Apr.	1	Dw. Pedersen name added	1309

LEGISLATIVE BILL 882. By Engel, Crosby, Dierks, Jones, Kiel, D. Pederson, Robinson, Schrock, Vrtiska, Wehrbein, Witek, at the request of the Governor

Jan.	22	Read first time	409
Jan.	28	Referred to Committee on Judiciary	448
Jan.	30	Notice of hearing (2/13)	487
Feb.	24	Preister name added	761
Mar.	6	Placed on General File	935
Mar.	10	Engel priority bill	941
Apr.	2	Engel AM1266 printed	1314
Apr.	2	Chambers FA135 to AM1266 pending	1323
Apr.	2	Engel pending AM1266 p. 1314 adopted as amended by Chambers pending FA135 p. 1323. Dw. Pedersen AM1284 lost. Chambers FA134 and Engel FA137 withdrawn. Bromm FA136 adopted. Chambers motion to indefinitely postpone pending	1325
Apr.	8	Chambers pending motion to indefinitely postpone p. 1326 withdrawn. Engel AM1325 pending. Chambers FA143 to AM1325	

		adopted	1402
Apr.	8	Engel pending AM1325 p. 1402 adopted as amended. C. Peterson FA144 adopted. C. Peterson FA145 adopted as amended Engel FA149 and C. Peterson FA150. Beutler FA146 adopted	1411
Apr.	8	C. Peterson FA147 withdrawn. Chambers FA148 adopted. Advanced for Review	1420
Apr.	9	Beutler FA153 printed	1422
Apr.	10	Placed on Select File - AM7125	1457
Apr.	10	Dw. Pedersen AM1373 to AM7125 printed	1464
Apr.	11	AM7125 (E & R) adopted. C. Peterson asked unanimous consent to bracket until 4/24/97. Objection. Beutler pending FA153 p. 1422 pending. C. Peterson motion to bracket until 4/24/97 pending. Passed over	1480
Apr.	11	D. Pederson AM1405, AM1404, and Dw. Pedersen AM1422 printed	1481
Apr.	17	C. Peterson pending motion p. 1422 to bracket until 4/24/97 failed	1585
Apr.	17	Beutler pending FA153 p. 1422 pending	1587
Apr.	17	Beutler pending FA153 p. 1422 adopted. Dw. Pedersen pending AM1373 p. 1464 ruled germane. Chair sustained	1588
Apr.	17	Dw. Pedersen pending AM1373 p. 1464 adopted as amended by Chambers FA183 and Chambers-Dw. Pedersen FA185. D. Pederson pending AM1405 p. 1481 withdrawn. D. Pederson AM1404 lost	1590
Apr.	17	Chambers FA186 withdrawn. Dw. Pedersen pending AM1422 p. 1481 and Chambers FA187 adopted. C. Peterson AM1418 lost	1595
May	5	Abboud name added	1828
May	6	Advanced for Engrossment	1830
May	8	Correctly Engrossed	1885
May	8	ER9062 change	1886
May	19	Chambers FA343, AM2270, AM2271, AM2272, AM2273 and motion to bracket until 6/10/97 printed	2079
May	22	Chambers AM2394 printed	2319
May	22	Chambers AM2395, AM2396, AM2397, AM2398, AM2399, AM2400, AM2401, AM2402, AM2403 printed	2320
June	4	Chambers pending FA343, AM2270, AM2271, AM2272, AM2273, AM2394, AM2395, AM2396, AM2397, AM2398, AM2399, AM2400, AM2401, AM2402, AM2403 p. 2079, 2319, 2320, and motion p. 2079 to	

		bracket until 6/10/97 withdrawn. Final Reading 41-1-7	2627
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

(Provisions/portions of LB 760 amended into LB 882 by AM1373)

LEGISLATIVE BILL 882A. By Engel

Apr.	3	Read first time. Placed on General File	1337
Apr.	8	Advanced for Review	1420
Apr.	10	Placed on Select File	1460
May	6	Advanced for Engrossment	1831
May	8	Correctly Engrossed	1885
May	8	ER9067 change	1886
June	4	Final Reading 41-1-7	2628
June	4	Speaker signed	2639
June	4	Presented to Governor (6/4)	2660
June	12	Approved by Governor (6/10)	2703

LEGISLATIVE BILL 883. By Lynch

Jan.	22	Read first time	410
Jan.	28	Referred to Committee on Business and Labor	448
Feb.	20	Notice of hearing (3/10)	702

LEGISLATIVE BILL 884. By Crosby

Jan.	22	Read first time	410
Jan.	28	Referred to Committee on Judiciary	448
Feb.	12	Notice of hearing (2/26)	612
Mar.	13	Placed on General File	1065

LEGISLATIVE BILL 885. By Crosby

Jan.	22	Read first time	410
Jan.	28	Referred to Committee on Judiciary	448
Feb.	12	Notice of hearing (2/26)	612

LEGISLATIVE BILL 886. By Warner, at the request of the Governor

Jan.	23	Read first time	414
Jan.	28	Referred to Committee on Revenue	448
Feb.	4	Notice of hearing (2/12)	507
Mar.	3	Placed on General File - Com AM0629	848
Mar.	27	Committee AM0629 p. 848 adopted.	

		Advanced for Review	1263
Apr.	3	Placed on Select File - AM7106	1333
Apr.	16	AM7106 (E & R) adopted. Advanced for Engrossment	1541
Apr.	23	Correctly Engrossed	1682
May	14	Chambers FA298 printed	1981
May	29	Chambers pending FA298 p. 1981 withdrawn	2442
May	29	Final Reading 36-0-13	2443
May	29	Speaker signed	2460
May	29	Presented to Governor (5/29)	2461
June	5	Approved by Governor (6/4)	2663

(Provisions/portions of LB 443 amended into LB 886 by AM0629)

LEGISLATIVE BILL 887. By Appropriations Committee

Jan.	30	Read first time	489
Feb.	4	Referred to Committee on Appropriations	506
Feb.	4	Notice of hearing (2/13)	507
Feb.	20	Placed on General File	705
Feb.	26	Advanced for Review	787
Feb.	28	Placed on Select File	836
Mar.	4	Beutler FA50 printed	894
Mar.	20	Beutler pending FA50 p. 894 withdrawn. Advanced for Engrossment	1134
Mar.	24	Correctly Engrossed	1209
Apr.	1	Final Reading w/E 38-0-11	1285
Apr.	1	President signed	1293
Apr.	1	Presented to Governor (4/1)	1294
Apr.	2	Approved by Governor (4/2)	1327

LEGISLATIVE BILL 888. By Wesely, Beutler, at the request of the Governor

Feb.	4	Read first time. Referred to Committee on Health and Human Services	506
Feb.	4	Notice of hearing (2/12)	507
Mar.	18	Indefinitely postponed	1100

LEGISLATIVE BILL 889. By Appropriations Committee

Feb.	11	Wehrbein motion to allow introduction of bill prevailed	568
Feb.	11	Read first time	569
Feb.	11	Referred to Committee on Education	582
Feb.	12	Notice of hearing (2/25)	612

LEGISLATIVE BILL 890. By Business and Labor Committee

Feb.	28	Abboud motion to allow introduction of bill prevailed. Read first time	813
Mar.	3	Referred to Committee on Business and Labor	850
Mar.	6	Notice of hearing (3/18)	926
Mar.	19	Placed on General File - Com AM1037	1105
Apr.	15	Abboud AM1445 printed	1530
Apr.	16	Schimek-Hilgert-Preister-Chambers-Dierks-Schrock-Abboud AM1343 to AM1037 printed	1561
May	14	Committee AM1037 p. 1105 adopted as amended by Schimek et al pending AM1343 p. 1561. Abboud pending AM1445 p. 1530 adopted. Chambers FA323, AM2164, AM2165 and AM2166 withdrawn. Chambers AM2167 pending	1984
May	19	Chambers pending AM2167 p. 1986 withdrawn. Advanced for Rview	2080
May	19	Placed on Select File - AM7164	2103
May	19	Schrock AM2300 printed	2104
May	21	AM7164 (E & R) adopted. Schrock pending AM2300 p. 2104 lost. Advanced for Engrossment	2201
May	27	Correctly Engrossed	2329
June	3	Final Reading w/E 42-0-7	2576
June	3	Speaker signed	2579
June	3	Presented to Governor (6/3)	2587
June	5	Approved by Governor (6/4)	2663

LEGISLATIVE BILL 891. By Business and Labor Committee

Feb.	28	Abboud motion to allow introduction of bill prevailed. Read first time	813
Mar.	3	Referred to Committee on Business and Labor	850
Mar.	6	Notice of hearing (3/18)	926
Mar.	19	Indefinitely postponed	1106

3028

CHRONOLOGY OF CONSTITUTIONAL AMENDMENT RESOLUTIONS

NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

LEGISLATIVE RESOLUTION 1. By Withem

Jan.	9	Read first time. Referred to Reference Committee	109
Jan.	16	Referred to Committee on Executive Board	282
Feb.	4	Notice of hearing (2/13)	498
Mar.	3	Withem AM0673 and AM0674 printed	843
Mar.	3	Placed on General File	849

LEGISLATIVE RESOLUTION 2CA. By Coordsen

Jan.	9	Read first time. Referred to Reference Committee	110
Jan.	13	Referred to Committee on Appropriations	182
Feb.	7	Notice of hearing (2/24)	551

LEGISLATIVE RESOLUTION 3. By Maurstad

Jan.	9	Read first time. Referred to Reference committee	110
Jan.	15	Brown, Matzke, Preister, Schrock, McKenzie, Schmitt, Witek, Schimek, C. Peterson, Beutler, Schellpeper, Jensen, Cudaback, Elmer, Bromm, Stuhr Robak, Coordsen, Crosby, Janssen, Hudkins, Jones, Bruning, Vrtiska, Robinson, Dw. Pedersen, D. Pederson, Tyson, Hilgert, Abboud, Dierks, Warner, Brashear, Kristensen, Wehrbein and Engel names added	279
Jan.	28	Referred to Committee on Executive Board	448
Feb.	4	Notice of hearing (2/19)	498

LEGISLATIVE RESOLUTION 5CA. By Stuhr, Janssen, Robinson, Schrock, Vrtiska

Jan.	9	Read first time. Referred to Reference committee	123
Jan.	14	Referred to Committee on Government,	

		Military and Veterans Affairs	217
Jan.	14	Witek name added	233
Jan.	15	Notice of hearing (1/23)	264
Jan.	24	Placed on General File - Com AM0022	428
Jan.	27	Withem AM0046 to AM0022 adopted. Withem AM0043 and Maurstad AM0055 lost. Maurstad AM0056 withdrawn	437
Jan.	27	Beutler FA5 withdrawn	442
Jan.	27	Withem FA6 and FA7 printed	443
Jan.	28	Beutler AM0081 to AM0022 and Withem pending FA7 p. 443 adopted. Withem pending FA6 p. 443 withdrawn	450
Jan.	28	Beutler FA8 withdrawn. Committee AM0022 p. 428 adopted as amended. Failed to Advance for Review w/14-27-8	453
Jan.	28	Maurstad-Stuhr AM0093 printed	459
Feb.	13	Maurstad-Stuhr pending AM0093 p. 459 adopted. Advanced for Review	629
Feb.	19	Placed on Select File - AM7047	683
Apr.	9	AM7047 (E & R) adopted. Chambers motion to indefinitely postpone pending	1432
Apr.	9	Chambers pending motion to indefinitely postpone p. 1432 failed. Failed to Advance for Engrossment w/24-19-6	1435

LEGISLATIVE RESOLUTION 6CA. By Robinson, Bohlke

Jan.	9	Read first time. Referred to Reference committee	124
Jan.	14	Referred to Committee on Education	217
Jan.	17	Notice of hearing (1/27)	304
Jan.	30	Placed on General File - Com AM0110	478
Feb.	5	Beutler-Bromm-Wickersham-Bohlke-McKenzie-Suttle AM0170 printed	514

LEGISLATIVE RESOLUTION 7CA. By Schimek, Kristensen, Warner

Jan.	9	Read first time. Referred to Reference committee	125
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	217
Feb.	11	Notice of hearing (2/20)	570
Mar.	5	Placed on General File	904
Mar.	11	Schimek priority resolution	992
Apr.	8	Kristensen-Withem AM1311 printed	1404
Apr.	8	Kristensen-Withem AM1334 printed	1405
Apr.	10	Pending	1463
Apr.	10	Kristensen-Withem pending AM1311	

		p. 1404 adopted. Kristensen-Withem pending AM1334 p. 1405 withdrawn. Advanced for Review	1469
Apr.	15	Placed on Select File	1522
May	6	Beutler AM1567 printed	1845
May	6	Schimek AM1831 pending	1847
May	6	Schimek pending AM1831 p. 1847 lost. Beutler pending AM1567 p. 1845 withdrawn. Withem motion to indefinitely postpone laid over	1851
May	7	Crosby motion to reconsider AM1831 printed	1879
May	15	Withem pending motion to indefinitely postpone p. 1851 withdrawn. Crosby pending motion p. 1879 to reconsider AM1831 prevailed	2008
May	15	Beutler FA328 printed	2013
May	15	Chambers AM2221 printed	2013
May	22	Schimek reconsidered AM1831 p. 1847 pending. Chambers FA376 to AM1831 pending. Passed over	2295
May	22	Chambers FA377 printed	2296
May	22	Chambers FA378 printed	2297

LEGISLATIVE RESOLUTION 8CA. By Cudaback, Robinson, Schrock

Jan.	9	Read first time. Referred to Reference committee	127
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	217
Jan.	29	Notice of hearing (2/5)	469
Feb.	11	Placed on General File	573
Feb.	18	Advanced for Review	647
Feb.	21	Placed on Select File	715
Apr.	9	Cudaback AM1361 adopted. Advanced for Engrossment	1432
Apr.	11	Correctly Engrossed	1482
Apr.	16	Withem motion to return to Select File for FA168 withdrawn. Final Reading 42-1-6	1549
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Secretary of State (4/16)	1563

LEGISLATIVE RESOLUTION 9CA. By Warner, Kristensen, Withem

Jan.	9	Read first time.	

		Referred to Reference committee	128
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	217
Jan.	29	Notice of hearing (2/5)	469
Feb.	11	Indefinitely postponed	574

LEGISLATIVE RESOLUTION 10CA. By Warner, Kristensen, Withem

Jan.	9	Read first time. Referred to Reference committee	128
Jan.	16	Referred to Committee on Executive Board	282
Jan.	30	Notice of hearing (2/7)	479
Feb.	4	Notice of hearing (2/7) (Room change to 1510)	510
Feb.	11	Placed on General File	568
Feb.	13	Advanced for Review	625
Feb.	18	Placed on Select File	653
Apr.	8	Kristensen-Withem AM1304 printed	1413
Apr.	9	Kristensen-Withem pending AM1304 p. 1413 adopted. Advanced for Engrossment	1431
Apr.	11	Correctly Engrossed	1482
Apr.	16	Final Reading 43-0-6	1551
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Secretary of State (4/16)	1563

LEGISLATIVE RESOLUTION 11CA. By Warner, Kristensen, Withem

Jan.	9	Read first time. Referred to Reference committee	129
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	282
Jan.	29	Notice of hearing (2/5)	469
Feb.	19	Indefinitely postponed	676

LEGISLATIVE RESOLUTION 12CA. By Warner, Kristensen, Withem

Jan.	9	Read first time. Referred to Reference committee	130
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	217
Feb.	11	Notice of hearing (2/19)	570
Feb.	24	Placed on General File	749

LEGISLATIVE RESOLUTION 13CA. By Warner, Kristensen, Withem

Jan.	9	Read first time. Referred to Reference committee	133
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	282
Jan.	29	Notice of hearing (2/5)	469
Feb.	11	Placed on General File	573
Feb.	19	Chambers motion to indefinetly postpone laid over	683
Feb.	20	Chambers pending motion to indefinitely postpone p. 683 withdrawn. Warner AM0438 adopted. Advanced for Review	702
Feb.	26	Placed on Select File - AM7064	784

LEGISLATIVE RESOLUTION 14CA. By Warner, Kristensen, Withem

Jan.	9	Read first time. Referred to Reference committee	134
Jan.	16	Referred to Committee on Executive Board	282
Feb.	4	Notice of hearing (2/19)	498
Mar.	3	Placed on General File	849
Mar.	20	Executive Board priority resolution	1142

LEGISLATIVE RESOLUTION 15CA. By Kristensen, Warner, Withem

Jan.	9	Read first time. Referred to Reference committee	135
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	282
Jan.	17	Schimek name added	320
Jan.	29	Notice of hearing (2/6)	469
Mar.	5	Placed on General File - Com AM0754	904

LEGISLATIVE RESOLUTION 16CA. By Kristensen, Warner, Withem

Jan.	9	Read first time. Referred to Reference committee	135
Jan.	16	Referred to Committee on Judiciary	282
Feb.	21	Notice of hearing (3/27)	719
Mar.	10	Notice of hearing (3/27) (cancel) Notice of hearing (3/27) (reset)	972
Apr.	9	Placed on General File	1425

LEGISLATIVE RESOLUTION 17CA. By Kristensen, Warner, Withem

Jan.	9	Read first time. Referred to Reference committee	136
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	282
Jan.	29	Notice of hearing (2/6)	469
Feb.	11	Placed on General File - Com AM0236	573
Feb.	18	Committee AM0236 p. 573 adopted. Advanced for Review	647
Feb.	21	Placed on Select File	715
Apr.	8	Kristensen-Withem AM1305 printed	1413
Apr.	9	Kristensen-Withem pending AM1305 p. 1413 adopted. Advanced for Engrossment	1432
Apr.	14	Correctly Engrossed. ER9043 change	1490
May	21	Withem motion to return to select file for FA364 withdrawn. Final Reading 43-0-6	2188
May	21	Speaker signed	2196
May	21	Presented to Secretary of State (5/21)	2207

(Provisions/portions of LR28CA amended into LR17CA by AM0236)
(Provisions/portions of LR29CA amended into LR17CA by AM0236)

LEGISLATIVE RESOLUTION 18CA. By Kristensen, Warner, Withem

Jan.	9	Read first time. Referred to Reference committee	136
Jan.	16	Referred to Committee on Judiciary	282
Feb.	21	Notice of hearing (3/27)	719
Mar.	10	Notice of hearing (3/27) (cancel) Notice of hearing (3/27) (reset)	973
Apr.	9	Placed on General File	1425

LEGISLATIVE RESOLUTION 19CA. By Kristensen, Warner, Withem

Jan.	9	Read first time. Referred to Reference committee	138
Jan.	14	Referred to Committee on Judiciary	217
Jan.	15	Notice of hearing (1/22)	264
Jan.	27	Placed on General File - Com AM0037	441

LEGISLATIVE RESOLUTION 20CA. By Kristensen, Warner, Withem

Jan.	9	Read first time. Referred to Reference committee	138
Jan.	14	Referred to Committee on Judiciary	217
Jan.	15	Notice of hearing (1/22)	264
Jan.	17	Schimek name added	320

Jan.	27	Placed on General File	440
Jan.	30	Advanced for Review	482
Feb.	4	Placed on Select File	497
Apr.	8	Kristensen-Withem AM1306 printed	1413
Apr.	9	Kristensen-Withem pending AM1306 p. 1413 withdrawn. Passed over	1432
Apr.	9	Advanced for Engrossment	1437
Apr.	14	Correctly Engrossed	1490
May	21	Final Reading 42-2-5	2190
May	21	Speaker signed	2196
May	21	Presented to Secretary of State (5/21)	2207

LEGISLATIVE RESOLUTION 21CA. By Robinson, Bromm, Janssen, Jones, Vrtiska

Jan.	9	Read first time. Referred to Reference committee	138
Jan.	10	Stuhr and Bruning names added	179
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	217
Jan.	15	Notice of hearing (1/23)	264
Jan.	24	Indefinitely postponed	429

LEGISLATIVE RESOLUTION 22CA. By Will

Jan.	9	Read first time. Referred to Reference committee	140
Jan.	14	Referred to Committee on Judiciary	217
Jan.	17	Notice of hearing (1/24)	318
Mar.	24	Indefinitely postponed	1210

LEGISLATIVE RESOLUTION 23CA. By Withem

Jan.	9	Read first time. Referred to Reference committee	140
Jan.	16	Referred to Committee on Executive Board	282
Feb.	4	Notice of hearing (2/19)	498

LEGISLATIVE RESOLUTION 24CA. By Kristensen, Warner

Jan.	9	Read first time. Referred to Reference committee	141
Jan.	14	Referred to Committee on Judiciary	217
Jan.	15	Notice of hearing (1/22)	264

LEGISLATIVE RESOLUTION 25CA. By Kristensen, Warner

Jan.	9	Read first time.	

		Referred to Reference committee	142
Jan.	16	Referred to Committee on Executive Board	282
Jan.	30	Notice of hearing (2/7)	479
Feb.	4	Notice of hearing (2/7) (Room change to 1510)	510
Feb.	11	Placed on General File	568
Feb.	13	Advanced for Review	625
Feb.	13	Withem name added	633
Feb.	18	Placed on Select File	653

LEGISLATIVE RESOLUTION 26CA. By Withem, Kristensen, Warner

Jan.	9	Read first time. Referred to Reference committee	143
Jan.	14	Referred to Committee on Judiciary	217
Jan.	15	Notice of hearing (1/22)	264
Jan.	27	Placed on General File	440
Jan.	30	Advanced for Review	489
Feb.	4	Placed on Select File	497
Apr.	8	Withem-Kristensen AM1309 printed	1413
Apr.	9	Withem-Kristensen pending AM1309 p. 1413 adopted. Advanced for Engrossment	1431
Apr.	11	Correctly Engrossed	1482
Apr.	16	Final Reading 44-0-5	1552
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Secretary of State (4/16)	1563

LEGISLATIVE RESOLUTION 27CA. By Withem, Kristensen, Warner

Jan.	9	Read first time. Referred to Reference committee	143
Jan.	14	Referred to Committee on Judiciary	217
Jan.	15	Notice of hearing (1/22)	264

LEGISLATIVE RESOLUTION 28CA. By Withem, Kristensen, Warner

Jan.	9	Read first time. Referred to Reference committee	144
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	282
Jan.	29	Notice of hearing (2/6)	469

(Provisions/portions of LR28CA amended into LR17CA by AM0236)

LEGISLATIVE RESOLUTION 29CA. By Withem, Kristensen, Warner

Jan.	9	Read first time. Referred to Reference committee	144
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	282
Jan.	29	Notice of hearing (2/6)	469

(Provisions/portions of LR29CA amended into LR17CA by AM0236)

LEGISLATIVE RESOLUTION 30CA. By Withem, Kristensen, Warner

Jan.	9	Read first time. Referred to Reference committee	145
Jan.	14	Referred to Committee on Judiciary	217
Jan.	15	Notice of hearing (1/22)	264
Jan.	27	Placed on General File	440
Jan.	30	Advanced for Review	490
Feb.	4	Placed on Select File	497
Apr.	8	Withem-Kristensen AM1308 printed	1413
Apr.	9	Withem-Kristensen pending AM1308 p. 1413 adopted. Advanced for Engrossment	1431
Apr.	11	Correctly Engrossed	1482
Apr.	16	Final Reading 43-0-6	1553
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Secretary of State (4/16)	1563

LEGISLATIVE RESOLUTION 31CA. By Brown, Engel, Warner

Jan.	9	Read first time. Referred to Reference committee	150
Jan.	14	Referred to Committee on Transportation	217
Feb.	6	Notice of hearing (3/11)	524

LEGISLATIVE RESOLUTION 32CA. By Schimek

Jan.	10	Read first time. Referred to Reference commmittee	167
Jan.	14	Referred to Committee on Government, Military and Veterans Affairs	249
Jan.	16	Notice of hearing (1/24)	297
Feb.	4	Placed on General File - Com AM0151	503
Feb.	10	Committee AM0151 p. 503 adopted. Advanced for Review	558
Feb.	13	Placed on Select File - AM7036	627
Feb.	20	AM7036 (E & R) adopted. Advanced for Engrossment	699
Feb.	26	Correctly Engrossed	785
Apr.	8	Kristensen-Withem AM1310 printed	1413
Apr.	9	Returned to Select File for Kristensen-Withem	

		AM1310. Kristensen-Withem pending AM1310 p. 1413 adopted. Advanced for Reengrossment	1424
Apr.	11	Correctly Reengrossed	1482
Apr.	16	Final Reading 42-0-7	1554
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Secretary of State (4/16)	1563

LEGISLATIVE RESOLUTION 35. By Witek

Jan.	10	Read first time. Referred to Reference Committee	169
Jan.	14	Referred to Committee on Executive Board	249
Feb.	4	Notice of hearing (2/13)	498
Mar.	3	Indefinitely postponed	849

LEGISLATIVE RESOLUTION 36CA. By Withem, Kristensen, Warner

Jan.	13	Read first time. Referred to Reference Committee	194
Jan.	16	Referred to Committee on Judiciary	282
Feb.	21	Notice of hearing (3/27)	719
Mar.	10	Notice of hearing (3/27) (cancel) Notice of hearing (3/27) (reset)	973

LEGISLATIVE RESOLUTION 37. By Kristensen

Jan.	13	Read first time. Laid over	207
Jan.	14	Referred to Reference committee	217
Jan.	16	Referred to Committee on Banking, Commerce and Insurance	296
Feb.	20	Correction. Referred to Committee on Revenue	687
Feb.	20	Notice of hearing (3/12)	701
Apr.	1	Reported to the Legislature for further consideration	1306
June	12	Withem motion to overrule agenda prevailed	2750

LEGISLATIVE RESOLUTION 38CA. By Kristensen, Warner, Withem

Jan.	13	Read first time. Referred to Reference committee	208
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	282
Feb.	11	Notice of hearing (2/28)	570
Mar.	18	Placed on General File - Com AM0992	1079

LEGISLATIVE RESOLUTION 39CA. By Kristensen, Warner, Withem

Jan.	13	Read first time. Referred to Reference committee	209
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	282
Jan.	16	Notice of hearing (1/24)	297
Feb.	4	Indefinitely postponed	504

LEGISLATIVE RESOLUTION 40CA. By Brashear

Jan.	13	Read first time. Referred to Reference committee	210
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	282
Feb.	24	Notice of hearing (3/13)	748
Apr.	1	Indefinitely postponed	1292

LEGISLATIVE RESOLUTION 41CA. By Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem

Jan.	13	Read first time. Referred to Reference committee	211
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	282
Jan.	16	Notice of hearing (1/24)	297

LEGISLATIVE RESOLUTION 42CA. By Warner, Kristensen, Withem

Jan.	13	Read first time. Referred to Reference committee	213
Jan.	16	Referred to Committee on Education	282
Feb.	7	Notice of hearing (3/11)	547
Mar.	25	Placed on General File	1229

LEGISLATIVE RESOLUTION 43CA. By Warner, Kristensen, Withem

Jan.	14	Read first time. Referred to Reference committee	218
Jan.	16	Referred to Committee on Government, Military and Veterans Affairs	296
Jan.	29	Notice of hearing (2/5)	469
Feb.	19	Placed on General File	675
Feb.	21	Warner AM0490 printed	724

LEGISLATIVE RESOLUTION 44CA. By Warner

Jan.	14	Read first time. Referred to Reference committee	220
Jan.	16	Referred to Committee on Transportation	296
Feb.	6	Notice of hearing (3/11)	524

LEGISLATIVE RESOLUTION 45CA. By Revenue Committee

Jan.	14	Read first time. Referred to Reference committee	240
Jan.	16	Referred to Committee on Revenue	296
Jan.	16	Notice of hearing (1/23)	297
Mar.	13	Maurstad name added	1070

LEGISLATIVE RESOLUTION 46CA. By Will

Jan.	15	Read first time. Referred to Reference Committee	262
Jan.	17	Referred to Committee on General Affairs	318
Feb.	28	Notice of hearing (3/10)	821
Mar.	12	Indefinitely postponed	1024

LEGISLATIVE RESOLUTION 47CA. By Withem, Kristensen, Warner

Jan.	15	Read first time. Referred to Reference Committee	263
Jan.	17	Referred to Committee on Government, Military and Veterans Affairs	318
Jan.	29	Notice of hearing (2/6)	470
Feb.	11	Placed on General File	573
Feb.	18	Advanced for Review	647
Feb.	21	Placed on Select File - AM7057	715
Apr.	8	Withem-Kristensen AM1307 printed	1413
Apr.	9	AM7057 (E & R) adopted. Withem-Kristensen pending AM1307 p. 1413 adopted. Advanced for Engrossment	1432
Apr.	11	Correctly Engrossed	1482
Apr.	16	Final Reading 40-4-5	1556
Apr.	16	Speaker signed	1560
Apr.	16	Presented to Secretary of State (4/16)	1563

LEGISLATIVE RESOLUTION 48CA. By Kristensen, Warner, Withem

Jan.	16	Read first time. Referred to Reference Committee	285
Jan.	17	Referred to Committee on Natural Resources	318

Feb.	20	Notice of hearing (3/19)	709
May	2	Indefinitely postponed	1792

LEGISLATIVE RESOLUTION 50. By Wehrbein

Jan.	17	Read first time. Referred to Reference committee	311
Jan.	22	Referred to Committee on Natural Resources	356
Jan.	22	Notice of hearing (1/29)	410
Feb.	5	Reported to the Legislature for further consideration	520
Feb.	13	Adopted 28-0-21	619
Feb.	13	Speaker signed	629

LEGISLATIVE RESOLUTION 52CA. By Hillman, Brown, Engel, Maurstad, Robinson

Jan.	17	Read first time. Referred to Reference committee	313
Jan.	22	Referred to Committee on Government, Military and Veterans Affairs	356
Mar.	4	Notice of hearing (3/21)	889

LEGISLATIVE RESOLUTION 53. By Schimek, Beutler, Robak, Vrtiska,

Jan.	17	Read first time. Referred to Reference committee	314
Jan.	23	Referred to Committee on Government, Military and Veterans Affairs	413
Mar.	4	Notice of hearing (3/21)	889
Apr.	2	Placed on General File	1313
June	12	Withem motion to overrule agenda prevailed	2750

LEGISLATIVE RESOLUTION 54. By Preister

Jan.	17	Read first time. Referred to Reference committee	315
Jan.	23	Referred to Committee on Natural Resources	413
Feb.	20	Notice of hearing (3/19)	709

LEGISLATIVE RESOLUTION 55CA. By Withem, Kristensen, Warner

Jan.	21	Read first time. Referred to Reference committee	345
Jan.	23	Referred to Committee on Government,	

	Military and Veterans Affairs	413
Feb. 11	Notice of hearing (2/20)	570
Feb. 24	Placed on General File	749

LEGISLATIVE RESOLUTION 56CA. By Beutler

Jan. 21	Read first time. Referred to Reference committee	347
Jan. 23	Referred to Committee on Government, Military and Veterans Affairs	420
Feb. 24	Notice of hearing (3/13)	748
Apr. 1	Indefinitely postponed	1293

LEGISLATIVE RESOLUTION 57CA. By Beutler

Jan. 21	Read first time. Referred to Reference committee	348
Jan. 23	Referred to Committee on Executive Board	420
Feb. 4	Notice of hearing (2/19)	498
Mar. 3	Indefinitely postponed	849

LEGISLATIVE RESOLUTION 58CA. By Crosby

Jan. 22	Read first time. Referred to Reference committee	399
Jan. 28	Referred to Committee on Government, Military and Veterans Affairs	448
Mar. 4	Notice of hearing (3/21)	889

LEGISLATIVE RESOLUTION 59CA. By Beutler

Jan. 22	Read first time. Referred to Reference committee	399
Jan. 28	Referred to Committee on Judiciary	448
Mar. 10	Notice of hearing (3/27)	972

LEGISLATIVE RESOLUTION 60CA. By Kristensen

Jan. 22	Read first time. Referred to Reference committee	402
Jan. 28	Referred to Committee on Government, Military and Veterans Affairs	448
Mar. 4	Notice of hearing (3/21)	889

LEGISLATIVE RESOLUTION 61CA. By Landis

Jan. 22	Read first time. Referred to Reference committee	403
Jan. 28	Referred to Committee on Judiciary	448

Mar. 10	Notice of hearing (3/27)	972
May 7	Indefinitely postponed	1869

LEGISLATIVE RESOLUTION 62CA. By Maurstad

Jan. 22	Read first time.	
	Referred to Reference committee	404
Jan. 28	Referred to Committee on Revenue	448
Feb. 10	Notice of hearing (3/6)	562
Feb. 11	Notice of hearing (3/6) (cancel)	
	Notice of hearing (3/12) (reset)	701

LEGISLATIVE RESOLUTION 63CA. By Maurstad, Brown

Jan. 22	Read first time.	
	Referred to Reference committee	404
Jan. 28	Referred to Committee on Revenue	449
Feb. 10	Notice of hearing (2/19)	561
Mar. 10	Indefinitely postponed	978

LEGISLATIVE RESOLUTION 64CA. By Will

Jan. 22	Read first time.	
	Referred to Reference committee	407
Jan. 28	Referred to Committee on Revenue	449
Feb. 4	Notice of hearing (2/13)	507
Mar. 3	Indefinitely postponed	846

LEGISLATIVE RESOLUTION 65CA. By Warner, at the request of the Governor

Jan. 23	Read first time.	
	Referred to Reference committee	414
Jan. 28	Referred to Committee on Revenue	449
Feb. 4	Notice of hearing (2/13)	507
Mar. 3	Indefinitely postponed	846

LEGISLATIVE RESOLUTION 88. By Beutler, Hilgert, D. Pederson, Abboud, Bruning, Bromm, Wickersham, Kristensen, Matzke, Will, Brashear

Mar. 5	Read first time. Laid over	910
Mar. 10	Referred to Reference commmittee	985
Mar. 11	Referred to Committee on Judiciary	1011
Mar. 19	Notice of hearing (3/27)	1109
June 5	Elmer name added	2695
June 12	Elmer name withdrawn	2750

LEGISLATIVE RESOLUTION 108. By Maurstad,

Apr.	2	Read first time. Referred to Reference committee	1320
Apr.	3	Referred to Committee on Executive Board	1344
Apr.	3	Notice of hearing (4/10)	1344
Apr.	11	Reported to the Legislature for further consideration	1481
June	12	Withem motion to overrule agenda prevailed	2750

LEGISLATIVE RESOLUTION 110. By Robak

Apr.	8	Read first time. Referred to Reference committee	1399
Apr.	8	Referred to Committee on Natural Resources	1410
Apr.	17	Notice of hearing (4/29)	1586
May	1	Reported to the Legislature for further consideration	1770
June	12	Adopted 21-0-28	2707
June	12	President signed	2714

LEGISLATIVE RESOLUTION 286. By Vrtiska

May	22	Read first time. Referred to Reference committee	2295
May	22	Referred to Committee on Natural Resources	2296
May	27	Notice of hearing (6/3)	2343
June	3	Reported to the Legislature for further consideration	2606
June	12	Adopted 24-0-25	2708
June	12	President signed	2714

LEGISLATIVE RESOLUTION 287. By Wickersham

May	22	Read first time. Referred to Reference committee. Referred to Committee on Natural Resources	2308
May	27	Notice of hearing (6/3)	2343
June	3	Reported to the Legislature for further consideration	2606
June	12	Adopted 27-0-22	2708
June	12	President signed	2714

INTRODUCERS OF BILLS AND RESOLUTIONS REFERRED TO COMMITTEE

NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

CHRIS ABBOUD

LB	
91*	Change provisions relating to speeding and overtaking and passing in a school crossing zone.
104*	Eliminate a restriction on an additional amount of service surcharge for 911 service.
129*	Change provisions relating to employment security law terms.
130*	Change the definition of "employment" under the Employment Security Law.
134	Adopt the Uniform Common Interest Ownership Act.
139*	Change provisions for income levels used to determine homestead exemption amounts.
182*	Change provisions and appropriate funds relating to homestead exemptions.
203*	Eliminate a duty for sheriffs relating to the sex offenders.
204*	Provide for community notification of certain records relating to sex offenders.
268*	Adopt the Drug Dealer Liability Act.
278*	Adopt the DNA Detection of Sexual and Violent Offenders Act.
278A	Appropriation Bill.
288*	Change provisions for the distribution of proceeds from the state lottery.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
398	Clarify the time for filing a notice of appeal relating to civil procedure.
440*	Change provisions relating to being an accessory to a felony.
442*	Change provisions relating to product liability.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
530*	Change the homestead exemption amount and income eligibility amounts.
639*	Adopt the Resident Tuition Assistance Grant Program Act.
642*	Change the number of county judges in certain districts.
643	Provide restrictions on the release of videotapes of child victims of sexual assault or child abuse.
806A*	Appropriation Bill.
853*	Change provisions relating to worker's compensation.

854	Eliminate the Second Injury Fund relating to workers' compensation.
854A	Appropriation Bill.
855	Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.
856	Provide for an expungement procedure of a person's criminal history record in cases of erroneous arrest.
882***	Change provisions relating to adult and juvenile incarceration and facilities.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

CHRIS BEUTLER

LB	
29	Change provisions relating to qualifications and continuing education requirements for real estate appraisers.
30	Change provisions relating to water wells.
31	Change provisions relating to ex parte communications under the Administrative Procedure Act.
80*	Change provisions for providing copies of adoption decrees by the clerk of the county court.
135	Change provisions relating to rates and charges under the Integrated Solid Waste Management Act.
139*	Change provisions for income levels used to determine homestead exemption amounts.
141	Change provisions relating to meetings and official actions by the Game and Parks Commission.
173A	Appropriation Bill.
182*	Change provisions and appropriate funds relating to homestead exemptions.
284	Change provisions for record filings relating to trust deeds.
292*	Require the State Board of Education to develop a school district reorganization plan.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
321*	Require reports of late expenditures under the Nebraska Political Accountability and Disclosure Act.
323*	Adopt the Sexual Predator Act.
356	Eliminate a termination date for the Trail Development Assistance Act.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
408*	Change provisions relating to funding and tax levies for community colleges.

430*	Change and eliminate powers and duties of the Attorney General.
494*	Provide for Nebraska Environmental Heritage License Plates.
495**	Change provisions relating to solid waste.
505	Change the number of county court and district court judges.
506*	Authorize cooperating municipalities, public power districts, and joint power districts to provide natural gas and telecommunications services.
507	Change provisions relating to positions of clerk magistrate of the county court and clerk of the district court.
516	Change provisions relating to motor vehicle registration fees.
517A	Appropriation Bill.
518***	Provide loans to public water supply systems.
530*	Change the homestead exemption amount and income eligibility amounts.
537	Change provisions for classifications of penalties under the Nebraska Criminal Code.
538	Change the manner in which school districts may exceed levy limits.
539	Adopt the Student Freedom of Expression Act.
540	Change provisions for the election of directors and the creation of natural resources subdistricts.
541	Provide for environmental audits.
542	Change provisions for calculation of adjusted tiered cost per student under the Tax Equity and Educational Opportunities Support Act.
569*	Provide an increase in the minimum wage rate.
602*	Change and eliminate provisions for service areas relating to municipal power suppliers.
620	Provide restrictions on publishing and broadcasting campaign materials.
621	Change provisions for distribution of public funds and reporting under the Campaign Finance Limitation Act.
644	Change provisions relating to access to information under the Sex Offender Registration Act.
655*	Establish air quality standards for hydrogen sulfide gas.
656	Appropriate funds to the Niobrara Council.
656A	Appropriation Bill.
657	Change provisions relating to permits for appropriations of water.
658	Change certain provisions relating to energy production powers, fees and radioactive waste funds.
674	Change provisions relating to child custody, visitation and the Parenting Act.
675	Adopt the Kids First Health Care Act.

676	Require restitution for fraudulent insurance acts.
677	Change filing and jurisdiction provisions in domestic relations matters.
678	Provide for enforcement of the Campaign Finance Limitation Act and provide civil and criminal penalties.
679	Change penalty provisions for littering.
680	Change provisions for calculation of state aid to schools.
681	Appropriate funds to the Legislative Council to study the consumer-owned electric utility industry.
682	Limit the tax levy authority of drainage districts and require merger with natural resources districts.
683	Provide a fee on the sale of bicycles.
684	Change a date for funds from the Low Level Radioactive Waste Compact States to be remitted to the Community Improvements Cash Fund.
700	Adopt the Geologists Regulation Act.
701	Provide powers and duties for conservation and deputy conservation officers.
702	Provide for credentialing of certain federal officers as conservation officers of the Game and Parks Commission.
703	Change provisions relating to the importation, exportation, and release of birds and mammals under the Game Law.
704	Change provisions for issuance of certain permits by the Game and Parks Commission.
705	Provide for lifetime habitat stamps.
706	Change the number of county court, district court, and Court of Appeals judges.
733*	Provide for permits to hunt and kill mountain sheep.
744	State intent and provide requirements for reorganization, consolidation, or merger of electric utilities.
751	Eliminate the offense of unlawful possession of a revolver and create the offense of illegal possession of a firearm.
752***	Adopt the License Suspension Act.
752A	Appropriation Bill.
806A*	Appropriation Bill.
838*	Change provisions relating to student discipline.
858*	Create the Excellence in Higher Education Fund Act.
867*	State intent relating to renewable energy resources.
888***	Transfer responsibility for administering the Nebraska Safe Drinking Water Act to the Department of Environmental Quality.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
53*	Propose an amendment to the U.S. Constitution delaying any variances in the compensation of Members of Congress.
56CA	Constitutional amendment to provide for legislative consideration of measures proposed by initiative petitions.

57CA	Constitutional amendment to create the Compensation Review Commission.
59CA	Constitutional amendment to provide for disciplinary action against judges.
88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

ARDYCE BOHLKE

LB	
82*	Designate the Platte River as the official state river.
132	Change and eliminate a duty for school districts to provide certain information relating to abortion.
132A	Appropriation Bill.
205*	Provide for release of certain records under the Tax Equity and Educational Opportunities Support Act.
206*	Change provisions relating to fees for teachers' certificates.
209*	Change provisions relating to "other actual receipts" under the Tax Equity and Educational Opportunities Support Act.
308*	Authorize an income tax credit for vegetative filter strips.
310*	Change provisions relating to licensed child care programs, inspections and enforcement.
320*	Provide for provisional driver's licenses.
342*	Change terminology relating to school finance.
345*	Define and redefine terms relating to schools.
346*	Redefine terms and change terminology relating to schools.
347*	Change and eliminate provisions relating to schools, education, penalties, and school districts.
349**	Appropriate funds to the Tax Equity and Educational Opportunities Fund for state aid to public school districts.
353	Authorize municipalities to enact ordinances which apply the Nebraska Rules of the Road.
383*	Adopt the Charitable Solicitation Registration Act.
400	Exclude job application materials from public record requirements.
408*	Change provisions relating to funding and tax levies for community colleges.
418*	Change provisions relating to a maximum tax levy and provide for reorganization of educational service units.
419*	Provide for reorganization of educational service units.
506*	Authorize cooperating municipalities, public power districts, and joint power districts to provide natural gas and telecommunications services.
509*	Create the offense of domestic violence and provide penalties.

514*	Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
602*	Change and eliminate provisions for service areas relating to municipal power suppliers.
707*	Change provisions for an emission fee collected from air pollution sources.
710	Change provisions relating to school finance.
711	Change provisions relating to schools.
712	Require a statewide testing program for certain grade levels of students.
713	Change provisions relating to reports and certification of aid under the Tax Equity and Educational Opportunities Support Act.
714	Change provisions relating to distribution of state aid to schools.
715	Change provisions relating to college loan default cost fees.
716	Change provisions for freeholder petitions relating to schools.
775*	Require reorganization of school districts.
789*	Provide for regional superintendents of public instruction and regional superintendent of public instruction districts.
806A*	Appropriation Bill.
835*	Provide for the Seamless Delivery System Pilot Project.
842*	Adopt the Interior Design Profession Regulation Act.
LR	
6CA*	Constitutional amendment to require the Legislature to prescribe the qualifications for members of the State Board of Education.

KERMIT A. BRASHEAR

LB	
23*	Prohibit partial-birth abortions.
74*	Change provisions relating to Nebraska Cornhusker Spirit Plates.
75	Change requirements for lights on motor vehicles.
76	Change provisions relating to impeding traffic.
77	Change divorce decree appeal provisions.
121*	Change provisions relating to mergers under the Nebraska Nonprofit Corporation Act.
233	Change provisions relating to theft.
234	Change provisions relating to joinder.
235	Change the amount recoverable under the Nebraska Hospital-Medical Liability Act.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.

321*	Require reports of late expenditures under the Nebraska Political Accountability and Disclosure Act.
344*	Change provisions relating to designated blighted and substandard areas under the Nebraska Redevelopment Act.
360	Prohibit the use of public property and personnel for campaigning.
361	Change a civil penalty under the Nebraska Political Accountability and Disclosure Act.
362A	Appropriation Bill.
363	Change provisions for filing deadlines for pleadings in county court.
364*	Change criminal classification, sentencing and good time provisions.
365	Provide a cost-of-living adjustment to retirees under the Nebraska State Patrol Retirement Act.
370*	Change the number of district court judges.
420*	Change campaign finance provisions.
421	Provide and change enforcement powers of the Nebraska Accountability and Disclosure Commission.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
488*	Change provisions relating to an administrative fee relating to collection of sales and use tax.
509*	Create the offense of domestic violence and provide penalties.
510	Change provisions relating to the public meeting laws.
511*	Change penalties relating to being an accessory to a felony.
557	Change provisions relating to workplace inspections performed by the Department of Labor.
558	Adopt the Certified Industrial Hygienist Title Protection Act.
559	Change jurisdictional provisions for county court.
560	Eliminate a duty of the Revisor of Statutes to publish practice notes.
561	Provide penalties for criminal attempt.
562	Change provisions for preliminary hearings.
590*	Provide duties for the State Records Board relating to dissemination of public records electronically.
593*	Adopt the Attorney-Client Conference Act.
648*	Provide for criminal penalties for assault on educational employees.
765	Change the combined tax rate computation under the Employment Security Law.
766*	Adopt the Athlete Agent Registration and Accountability Act.
766A	Appropriation Bill.

767	Change provisions relating to dissolution of candidate committees and conflicts of interest.
768*	Change contribution restrictions on campaign committees.
769**	Change provisions for costs of treatment and health care and disciplinary restrictions and procedures for certain inmates.
770	Require the personal representative of an estate to file a duplicate original of the inventory of an estate.
771	Change provisions for liens relating to garnishment.
772	Change sentencing provisions for certain convictions.
789*	Provide for regional superintendents of public instruction and regional superintendent of public instruction districts.
796*	Change provisions relating to the retirement age and annuities under the Judges Retirement Act.
809*	Adopt the Nebraska Elementary and Secondary School Finance Authority Act.
814*	Create a penalty for crimes against service dogs.
835*	Provide for the Seamless Delivery System Pilot Project.
865*	Provide, change and eliminate provisions relating to special education.
877*	Require reviews of instream water appropriation permits.
880*	Change provisions for operating or parking an unregistered motor vehicle.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
40CA	Constitutional amendment to require certain candidates for public office to resign their current public position.
88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

CURT BROMM

LB

23*	Prohibit partial-birth abortions.
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
48*	Authorize inmates, parolees, and probationers to be undercover agents or employees of law enforcement agencies.
93*	Change provisions relating to calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
102*	Change provisions relating to allocation of capitol building space.
125*	Provide an exemption of certain standards relating to elevators.
131*	Prohibit campaign contributions during legislative sessions.
140*	Provide for wind energy easements.

157*	Change provisions relating to audits for schools.
164*	Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
188*	Change provisions relating to notice of controls under the Nebraska Ground Water Management and Protection Act.
232*	Change provisions relating to the suspension and expulsion of students under the Student Discipline Act.
237*	Change provisions for the regulation of structures relating to aeronautics.
244*	Provide for a learned treatise exception to the rule against hearsay under the Nebraska Evidence Rules.
251*	Change provisions relating to the Class VI school system tax levy.
252*	Provide for reimbursement of training costs for law enforcement officers.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
318*	Change provisions relating to regulation of natural gas rates and enforcement of the regulation.
319	Change provisions relating to the costs of transcripts of certain municipal proceedings.
323*	Adopt the Sexual Predator Act.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
390*	Change provisions for appeals in capital punishment cases.
392*	Change provisions relating to temporary custody and detention or placement of juveniles.
395*	Change provisions relating to environmental audits.
403*	Change provisions relating to applicability of the school enrollment option program.
422***	Change death penalty sentencing provisions.
461*	Change provisions for disbursements from the Education Innovation Fund.
462*	Change provisions for filing petitions in postconviction proceedings.
465*	Adopt the Concealed Handgun License Act.
466*	Change provisions relating to appointment, powers, and duties of guardians and conservators.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
506*	Authorize cooperating municipalities, public power districts, and joint power districts to provide natural gas and telecommunications services.

508*	Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
606*	Provide for certain rights for crime victims.
607*	Provide procedures for drawing legislative and congressional district boundaries.
612*	Change tax levy provisions for rural and suburban fire protection districts.
616*	Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.
617*	Decrease the fuel tax rate for gasohol.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
788*	Provide payment for medical expenses for certain adopted children and require medical assessments.
790*	Provide immunity in actions relating to job references.
791*	Change provisions relating to contracts for certificated school employees.
792*	Provide for access to state public records and authorize fees.
793*	Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.
794	Change and provide for adjustment of the homestead exemption amount.
795*	Appropriate funds to the Department of Veterans' Affairs as a donation from the state for the Women In Military Services for America Memorial Foundation.
796*	Change provisions relating to the retirement age and annuities under the Judges Retirement Act.
808*	State intent relating to county superintendents.
811*	Change provisions for income tax allocation relating to state aid to schools.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
837*	Provide for limited-service rural hospitals.
842*	Adopt the Interior Design Profession Regulation Act.
877*	Require reviews of instream water appropriation permits.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
21CA*	Constitutional amendment to change the length of the legislative sessions.

88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

PAM BROWN

LB	
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
90*	Increase criminal penalties and establish civil actions for crimes based upon race, religion, or other protected classifications.
109*	Authorize the issuance of citations in lieu of arrest by certain fire, health and safety officials and inspectors.
110	Create the offense of unlawful storage of a firearm.
111*	Establish the Nebraska Commission on Human Genetic Technologies.
111A	Appropriation Bill.
112	Change provisions relating to membership on certain library boards.
125*	Provide an exemption of certain standards relating to elevators.
125A	Appropriation Bill.
126	Provide for science laboratory safety in schools.
218*	Change provisions relating to operating a motor vehicle to avoid arrest.
265*	Prohibit acts relating to stolen motor vehicles and major component parts.
266*	Provide for confidentiality and ownership of DNA analysis results.
288*	Change provisions for the distribution of proceeds from the state lottery.
301*	Adopt the Court Appointed Special Advocate Act.
303*	Redefine "private institution of higher education" under the Nebraska Educational Finance Authority Act.
323*	Adopt the Sexual Predator Act.
333*	Change provisions relating to tax levies for environmental hazards, accessibility barriers and building funds for schools.
344*	Change provisions relating to designated blighted and substandard areas under the Nebraska Redevelopment Act.
370*	Change the number of district court judges.
393*	Change provisions relating to fees associated with filing, issuance or service of a protection order.
408*	Change provisions relating to funding and tax levies for community colleges.

436	Require insurance policies providing fire or weather-related coverage to pay governmental demolition liens and other obligations out of loss payments.
437	Create a task force to study child support collection.
438	Change provisions relating to truancy and provide for denial of eligibility for driver's licenses and permits.
441*	Redefine the term "veteran."
497*	Change provisions relating to school employee retirement for Class V school districts.
509*	Create the offense of domestic violence and provide penalties.
514*	Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
556*	Change certification provisions for passenger carriers.
570*	Change the calculation of the levy limitation for school districts.
590*	Provide duties for the State Records Board relating to dissemination of public records electronically.
593*	Adopt the Attorney-Client Conference Act.
597*	Change levy limitations for school districts and systems.
598*	Change the manner of exceeding levy limitations by school districts.
600*	Change provisions relating to stalking and the Protection From Domestic Abuse Act.
601*	Create the offense of indecency with a child.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
648*	Provide for criminal penalties for assault on educational employees.
669*	State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
752***	Adopt the License Suspension Act.
777*	Provide for parenting education courses in certain divorce actions.
812*	Change payment requirements by certain employees for employee benefit plans.
813***	Adopt the Quality Work Force Academic Grant Program Act.
822*	Change retirement annuity and retirement age provisions under the School Employees Retirement Plan.
829*	Require a domestic abuse incident recording system.
850*	Change and eliminate provisions for contracting for instruction by schools.
878*	Authorize employee buy-out programs for state government.
878A	Appropriation Bill.

LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
31CA*	Constitutional amendment to eliminate references to the Public Service Commission and the Railway Commission.
52CA*	Constitutional amendment to eliminate provisions relating to county and township officers.
63CA*	Constitutional amendment to authorize the Legislature to provide for differences in tax rates within and outside municipalities.

JON BRUNING

LB	
23*	Prohibit partial-birth abortions.
26	Change provisions relating to theft, restitution and driving under the influence.
105*	Exempt medical alarm equipment from sales and use taxation.
125*	Provide an exemption of certain standards relating to elevators.
167*	Prohibit partial-birth abortions.
217*	Define partial-birth abortions.
240*	Change provisions relating to burglary.
267*	Provide a tuition credit for family members of deceased public safety personnel.
280*	Prohibit same sex marriages.
281*	Change fees for service of process.
288*	Change provisions for the distribution of proceeds from the state lottery.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
350*	Define terms and provide for owner liability relating to firearm ranges.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
401***	Change provisions relating to income tax rate, credit and distribution provisions.
422***	Change death penalty sentencing provisions.
443*	Change a provision relating to computation of credits under the Employment Expansion and Investment Incentive Act.
444*	Provide for termination of and ineligibility for the school option enrollment program.
447*	Change provisions relating to contracts for fire and ambulance service.
465*	Adopt the Concealed Handgun License Act.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.

488*	Change provisions relating to an administrative fee relating to collection of sales and use tax.
489*	Change provisions relating to county land reutilization authorities and commissions.
568	Provide vouchers for certain individuals under the Telecommunications Relay System Act.
589*	Change provisions relating to sanitary and improvement district contracts and sirens for volunteer firefighters.
611*	Change provisions relating to annexation by metropolitan class cities.
612*	Change tax levy provisions for rural and suburban fire protection districts.
616*	Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.
642*	Change the number of county judges in certain districts.
660*	Authorize and enforce the Federal Telecommunications Act of 1996.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
774*	Change provisions relating to aggravating circumstances in applying the death penalty.
788*	Provide payment for medical expenses for certain adopted children and require medical assessments.
790*	Provide immunity in actions relating to job references.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
21CA*	Constitutional amendment to change the length of the legislative sessions.
88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

ERNIE CHAMBERS

LB

27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
68	Change provisions relating to opinions of the Court of Appeals.
69	Require health care providers and facilities to provide certain records without charge.
83*	Require insurance coverage for serious mental illnesses.

100*	Include newspaper carriers as employees for purposes of workers' compensation.
102*	Change provisions relating to allocation of capitol building space.
139*	Change provisions for income levels used to determine homestead exemption amounts.
159*	Change provisions relating to rating systems for automobile liability policies.
162*	Prohibit ticket quota requirements for law enforcement.
216*	Change and eliminate provisions relating to court automation.
288*	Change provisions for the distribution of proceeds from the state lottery.
331	Eliminate the death penalty and provide for life imprisonment without possibility of parole.
364*	Change criminal classification, sentencing and good time provisions.
405	Change provisions relating to indeterminate sentences.
406	Adopt the Physician Aid-In-Dying Act.
407	Provide for same sex marriages and for recognition of marriages contracted outside Nebraska.
459	Adopt the Employees of Elected Constitutional Offices Supplemental Retirement Plan Act.
569*	Provide an increase in the minimum wage rate.
632	Change provisions for filing campaign statements.
633	Change provisions relating to food stamp assistance for certain residents.
633A	Appropriation Bill.
634	Revoke the enterprise zone designation of an area located within a metropolitan class city.
738	Provide for nonpartisan election of the Attorney General.
806A*	Appropriation Bill.
861*	Change provisions relating to authorization for the Existing Business Assistance Division under the Department of Economic Development.
861A	Appropriation Bill.
864***	Change and eliminate provisions relating to aid to dependent children and welfare reform waivers.
869	Change provisions relating to employment discrimination based on sexual orientation.
870*	Provide revenue sources for the Affordable Housing Trust Fund.

GEORGE COORDSEN

LB	
6	Repeal the Interstate Compact on Agricultural Grain Marketing.
7	Change provisions relating to child support.

8	Require law enforcement personnel to give information to aid in collection of a judgment entered in Small Claims Court.
9	Change provisions relating to the number and placement of license plates on certain vehicles.
10	Change provisions relating to suspension and revocation of driver's licenses.
10A	Appropriation Bill.
11	Change provisions relating to grain sorghum.
23*	Prohibit partial-birth abortions.
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
42*	Provide procedures for use of digital signatures.
78*	Change provisions relating to funds of ground water conservation districts.
102*	Change provisions relating to allocation of capitol building space.
164*	Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
178*	Provide for consolidation of counties and municipalities and creation of classified local governments.
179*	Change provisions relating to county treasurers and collection fees for property tax, homestead reimbursement revenue and certain special assessments.
180*	Create the Property Tax Reduction Incentive Fund.
181*	Authorize local governments to levy payments in lieu of taxes for certain tax-exempt property.
182*	Change provisions and appropriate funds relating to homestead exemptions.
198*	Change the income tax and sales and use tax rates.
228*	Provide a penalty for destroying initiative and referendum petitions.
232*	Change provisions relating to the suspension and expulsion of students under the Student Discipline Act.
255*	Adopt the Nebraska Highway-Rail Grade Crossing Safety and Consolidation Act.
271*	Change motor vehicle taxation and fee provisions.
271A	Appropriation Bill.
277*	Prohibit school districts from exceeding tax levy limits.
280*	Prohibit same sex marriages.
282	Change benefit conditions relating to employment security.
328	Change provisions relating to renewal of operator's licenses.
354	Change provisions relating to driver's licenses and state identification cards and fees.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
378*	Change provisions relating to initiative and referendum petition circulators.

379*	Change and provide filing requirements relating to initiative petitions.
397*	Change provisions relating to Tax Equalization and Review Commission, State Board of Equalization and Assessment and homestead exemptions.
402*	Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.
408*	Change provisions relating to funding and tax levies for community colleges.
413	Provide reimbursement to pharmacists by insurance companies.
415*	Provide for distribution of local option sales tax collected in community redevelopment areas.
443*	Change a provision relating to computation of credits under the Employment Expansion and Investment Incentive Act.
460*	Change provisions relating to petitions, petition signers, circulators and initiative and referendum procedures.
463	Eliminate the vehicle identification inspection program.
465*	Adopt the Concealed Handgun License Act.
469*	Adopt the County Agricultural Society Act.
471*	Eliminate certain provisions dealing with modification of public power service areas.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
519	Provide analysis methods for industrial disputes involving wages, rates and conditions for municipal employees.
543	Change provisions relating to unfair insurance claims settlement practices.
544	Require health care providers to furnish a patient's medical records to the patient.
570*	Change the calculation of the levy limitation for school districts.
583*	Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
591*	Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.
593*	Adopt the Attorney-Client Conference Act.
637*	Provide for the election of the board of directors of a municipal electric utility for primary class cities.
640*	Provide for brand license plates.
654*	Provide for the merger of municipally owned electric utilities.
660*	Authorize and enforce the Federal Telecommunications Act of 1996.
665	Require publication of the Nebraska Register and the Nebraska Administrative Code by the Secretary of State.

686*	Adopt the Nebraska Telecommunications Universal Service Fund Act.
719*	Change and eliminate provisions for tax funding of community colleges and educational service units and provide a sales tax on food and an income tax credit.
792*	Provide for access to state public records and authorize fees.
803*	Adopt the Community-Based Neurobehavioral Rehabilitation Act.
808*	State intent relating to county superintendents.
810*	Change provisions relating to interpreters for hearing impaired persons.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
824	Create the School Aid Trust Fund.
837*	Provide for limited-service rural hospitals.
877*	Require reviews of instream water appropriation permits.
LR	
2CA	Constitutional amendment to require the Legislature to appropriate funds to political subdivisions for certain mandated programs.
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
41CA*	Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.

LaVON CROSBY

LB	
23*	Prohibit partial-birth abortions.
27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
47	Change provisions exempting annuity contracts and life insurance proceeds from claims of judgment creditors.
65*	Prohibit certain advertising practices relating to tobacco.
81*	Provide for braille instruction for visually handicapped children.
82*	Designate the Platte River as the official state river.
90*	Increase criminal penalties and establish civil actions for crimes based upon race, religion, or other protected classifications.
91*	Change provisions relating to speeding and overtaking and passing in a school crossing zone.
94	Change provisions for inmate depositions and testimony.

94A	Appropriation Bill.
95	State intent relating to appropriations for libraries.
96	Change provisions relating to termination benefits under the State Employees Retirement Act.
131*	Prohibit campaign contributions during legislative sessions.
133	Require driver education and training courses for persons subject to driver's license suspension, revocation or impoundment.
143*	Prohibit certain passengers in the cargo area or on the tailgate of certain vehicles.
167*	Prohibit partial-birth abortions.
168	Eliminate a sales and use tax exemption for state lottery tickets.
207*	Change provisions relating to grandparent visitation.
210*	Provide for blood specimen certificates relating to driving or boating under the influence of alcohol or a controlled substance.
221*	Prohibit certain candidates and officeholders from filing for or holding more than one office.
239*	Lower the prohibited concentration of alcohol for DWI conviction.
288*	Change provisions for the distribution of proceeds from the state lottery.
309*	Change provisions relating to driving under the influence.
315*	Provide for certain purchases without competitive bidding for cities and villages.
320*	Provide for provisional driver's licenses.
323*	Adopt the Sexual Predator Act.
337	Change provisions relating to investments and contributions under the State Employees Retirement Act.
338*	Restrict the use of a cellular telephone while operating a motor vehicle.
339	Prohibit multiple office holding and filing for more than one office.
340	Change provisions relating to a personal needs allowance for mentally ill persons.
340A	Appropriation Bill.
341*	Adopt the Commission for the Blind and Visually Impaired Act.
383*	Adopt the Charitable Solicitation Registration Act.
408*	Change provisions relating to funding and tax levies for community colleges.
432*	Require insurance coverage of certain infertility procedures and treatment.
433	Provide and change provisions relating to legislative findings and intent under the Tax Equity and Educational Opportunities Support Act.
434	Change marriage decree dissolution provisions.

445*	Adopt the Telemarketer Registration Act.
448*	Provide for creation of an incident report form relating to domestic violence by the Nebraska Commission on Law Enforcement and Criminal Justice.
464*	Change hearing procedures and penalties for driving under the influence of alcohol.
467*	Change provisions relating to tobacco licenses and tobacco products and minors.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
485*	Change provisions relating to examination and maintenance costs of individuals determined to be mentally incompetent.
491*	Authorize members of the school employees retirement plan an election to pay the retirement system for up to ten years of service as a nonmember.
509*	Create the offense of domestic violence and provide penalties.
515*	Require insurance coverage for necessary formulas and low-protein foods prescribed for treatment of inherited metabolic disease.
530*	Change the homestead exemption amount and income eligibility amounts.
532*	Provide a supplemental retirement benefit for certain school employees retirees.
603*	Change provisions for suspension of driver's licenses and minors in possession of alcohol.
614	Provide qualified immunity for certain providers at free medical clinics.
629	Change provisions relating to classification of school districts.
639*	Adopt the Resident Tuition Assistance Grant Program Act.
645*	Appropriate funds to the Coordinating Commission for Postsecondary Education for the Postsecondary Education Award Program.
669*	State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
798*	Change and eliminate provisions relating to health care certificates of need.
798A	Appropriation Bill.
799	Create the Cultural Trust Fund and provide appropriations.
799A	Appropriation Bill.
800	Require health insurance coverage for certain joint disorders.
801	Provide for certain services to be performed free or at a reduced rate for persons who are legally blind or visually handicapped.

803*	Adopt the Community-Based Neurobehavioral Rehabilitation Act.
806A*	Appropriation Bill.
810*	Change provisions relating to interpreters for hearing impaired persons.
814*	Create a penalty for crimes against service dogs.
822*	Change retirement annuity and retirement age provisions under the School Employees Retirement Plan.
835*	Provide for the Seamless Delivery System Pilot Project.
840*	Authorize purchase of service credit for certain persons under the School Employees Retirement plan.
841*	Provide for the responsibility for payment of costs of medical services for individuals who are arrested, detained, taken into custody or incarcerated.
842*	Adopt the Interior Design Profession Regulation Act.
851*	Change provisions for interpreters for the deaf and hard of hearing and the name, membership, and duties of the Commission for the Hearing Impaired.
851A	Appropriation Bill.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.
852A	Appropriation Bill.
857*	Provide funding for capital construction projects at the University of Nebraska and Nebraska State Colleges and change distribution of the cigarette tax.
858*	Create the Excellence in Higher Education Fund Act.
882***	Change provisions relating to adult and juvenile incarceration and facilities.
884	Change provisions relating to child custody determination.
885	Provide the Director of Research of the Legislature formulate and recommend child support guidelines to the Legislature.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
58CA	Constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive offices.

JIM D. CUDABACK

LB	
21	Change provisions relating to state identification cards.
22*	Change provisions relating to driver's license renewal for military personnel.
28*	Change provisions relating to powers and duties of hospital districts.
33*	Eliminate a requirement to maintain printouts of computer records by the Register of Deeds.

64*	Change provisions relating to payment of costs of certain elections.
66*	Change provisions relating to the scope of nursing services.
67*	Change provisions relating to sewerage system funds for second class cities and villages.
70*	Allow county or state government to accept payment by credit card, charge card or debit card.
71*	Change provisions relating to boards of trustees of cemetery districts.
72*	Change provisions relating to license plates issued to handicapped or disabled persons.
93*	Change provisions relating to calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
115*	Authorize a tax levy by county boards for road, street, and bridge purposes.
153*	Provide standards and procedures relating to civil liability for equine activities.
265*	Prohibit acts relating to stolen motor vehicles and major component parts.
277*	Prohibit school districts from exceeding tax levy limits.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
323*	Adopt the Sexual Predator Act.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
408*	Change provisions relating to funding and tax levies for community colleges.
426	Change provisions relating to planning commission meetings for cities and villages.
427	Change provisions relating to appointments to a community redevelopment authority.
465*	Adopt the Concealed Handgun License Act.
468*	Change provisions relating to sales and use taxes, income taxes, property taxes and aid to education.
469*	Adopt the County Agricultural Society Act.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
573	Change provisions for county court jurisdiction.
574*	Adopt the County Initiative and Referendum Act.
575	Change a provision authorizing a ballot issue under the Local Option Revenue Act.
576	Change the tax rate on liquified petroleum gas.
607*	Provide procedures for drawing legislative and congressional district boundaries.
617*	Decrease the fuel tax rate for gasohol.

636*	Provide for certificates for contractors who work on water-based fire protection systems.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
640*	Provide for brand license plates.
646*	Authorize a local income tax for school districts.
694	Change provisions relating to renewal and transfer of license plates and fees.
695	Change provisions for the custody and maintenance of prisoners by counties.
792*	Provide for access to state public records and authorize fees.
793*	Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.
795*	Appropriate funds to the Department of Veterans' Affairs as a donation from the state for the Women In Military Services for America Memorial Foundation.
806A*	Appropriation Bill.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
827*	Change provisions relating to location assistance under the One-Call Notification System Act.
877*	Require reviews of instream water appropriation permits.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
8CA*	Constitutional amendment to change residency requirements for executive officers of the state.

MERTON L. DIERKS

LB	
23*	Prohibit partial-birth abortions.
27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
93*	Change provisions relating to calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
129*	Change provisions relating to employment security law terms.
130*	Change the definition of "employment" under the Employment Security Law.
146*	Prohibit disciplinary action based solely on an experimental or nontraditional practice or therapy under the Uniform Licensing Law.

153*	Provide standards and procedures relating to civil liability for equine activities.
154*	Change fence responsibility provisions relating to recreational trails.
167*	Prohibit partial-birth abortions.
188*	Change provisions relating to notice of controls under the Nebraska Ground Water Management and Protection Act.
189*	Adopt the Nebraska Host Farm and Ranch Act.
190	Provide for special valuation of agricultural or horticultural land located near federally designated scenic rivers.
191	Create a veterinarian-client privilege.
192	Change and eliminate provisions relating to the testing and sale of current tractor models.
193	Change in-herd brand identification provisions.
194	Exempt HIV home collection kits from informed consent requirements.
195	Provide for expert review panels to review the status of HIV infected health care workers.
196	Authorize a fee for executing an order of garnishment.
197	Change provisions relating to board of health regulations, laboratory notifications and liability for certain examination.
207*	Change provisions relating to grandparent visitation.
211*	Require certain reports of ownership of real estate involved in farming or ranching.
228*	Provide a penalty for destroying initiative and referendum petitions.
237*	Change provisions for the regulation of structures relating to aeronautics.
239*	Lower the prohibited concentration of alcohol for DWI conviction.
261	Change provisions relating to overweight vehicles.
262	Change provisions relating to filing reports claiming damages from pesticide application.
263	Change noxious weed seed provisions.
277*	Prohibit school districts from exceeding tax levy limits.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
332*	Exempt persons hunting coyotes from certain snowmobile safety provisions.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
375*	Prohibit smoking in state buildings and vehicles.
378*	Change provisions relating to initiative and referendum petition circulators.

396***	Provide for a Division of Veterans Homes within the Department of Health and Human Services.
396A	Appropriation Bill.
465*	Adopt the Concealed Handgun License Act.
549*	Change provisions relating to the importation and possession of certain animals under the Game Law.
550	Change registration fees and provide for biennial registration of controlled substances.
551*	Provide for reimbursement for costs and disposition relating to animal offenses.
552*	Withdraw the State of Nebraska from the Central Interstate Low-Level Radioactive Waste Compact.
571*	Provide for different rates, tolls, and rents relating to wind energy resources.
572*	Change provisions for pilot projects and model programs relating to the Education Innovation Fund.
577	Change provisions relating to eligible professions under the Rural Health Systems and Professional Incentive Act and membership of the Nebraska Rural Health Advisory Commission.
577A	Appropriation Bill.
591*	Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.
619	Require labels on HIV home collection kits.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
649	Provide funding for the animal damage control program.
649A	Appropriation Bill.
661**	State intent relating to meat and poultry inspection.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
837*	Provide for limited-service rural hospitals.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.
877*	Require reviews of instream water appropriation permits.
882***	Change provisions relating to adult and juvenile incarceration and facilities.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
41CA*	Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.

W. OWEN ELMER

LB	
23*	Prohibit partial-birth abortions.
67*	Change provisions relating to sewerage system funds for second class cities and villages.
97*	Change the maximum amount of a production charge for the Oil and Gas Conservation Fund.
142*	Provide for notification of a third-party guarantor on a loan.
153*	Provide standards and procedures relating to civil liability for equine activities.
188*	Change provisions relating to notice of controls under the Nebraska Ground Water Management and Protection Act.
237*	Change provisions for the regulation of structures relating to aeronautics.
255*	Adopt the Nebraska Highway-Rail Grade Crossing Safety and Consolidation Act.
280*	Prohibit same sex marriages.
334*	Authorize the Nebraska Oil and Gas Conservation Commission to enter into contracts for appraisals of oil and gas interests.
352*	Change provisions relating to pharmacists in charge.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
408*	Change provisions relating to funding and tax levies for community colleges.
416	Change provisions relating to registration of water wells.
417	Provide for entry upon property by representatives of political subdivisions.
465*	Adopt the Concealed Handgun License Act.
467*	Change provisions relating to tobacco licenses and tobacco products and minors.
506*	Authorize cooperating municipalities, public power districts, and joint power districts to provide natural gas and telecommunications services.
616*	Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.
617*	Decrease the fuel tax rate for gasohol.
660*	Authorize and enforce the Federal Telecommunications Act of 1996.
686*	Adopt the Nebraska Telecommunications Universal Service Fund Act.
806A*	Appropriation Bill.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
837*	Provide for limited-service rural hospitals.
842*	Adopt the Interior Design Profession Regulation Act.

877*	Require reviews of instream water appropriation permits.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.

PAT ENGEL

LB	
23*	Prohibit partial-birth abortions.
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
65*	Prohibit certain advertising practices relating to tobacco.
102*	Change provisions relating to allocation of capitol building space.
125*	Provide an exemption of certain standards relating to elevators.
138*	Adopt the Emergency Medical Services Act.
217*	Define partial-birth abortions.
232*	Change provisions relating to the suspension and expulsion of students under the Student Discipline Act.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
320*	Provide for provisional driver's licenses.
323*	Adopt the Sexual Predator Act.
350*	Define terms and provide for owner liability relating to firearm ranges.
358*	Change provisions relating to grandparent visitation.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
392*	Change provisions relating to temporary custody and detention or placement of juveniles.
394*	Provide funds for capital improvements for state colleges.
408*	Change provisions relating to funding and tax levies for community colleges.
465*	Adopt the Concealed Handgun License Act.
467*	Change provisions relating to tobacco licenses and tobacco products and minors.
496*	Authorize local reciprocal exemption agreements under the International Fuel Tax Agreement Act.
508*	Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
617*	Decrease the fuel tax rate for gasohol.
640*	Provide for brand license plates.

645*	Appropriate funds to the Coordinating Commission for Postsecondary Education for the Postsecondary Education Award Program.
655*	Establish air quality standards for hydrogen sulfide gas.
669*	State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
788*	Provide payment for medical expenses for certain adopted children and require medical assessments.
791*	Change provisions relating to contracts for certificated school employees.
792*	Provide for access to state public records and authorize fees.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
827*	Change provisions relating to location assistance under the One-Call Notification System Act.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.
865*	Provide, change and eliminate provisions relating to special education.
877*	Require reviews of instream water appropriation permits.
880*	Change provisions for operating or parking an unregistered motor vehicle.
881*	Authorize the use of an automated traffic enforcement system for detection of moving traffic violations.
882***	Change provisions relating to adult and juvenile incarceration and facilities.
882A	Appropriation Bill.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
31CA*	Constitutional amendment to eliminate references to the Public Service Commission and the Railway Commission.
52CA*	Constitutional amendment to eliminate provisions relating to county and township officers.

D. PAUL HARTNETT

LB

23*	Prohibit partial-birth abortions.
90*	Increase criminal penalties and establish civil actions for crimes based upon race, religion, or other protected classifications.
99*	Change tax provisions relating to bingo.
105*	Exempt medical alarm equipment from sales and use taxation.

123*	Provide for physical possession of tobacco products by a first owner before resale.
124*	Require certain employees to pay for collective bargaining.
125*	Provide an exemption of certain standards relating to elevators.
139*	Change provisions for income levels used to determine homestead exemption amounts.
140*	Provide for wind energy easements.
178*	Provide for consolidation of counties and municipalities and creation of classified local governments.
182*	Change provisions and appropriate funds relating to homestead exemptions.
238*	Change provisions relating to public works contracts and bids for cities and villages.
271*	Change motor vehicle taxation and fee provisions.
276*	Provide an income tax credit for earned income.
280*	Prohibit same sex marriages.
281*	Change fees for service of process.
296*	Provide an income tax adjustment for federal governmental pensions.
303*	Redefine "private institution of higher education" under the Nebraska Educational Finance Authority Act.
317*	Change provisions relating to fees, licenses, and occupation taxes under the Mechanical Amusement Device Tax Act.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
375*	Prohibit smoking in state buildings and vehicles.
397*	Change provisions relating to Tax Equalization and Review Commission, State Board of Equalization and Assessment and homestead exemptions.
403*	Change provisions relating to applicability of the school enrollment option program.
408*	Change provisions relating to funding and tax levies for community colleges.
415*	Provide for distribution of local option sales tax collected in community redevelopment areas.
418*	Change provisions relating to a maximum tax levy and provide for reorganization of educational service units.
419*	Provide for reorganization of educational service units.
444*	Provide for termination of and ineligibility for the school option enrollment program.
486	Change provisions relating to foreclosure proceedings.
487*	Prohibit the controlling of rent.
489*	Change provisions relating to county land reutilization authorities and commissions.
492*	Provide an income tax credit for educational expenses.

496*	Authorize local reciprocal exemption agreements under the International Fuel Tax Agreement Act.
497*	Change provisions relating to school employee retirement for Class V school districts.
502*	Prohibit the establishment of slaughterhouses near residential areas in metropolitan class cities.
509*	Create the offense of domestic violence and provide penalties.
530*	Change the homestead exemption amount and income eligibility amounts.
569*	Provide an increase in the minimum wage rate.
570*	Change the calculation of the levy limitation for school districts.
571*	Provide for different rates, tolls, and rents relating to wind energy resources.
572*	Change provisions for pilot projects and model programs relating to the Education Innovation Fund.
583*	Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
589*	Change provisions relating to sanitary and improvement district contracts and sirens for volunteer firefighters.
611*	Change provisions relating to annexation by metropolitan class cities.
612*	Change tax levy provisions for rural and suburban fire protection districts.
618*	Require contractors to provide health care coverage on projects at the University of Nebraska Medical Center.
639*	Adopt the Resident Tuition Assistance Grant Program Act.
642*	Change the number of county judges in certain districts.
650	Provide a cost-of-living adjustment for certain retirees under the Nebraska State Patrol Retirement Act.
651	Authorize the donation of certain personal property from metropolitan utilities districts to political subdivisions.
696	Provide for a conversion of unused credits under the Employment Expansion and Investment Incentive Act.
697	Provide loans to political subdivisions under the Nebraska Highway Bond Act.
698	Provide for a reassessment of state highway needs.
708*	Provide for gas furnace inspections of residential and commercial structures by utilities or gas companies.
718*	Change provisions relating to instream water appropriations.
745***	Change provisions relating to enterprise zones.
803*	Adopt the Community-Based Neurobehavioral Rehabilitation Act.
814*	Create a penalty for crimes against service dogs.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.

825	Provide first and second class cities, villages and certain counties maintain jails under Interlocal Cooperation Act agreements.
826	Eliminate police authority from cities and villages.
865*	Provide, change and eliminate provisions relating to special education.
867*	State intent relating to renewable energy resources.
875A	Appropriation Bill.
880*	Change provisions for operating or parking an unregistered motor vehicle.

JOHN HILGERT

LB	
23*	Prohibit partial-birth abortions.
27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
98*	Authorize the use of electronic pickle card dispensing devices.
99*	Change tax provisions relating to bingo.
109*	Authorize the issuance of citations in lieu of arrest by certain fire, health and safety officials and inspectors.
124*	Require certain employees to pay for collective bargaining.
139*	Change provisions for income levels used to determine homestead exemption amounts.
159*	Change provisions relating to rating systems for automobile liability policies.
182*	Change provisions and appropriate funds relating to homestead exemptions.
207*	Change provisions relating to grandparent visitation.
217*	Define partial-birth abortions.
225*	Change weekly benefit provisions under the Employment Security Act.
240*	Change provisions relating to burglary.
241*	Change provisions relating to prosecutions for sale of liquor to a minor.
242*	Change the hours to sell or dispense alcoholic liquors.
244*	Provide for a learned treatise exception to the rule against hearsay under the Nebraska Evidence Rules.
245*	Provide employment duties for employers of injured employees.
267*	Provide a tuition credit for family members of deceased public safety personnel.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.

323*	Adopt the Sexual Predator Act.
327***	Adopt the Microenterprise Development Act.
327A	Appropriation Bill.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
370*	Change the number of district court judges.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
401***	Change provisions relating to income tax rate, credit and distribution provisions.
441*	Redefine the term "veteran."
442*	Change provisions relating to product liability.
447*	Change provisions relating to contracts for fire and ambulance service.
467*	Change provisions relating to tobacco licenses and tobacco products and minors.
492*	Provide an income tax credit for educational expenses.
497*	Change provisions relating to school employee retirement for Class V school districts.
509*	Create the offense of domestic violence and provide penalties.
515*	Require insurance coverage for necessary formulas and low-protein foods prescribed for treatment of inherited metabolic disease.
529*	Change provisions relating to unregistered motor vehicles.
530*	Change the homestead exemption amount and income eligibility amounts.
569*	Provide an increase in the minimum wage rate.
572*	Change provisions for pilot projects and model programs relating to the Education Innovation Fund.
585*	Change the number of members and districts of the Game and Parks Commission.
611*	Change provisions relating to annexation by metropolitan class cities.
618*	Require contractors to provide health care coverage on projects at the University of Nebraska Medical Center.
627	Change provisions relating to bingo.
639*	Adopt the Resident Tuition Assistance Grant Program Act.
641	Provide an exemption and change certain inspection requirements under the Boiler Inspection Act.
641A	Appropriation Bill.
642*	Change the number of county judges in certain districts.
648*	Provide for criminal penalties for assault on educational employees.
692	Provide for legislative oversight for contracts relating to the Nebraska Partnership for Health and Human Services Act.
693	State intent relating to the Women In Military Service for America Memorial.

723	Authorize the use of electronic pickle card dispensing devices.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
756*	Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757*	Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
806A*	Appropriation Bill.
813***	Adopt the Quality Work Force Academic Grant Program Act.
853*	Change provisions relating to worker's compensation.
879	Provide for payment of probation supervision fees.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

JOYCE HILLMAN

LB	
83*	Require insurance coverage for serious mental illnesses.
97*	Change the maximum amount of a production charge for the Oil and Gas Conservation Fund.
122*	Change provisions relating to size, weight, and load restrictions under the Nebraska Rules of the Road.
138*	Adopt the Emergency Medical Services Act.
164*	Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
226*	Change weight restrictions for rubber-tired cranes.
288*	Change provisions for the distribution of proceeds from the state lottery.
301*	Adopt the Court Appointed Special Advocate Act.
392*	Change provisions relating to temporary custody and detention or placement of juveniles.
393*	Change provisions relating to fees associated with filing, issuance or service of a protection order.
393A	Appropriation Bill.
394*	Provide funds for capital improvements for state colleges.
408*	Change provisions relating to funding and tax levies for community colleges.
448*	Provide for creation of an incident report form relating to domestic violence by the Nebraska Commission on Law Enforcement and Criminal Justice.
483*	Adopt the Nebraska Plane Coordinate System Act.

488*	Change provisions relating to an administrative fee relating to collection of sales and use tax.
509*	Create the offense of domestic violence and provide penalties.
548A	Appropriation Bill.
590*	Provide duties for the State Records Board relating to dissemination of public records electronically.
600*	Change provisions relating to stalking and the Protection From Domestic Abuse Act.
601*	Create the offense of indecency with a child.
669*	State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
745***	Change provisions relating to enterprise zones.
788*	Provide payment for medical expenses for certain adopted children and require medical assessments.
789*	Provide for regional superintendents of public instruction and regional superintendent of public instruction districts.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
827*	Change provisions relating to location assistance under the One-Call Notification System Act.
828*	Eliminate a restriction on voting for local option sales tax.
829*	Require a domestic abuse incident recording system.
829A	Appropriation Bill.
830*	Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur.
835*	Provide for the Seamless Delivery System Pilot Project.
835A	Appropriation Bill.
865*	Provide, change and eliminate provisions relating to special education.
870*	Provide revenue sources for the Affordable Housing Trust Fund.
877*	Require reviews of instream water appropriation permits.
880*	Change provisions for operating or parking an unregistered motor vehicle.

LR

52CA*	Constitutional amendment to eliminate provisions relating to county and township officers.

CAROL HUDKINS

LB

23*	Prohibit partial-birth abortions.
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.

27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
48*	Authorize inmates, parolees, and probationers to be undercover agents or employees of law enforcement agencies.
67*	Change provisions relating to sewerage system funds for second class cities and villages.
106*	Authorize the Governor to designate official state items.
107*	Change provisions relating to mountain sheep, game animals, game birds and game fish.
125*	Provide an exemption of certain standards relating to elevators.
145*	Provide for rotation of the judicial retention question.
153*	Provide standards and procedures relating to civil liability for equine activities.
157*	Change provisions relating to audits for schools.
160*	Change notice requirements for proposed budget statements for villages.
161*	Change provisions relating to training requirements for law enforcement.
164*	Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
188*	Change provisions relating to notice of controls under the Nebraska Ground Water Management and Protection Act.
207*	Change provisions relating to grandparent visitation.
224*	Provide for a personal property tax exemption for investments in certain business property.
232*	Change provisions relating to the suspension and expulsion of students under the Student Discipline Act.
237*	Change provisions for the regulation of structures relating to aeronautics.
239*	Lower the prohibited concentration of alcohol for DWI conviction.
268*	Adopt the Drug Dealer Liability Act.
278*	Adopt the DNA Detection of Sexual and Violent Offenders Act.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
315*	Provide for certain purchases without competitive bidding for cities and villages.
323*	Adopt the Sexual Predator Act.
355	Allow city attorneys in primary class cities to appeal from preliminary rulings in criminal cases and seek approval for pretrial diversion from the city council.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.

440*	Change provisions relating to being an accessory to a felony.
465*	Adopt the Concealed Handgun License Act.
467*	Change provisions relating to tobacco licenses and tobacco products and minors.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
485*	Change provisions relating to examination and maintenance costs of individuals determined to be mentally incompetent.
485A	Appropriation Bill.
508*	Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
509*	Create the offense of domestic violence and provide penalties.
606*	Provide for certain rights for crime victims.
640*	Provide for brand license plates.
664	Change provisions relating to controlled shooting areas and game breeding operations.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
756*	Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757*	Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
763	Adopt the Plumbing License Law.
777*	Provide for parenting education courses in certain divorce actions.
790*	Provide immunity in actions relating to job references.
806A*	Appropriation Bill.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
830*	Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur.
877*	Require reviews of instream water appropriation permits.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.

RAY JANSSEN

LB	
116*	Allow municipal governments to require fingerprinting of job applicants.

116A	Appropriation Bill.
117*	Redefine "gross receipts" for purposes of sales and use tax.
118*	Provide for minigrants from the Education Innovation Fund for certain school districts.
118A	Appropriation Bill.
119*	Provide procedures regarding cases of out of home child abuse or neglect.
120*	Change provisions relating to sales by liquor retail establishments which provide motor vehicle access directly through the building.
166*	Change provisions relating to emergency medical technician-A/D services.
226*	Change weight restrictions for rubber-tired cranes.
232*	Change provisions relating to the suspension and expulsion of students under the Student Discipline Act.
251*	Change provisions relating to the Class VI school system tax levy.
252*	Provide for reimbursement of training costs for law enforcement officers.
253*	Change provisions relating to child custody and moving the residence of a child to another state.
280*	Prohibit same sex marriages.
301*	Adopt the Court Appointed Special Advocate Act.
310*	Change provisions relating to licensed child care programs, inspections and enforcement.
310A	Appropriation Bill.
311*	Authorize a county income tax.
312	Provide an increase in the sales and use tax for municipalities.
326*	Require insurance coverage for diabetes-related equipment, supplies, medications, and education.
350*	Define terms and provide for owner liability relating to firearm ranges.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
440*	Change provisions relating to being an accessory to a felony.
465*	Adopt the Concealed Handgun License Act.
467*	Change provisions relating to tobacco licenses and tobacco products and minors.
546*	Provide authority to law enforcement personnel relating to emergency management.
563*	Change and eliminate provisions relating to the petition and election methods of school district reorganization.
583*	Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.

596*	Change eminent domain procedures for natural resources districts.
597*	Change levy limitations for school districts and systems.
598*	Change the manner of exceeding levy limitations by school districts.
599*	Change provisions for exceeding levy limitations by certain political subdivisions.
606*	Provide for certain rights for crime victims.
612*	Change tax levy provisions for rural and suburban fire protection districts.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
639*	Adopt the Resident Tuition Assistance Grant Program Act.
707*	Change provisions for an emission fee collected from air pollution sources.
708*	Provide for gas furnace inspections of residential and commercial structures by utilities or gas companies.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
775*	Require reorganization of school districts.
792*	Provide for access to state public records and authorize fees.
796*	Change provisions relating to the retirement age and annuities under the Judges Retirement Act.
804**	Create the Local Option Property Tax Relief Committee.
822*	Change retirement annuity and retirement age provisions under the School Employees Retirement Plan.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
5CA*	Constitutional amendment to change provisions relating to legislative sessions.
21CA*	Constitutional amendment to change the length of the legislative sessions.

JIM JENSEN

LB

23*	Prohibit partial-birth abortions.
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
65*	Prohibit certain advertising practices relating to tobacco.
90*	Increase criminal penalties and establish civil actions for crimes based upon race, religion, or other protected classifications.

104*	Eliminate a restriction on an additional amount of service surcharge for 911 service.
125*	Provide an exemption of certain standards relating to elevators.
151*	Change provisions relating to the Uniform Arbitration Act.
158*	Prohibit automated dispensing of tobacco products.
167*	Prohibit partial-birth abortions.
182*	Change provisions and appropriate funds relating to homestead exemptions.
217*	Define partial-birth abortions.
239*	Lower the prohibited concentration of alcohol for DWI conviction.
265*	Prohibit acts relating to stolen motor vehicles and major component parts.
275*	Change provisions relating to the Nebraska Capital Expansion Act and the Public Funds Deposit Security Act.
280*	Prohibit same sex marriages.
283*	Change provisions relating to pawnbrokers and junk dealers.
288*	Change provisions for the distribution of proceeds from the state lottery.
289*	Change court jurisdiction relating to juvenile crime and eliminate certain juvenile fingerprinting provisions.
303*	Redefine "private institution of higher education" under the Nebraska Educational Finance Authority Act.
323*	Adopt the Sexual Predator Act.
350*	Define terms and provide for owner liability relating to firearm ranges.
357	Require certain contracts be let to the lowest responsible bidder.
358*	Change provisions relating to grandparent visitation.
375*	Prohibit smoking in state buildings and vehicles.
380*	Define "promotional advertising" under the State Lottery Act.
381*	Prohibit the advertisement of casino gambling activity.
390*	Change provisions for appeals in capital punishment cases.
401***	Change provisions relating to income tax rate, credit and distribution provisions.
445*	Adopt the Telemarketer Registration Act.
462*	Change provisions for filing petitions in postconviction proceedings.
465*	Adopt the Concealed Handgun License Act.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
498*	Authorize a state refund for increased property taxes imposed on homesteads.
504	Change provisions relating to security deposits and actions for possession under the Landlord and Tenant Act.

508*	Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
530*	Change the homestead exemption amount and income eligibility amounts.
565*	Provide for pretrial diversion programs for persons charged with minor traffic offenses.
583*	Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
589*	Change provisions relating to sanitary and improvement district contracts and sirens for volunteer firefighters.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
639*	Adopt the Resident Tuition Assistance Grant Program Act.
774*	Change provisions relating to aggravating circumstances in applying the death penalty.
776*	Provide for energy financing contracts.
777*	Provide for parenting education courses in certain divorce actions.
790*	Provide immunity in actions relating to job references.
808*	State intent relating to county superintendents.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.
861*	Change provisions relating to authorization for the Existing Business Assistance Division under the Department of Economic Development.
877*	Require reviews of instream water appropriation permits.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.

JIM JONES

LB	
23*	Prohibit partial-birth abortions.
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
107*	Change provisions relating to mountain sheep, game animals, game birds and game fish.
125*	Provide an exemption of certain standards relating to elevators.
138*	Adopt the Emergency Medical Services Act.
145*	Provide for rotation of the judicial retention question.

153*	Provide standards and procedures relating to civil liability for equine activities.
154*	Change fence responsibility provisions relating to recreational trails.
155*	Redefine a term for purposes of the Game Law.
156	Provide for issuing license plates every five years.
157*	Change provisions relating to audits for schools.
160*	Change notice requirements for proposed budget statements for villages.
164*	Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
167*	Prohibit partial-birth abortions.
189*	Adopt the Nebraska Host Farm and Ranch Act.
203*	Eliminate a duty for sheriffs relating to the sex offenders.
204*	Provide for community notification of certain records relating to sex offenders.
207*	Change provisions relating to grandparent visitation.
224*	Provide for a personal property tax exemption for investments in certain business property.
232*	Change provisions relating to the suspension and expulsion of students under the Student Discipline Act.
239*	Lower the prohibited concentration of alcohol for DWI conviction.
268*	Adopt the Drug Dealer Liability Act.
278*	Adopt the DNA Detection of Sexual and Violent Offenders Act.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
289*	Change court jurisdiction relating to juvenile crime and eliminate certain juvenile fingerprinting provisions.
323*	Adopt the Sexual Predator Act.
332*	Exempt persons hunting coyotes from certain snowmobile safety provisions.
350*	Define terms and provide for owner liability relating to firearm ranges.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
380*	Define "promotional advertising" under the State Lottery Act.
381*	Prohibit the advertisement of casino gambling activity.
403*	Change provisions relating to applicability of the school enrollment option program.
461*	Change provisions for disbursements from the Education Innovation Fund.
462*	Change provisions for filing petitions in postconviction proceedings.
465*	Adopt the Concealed Handgun License Act.

467*	Change provisions relating to tobacco licenses and tobacco products and minors.
469*	Adopt the County Agricultural Society Act.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
583*	Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
604	Change provisions relating to tenure for certificated school employees.
606*	Provide for certain rights for crime victims.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
640*	Provide for brand license plates.
742*	Change provisions for merger of Class I and Class VI school districts.
774*	Change provisions relating to aggravating circumstances in applying the death penalty.
790*	Provide immunity in actions relating to job references.
791*	Change provisions relating to contracts for certificated school employees.
793*	Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.
813***	Adopt the Quality Work Force Academic Grant Program Act.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
830*	Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur.
837*	Provide for limited-service rural hospitals.
868*	Provide a restriction on names for non-deposit-taking bank branch offices.
877*	Require reviews of instream water appropriation permits.
882***	Change provisions relating to adult and juvenile incarceration and facilities.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
21CA*	Constitutional amendment to change the length of the legislative sessions.

SHELLEY KIEL

LB

90*	Increase criminal penalties and establish civil actions for crimes based upon race, religion, or other protected classifications.
109*	Authorize the issuance of citations in lieu of arrest by certain fire, health and safety officials and inspectors.

125*	Provide an exemption of certain standards relating to elevators.
281*	Change fees for service of process.
288*	Change provisions for the distribution of proceeds from the state lottery.
362	Change provisions relating to salaries for members of the Supreme Court.
370*	Change the number of district court judges.
393*	Change provisions relating to fees associated with filing, issuance or service of a protection order.
408*	Change provisions relating to funding and tax levies for community colleges.
441*	Redefine the term "veteran."
470	Prohibit certain actions by employers based on use of lawful products.
484*	Provide for the suspension of tobacco licenses.
488*	Change provisions relating to an administrative fee relating to collection of sales and use tax.
497*	Change provisions relating to school employee retirement for Class V school districts.
501*	Require net billing for customers using electricity generated by a wind or biomass electricity generator.
509*	Create the offense of domestic violence and provide penalties.
511*	Change penalties relating to being an accessory to a felony.
514*	Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
529*	Change provisions relating to unregistered motor vehicles.
530*	Change the homestead exemption amount and income eligibility amounts.
600*	Change provisions relating to stalking and the Protection From Domestic Abuse Act.
601*	Create the offense of indecency with a child.
645*	Appropriate funds to the Coordinating Commission for Postsecondary Education for the Postsecondary Education Award Program.
648*	Provide for criminal penalties for assault on educational employees.
669*	State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
717*	Change provisions for application forms and deadlines for homestead exemptions.
718*	Change provisions relating to instream water appropriations.

755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
756*	Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757*	Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
777*	Provide for parenting education courses in certain divorce actions.
812*	Change payment requirements by certain employees for employee benefit plans.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
829*	Require a domestic abuse incident recording system.
877*	Require reviews of instream water appropriation permits.
882***	Change provisions relating to adult and juvenile incarceration and facilities.

DOUGLAS A. KRISTENSEN

LB	
41	Limit recovery for claims under the State Tort Claims Act.
42*	Provide procedures for use of digital signatures.
43	Change provisions relating to the posting of private property and fee exemptions for veterans.
44	Change provisions relating to the registration or filing of business entity names and trade names.
102*	Change provisions relating to allocation of capitol building space.
103*	Change provisions relating to the selection of presidential electors.
108	Change provisions relating to funding for the Nebraska Commission on Public Advocacy.
121*	Change provisions relating to mergers under the Nebraska Nonprofit Corporation Act.
148	Authorize alternative games of chance under the Nebraska Lottery and Raffle Act.
149	Provide immunity to current and former employers relating to employment information.
178*	Provide for consolidation of counties and municipalities and creation of classified local governments.
179*	Change provisions relating to county treasurers and collection fees for property tax, homestead reimbursement revenue and certain special assessments.
180*	Create the Property Tax Reduction Incentive Fund.
182*	Change provisions and appropriate funds relating to homestead exemptions.

210*	Provide for blood specimen certificates relating to driving or boating under the influence of alcohol or a controlled substance.
228*	Provide a penalty for destroying initiative and referendum petitions.
246	Provide for selection of the Chief Judge of the Court of Appeals by the judges of the court and change the Chief Judge's term of office.
256	Provide for undercover license plates and undercover driver's licenses.
256A	Appropriation Bill.
257	Transfer powers and duties relating to railroads and railroad crossings to the Department of Roads.
269A	Appropriation Bill.
270A	Appropriation Bill.
271*	Change motor vehicle taxation and fee provisions.
280*	Prohibit same sex marriages.
285	Redefine "member" under the Nebraska Nonprofit Corporation Act to exempt from the act certain corporations created to carry out a federal mandate.
286	Adopt the Digital Signature Act.
287	Provide limits for campaign contributions and expenditures.
288*	Change provisions for the distribution of proceeds from the state lottery.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
320*	Provide for provisional driver's licenses.
371	Provide for a gallonage tax on certain cider under the Nebraska Liquor Control Act.
372*	Change execution and homestead exemption provisions.
373	Change the schedule of controlled substances.
378*	Change provisions relating to initiative and referendum petition circulators.
379*	Change and provide filing requirements relating to initiative petitions.
395*	Change provisions relating to environmental audits.
397*	Change provisions relating to Tax Equalization and Review Commission, State Board of Equalization and Assessment and homestead exemptions.
408*	Change provisions relating to funding and tax levies for community colleges.
460*	Change provisions relating to petitions, petition signers, circulators and initiative and referendum procedures.
464*	Change hearing procedures and penalties for driving under the influence of alcohol.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.

475	Adopt the Postsecondary Education Expense Act.
476	Change provisions relating to postsecondary educational institutions.
482	Change provisions relating to liquor licenses and penalties and create the Nebraska Liquor Control Commission Rule and Regulation Cash Fund.
590*	Provide duties for the State Records Board relating to dissemination of public records electronically.
630	Change continuing education requirements relating to title insurance.
631	Change provisions relating to limited liability companies.
635	Adopt the Uniform Motor Vehicle Records Disclosure Act.
635A	Appropriation Bill.
636*	Provide for certificates for contractors who work on water-based fire protection systems.
660*	Authorize and enforce the Federal Telecommunications Act of 1996.
660A	Appropriation Bill.
685	Change provisions relating to telecommunications service rates and regulation.
686*	Adopt the Nebraska Telecommunications Universal Service Fund Act.
687	Change provisions relating to certificates of convenience and necessity relating to telecommunications.
688	Authorize cities and villages to provide telecommunications services.
689	Eliminate a restriction for public power districts relating to communications services.
785	Provide that both parents are liable for medical expenses of their minor child in a divorce or legal separation decree.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
7CA*	Constitutional amendment to change the percentage of petition signatures required for initiative and referendum measures.
9CA*	Constitutional amendment to change restrictions on the residence of executive officers.
10CA*	Constitutional amendment to require legislative committees to hold open meetings and require recording of certain votes.
11CA*	Constitutional amendment to eliminate the Auditor of Public Accounts and Treasurer from the list of executive officers.
12CA*	Constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.

13CA*	Constitutional amendment to provide for legislative powers during periods of enemy attack, terrorist attack or natural disaster.
14CA*	Constitutional amendment to create the Commission on Legislative Compensation and establish the salary and expenses of members of the Legislature.
15CA*	Constitutional amendment to state that the use of the masculine gender in the Constitution be construed to include the feminine gender.
16CA*	Constitutional amendment to eliminate the privilege from arrest granted to members of the Legislature.
17CA*	Constitutional amendment eliminating certain publication requirements for session laws and the Constitution.
18CA*	Constitutional amendment to eliminate references to certain categories of special legislation.
19CA*	Constitutional amendment to provide that rights granted by the Nebraska Constitution are not to be construed as limited by interpretations placed on similar provisions of the U.S. Constitution.
20CA*	Constitutional amendment to provide that no person shall be denied the equal protection of the laws.
24CA*	Constitutional amendment to change a reference to the appellate court and eliminate certain references to county courts and judges.
25CA*	Constitutional amendment to provide that the presiding officer shall sign bills and resolutions passed by the Legislature.
26CA*	Constitutional amendment to eliminate an exception to the prohibition on imprisonment for debt.
27CA*	Constitutional amendment to eliminate the constitutional provisions establishing the Board of Parole and eliminate the Board of Pardons.
28CA*	Constitutional amendment to transfer a provision from Article XVII to Article III.
29CA*	Constitutional amendment to repeal the requirement that printed copies of the Constitution be prefixed to books containing the laws of the state.
30CA*	Constitutional amendment to eliminate an exception to the prohibition on the suspension of the writ of habeas corpus.
36CA*	Constitutional amendment to eliminate certain contempt powers of the Legislature.
37	Urge Congress to support HR1842 which recognizes problems created in competition between states in offering economic incentives.
38CA*	Constitutional amendment to prescribe requirements for initiative and referendum petitions.
39CA*	Constitutional amendment to limit initiative and referendum petitions to one subject.

41CA*	Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.
42CA*	Constitutional amendment to eliminate a reference to public, private, denominational and parochial schools.
43CA*	Change provisions relating to legislative confirmation of gubernatorial appointments.
47CA*	Constitutional amendment to eliminate references to the Lieutenant Governor as the presiding officer of the Legislature.
48CA*	Constitutional amendment to prohibit the alienation of gas and other minerals in and under state land.
55CA*	Constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.
60CA	Constitutional amendment to provide for recall of members of the Legislature.
88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

DAVID M. LANDIS

LB	
15	Change the duties of the Public Counsel under the State Government Effectiveness Act.
16	Eliminate a requirement for lineal descendants relating to inheritance tax.
17	Change provisions relating to retail license suspension under the Nebraska Liquor Control Act.
18	Change delinquency provisions relating to child support.
19	Authorize special fishing permits for severely physically disabled persons or developmentally disabled persons.
20	Authorize property tax work-off programs.
51	Adopt the Nebraska Uniform Custodial Trust Act.
52	Change insurance corporation filing and insurance company demutualization requirements.
53	Adopt the Title Insurers Act and Title Insurance Agent Act.
54	Adopt the Nebraska Uniform Prudent Investor Act.
55	Change provisions relating to insurance taxes and health insurance renewability.
56	Change provisions relating to detached branch banks in Class II counties.
57	Provide for payment of auditing expenses associated with the receipt of abandoned property under the Uniform Disposition of Unclaimed Property Act.
58	Provide for termination of child support upon certain events and for procedures.

114	Change provisions relating to the Public Accountancy Act of 1957.
114A	Appropriation Bill.
136	Provide for mobile branch banks.
137	Change provisions relating to banking and finance.
151*	Change provisions relating to the Uniform Arbitration Act.
171*	Change provisions relating to discrimination.
179*	Change provisions relating to county treasurers and collection fees for property tax, homestead reimbursement revenue and certain special assessments.
180*	Create the Property Tax Reduction Incentive Fund.
181*	Authorize local governments to levy payments in lieu of taxes for certain tax-exempt property.
182*	Change provisions and appropriate funds relating to homestead exemptions.
182A*	Change provisions relating to sales and use tax.
272	Change provisions relating to insurance fraud.
273	Change and eliminate investment provisions for insurance companies.
276*	Provide an income tax credit for earned income.
314	Change provisions relating to agencies, personnel, and building renewal.
314A	Appropriation Bill.
317*	Change provisions relating to fees, licenses, and occupation taxes under the Mechanical Amusement Device Tax Act.
335	Change provisions relating to the Securities Act of Nebraska.
336	Change provisions relating to uninsured and underinsured motorist settlements.
351	Adopt the Interstate Branching By Merger Act of 1997.
372*	Change execution and homestead exemption provisions.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
397*	Change provisions relating to Tax Equalization and Review Commission, State Board of Equalization and Assessment and homestead exemptions.
409*	Authorize issuance and use of direct payment permits for purposes of sales and use tax.
412	Change provisions relating to secured transactions under the Uniform Commercial Code.
423	Provide for retroactive modification of child support orders.
424	Change provisions relating to the Juvenile Services Act.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
523	Adopt the Uniform Partnership Act of 1998.
523A	Appropriation Bill.

553	Change provisions relating to vacant state buildings, state agency purchases, building renewal and state personnel.
554	Change provisions relating to escrow accounts.
555	Change provisions relating to charges and penalties for installment loans.
569*	Provide an increase in the minimum wage rate.
602*	Change and eliminate provisions for service areas relating to municipal power suppliers.
718*	Change provisions relating to instream water appropriations.
727	Change provisions relating to recognition and enforcement of child support orders under the Uniform Interstate Family Support Act.
728	Change provisions relating to pawnbrokers, dealers in secondhand goods or jewelry, coin dealers or junk dealers.
729	Change provisions for legal services for the indigent.
729A	Appropriation Bill.
730	Change execution and homestead exemption provisions.
731	Change provisions relating to liens and secured transactions under the Uniform Commercial Code.
739	Change provisions for the acquisition of banks under the Nebraska Bank Holding Company Act.
740	Adopt the Mutual Insurance Holding Company Act.
741	Change provisions relating to reduction of uninsured motorist coverage limits.
768*	Change contribution restrictions on campaign committees.
809*	Adopt the Nebraska Elementary and Secondary School Finance Authority Act.
858*	Create the Excellence in Higher Education Fund Act.
870*	Provide revenue sources for the Affordable Housing Trust Fund.
LR	
61CA	Constitutional amendment to authorize the Legislature to provide for enforcement of mediation and arbitration agreements.

DANIEL C. LYNCH

LB	
27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
45*	Change provisions for location of retail liquor licensees.
72*	Change provisions relating to license plates issued to handicapped or disabled persons.
90*	Increase criminal penalties and establish civil actions for crimes based upon race, religion, or other protected classifications.
99*	Change tax provisions relating to bingo.

104*	Eliminate a restriction on an additional amount of service surcharge for 911 service.
116*	Allow municipal governments to require fingerprinting of job applicants.
117*	Redefine "gross receipts" for purposes of sales and use tax.
123*	Provide for physical possession of tobacco products by a first owner before resale.
124*	Require certain employees to pay for collective bargaining.
125*	Provide an exemption of certain standards relating to elevators.
139*	Change provisions for income levels used to determine homestead exemption amounts.
182*	Change provisions and appropriate funds relating to homestead exemptions.
225*	Change weekly benefit provisions under the Employment Security Act.
265*	Prohibit acts relating to stolen motor vehicles and major component parts.
296*	Provide an income tax adjustment for federal governmental pensions.
298	Change provisions relating to placement of handicapped parking permits.
299	Provide for agreements between a state agency and political subdivision for enforcement of handicapped parking provisions.
300	Change provisions relating to license plates issued to handicapped or disabled persons.
341*	Adopt the Commission for the Blind and Visually Impaired Act.
408*	Change provisions relating to funding and tax levies for community colleges.
435	Change a sales and use tax collection fee for county treasurers.
439	Adopt the Street Gang Recision Act.
485*	Change provisions relating to examination and maintenance costs of individuals determined to be mentally incompetent.
491*	Authorize members of the school employees retirement plan an election to pay the retirement system for up to ten years of service as a nonmember.
509*	Create the offense of domestic violence and provide penalties.
514*	Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
530*	Change the homestead exemption amount and income eligibility amounts.

549*	Change provisions relating to the importation and possession of certain animals under the Game Law.
569*	Provide an increase in the minimum wage rate.
611*	Change provisions relating to annexation by metropolitan class cities.
612*	Change tax levy provisions for rural and suburban fire protection districts.
618*	Require contractors to provide health care coverage on projects at the University of Nebraska Medical Center.
625	Change budget limitations and restrictions for political subdivisions.
639*	Adopt the Resident Tuition Assistance Grant Program Act.
645*	Appropriate funds to the Coordinating Commission for Postsecondary Education for the Postsecondary Education Award Program.
666	Change a bond requirement for members of plumbing boards for cities and villages.
667	Authorize nonpublic lake associations to adopt and promulgate rules and regulations.
668	Require motorboat operator education.
669*	State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
717*	Change provisions for application forms and deadlines for homestead exemptions.
718*	Change provisions relating to instream water appropriations.
802*	Adopt the Assistive Technology Regulation Act.
803*	Adopt the Community-Based Neurobehavioral Rehabilitation Act.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
821	Require payments in lieu of taxes for certain tax exempt property and provide a sales and use tax on certain services and food and provide a sales tax credit.
822*	Change retirement annuity and retirement age provisions under the School Employees Retirement Plan.
840*	Authorize purchase of service credit for certain persons under the School Employees Retirement plan.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.
857*	Provide funding for capital construction projects at the University of Nebraska and Nebraska State Colleges and change distribution of the cigarette tax.
883	Provide for a waiver of a proposed administrative penalty under the Contractor Registration Act.

GERALD E. MATZKE

LB	
80*	Change provisions for providing copies of adoption decrees by the clerk of the county court.
97*	Change the maximum amount of a production charge for the Oil and Gas Conservation Fund.
122*	Change provisions relating to size, weight, and load restrictions under the Nebraska Rules of the Road.
138*	Adopt the Emergency Medical Services Act.
151*	Change provisions relating to the Uniform Arbitration Act.
255*	Adopt the Nebraska Highway-Rail Grade Crossing Safety and Consolidation Act.
255A	Appropriation Bill.
279*	Adopt the Managed Care Patient Protection Act.
280*	Prohibit same sex marriages.
281*	Change fees for service of process.
288*	Change provisions for the distribution of proceeds from the state lottery.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
316	Prohibit the operation of motorboats and personal watercraft by persons under sixteen years of age.
334*	Authorize the Nebraska Oil and Gas Conservation Commission to enter into contracts for appraisals of oil and gas interests.
375*	Prohibit smoking in state buildings and vehicles.
408*	Change provisions relating to funding and tax levies for community colleges.
422***	Change death penalty sentencing provisions.
466*	Change provisions relating to appointment, powers, and duties of guardians and conservators.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
606*	Provide for certain rights for crime victims.
626*	Adopt the Statewide Trauma System Act.
640*	Provide for brand license plates.
660*	Authorize and enforce the Federal Telecommunications Act of 1996.
686*	Adopt the Nebraska Telecommunications Universal Service Fund Act.
753	Authorize banks to act as trustee or custodian of a medical savings account.
754	Prohibit certain acts by health carriers relating to health care providers and services.
764*	Change and eliminate provisions relating to elections.
788*	Provide payment for medical expenses for certain adopted children and require medical assessments.
837*	Provide for limited-service rural hospitals.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

DAVID I. MAURSTAD

LB

23*	Prohibit partial-birth abortions.
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
24A	Appropriation Bill.
25	Authorize a local income tax for school districts and affiliation of school districts.
27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
91*	Change provisions relating to speeding and overtaking and passing in a school crossing zone.
103*	Change provisions relating to the selection of presidential electors.
125*	Provide an exemption of certain standards relating to elevators.
150	Authorize construction of a medium-maximum security adult correctional facility and provide funding for community corrections.
167*	Prohibit partial-birth abortions.
212	Change the distribution of lottery proceeds.
213	Appropriate funds to the Department of Education for vocational rehabilitation.
214	Appropriate funds to the Nebraska State Historical Society to be used to purchase microfiche readers.
218*	Change provisions relating to operating a motor vehicle to avoid arrest.
238*	Change provisions relating to public works contracts and bids for cities and villages.
265*	Prohibit acts relating to stolen motor vehicles and major component parts.
280*	Prohibit same sex marriages.
308*	Authorize an income tax credit for vegetative filter strips.
401***	Change provisions relating to income tax rate, credit and distribution provisions.
408*	Change provisions relating to funding and tax levies for community colleges.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.

508*	Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
514*	Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
669*	State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
764*	Change and eliminate provisions relating to elections.
768*	Change contribution restrictions on campaign committees.
776*	Provide for energy financing contracts.
790*	Provide immunity in actions relating to job references.
808*	State intent relating to county superintendents.
828*	Eliminate a restriction on voting for local option sales tax.
831	Change levy limitations for municipalities.
832	Provide for school bond state aid.
833	State intent relating to funding for the Parents of All Ages Program in the Department of Health and Human Services Finance and Support.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.
865*	Provide, change and eliminate provisions relating to special education.
878*	Authorize employee buy-out programs for state government.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
45CA*	Constitutional amendment relating to motor vehicle taxes, municipal tax rates, governmental property taxation and townships.
52CA*	Constitutional amendment to eliminate provisions relating to county and township officers.
62CA	Constitutional amendment to require revenue from certain taxes and fees be used for maintenance of roads.
63CA*	Constitutional amendment to authorize the Legislature to provide for differences in tax rates within and outside municipalities.
108	Encourage Congress to pass the proposed balanced budget amendment to the U.S. Constitution.

JANIS MCKENZIE

LB

23*	Prohibit partial-birth abortions.
78*	Change provisions relating to funds of ground water conservation districts.

102*	Change provisions relating to allocation of capitol building space.
186*	Repeal the Nebraska Health Care Certificate of Need Act.
187	Change the interest rate on delinquent taxes and special assessments owed to political subdivisions.
188*	Change provisions relating to notice of controls under the Nebraska Ground Water Management and Protection Act.
308*	Authorize an income tax credit for vegetative filter strips.
323*	Adopt the Sexual Predator Act.
327***	Adopt the Microenterprise Development Act.
345*	Define and redefine terms relating to schools.
346*	Redefine terms and change terminology relating to schools.
347*	Change and eliminate provisions relating to schools, education, penalties, and school districts.
393*	Change provisions relating to fees associated with filing, issuance or service of a protection order.
408*	Change provisions relating to funding and tax levies for community colleges.
428	Create the Biopower Steering Committee.
429	Change provisions relating to valuation of motor vehicles.
443*	Change a provision relating to computation of credits under the Employment Expansion and Investment Incentive Act.
506*	Authorize cooperating municipalities, public power districts, and joint power districts to provide natural gas and telecommunications services.
578	Change provisions relating to hearing officers and school employees.
579	Define and redefine terms under the Environmental Lead Hazard Control Act.
579A	Appropriation Bill.
580	Provide and eliminate powers of public power districts.
615	Change duties for county treasurers relating to Class III school districts.
616*	Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.
617*	Decrease the fuel tax rate for gasohol.
745***	Change provisions relating to enterprise zones.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
756*	Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757*	Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
773	Adopt the Resident Health Education Tuition Assistance Grant Program Act.

784*	Provide for adjustment of district formula resources relating to state aid to schools.
789*	Provide for regional superintendents of public instruction and regional superintendent of public instruction districts.
797	Change provisions for appropriations under the Special Education Act.
806A*	Appropriation Bill.
811*	Change provisions for income tax allocation relating to state aid to schools.
812*	Change payment requirements by certain employees for employee benefit plans.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
838*	Change provisions relating to student discipline.
865A	Appropriation Bill.
877*	Require reviews of instream water appropriation permits.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.

DWITE A. PEDERSEN

LB	
23*	Prohibit partial-birth abortions.
66*	Change provisions relating to the scope of nursing services.
67*	Change provisions relating to sewerage system funds for second class cities and villages.
81*	Provide for braille instruction for visually handicapped children.
87	Change provisions relating to visitation of inmates.
88	Change provisions relating to inmate employment.
89	Change provisions relating to credit unions.
102*	Change provisions relating to allocation of capitol building space.
104*	Eliminate a restriction on an additional amount of service surcharge for 911 service.
106*	Authorize the Governor to designate official state items.
125*	Provide an exemption of certain standards relating to elevators.
143*	Prohibit certain passengers in the cargo area or on the tailgate of certain vehicles.
203*	Eliminate a duty for sheriffs relating to the sex offenders.
204*	Provide for community notification of certain records relating to sex offenders.

217*	Define partial-birth abortions.
265*	Prohibit acts relating to stolen motor vehicles and major component parts.
266*	Provide for confidentiality and ownership of DNA analysis results.
268*	Adopt the Drug Dealer Liability Act.
274	Provide for mental health therapy under the Nebraska Treatment and Corrections Act.
278*	Adopt the DNA Detection of Sexual and Violent Offenders Act.
280*	Prohibit same sex marriages.
281*	Change fees for service of process.
288*	Change provisions for the distribution of proceeds from the state lottery.
292*	Require the State Board of Education to develop a school district reorganization plan.
301*	Adopt the Court Appointed Special Advocate Act.
322	Change provisions relating to acceptance of siblings of option students in the option enrollment program.
323*	Adopt the Sexual Predator Act.
341*	Adopt the Commission for the Blind and Visually Impaired Act.
350*	Define terms and provide for owner liability relating to firearm ranges.
401***	Change provisions relating to income tax rate, credit and distribution provisions.
404*	Change the number of county court and district court judges.
404A	Appropriation Bill.
465*	Adopt the Concealed Handgun License Act.
472	Restrict the dispensing of certain controlled substances.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
489*	Change provisions relating to county land reutilization authorities and commissions.
497*	Change provisions relating to school employee retirement for Class V school districts.
509*	Create the offense of domestic violence and provide penalties.
512*	Change placement and transportation costs provisions relating to juveniles.
514*	Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
526	Change provisions relating to voting and counting systems and certain election costs.
527	Change provisions relating to liability for damages involving leased trucks.
528	Provide a rebuttable presumption in certain cases of death or disability of sheriffs and deputy sheriffs.

530*	Change the homestead exemption amount and income eligibility amounts.
572*	Change provisions for pilot projects and model programs relating to the Education Innovation Fund.
597*	Change levy limitations for school districts and systems.
603*	Change provisions for suspension of driver's licenses and minors in possession of alcohol.
603A	Appropriation Bill.
611*	Change provisions relating to annexation by metropolitan class cities.
612*	Change tax levy provisions for rural and suburban fire protection districts.
613	Change provisions for the employment of minors as servers and sellers of alcoholic liquor.
628*	Change provisions relating to restitution for certain criminalistics procedures.
639*	Adopt the Resident Tuition Assistance Grant Program Act.
642*	Change the number of county judges in certain districts.
648*	Provide for criminal penalties for assault on educational employees.
660*	Authorize and enforce the Federal Telecommunications Act of 1996.
686*	Adopt the Nebraska Telecommunications Universal Service Fund Act.
757*	Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
760**	Change oversight and control of the secure youth facility.
761	Provide the Department of Correctional Services adopt rules and regulations relating to inmates.
762	Change provisions relating to practices allowed for athletic trainers.
777*	Provide for parenting education courses in certain divorce actions.
806A*	Appropriation Bill.
810*	Change provisions relating to interpreters for hearing impaired persons.
814*	Create a penalty for crimes against service dogs.
851*	Change provisions for interpreters for the deaf and hard of hearing and the name, membership, and duties of the Commission for the Hearing Impaired.
877*	Require reviews of instream water appropriation permits.
881*	Authorize the use of an automated traffic enforcement system for detection of moving traffic violations.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.

DONALD W. PEDERSON

LB	
23*	Prohibit partial-birth abortions.
107*	Change provisions relating to mountain sheep, game animals, game birds and game fish.
280*	Prohibit same sex marriages.
283*	Change provisions relating to pawnbrokers and junk dealers.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
350*	Define terms and provide for owner liability relating to firearm ranges.
408*	Change provisions relating to funding and tax levies for community colleges.
465*	Adopt the Concealed Handgun License Act.
466*	Change provisions relating to appointment, powers, and duties of guardians and conservators.
508*	Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
640*	Provide for brand license plates.
669*	State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
788*	Provide payment for medical expenses for certain adopted children and require medical assessments.
791*	Change provisions relating to contracts for certificated school employees.
813***	Adopt the Quality Work Force Academic Grant Program Act.
835*	Provide for the Seamless Delivery System Pilot Project.
877*	Require reviews of instream water appropriation permits.
882***	Change provisions relating to adult and juvenile incarceration and facilities.

LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

CHRIS PETERSON

LB	
23*	Prohibit partial-birth abortions.
182*	Change provisions and appropriate funds relating to homestead exemptions.
188*	Change provisions relating to notice of controls under the Nebraska Ground Water Management and Protection Act.
280*	Prohibit same sex marriages.

301*	Adopt the Court Appointed Special Advocate Act.
327***	Adopt the Microenterprise Development Act.
393*	Change provisions relating to fees associated with filing, issuance or service of a protection order.
396***	Provide for a Division of Veterans Homes within the Department of Health and Human Services.
514*	Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
602*	Change and eliminate provisions for service areas relating to municipal power suppliers.
648*	Provide for criminal penalties for assault on educational employees.
660*	Authorize and enforce the Federal Telecommunications Act of 1996.
707*	Change provisions for an emission fee collected from air pollution sources.
717*	Change provisions for application forms and deadlines for homestead exemptions.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
756*	Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757*	Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
813***	Adopt the Quality Work Force Academic Grant Program Act.
838*	Change provisions relating to student discipline.
877*	Require reviews of instream water appropriation permits.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.

DONALD G. PREISTER

LB	
23*	Prohibit partial-birth abortions.
86*	Change provisions relating to taxation of motor vehicles.
90*	Increase criminal penalties and establish civil actions for crimes based upon race, religion, or other protected classifications.
107*	Change provisions relating to mountain sheep, game animals, game birds and game fish.
124*	Require certain employees to pay for collective bargaining.
129*	Change provisions relating to employment security law terms.
130*	Change the definition of "employment" under the Employment Security Law.

139*	Change provisions for income levels used to determine homestead exemption amounts.
140*	Provide for wind energy easements.
158*	Prohibit automated dispensing of tobacco products.
159*	Change provisions relating to rating systems for automobile liability policies.
167*	Prohibit partial-birth abortions.
182*	Change provisions and appropriate funds relating to homestead exemptions.
207*	Change provisions relating to grandparent visitation.
208	Provide for mitigation or waiver of penalties relating to environmental audits.
225*	Change weekly benefit provisions under the Employment Security Act.
226*	Change weight restrictions for rubber-tired cranes.
239*	Lower the prohibited concentration of alcohol for DWI conviction.
276*	Provide an income tax credit for earned income.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
318*	Change provisions relating to regulation of natural gas rates and enforcement of the regulation.
323*	Adopt the Sexual Predator Act.
326*	Require insurance coverage for diabetes-related equipment, supplies, medications, and education.
327***	Adopt the Microenterprise Development Act.
350*	Define terms and provide for owner liability relating to firearm ranges.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
370*	Change the number of district court judges.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
375*	Prohibit smoking in state buildings and vehicles.
484*	Provide for the suspension of tobacco licenses.
487*	Prohibit the controlling of rent.
489*	Change provisions relating to county land reutilization authorities and commissions.
492*	Provide an income tax credit for educational expenses.
494*	Provide for Nebraska Environmental Heritage License Plates.
497*	Change provisions relating to school employee retirement for Class V school districts.
501*	Require net billing for customers using electricity generated by a wind or biomass electricity generator.
502*	Prohibit the establishment of slaughterhouses near residential areas in metropolitan class cities.

506*	Authorize cooperating municipalities, public power districts, and joint power districts to provide natural gas and telecommunications services.
514*	Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
518***	Provide loans to public water supply systems.
530*	Change the homestead exemption amount and income eligibility amounts.
552*	Withdraw the State of Nebraska from the Central Interstate Low-Level Radioactive Waste Compact.
569*	Provide an increase in the minimum wage rate.
571*	Provide for different rates, tolls, and rents relating to wind energy resources.
572*	Change provisions for pilot projects and model programs relating to the Education Innovation Fund.
606*	Provide for certain rights for crime victims.
616*	Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.
618*	Require contractors to provide health care coverage on projects at the University of Nebraska Medical Center.
628*	Change provisions relating to restitution for certain criminalistics procedures.
648*	Provide for criminal penalties for assault on educational employees.
670	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
717*	Change provisions for application forms and deadlines for homestead exemptions.
718*	Change provisions relating to instream water appropriations.
745***	Change provisions relating to enterprise zones.
756*	Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757*	Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
789*	Provide for regional superintendents of public instruction and regional superintendent of public instruction districts.
792*	Provide for access to state public records and authorize fees.
805	Change provisions for public letting and contract requirements.
806A*	Appropriation Bill.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
845*	Change penalty provisions for possession of marijuana.

866	Change provisions for the commercial exploitation or exportation of certain aquatic organisms under the Game Law.
867*	State intent relating to renewable energy resources.
882***	Change provisions relating to adult and juvenile incarceration and facilities.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
54	Propose an amendment to the U.S. Constitution relating to the protection of natural resources.

RONALD E. RAIKES

(Term began May 15, 1997)

JENNIE ROBAK

LB	
23*	Prohibit partial-birth abortions.
83*	Require insurance coverage for serious mental illnesses.
90*	Increase criminal penalties and establish civil actions for crimes based upon race, religion, or other protected classifications.
90A	Appropriation Bill.
91*	Change provisions relating to speeding and overtaking and passing in a school crossing zone.
93*	Change provisions relating to calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
125*	Provide an exemption of certain standards relating to elevators.
143*	Prohibit certain passengers in the cargo area or on the tailgate of certain vehicles.
144	Provide for a refund for school districts of the amount of tax paid on the purchase of tax refund motor vehicle fuel.
147	Authorize the purchase of service credit for service rendered in community colleges under the School Employees Retirement Act.
165	Change trial procedure for limitation of action issues.
203*	Eliminate a duty for sheriffs relating to the sex offenders.
204*	Provide for community notification of certain records relating to sex offenders.
220	Provide for operator's permits for mopeds.
223	Eliminate certain fees for county treasurers.
227	Provide procedures for objections to applications relating to proceedings in forma pauperis.
242*	Change the hours to sell or dispense alcoholic liquors.
243	Provide rights for patients with mental illness.
254*	Provide for service dogs for physically disabled persons.

268*	Adopt the Drug Dealer Liability Act.
278*	Adopt the DNA Detection of Sexual and Violent Offenders Act.
280*	Prohibit same sex marriages.
293	Change provisions relating to resisting arrest.
294	Provide the measure of damages for perennial crop destruction.
295	Require flaps and splash aprons for new motor vehicles.
296*	Provide an income tax adjustment for federal governmental pensions.
323*	Adopt the Sexual Predator Act.
350*	Define terms and provide for owner liability relating to firearm ranges.
366	Require seat belts in school buses.
367	Redefine "employees" under the County Employees Retirement Act.
368	Change provisions relating to motor vehicle lights.
392*	Change provisions relating to temporary custody and detention or placement of juveniles.
447*	Change provisions relating to contracts for fire and ambulance service.
465*	Adopt the Concealed Handgun License Act.
467*	Change provisions relating to tobacco licenses and tobacco products and minors.
477	Change provisions relating to overweight vehicles.
478	Require genetically engineered labeling for certain products.
509*	Create the offense of domestic violence and provide penalties.
530*	Change the homestead exemption amount and income eligibility amounts.
532*	Provide a supplemental retirement benefit for certain school employees retirees.
534	Change provisions relating to lotteries and gambling.
535	Change provisions for annexation relating to Class III school districts.
572*	Change provisions for pilot projects and model programs relating to the Education Innovation Fund.
605	Change provisions relating to inhaling or drinking certain compounds.
659*	Create the Nebraska Industrial Competitiveness Alliance.
735	Authorize special fishing permits for developmentally disabled persons.
736	State intent relating to mental health services and provide for psychiatric or psychosocial rehabilitation.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.

806A*	Appropriation Bill.
810*	Change provisions relating to interpreters for hearing impaired persons.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
53*	Propose an amendment to the U.S. Constitution delaying any variances in the compensation of Members of Congress.
110	Approve gift of land from the Todd Valley Wetland Foundation to the Game and Parks Commission.

C. N. "BUD" ROBINSON

LB

23*	Prohibit partial-birth abortions.
45*	Change provisions for location of retail liquor licensees.
64*	Change provisions relating to payment of costs of certain elections.
70*	Allow county or state government to accept payment by credit card, charge card or debit card.
71*	Change provisions relating to boards of trustees of cemetery districts.
116*	Allow municipal governments to require fingerprinting of job applicants.
117*	Redefine "gross receipts" for purposes of sales and use tax.
118*	Provide for minigrants from the Education Innovation Fund for certain school districts.
125*	Provide an exemption of certain standards relating to elevators.
221*	Prohibit certain candidates and officeholders from filing for or holding more than one office.
228*	Provide a penalty for destroying initiative and referendum petitions.
232*	Change provisions relating to the suspension and expulsion of students under the Student Discipline Act.
253*	Change provisions relating to child custody and moving the residence of a child to another state.
264*	Redefine terms related to tax incentive programs.
333*	Change provisions relating to tax levies for environmental hazards, accessibility barriers and building funds for schools.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
375*	Prohibit smoking in state buildings and vehicles.

378*	Change provisions relating to initiative and referendum petition circulators.
379*	Change and provide filing requirements relating to initiative petitions.
403*	Change provisions relating to applicability of the school enrollment option program.
460*	Change provisions relating to petitions, petition signers, circulators and initiative and referendum procedures.
461*	Change provisions for disbursements from the Education Innovation Fund.
467*	Change provisions relating to tobacco licenses and tobacco products and minors.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
483*	Adopt the Nebraska Plane Coordinate System Act.
546*	Provide authority to law enforcement personnel relating to emergency management.
590*	Provide duties for the State Records Board relating to dissemination of public records electronically.
591*	Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.
594***	Change provisions for disbursements from the Waste Reduction and Recycling Incentive Fund.
595	Change provisions relating to board of education elections and state aid calculations.
596*	Change eminent domain procedures for natural resources districts.
597*	Change levy limitations for school districts and systems.
598*	Change the manner of exceeding levy limitations by school districts.
599*	Change provisions for exceeding levy limitations by certain political subdivisions.
607*	Provide procedures for drawing legislative and congressional district boundaries.
617*	Decrease the fuel tax rate for gasohol.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
639*	Adopt the Resident Tuition Assistance Grant Program Act.
660*	Authorize and enforce the Federal Telecommunications Act of 1996.
686*	Adopt the Nebraska Telecommunications Universal Service Fund Act.
734	Change provisions relating to terms of office and filling of certain vacancies in cities and villages.
764*	Change and eliminate provisions relating to elections.
774*	Change provisions relating to aggravating circumstances in applying the death penalty.

775*	Require reorganization of school districts.
792*	Provide for access to state public records and authorize fees.
793*	Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.
808*	State intent relating to county superintendents.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
822*	Change retirement annuity and retirement age provisions under the School Employees Retirement Plan.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
865*	Provide, change and eliminate provisions relating to special education.
880*	Change provisions for operating or parking an unregistered motor vehicle.
881*	Authorize the use of an automated traffic enforcement system for detection of moving traffic violations.
882***	Change provisions relating to adult and juvenile incarceration and facilities.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
5CA*	Constitutional amendment to change provisions relating to legislative sessions.
6CA*	Constitutional amendment to require the Legislature to prescribe the qualifications for members of the State Board of Education.
8CA*	Constitutional amendment to change residency requirements for executive officers of the state.
21CA*	Constitutional amendment to change the length of the legislative sessions.
41CA*	Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.
52CA*	Constitutional amendment to eliminate provisions relating to county and township officers.

STAN SCHELLPEPER

LB

28*	Change provisions relating to powers and duties of hospital districts.
66*	Change provisions relating to the scope of nursing services.
67*	Change provisions relating to sewerage system funds for second class cities and villages.

84	Provide the manner of taxing replacement tangible personal property.
85	Change provisions for duties of county treasurers.
86*	Change provisions relating to taxation of motor vehicles.
86A	Appropriation Bill.
93*	Change provisions relating to calculation of the local effort rate under the Tax Equity and Educational Opportunities Support Act.
99*	Change tax provisions relating to bingo.
116*	Allow municipal governments to require fingerprinting of job applicants.
118*	Provide for minigrants from the Education Innovation Fund for certain school districts.
120*	Change provisions relating to sales by liquor retail establishments which provide motor vehicle access directly through the building.
153*	Provide standards and procedures relating to civil liability for equine activities.
178*	Provide for consolidation of counties and municipalities and creation of classified local governments.
182*	Change provisions and appropriate funds relating to homestead exemptions.
228*	Provide a penalty for destroying initiative and referendum petitions.
247	Prohibit furnishing alcoholic liquor to a visibly intoxicated person.
248A	Appropriation Bill.
249A	Appropriation Bill.
271*	Change motor vehicle taxation and fee provisions.
277*	Prohibit school districts from exceeding tax levy limits.
280*	Prohibit same sex marriages.
306*	Require state approval of certain capital construction projects proposed by political subdivisions and create the Government Efficiency Commission.
317*	Change provisions relating to fees, licenses, and occupation taxes under the Mechanical Amusement Device Tax Act.
329	State findings relating to public power districts and authorize loans.
350*	Define terms and provide for owner liability relating to firearm ranges.
378*	Change provisions relating to initiative and referendum petition circulators.
379*	Change and provide filing requirements relating to initiative petitions.
394*	Provide funds for capital improvements for state colleges.

397*	Change provisions relating to Tax Equalization and Review Commission, State Board of Equalization and Assessment and homestead exemptions.
443*	Change a provision relating to computation of credits under the Employment Expansion and Investment Incentive Act.
460*	Change provisions relating to petitions, petition signers, circulators and initiative and referendum procedures.
461*	Change provisions for disbursements from the Education Innovation Fund.
465*	Adopt the Concealed Handgun License Act.
465A	Appropriation Bill.
469*	Adopt the County Agricultural Society Act.
471*	Eliminate certain provisions dealing with modification of public power service areas.
479*	Change provisions relating to farm wineries.
522	Authorize the use of electronic pickle card dispensing devices.
552*	Withdraw the State of Nebraska from the Central Interstate Low-Level Radioactive Waste Compact.
572*	Change provisions for pilot projects and model programs relating to the Education Innovation Fund.
581	Change provisions for fingerprinting of job applicants by the State Racing Commission.
582	Change provisions relating to horseracing.
583*	Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
591*	Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.
606*	Provide for certain rights for crime victims.
617*	Decrease the fuel tax rate for gasohol.
637*	Provide for the election of the board of directors of a municipal electric utility for primary class cities.
654*	Provide for the merger of municipally owned electric utilities.
662	Provide a sales tax on business services.
663	State intent relating to county superintendents.
719*	Change and eliminate provisions for tax funding of community colleges and educational service units and provide a sales tax on food and an income tax credit.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
837*	Provide for limited-service rural hospitals.
877*	Require reviews of instream water appropriation permits.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.

41CA*	Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.

DIANNA R. SCHIMEK

LB	
49	Change provisions of the Nebraska Political Accountability and Disclosure Act.
50	Change provisions relating to kindergarten entrance.
79	Provide an exception from employment security laws for AmeriCorp participants.
80*	Change provisions for providing copies of adoption decrees by the clerk of the county court.
81*	Provide for braille instruction for visually handicapped children.
90*	Increase criminal penalties and establish civil actions for crimes based upon race, religion, or other protected classifications.
91*	Change provisions relating to speeding and overtaking and passing in a school crossing zone.
92	Change provisions relating to clinical privileges for psychologists.
111*	Establish the Nebraska Commission on Human Genetic Technologies.
119*	Provide procedures regarding cases of out of home child abuse or neglect.
124*	Require certain employees to pay for collective bargaining.
129*	Change provisions relating to employment security law terms.
130*	Change the definition of "employment" under the Employment Security Law.
131*	Prohibit campaign contributions during legislative sessions.
139*	Change provisions for income levels used to determine homestead exemption amounts.
207*	Change provisions relating to grandparent visitation.
221*	Prohibit certain candidates and officeholders from filing for or holding more than one office.
222	Authorize peer review committees for health clinics and health practitioner organizations and associations.
228*	Provide a penalty for destroying initiative and referendum petitions.
266*	Provide for confidentiality and ownership of DNA analysis results.
279*	Adopt the Managed Care Patient Protection Act.
296*	Provide an income tax adjustment for federal governmental pensions.
310*	Change provisions relating to licensed child care programs, inspections and enforcement.

315*	Provide for certain purchases without competitive bidding for cities and villages.
321*	Require reports of late expenditures under the Nebraska Political Accountability and Disclosure Act.
323*	Adopt the Sexual Predator Act.
326*	Require insurance coverage for diabetes-related equipment, supplies, medications, and education.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
376	Change provisions relating to liability insurance procurement by county boards.
378*	Change provisions relating to initiative and referendum petition circulators.
379*	Change and provide filing requirements relating to initiative petitions.
383*	Adopt the Charitable Solicitation Registration Act.
396***	Provide for a Division of Veterans Homes within the Department of Health and Human Services.
408*	Change provisions relating to funding and tax levies for community colleges.
414*	Allow political subdivisions to accept payment by credit card.
445*	Adopt the Telemarketer Registration Act.
448*	Provide for creation of an incident report form relating to domestic violence by the Nebraska Commission on Law Enforcement and Criminal Justice.
449	Provide duties for prime contractors, primary lenders and mortgagees under the Nebraska Construction Lien Act.
460*	Change provisions relating to petitions, petition signers, circulators and initiative and referendum procedures.
464*	Change hearing procedures and penalties for driving under the influence of alcohol.
481	Authorize rent control for certain persons.
488*	Change provisions relating to an administrative fee relating to collection of sales and use tax.
501*	Require net billing for customers using electricity generated by a wind or biomass electricity generator.
509*	Create the offense of domestic violence and provide penalties.
551*	Provide for reimbursement for costs and disposition relating to animal offenses.
569*	Provide an increase in the minimum wage rate.
583*	Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
584	Change provisions relating to a waste reduction and recycling fee.
585*	Change the number of members and districts of the Game and Parks Commission.

591*	Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.
593*	Adopt the Attorney-Client Conference Act.
594***	Change provisions for disbursements from the Waste Reduction and Recycling Incentive Fund.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
647*	Change provisions for distribution of money from the temporary school fund.
718*	Change provisions relating to instream water appropriations.
764*	Change and eliminate provisions relating to elections.
777*	Provide for parenting education courses in certain divorce actions.
806A*	Appropriation Bill.
810*	Change provisions relating to interpreters for hearing impaired persons.
813***	Adopt the Quality Work Force Academic Grant Program Act.
829*	Require a domestic abuse incident recording system.
836	Change renewal provisions for permanent handicapped parking permits.
849*	Require insurance coverage for certain drugs used in the treatment of HIV, cancer or AIDS.
858*	Create the Excellence in Higher Education Fund Act.
865*	Provide, change and eliminate provisions relating to special education.
870*	Provide revenue sources for the Affordable Housing Trust Fund.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
7CA*	Constitutional amendment to change the percentage of petition signatures required for initiative and referendum measures.
15CA*	Constitutional amendment to state that the use of the masculine gender in the Constitution be construed to include the feminine gender.
20CA*	Constitutional amendment to provide that no person shall be denied the equal protection of the laws.
32CA	Constitutional amendment to require initiative and referendum measures to contain only one subject or act of the Legislature.
41CA*	Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.

53*	Propose an amendment to the U.S. Constitution delaying any variances in the compensation of Members of Congress.

JERRY SCHMITT

LB	
23*	Prohibit partial-birth abortions.
125*	Provide an exemption of certain standards relating to elevators.
138*	Adopt the Emergency Medical Services Act.
145*	Provide for rotation of the judicial retention question.
146*	Prohibit disciplinary action based solely on an experimental or nontraditional practice or therapy under the Uniform Licensing Law.
153*	Provide standards and procedures relating to civil liability for equine activities.
155*	Redefine a term for purposes of the Game Law.
157*	Change provisions relating to audits for schools.
161*	Change provisions relating to training requirements for law enforcement.
162*	Prohibit ticket quota requirements for law enforcement.
166*	Change provisions relating to emergency medical technician-A/D services.
280*	Prohibit same sex marriages.
281*	Change fees for service of process.
323*	Adopt the Sexual Predator Act.
338*	Restrict the use of a cellular telephone while operating a motor vehicle.
350*	Define terms and provide for owner liability relating to firearm ranges.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
465*	Adopt the Concealed Handgun License Act.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
546*	Provide authority to law enforcement personnel relating to emergency management.
564	Provide for the issuance of one motor vehicle license plate.
565*	Provide for pretrial diversion programs for persons charged with minor traffic offenses.
583*	Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
640*	Provide for brand license plates.

709	Phase out the tuition credit for members of the Nebraska-based unit of the Active Selective Reserve of the armed forces.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
774*	Change provisions relating to aggravating circumstances in applying the death penalty.
792*	Provide for access to state public records and authorize fees.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
830*	Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur.
868*	Provide a restriction on names for non-deposit-taking bank branch offices.
877*	Require reviews of instream water appropriation permits.
880*	Change provisions for operating or parking an unregistered motor vehicle.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.

ED SCHROCK

LB	
22*	Change provisions relating to driver's license renewal for military personnel.
23*	Prohibit partial-birth abortions.
65*	Prohibit certain advertising practices relating to tobacco.
66*	Change provisions relating to the scope of nursing services.
67*	Change provisions relating to sewerage system funds for second class cities and villages.
70*	Allow county or state government to accept payment by credit card, charge card or debit card.
71*	Change provisions relating to boards of trustees of cemetery districts.
72*	Change provisions relating to license plates issued to handicapped or disabled persons.
129*	Change provisions relating to employment security law terms.
130*	Change the definition of "employment" under the Employment Security Law.
142*	Provide for notification of a third-party guarantor on a loan.
153*	Provide standards and procedures relating to civil liability for equine activities.

157*	Change provisions relating to audits for schools.
188*	Change provisions relating to notice of controls under the Nebraska Ground Water Management and Protection Act.
217*	Define partial-birth abortions.
237*	Change provisions for the regulation of structures relating to aeronautics.
239*	Lower the prohibited concentration of alcohol for DWI conviction.
277*	Prohibit school districts from exceeding tax levy limits.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
308*	Authorize an income tax credit for vegetative filter strips.
323*	Adopt the Sexual Predator Act.
350*	Define terms and provide for owner liability relating to firearm ranges.
352*	Change provisions relating to pharmacists in charge.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
381*	Prohibit the advertisement of casino gambling activity.
402*	Change provisions relating to special permits for motor vehicles which exceed size and weight restrictions.
441*	Redefine the term "veteran."
443*	Change a provision relating to computation of credits under the Employment Expansion and Investment Incentive Act.
465*	Adopt the Concealed Handgun License Act.
468*	Change provisions relating to sales and use taxes, income taxes, property taxes and aid to education.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
485*	Change provisions relating to examination and maintenance costs of individuals determined to be mentally incompetent.
488*	Change provisions relating to an administrative fee relating to collection of sales and use tax.
506*	Authorize cooperating municipalities, public power districts, and joint power districts to provide natural gas and telecommunications services.
508*	Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
509*	Create the offense of domestic violence and provide penalties.
616*	Change provisions for duties of the Nebraska Environmental Trust Board and establishing priorities for use of the trust.
617*	Decrease the fuel tax rate for gasohol.
640*	Provide for brand license plates.

646*	Authorize a local income tax for school districts.
648*	Provide for criminal penalties for assault on educational employees.
719*	Change and eliminate provisions for tax funding of community colleges and educational service units and provide a sales tax on food and an income tax credit.
774*	Change provisions relating to aggravating circumstances in applying the death penalty.
793*	Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.
806A*	Appropriation Bill.
812*	Change payment requirements by certain employees for employee benefit plans.
813***	Adopt the Quality Work Force Academic Grant Program Act.
814*	Create a penalty for crimes against service dogs.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
830*	Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur.
877*	Require reviews of instream water appropriation permits.
882***	Change provisions relating to adult and juvenile incarceration and facilities.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
5CA*	Constitutional amendment to change provisions relating to legislative sessions.
8CA*	Constitutional amendment to change residency requirements for executive officers of the state.

ELAINE STUHR

LB

23*	Prohibit partial-birth abortions.
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
27*	Appropriate funds to the Department of Health and Human Services Finance and Support for developmental disabilities.
48*	Authorize inmates, parolees, and probationers to be undercover agents or employees of law enforcement agencies.
73	Provide an exemption from jury service for full-time students at a postsecondary educational institution.
78*	Change provisions relating to funds of ground water conservation districts.

106*	Authorize the Governor to designate official state items.
125*	Provide an exemption of certain standards relating to elevators.
164*	Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
207*	Change provisions relating to grandparent visitation.
224*	Provide for a personal property tax exemption for investments in certain business property.
232*	Change provisions relating to the suspension and expulsion of students under the Student Discipline Act.
254*	Provide for service dogs for physically disabled persons.
268*	Adopt the Drug Dealer Liability Act.
280*	Prohibit same sex marriages.
281*	Change fees for service of process.
288*	Change provisions for the distribution of proceeds from the state lottery.
308*	Authorize an income tax credit for vegetative filter strips.
326*	Require insurance coverage for diabetes-related equipment, supplies, medications, and education.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
408*	Change provisions relating to funding and tax levies for community colleges.
419*	Provide for reorganization of educational service units.
440*	Change provisions relating to being an accessory to a felony.
461*	Change provisions for disbursements from the Education Innovation Fund.
465*	Adopt the Concealed Handgun License Act.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
485*	Change provisions relating to examination and maintenance costs of individuals determined to be mentally incompetent.
490	Change provisions relating to the child protection case central registry.
491*	Authorize members of the school employees retirement plan an election to pay the retirement system for up to ten years of service as a nonmember.
509*	Create the offense of domestic violence and provide penalties.
597*	Change levy limitations for school districts and systems.
599*	Change provisions for exceeding levy limitations by certain political subdivisions.
617*	Decrease the fuel tax rate for gasohol.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.

639*	Adopt the Resident Tuition Assistance Grant Program Act.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
756*	Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
757*	Provide the Nebraska Mental Health Commitment Act applicable to juveniles.
774*	Change provisions relating to aggravating circumstances in applying the death penalty.
777*	Provide for parenting education courses in certain divorce actions.
784*	Provide for adjustment of district formula resources relating to state aid to schools.
791*	Change provisions relating to contracts for certificated school employees.
792*	Provide for access to state public records and authorize fees.
802*	Adopt the Assistive Technology Regulation Act.
803*	Adopt the Community-Based Neurobehavioral Rehabilitation Act.
807	Adopt the First Chance Vocational Education Act.
808*	State intent relating to county superintendents.
813***	Adopt the Quality Work Force Academic Grant Program Act.
822*	Change retirement annuity and retirement age provisions under the School Employees Retirement Plan.
877*	Require reviews of instream water appropriation permits.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
5CA*	Constitutional amendment to change provisions relating to legislative sessions.
21CA*	Constitutional amendment to change the length of the legislative sessions.

DEBORAH S. SUTTLE

LB	
65*	Prohibit certain advertising practices relating to tobacco.
104*	Eliminate a restriction on an additional amount of service surcharge for 911 service.
225*	Change weekly benefit provisions under the Employment Security Act.
301*	Adopt the Court Appointed Special Advocate Act.
323*	Adopt the Sexual Predator Act.
326*	Require insurance coverage for diabetes-related equipment, supplies, medications, and education.
370*	Change the number of district court judges.

392*	Change provisions relating to temporary custody and detention or placement of juveniles.
393*	Change provisions relating to fees associated with filing, issuance or service of a protection order.
408*	Change provisions relating to funding and tax levies for community colleges.
484*	Provide for the suspension of tobacco licenses.
488*	Change provisions relating to an administrative fee relating to collection of sales and use tax.
497*	Change provisions relating to school employee retirement for Class V school districts.
509*	Create the offense of domestic violence and provide penalties.
514*	Appropriate funds to the Department of Health and Human Services for the Foster Grandparent Program.
530*	Change the homestead exemption amount and income eligibility amounts.
570*	Change the calculation of the levy limitation for school districts.
612*	Change tax levy provisions for rural and suburban fire protection districts.
648*	Provide for criminal penalties for assault on educational employees.
671	Provide a sales and use tax exemption for certain voluntary fire and rescue organizations.
717*	Change provisions for application forms and deadlines for homestead exemptions.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
756*	Change provisions relating to arrests without warrants and violations of bail, recognizance or a conditioned release.
806A*	Appropriation Bill.
813***	Adopt the Quality Work Force Academic Grant Program Act.
838*	Change provisions relating to student discipline.
845*	Change penalty provisions for possession of marijuana.
849*	Require insurance coverage for certain drugs used in the treatment of HIV, cancer or AIDS.
850*	Change and eliminate provisions for contracting for instruction by schools.

GENE TYSON

LB	
23*	Prohibit partial-birth abortions.
160*	Change notice requirements for proposed budget statements for villages.
161*	Change provisions relating to training requirements for law enforcement.

241*	Change provisions relating to prosecutions for sale of liquor to a minor.
280*	Prohibit same sex marriages.
281*	Change fees for service of process.
288*	Change provisions for the distribution of proceeds from the state lottery.
289*	Change court jurisdiction relating to juvenile crime and eliminate certain juvenile fingerprinting provisions.
350*	Define terms and provide for owner liability relating to firearm ranges.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
391	Provide penalties for minors in possession of marijuana.
394*	Provide funds for capital improvements for state colleges.
408*	Change provisions relating to funding and tax levies for community colleges.
446	Provide for singing of the Star-Spangled Banner in schools.
465*	Adopt the Concealed Handgun License Act.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
499	Change and eliminate provisions relating to sale or lease of equipment and property of public power districts.
520	Eliminate bond requirements for first and second class cities and villages.
521	Provide an increase in the fine a second class city or village may impose for violation of an ordinance.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
648*	Provide for criminal penalties for assault on educational employees.
745***	Change provisions relating to enterprise zones.
746	Provide for alternate uses of levies and assessments for offstreet parking districts by cities and villages.
747*	Provide for the creation of new natural resources districts.
748	Provide liability for cleanup costs as a result of a hazardous substance emergency.
749	Change provisions relating to solid waste, authorize combined billing of charges and provide for transportation permits.
750	Change provisions relating to solid waste and change and eliminate grant procedures.
793*	Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.
813***	Adopt the Quality Work Force Academic Grant Program Act.

834	Change a provision for combined tax relating to the Employment Security Law.
835*	Provide for the Seamless Delivery System Pilot Project.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.
877*	Require reviews of instream water appropriation permits.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.

FLOYD P. VRTISKA

LB	
23*	Prohibit partial-birth abortions.
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
32	Change provisions relating to experience accounts for purposes of employment security.
33*	Eliminate a requirement to maintain printouts of computer records by the Register of Deeds.
34	Provide for imprest funds for counties.
35	Allow state chartered savings and loan associations equal powers as federal associations.
36	Provide a penalty for failure to obey a peace officer.
37	Change provisions relating to emergency telephone services.
38	Redefine a term relating to workers' compensation.
39	Redefine "state agency" under the State Tort Claims Act.
40	Change provisions relating to county board meetings.
64*	Change provisions relating to payment of costs of certain elections.
70*	Allow county or state government to accept payment by credit card, charge card or debit card.
102*	Change provisions relating to allocation of capitol building space.
115*	Authorize a tax levy by county boards for road, street, and bridge purposes.
125*	Provide an exemption of certain standards relating to elevators.
138*	Adopt the Emergency Medical Services Act.
160*	Change notice requirements for proposed budget statements for villages.
164*	Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
166*	Change provisions relating to emergency medical technician-A/D services.
169	Provide financial assistance to any political subdivision that loses property tax revenue due to the ceding of land to other states.

170	Authorize changes in a reporting and filing deadline for risk management pools.
210*	Provide for blood specimen certificates relating to driving or boating under the influence of alcohol or a controlled substance.
211*	Require certain reports of ownership of real estate involved in farming or ranching.
215	Provide record confidentiality relating to workers' compensation.
217*	Define partial-birth abortions.
232*	Change provisions relating to the suspension and expulsion of students under the Student Discipline Act.
239*	Lower the prohibited concentration of alcohol for DWI conviction.
268*	Adopt the Drug Dealer Liability Act.
277*	Prohibit school districts from exceeding tax levy limits.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
289*	Change court jurisdiction relating to juvenile crime and eliminate certain juvenile fingerprinting provisions.
311*	Authorize a county income tax.
350*	Define terms and provide for owner liability relating to firearm ranges.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
408*	Change provisions relating to funding and tax levies for community colleges.
414*	Allow political subdivisions to accept payment by credit card.
461*	Change provisions for disbursements from the Education Innovation Fund.
465*	Adopt the Concealed Handgun License Act.
468*	Change provisions relating to sales and use taxes, income taxes, property taxes and aid to education.
469*	Adopt the County Agricultural Society Act.
473*	Change provisions relating to limited hunting permits.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
485*	Change provisions relating to examination and maintenance costs of individuals determined to be mentally incompetent.
574*	Adopt the County Initiative and Referendum Act.
585*	Change the number of members and districts of the Game and Parks Commission.
588*	Provide a duty for the Attorney General with respect to the state's boundary lines.
588A	Appropriation Bill.

606*	Provide for certain rights for crime victims.
617*	Decrease the fuel tax rate for gasohol.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
646*	Authorize a local income tax for school districts.
690	Change application procedures and penalty provisions for tax-exempt property.
691	Change provisions relating to preliminary property tax levies.
719*	Change and eliminate provisions for tax funding of community colleges and educational service units and provide a sales tax on food and an income tax credit.
755*	Appropriate funds to the Department of Veterans' Affairs as the state donation for the Women in Military Service for America Memorial.
789*	Provide for regional superintendents of public instruction and regional superintendent of public instruction districts.
808*	State intent relating to county superintendents.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
827*	Change provisions relating to location assistance under the One-Call Notification System Act.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.
882***	Change provisions relating to adult and juvenile incarceration and facilities.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
5CA*	Constitutional amendment to change provisions relating to legislative sessions.
21CA*	Constitutional amendment to change the length of the legislative sessions.
53*	Propose an amendment to the U.S. Constitution delaying any variances in the compensation of Members of Congress.
286	Approve gift of land from the City of Peru to the Game and Parks Commission.

JEROME WARNER

LB

12	Eliminate certain provisions relating to explanatory statements printed on ballots.
13	Change provisions relating to research lands used by the University of Nebraska Institute of Agriculture and Natural Resources.
14*	Change provisions for salaries of the state officers.

113A	Appropriation Bill.
164*	Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
171*	Change provisions relating to discrimination.
178*	Provide for consolidation of counties and municipalities and creation of classified local governments.
179*	Change provisions relating to county treasurers and collection fees for property tax, homestead reimbursement revenue and certain special assessments.
180*	Create the Property Tax Reduction Incentive Fund.
181*	Authorize local governments to levy payments in lieu of taxes for certain tax-exempt property.
182*	Change provisions and appropriate funds relating to homestead exemptions.
182A*	Change provisions relating to sales and use tax.
198*	Change the income tax and sales and use tax rates.
207*	Change provisions relating to grandparent visitation.
228*	Provide a penalty for destroying initiative and referendum petitions.
264*	Redefine terms related to tax incentive programs.
271*	Change motor vehicle taxation and fee provisions.
304	Change provisions relating to state aid to municipalities.
305	Change provisions relating to the Nebraska Local Government Innovation and Restructuring Fund.
306*	Require state approval of certain capital construction projects proposed by political subdivisions and create the Government Efficiency Commission.
342*	Change terminology relating to school finance.
343	Permit election officials to establish a uniform date for a special election regarding levy authority.
344*	Change provisions relating to designated blighted and substandard areas under the Nebraska Redevelopment Act.
378*	Change provisions relating to initiative and referendum petition circulators.
379*	Change and provide filing requirements relating to initiative petitions.
397*	Change provisions relating to Tax Equalization and Review Commission, State Board of Equalization and Assessment and homestead exemptions.
401***	Change provisions relating to income tax rate, credit and distribution provisions.
408*	Change provisions relating to funding and tax levies for community colleges.
409*	Authorize issuance and use of direct payment permits for purposes of sales and use tax.
410	Change the income tax rate.
411	Create the Property Tax Relief Fund and change the liquor, cigarette, and sales and use tax rates.

415*	Provide for distribution of local option sales tax collected in community redevelopment areas.
460*	Change provisions relating to petitions, petition signers, circulators and initiative and referendum procedures.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
500*	Require performance evaluations of the administrative head of certain agencies.
591*	Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.
653	Provide an exemption for hobby boilers under the Boiler Inspection Act.
672	Change and eliminate provisions for calculation and disbursement of state aid to schools.
673	Appropriate funds to the Nebraska State Historical Society to provide support for the Gerald R. Ford Conservation Center.
786	Exclude interactive computer services from regulation by the Public Service Commission.
787	Provide an income tax credit.
789*	Provide for regional superintendents of public instruction and regional superintendent of public instruction districts.
842*	Adopt the Interior Design Profession Regulation Act.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.
886**	Change provisions relating to the Employment Expansion and Investment Incentive Act.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
7CA*	Constitutional amendment to change the percentage of petition signatures required for initiative and referendum measures.
9CA*	Constitutional amendment to change restrictions on the residence of executive officers.
10CA*	Constitutional amendment to require legislative committees to hold open meetings and require recording of certain votes.
11CA*	Constitutional amendment to eliminate the Auditor of Public Accounts and Treasurer from the list of executive officers.
12CA*	Constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.
13CA*	Constitutional amendment to provide for legislative powers during periods of enemy attack, terrorist attack or natural disaster.

14CA*	Constitutional amendment to create the Commission on Legislative Compensation and establish the salary and expenses of members of the Legislature.
15CA*	Constitutional amendment to state that the use of the masculine gender in the Constitution be construed to include the feminine gender.
16CA*	Constitutional amendment to eliminate the privilege from arrest granted to members of the Legislature.
17CA*	Constitutional amendment eliminating certain publication requirements for session laws and the Constitution.
18CA*	Constitutional amendment to eliminate references to certain categories of special legislation.
19CA*	Constitutional amendment to provide that rights granted by the Nebraska Constitution are not to be construed as limited by interpretations placed on similar provisions of the U.S. Constitution.
20CA*	Constitutional amendment to provide that no person shall be denied the equal protection of the laws.
24CA*	Constitutional amendment to change a reference to the appellate court and eliminate certain references to county courts and judges.
25CA*	Constitutional amendment to provide that the presiding officer shall sign bills and resolutions passed by the Legislature.
26CA*	Constitutional amendment to eliminate an exception to the prohibition on imprisonment for debt.
27CA*	Constitutional amendment to eliminate the constitutional provisions establishing the Board of Parole and eliminate the Board of Pardons.
28CA*	Constitutional amendment to transfer a provision from Article XVII to Article III.
29CA*	Constitutional amendment to repeal the requirement that printed copies of the Constitution be prefixed to books containing the laws of the state.
30CA*	Constitutional amendment to eliminate an exception to the prohibition on the suspension of the writ of habeas corpus.
31CA*	Constitutional amendment to eliminate references to the Public Service Commission and the Railway Commission.
36CA*	Constitutional amendment to eliminate certain contempt powers of the Legislature.
38CA*	Constitutional amendment to prescribe requirements for initiative and referendum petitions.
39CA*	Constitutional amendment to limit initiative and referendum petitions to one subject.
41CA*	Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.

42CA*	Constitutional amendment to eliminate a reference to public, private, denominational and parochial schools.
43CA*	Change provisions relating to legislative confirmation of gubernatorial appointments.
44CA	Constitutional amendment to eliminate provisions relating to the Public Service Commission.
47CA*	Constitutional amendment to eliminate references to the Lieutenant Governor as the presiding officer of the Legislature.
48CA*	Constitutional amendment to prohibit the alienation of gas and other minerals in and under state land.
55CA*	Constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.
65CA**	Constitutional amendment to require certain real property and franchises to be taxed either uniformly or based on a three-year average value.

ROGER R. WEHRBEIN

LB	
23*	Prohibit partial-birth abortions.
59	Change the boundary line between Missouri and Nebraska.
60	Appropriate funds for the expenses of state government.
63	Eliminate provisions relating to completed transfers from the Cash Reserve Fund.
74*	Change provisions relating to Nebraska Cornhusker Spirit Plates.
102*	Change provisions relating to allocation of capitol building space.
103*	Change provisions relating to the selection of presidential electors.
125*	Provide an exemption of certain standards relating to elevators.
163	Change provisions relating to "other actual receipts" under the Tax Equity and Educational Opportunities Support Act.
164*	Appropriate funds to the University of Nebraska for salaries for cooperative extension educators and assistants.
174	Change provisions relating to kindergarten entrance age.
175	Provide a cause of action for disparagement of a perishable agricultural food product or commodity.
216*	Change and eliminate provisions relating to court automation.
224*	Provide for a personal property tax exemption for investments in certain business property.
239*	Lower the prohibited concentration of alcohol for DWI conviction.
280*	Prohibit same sex marriages.

288*	Change provisions for the distribution of proceeds from the state lottery.
292*	Require the State Board of Education to develop a school district reorganization plan.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
384***	Appropriate funds for payment of salaries for certain state officers.
408*	Change provisions relating to funding and tax levies for community colleges.
461*	Change provisions for disbursements from the Education Innovation Fund.
465*	Adopt the Concealed Handgun License Act.
473*	Change provisions relating to limited hunting permits.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
479*	Change provisions relating to farm wineries.
586	Change provisions relating to capital construction projects for the University of Nebraska and Nebraska State Colleges.
588*	Provide a duty for the Attorney General with respect to the state's boundary lines.
640*	Provide for brand license plates.
669*	State intent that the health and human services system Policy Secretary report technical changes needed to Laws 1996, LB 1044A.
806A*	Appropriation Bill.
844**	Appropriate funds to the Department of Correctional Services for acquisition of property previously operated as Rivendell Psychiatric Hospital.
852*	Require criminal history record information for certain employees under the Developmental Disabilities Services Act.
877*	Require reviews of instream water appropriation permits.
882***	Change provisions relating to adult and juvenile incarceration and facilities.
LR	
3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
50	Approve the gift of land from the SAC Museum Memorial Society, Inc. to the Game and Parks Commission.

DON WESELY

LB	
138*	Adopt the Emergency Medical Services Act.
182*	Change provisions and appropriate funds relating to homestead exemptions.

183	State findings and intent relating to health care credentialing.
184	Provide stress management programs for hospital personnel and state correctional employees.
185	Provide new procedures for establishing city-county health departments.
236	Provide duties for the Office of Dispute Resolution relating to juveniles.
258	Provide for enrollment in and switching between managed care plans.
259	Adopt the Centers for Independent Living Act and the Personal Care Assistance Services Act.
259A	Appropriation Bill.
260	Adopt the Engineers and Architects Regulation Act.
260A	Appropriation Bill.
279*	Adopt the Managed Care Patient Protection Act.
307	Change provisions relating to the Nebraska Partnership for Health and Human Services Act.
307A	Appropriation Bill.
323*	Adopt the Sexual Predator Act.
324	Change a penalty for sexual assault in the third degree.
325	Provide notice to victims relating to certain mental health commitment petitions and dispositions.
450	Change provisions relating to the Health Care Certificate of Need Act.
451	Provide for contracts to review the quality of life of recipients of developmental disabilities services.
452	Redefine the practice of "medicine and surgery" under the Uniform Licensing Law.
453	Change provisions relating to trademarks and trade names.
454	Limit the use of income tax credits under the Employment and Investment Growth Act.
455	Provide restrictions on employment of unauthorized aliens for purposes of tax incentive programs.
456	Redefine "number of new employees" under the Employment and Investment Growth Act.
457	Change provisions relating to wage benefit credits, the board, and application procedures under the Quality Jobs Act.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
503	Change provisions for calculation of school district formula need under the Tax Equity and Educational Opportunities Support Act.
515*	Require insurance coverage for necessary formulas and low-protein foods prescribed for treatment of inherited metabolic disease.
530*	Change the homestead exemption amount and income eligibility amounts.

569*	Provide an increase in the minimum wage rate.
587***	Adopt the Community-State Partnership Act, the Integrated Health Services Plan Act and change and eliminate the Managed Care Plan Act.
602*	Change and eliminate provisions for service areas relating to municipal power suppliers.
608	Eliminate provisions relating to residential care facilities and domiciliary facilities and provide for assisted living facilities.
609	State findings and intent relating to funding for mental health programs.
610	Provide for fees for food supplements and screening for metabolic diseases.
610A	Appropriation Bill.
622A	Appropriation Bill.
626*	Adopt the Statewide Trauma System Act.
626A	Appropriation Bill.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
718*	Change provisions relating to instream water appropriations.
747*	Provide for the creation of new natural resources districts.
778	Adopt the Nebraska Archeological Resources Preservation Act.
779	Provide for the termination of a rental agreement due to a serious and clear danger.
781	Authorize certain health insurance benefits for temporary state employees.
782	Change provisions for qualification for certain medical programs and services.
782A	Appropriation Bill.
783	Adopt the Medication Aide Act.
806A*	Appropriation Bill.
841*	Provide for the responsibility for payment of costs of medical services for individuals who are arrested, detained, taken into custody or incarcerated.
857*	Provide funding for capital construction projects at the University of Nebraska and Nebraska State Colleges and change distribution of the cigarette tax.
858*	Create the Excellence in Higher Education Fund Act.
859	Create the Center for Policy Studies within the University of Nebraska.
860	Create the Nebraska Commission on Jobs and Wages.
863*	State intent relating to uniform taxation districts for schools and provide for reorganization of school districts.
864***	Change and eliminate provisions relating to aid to dependent children and welfare reform waivers.
864A	Appropriation Bill.

870*	Provide revenue sources for the Affordable Housing Trust Fund.
871	Transfer duties relating to providing health and human services from counties to the state.
888***	Transfer responsibility for administering the Nebraska Safe Drinking Water Act to the Department of Environmental Quality.

BOB WICKERSHAM

LB	
28*	Change provisions relating to powers and duties of hospital districts.
46	Change provisions relating to references to the Internal Revenue Code.
97*	Change the maximum amount of a production charge for the Oil and Gas Conservation Fund.
122*	Change provisions relating to size, weight, and load restrictions under the Nebraska Rules of the Road.
138*	Adopt the Emergency Medical Services Act.
153*	Provide standards and procedures relating to civil liability for equine activities.
178*	Provide for consolidation of counties and municipalities and creation of classified local governments.
179*	Change provisions relating to county treasurers and collection fees for property tax, homestead reimbursement revenue and certain special assessments.
180*	Create the Property Tax Reduction Incentive Fund.
181*	Authorize local governments to levy payments in lieu of taxes for certain tax-exempt property.
182*	Change provisions and appropriate funds relating to homestead exemptions.
205*	Provide for release of certain records under the Tax Equity and Educational Opportunities Support Act.
209*	Change provisions relating to "other actual receipts" under the Tax Equity and Educational Opportunities Support Act.
229	Change provisions relating to domestic relations proceedings and judicial vacancies.
229A	Appropriation Bill.
230	Provide for validation of signatures on remonstrance petitions.
231	Provide for special interest license plates and change provisions relating to veterans license plates.
271*	Change motor vehicle taxation and fee provisions.
280*	Prohibit same sex marriages.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.

317*	Change provisions relating to fees, licenses, and occupation taxes under the Mechanical Amusement Device Tax Act.
330	Change provisions relating to deferred compensation.
332*	Exempt persons hunting coyotes from certain snowmobile safety provisions.
334*	Authorize the Nebraska Oil and Gas Conservation Commission to enter into contracts for appraisals of oil and gas interests.
369*	Redefine the practice of optometry and authorize use of pharmaceutical agents by optometrists.
374*	Adopt the Nebraska Emergency Planning and Community Right to Know Act.
394*	Provide funds for capital improvements for state colleges.
401***	Change provisions relating to income tax rate, credit and distribution provisions.
408*	Change provisions relating to funding and tax levies for community colleges.
420*	Change campaign finance provisions.
430*	Change and eliminate powers and duties of the Attorney General.
431	Change homestead exemption calculations for closely related persons.
465*	Adopt the Concealed Handgun License Act.
469*	Adopt the County Agricultural Society Act.
500*	Require performance evaluations of the administrative head of certain agencies.
566	Require notice when an insurer discontinues or substantially reduces a line or subline of insurance.
567	Redefine "surviving spouse" under the Nebraska State Patrol Retirement Act.
583*	Transfer certain duties from the Auditor of Public Accounts to the Property Tax Administrator.
583A	Appropriation Bill.
626*	Adopt the Statewide Trauma System Act.
640*	Provide for brand license plates.
724	Authorize agreements for purchases of service credit under the School Employees Retirement Act.
724A	Appropriation Bill.
725	Increase the state contribution to the school employees retirement plan.
726	Change and eliminate conflict of interest provisions under the Political Accountability and Disclosure Act.
733*	Provide for permits to hunt and kill mountain sheep.
742*	Change provisions for merger of Class I and Class VI school districts.
743	Change provisions relating to the County Purchasing Act.
745***	Change provisions relating to enterprise zones.

780	Change the operative date of Laws 1996, LB 1296, relating to county court jurisdiction.
784*	Provide for adjustment of district formula resources relating to state aid to schools.
789*	Provide for regional superintendents of public instruction and regional superintendent of public instruction districts.
811*	Change provisions for income tax allocation relating to state aid to schools.
816	Require the state to pay costs for state law violations.
817	Change the status of clerks and employees of the district courts.
818	Create district attorney and district public defender offices and districts.
819	Appropriate funds to the Game and Parks Commission for design of exhibits for the Prehistoric Prairies Discovery Center at Fort Robinson State Park.
820	Provide for creation of a state veteran cemetery system.
823*	Provide for placing community colleges under the governance of the Board of Trustees of the Nebraska State Colleges.
830*	Provide for revocation of licenses, permits, and stamps and suspension of privileges to hunt, fish and harvest fur.
835*	Provide for the Seamless Delivery System Pilot Project.
837*	Provide for limited-service rural hospitals.
877*	Require reviews of instream water appropriation permits.
LR	
88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.
287	Approve the gift of land from the Friends of the White River Trail, Inc. to the Game and Parks Commission.

ERIC J. WILL

LB	
98*	Authorize the use of electronic pickle card dispensing devices.
99*	Change tax provisions relating to bingo.
100*	Include newspaper carriers as employees for purposes of workers' compensation.
101	Change provisions relating to gambling.
125*	Provide an exemption of certain standards relating to elevators.
127	Redefine "occupational disease" for purposes of workers' compensation.
178*	Provide for consolidation of counties and municipalities and creation of classified local governments.
181*	Authorize local governments to levy payments in lieu of taxes for certain tax-exempt property.

182*	Change provisions and appropriate funds relating to homestead exemptions.
241*	Change provisions relating to prosecutions for sale of liquor to a minor.
244*	Provide for a learned treatise exception to the rule against hearsay under the Nebraska Evidence Rules.
245*	Provide employment duties for employers of injured employees.
267*	Provide a tuition credit for family members of deceased public safety personnel.
276*	Provide an income tax credit for earned income.
302*	Adopt the Counterfeiting Prevention and Trademark Protection Act.
323*	Adopt the Sexual Predator Act.
327***	Adopt the Microenterprise Development Act.
341*	Adopt the Commission for the Blind and Visually Impaired Act.
348	Change provisions relating to tax levies by transit authorities.
359	Adopt the Sports Wagering Act.
370*	Change the number of district court judges.
377	Change provisions relating to driver's license revocation and provide for application with the Board of Pardons.
382	Prohibit multiple office holding and change provisions relating to filing petitions for nomination.
401***	Change provisions relating to income tax rate, credit and distribution provisions.
404*	Change the number of county court and district court judges.
432*	Require insurance coverage of certain infertility procedures and treatment.
443*	Change a provision relating to computation of credits under the Employment Expansion and Investment Incentive Act.
447*	Change provisions relating to contracts for fire and ambulance service.
458	Change commencement provisions of certain product liability actions.
489*	Change provisions relating to county land reutilization authorities and commissions.
492*	Provide an income tax credit for educational expenses.
493**	Provide for an income tax credit.
497*	Change provisions relating to school employee retirement for Class V school districts.
498*	Authorize a state refund for increased property taxes imposed on homesteads.
512*	Change placement and transportation costs provisions relating to juveniles.

512A	Appropriation Bill.
513	Change the allocation of insurance funds to incorporated municipalities and school districts.
530*	Change the homestead exemption amount and income eligibility amounts.
569*	Provide an increase in the minimum wage rate.
585*	Change the number of members and districts of the Game and Parks Commission.
618*	Require contractors to provide health care coverage on projects at the University of Nebraska Medical Center.
639*	Adopt the Resident Tuition Assistance Grant Program Act.
732	Change provisions relating to pickle cards played in conjunction with the conduct of bingo.
737	Authorize school districts to exceed levy limitations.
766*	Adopt the Athlete Agent Registration and Accountability Act.
789*	Provide for regional superintendents of public instruction and regional superintendent of public instruction districts.
846	Provide for liquor license sanctions for certain violations occurring on licensed premises.
847	Prohibit the enactment of certain age-related ordinances, resolutions and regulations.
848	Change provisions for fingerprinting of job applicants by the State Racing Commission.
853*	Change provisions relating to worker's compensation.
853A	Appropriation Bill.
LR	
22CA	Constitutional amendment to provide a person's right to recover damages caused by negligence is not barred by constitutional restrictions on the use of the money.
46CA	Constitutional amendment to allow the Legislature to regulate wagering on sporting events.
64CA	Constitutional amendment to permit the Legislature to classify property for taxation purposes.
88*	Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.

KATE WITEK

LB	
23*	Prohibit partial-birth abortions.
24*	Provide an income tax adjustment for amounts paid for health insurance by self-employed individuals.
48*	Authorize inmates, parolees, and probationers to be undercover agents or employees of law enforcement agencies.
81*	Provide for braille instruction for visually handicapped children.

152	Allow state chartered credit unions equal powers as federal credit unions.
167*	Prohibit partial-birth abortions.
186*	Repeal the Nebraska Health Care Certificate of Need Act.
207*	Change provisions relating to grandparent visitation.
219	Eliminate provisions relating to the Nebraska Health Care Certificate of Need Act.
268*	Adopt the Drug Dealer Liability Act.
275*	Change provisions relating to the Nebraska Capital Expansion Act and the Public Funds Deposit Security Act.
278*	Adopt the DNA Detection of Sexual and Violent Offenders Act.
280*	Prohibit same sex marriages.
288*	Change provisions for the distribution of proceeds from the state lottery.
289*	Change court jurisdiction relating to juvenile crime and eliminate certain juvenile fingerprinting provisions.
290	Change a penalty for unauthorized use of a propelled vehicle.
291	Change certain penalties relating to gang-related crime.
341*	Adopt the Commission for the Blind and Visually Impaired Act.
350*	Define terms and provide for owner liability relating to firearm ranges.
380*	Define "promotional advertising" under the State Lottery Act.
381*	Prohibit the advertisement of casino gambling activity.
401***	Change provisions relating to income tax rate, credit and distribution provisions.
404*	Change the number of county court and district court judges.
465*	Adopt the Concealed Handgun License Act.
474*	Provide workers' compensation for employment involving leased commercial motor vehicles by agreement.
480	Provide public access to certain information obtained pursuant to the Sex Offender Registration Act.
508*	Change provisions relating to actions brought by prisoners and informally name the Nebraska Prison Litigation Reform Act of 1997.
530*	Change the homestead exemption amount and income eligibility amounts.
597*	Change levy limitations for school districts and systems.
606*	Provide for certain rights for crime victims.
638*	Require lobbyists who lobby regarding rules and regulations to register with the Secretary of State.
774*	Change provisions relating to aggravating circumstances in applying the death penalty.

792*	Provide for access to state public records and authorize fees.
793*	Provide insurance coverage under the Nebraska State Insurance Program for certificated employees of school districts and educational service units.
798*	Change and eliminate provisions relating to health care certificates of need.
808*	State intent relating to county superintendents.
814*	Create a penalty for crimes against service dogs.
882***	Change provisions relating to adult and juvenile incarceration and facilities.

LR

3*	Ratify the proposed balanced budget amendment to the U.S. Constitution.
5CA*	Constitutional amendment to change provisions relating to legislative sessions.
35	Apply to Congress to convene a Constitutional Convention for purposes of proposing an amendment to the U.S. Constitution regarding term limits on Congress.

RON WITHEM

LB

14*	Change provisions for salaries of the state officers.
91*	Change provisions relating to speeding and overtaking and passing in a school crossing zone.
102*	Change provisions relating to allocation of capitol building space.
105*	Exempt medical alarm equipment from sales and use taxation.
206*	Change provisions relating to fees for teachers' certificates.
228*	Provide a penalty for destroying initiative and referendum petitions.
281*	Change fees for service of process.
283*	Change provisions relating to pawnbrokers and junk dealers.
301*	Adopt the Court Appointed Special Advocate Act.
344*	Change provisions relating to designated blighted and substandard areas under the Nebraska Redevelopment Act.
378*	Change provisions relating to initiative and referendum petition circulators.
379*	Change and provide filing requirements relating to initiative petitions.
384***	Appropriate funds for payment of salaries for certain state officers.
385**	Appropriate funds for payment of salaries of members of the Legislature.
386**	Appropriate funds for capital construction and property acquisition.
387**	Appropriate funds for salary increases for state employees.

388**	Provide deficit appropriations for state government expenses.
389**	Appropriate funds for state government expenses.
460*	Change provisions relating to petitions, petition signers, circulators and initiative and referendum procedures.
489*	Change provisions relating to county land reutilization authorities and commissions.
497*	Change provisions relating to school employee retirement for Class V school districts.
524	Change provisions relating to legislative findings, intent and reports relating to school funding.
525	Authorize salary stipends for incentive grant purposes under the State Lottery Act.
531	Provide for payments of costs of certain improvements made by sanitary and improvement districts.
533	Provide for a special detainer action for a material and irreparable breach of a rental agreement under the Landlord and Tenant Act.
536	Change provisions relating to costs of care and treatment of certain juveniles.
545	Change provisions relating to budget revisions by a county board.
556*	Change certification provisions for passenger carriers.
563*	Change and eliminate provisions relating to the petition and election methods of school district reorganization.
569*	Provide an increase in the minimum wage rate.
587***	Adopt the Community-State Partnership Act, the Integrated Health Services Plan Act and change and eliminate the Managed Care Plan Act.
589*	Change provisions relating to sanitary and improvement district contracts and sirens for volunteer firefighters.
590*	Provide duties for the State Records Board relating to dissemination of public records electronically.
590A	Appropriation Bill.
591*	Provide filing requirements for major out-of-state contributors under the Political Accountability and Disclosure Act.
592	Change and eliminate provisions relating to depopulated school districts.
593*	Adopt the Attorney-Client Conference Act.
636*	Provide for certificates for contractors who work on water-based fire protection systems.
647*	Change provisions for distribution of money from the temporary school fund.
652	Provide for distribution of state funds for special education through the equalization aid formula.
659*	Create the Nebraska Industrial Competitiveness Alliance.

758	Provide duties for the Attorney General relating to the prosecution of certain crimes.
759	Adopt the Local Schools Sales Tax Option Act.
764*	Change and eliminate provisions relating to elections.
806A*	Appropriation Bill.
815	Change provisions for income tax allocation relating to state aid to schools.
839	Redefine "ballot questions" under the Political Accountability and Disclosure Act.
863*	State intent relating to uniform taxation districts for schools and provide for reorganization of school districts.
LR	
1	Apply to Congress to convene a Constitutional Convention as a result of Initiative Measure 409 regarding term limits on Congress.
9CA*	Constitutional amendment to change restrictions on the residence of executive officers.
10CA*	Constitutional amendment to require legislative committees to hold open meetings and require recording of certain votes.
11CA*	Constitutional amendment to eliminate the Auditor of Public Accounts and Treasurer from the list of executive officers.
12CA*	Constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.
13CA*	Constitutional amendment to provide for legislative powers during periods of enemy attack, terrorist attack or natural disaster.
14CA*	Constitutional amendment to create the Commission on Legislative Compensation and establish the salary and expenses of members of the Legislature.
15CA*	Constitutional amendment to state that the use of the masculine gender in the Constitution be construed to include the feminine gender.
16CA*	Constitutional amendment to eliminate the privilege from arrest granted to members of the Legislature.
17CA*	Constitutional amendment eliminating certain publication requirements for session laws and the Constitution.
18CA*	Constitutional amendment to eliminate references to certain categories of special legislation.
19CA*	Constitutional amendment to provide that rights granted by the Nebraska Constitution are not to be construed as limited by interpretations placed on similar provisions of the U.S. Constitution.
20CA*	Constitutional amendment to provide that no person shall be denied the equal protection of the laws.
23CA	Constitutional amendment to change salaries for members of the Legislature.

25CA*	Constitutional amendment to provide that the presiding officer shall sign bills and resolutions passed by the Legislature.
26CA*	Constitutional amendment to eliminate an exception to the prohibition on imprisonment for debt.
27CA*	Constitutional amendment to eliminate the constitutional provisions establishing the Board of Parole and eliminate the Board of Pardons.
28CA*	Constitutional amendment to transfer a provision from Article XVII to Article III.
29CA*	Constitutional amendment to repeal the requirement that printed copies of the Constitution be prefixed to books containing the laws of the state.
30CA*	Constitutional amendment to eliminate an exception to the prohibition on the suspension of the writ of habeas corpus.
36CA*	Constitutional amendment to eliminate certain contempt powers of the Legislature.
38CA*	Constitutional amendment to prescribe requirements for initiative and referendum petitions.
39CA*	Constitutional amendment to limit initiative and referendum petitions to one subject.
41CA*	Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.
42CA*	Constitutional amendment to eliminate a reference to public, private, denominational and parochial schools.
43CA*	Change provisions relating to legislative confirmation of gubernatorial appointments.
47CA*	Constitutional amendment to eliminate references to the Lieutenant Governor as the presiding officer of the Legislature.
48CA*	Constitutional amendment to prohibit the alienation of gas and other minerals in and under state land.
55CA*	Constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

AGRICULTURE

LB	
199	Change provisions relating to agriculture.
200	Expand the scope of mediation under the Farm Mediation Act to include disputes involving non-credit farm programs.
201	Adopt by reference federal provisions into the Nebraska Pasteurized Milk Law.
202	Change from quarterly to annual collection of potato checkoff and change provisions for penalties for delinquent payment of checkoff.

APPROPRIATIONS

LB	
887	Appropriate funds to the Department of Water Resources.
889	Provide for a study by the Department of Education relating to unification of programs for the Nebraska School for the Deaf and Nebraska School for the Visually Handicapped.

BANKING, COMMERCE AND INSURANCE

LB	
425	Provide for charters for savings banks.
862**	Change provisions relating to health insurance coverage and Comprehensive Health Insurance Pool assessments.

BUSINESS AND LABOR

LB	
128	Change provisions relating to workers' compensation.
890	Appropriate funds for the payment of certain claims against the state.
891	Disapprove certain claims against the state.

EDUCATION

LB	
806	Change and eliminate provisions for school reorganization plans and state aid.
865*	Provide, change and eliminate provisions relating to special education.

EXECUTIVE BOARD

LB	
1	Revisor bill to strike references to a statute relating to civil procedure.
2	Revisor bill to eliminate language relating to banking and finance.
3	Revisor bill to state the jurisdictional limit set by the Supreme Court relating to Small Claims Court.

4	Revisor bill to repeal a defined term relating to the Nebraska State Funds Investment Act.
5	Revisor bill to delete references relating to the Joint Merit System.

GENERAL AFFAIRS

LB	
248	Change provisions relating to gambling.
249	Change provisions relating to issuance of liquor licenses.
250	Change provisions relating to public libraries, provide for mergers and provide retirement provisions for employees subject to mergers.

HEALTH AND HUMAN SERVICES

LB	
622	Adopt the Engineers and Architects Regulation Act, change juvenile placement provisions and other miscellaneous health and human services provisions.

LEGISLATIVE PROGRAM EVALUATION

LB	
399	Change the number of members and the composition of public service commissioner districts.
547	Provide a duty for the Board of Educational Lands and Funds.
548	Combine and eliminate sections relating to discrimination.
843	Change provisions relating to the Board of Educational Lands and Funds.

NATURAL RESOURCES

LB	
172	Provide for electronic issuance of licenses, permits, and stamps by the Game and Parks Commission.
173	Change provisions relating to migratory game birds and hunting permits.
297	Establish a standard for gasoline sold in Nebraska.
313	Change provisions relating to aquaculture, game and fur farming, dog training and controlled shooting areas.
517	Change provisions of the Petroleum Release Remedial Action Act, the Nebraska Safe Drinking Water Act and adopt the Drinking Water State Revolving Fund Act.
699	Adopt the Propane Education and Research Act.

NEBRASKA RETIREMENT SYSTEMS

LB	
623	Change technical provisions relating to retirement.
624	Change provisions relating to retirement.

REVENUE

LB	
61	Change a provision relating to income tax credits.
62	Change provisions relating to sales tax collection on vehicles purchased in another state, withholding for income tax and amended income tax returns.
113	Authorize the Tax Commissioner to require certain reports by retailers.
176	Authorize a uniform or common levy for fire protection.
177	Authorize creation of county-municipal service districts and unified local governments.
269	Change provisions relating to property taxes.
270	Change provisions relating to property taxation and assessment.
LR	
45CA*	Constitutional amendment relating to motor vehicle taxes, municipal tax rates, governmental property taxation and townships.

TRANSPORTATION

LB	
309*	Change provisions relating to driving under the influence.
720	Change provisions relating to transportation.
721	Change provisions relating to overall vehicle length.
722	Update state adoption of federal Motor Carrier Safety Regulations and federal Hazardous Material Regulations.

URBAN AFFAIRS

LB	
872	Create the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.
873	Change provisions for election of trustees of sanitary and improvement districts.
874	Change provisions relating to sanitary and improvement districts.
875	Change provisions relating to community development.
876	Adopt the Nebraska Housing Agency Act.

*	With others.
**	At the request of the Governor.
***	With others and at the request of the Governor.

LEGISLATIVE BILLS AND RESOLUTIONS HEARD BY COMMITTEE

NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

Agriculture

Chairperson - Merton L. Dierks

6
11
107
189
191
192
193
199
200
201
202
211
262
263
469
478
649
661

Appropriations

Chairperson - Roger R. Wehrbein

27
60
63
95
164
213
214
349
384
385
386
387
388
389
394
514
645
669
673
681
799
824
833
844
857
887
LR2CA

Banking, Commerce and Insurance

Chairperson - David M. Landis

29
35
44
47
51
52
53
54
55
56
89
114
121
136
137
142
152
159
170
272
273
275
285
326
327
335
336
351
364
376
412
413
425
432
436
453
515
523
543
554
555
566
618
630
631
659
675
731
739
740
741
753
754
800
849
861
862
868

Business and Labor

Chairperson - Chris Abboud

32
38
79
100
124
125
127
128
129
130
171
215
225
245
282
470
474
519
548
557
569
641
653
765
834
853
854
860
869
883
890
891

Education

Chairperson - Ardyce Bohlke

13
50
81
93
118
126
132
157
163
174
205
206
209
232
251
267
292
303
322
345
346
347
403
419
433
444
446
461
503
524
525
535
539
542
547
563
572
578
586
592
604
629
639
647
652
663
672
680
710
711
712
713
714
715
716
742
773
775
784
789
791
793
797
806
807
808
809
811
813
815
823
832
835
838
843
850
858
859
863
865
889
LR6CA
LR42CA

Executive Board

Chairperson - George Coordsen

102
LR1
LR3
LR10CA
LR14CA
LR23CA
LR25CA
LR35
LR57CA
LR108

General Affairs

Chairperson - Stan Schellpeper

17
45
82
98
99
101
106
112
120
148
212
242
247
248
249
250
288
359
380
381
479
482
522
534
581
582
613
627
723
732
846
848
LR46CA

Government, Military and Veterans Affairs

Chairperson - C. N. "Bud" Robinson

12
14
15
31
33
34
40
49
57
59
64
70
71
85
103
131
145
160
162
177
178
221
228
237
252
281
287
314
321
339
357
360
361
374
378
379
382
396
400
414
417
420
421
441
449
460
483
500
510
526
545
546
553
574
591
595
607
615
620
621

632
636
638
665
670
678
693
709
726
738
743
755
764
767
768
776
778
781
795
805
812
820
839
847
878
LR5CA
LR7CA
LR8CA
LR9CA
LR11CA
LR12CA
LR13CA
LR15CA
LR17CA
LR21CA
LR28CA
LR29CA
LR32CA
LR38CA
LR39CA
LR40CA
LR41CA
LR43CA
LR47CA
LR52CA
LR53
LR55CA
LR56CA
LR58CA
LR60CA

Health and Human Services

Chairperson - Don Wesely

65
66
69
83
92
111
119
138
146
166
183
184
185
186
194
195
197
219
222
243
254
258
259
260
266
279
307
310
325
340
341
352
369
375
424
450
451
452
472
476
544
558
577
587
608
609
610
619
622
626
633
658
692
736
757
762
782
783
788
798
802
803
810
837
842
851
852
864
871
888

Judiciary

Chairperson - Kermit A. Brashear

7
8
18
23
26
30
36
39
41
48
58
68
73
77
80
87
88
90
94
108
109
110
134
149
150
151
153
158
161
165
167
175
196
203
204
207
216
217
218
227
229
233
234
235
236
240
241
244
246
253
265
268
274
278
280
283
284
289
290
291
293
294
301
302
323
324
331
350
355
358
362
363
370
372
373
383
390
391
392
393
398
404
405
406
407
422
423
430
434
437
438
439
440
442
448
458
462
465
466
467
480
484
485
490
504
505
507
508
509
511
512
527
528
533

536
537
550
551
559
560
561
562
573
588
593
596
600
601
605
606
614
628
642
643
644
648
674
676
677
695
706
727
728
729
730
748
751
752
756
758
760
761
766
769
770
771
772
774
777
779
780
785
790
814
816
817
818
829
841
845
856
879
882
884
885
LR16CA
LR18CA
LR19CA
LR20CA
LR22CA
LR24CA
LR26CA
LR27CA
LR30CA
LR36CA
LR59CA
LR61CA
LR88

Natural Resources

Chairperson - Chris Beutler

19
43
78
135
140
141
154
155
172
173
188
208
297
313
316
329
334
356
395
416
428
471
473
495
499
501
516
517
518
540
541
549
552
571
579
580
584
585
594
602
616
654
655
656
657
664
667
679
682
683
684
699
700
701
702
703
704
705
707
718
733
735
744
747
749
750
819
830
866
867
877
LR48CA
LR50
LR54
LR110
LR286
LR287

Nebraska Retirement Systems

Chairperson - Bob Wickersham

96
147
330
337
365
367
459
491
497
532
567
623
624
650
724
725
796
822
840

Revenue

Chairperson - Jerome Warner

16
20
24
25
28
46
61
62
84
86
97
105
113
115
117
123
139
144
168
169
176
179
180
181
182
187
190
198
223
224
264
269
270
271
276
277

296
304
305
306
308
311
312
317
333
342
343
344
348
371
397
401
408
409
410
411
415
418
429
431
435
443
454
455
456
457
475
486
488
489
492
493
496
498
513
530
538
570
575
576
583
597
598
599
612
617
625
634
646
662
668
671
690
691
696
717
719
737
745
759
787
794
804
821
828
831
870
875
886
LR37
LR45CA
LR62CA
LR63CA
LR64CA
LR65CA

Transportation

Chairperson - Douglas A. Kristensen

9
10
21
22
37
42
72
74
75
76
91
104
122
133
143
156
210
220
226
231
239
255
256
257
261
286
295
300
309
320
328
332
338
353
354
366
368
377
399
402
445
463
464
477
494
506
529
556
564
565
568
590
603
635
640
660
685
686
687
688
689
694
697
698
720
721
722
786
792
801
827
880
881
LR31CA
LR44CA

Urban Affairs

Chairperson - D. Paul Hartnett

67
116
230
238
298
299
315
318
319
426
427
447
481
487
502
520
521
531
589
611
637
651
666
708
734
746
763
825
826
836
855
872
873
874
876

SUMMARY OF LEGISLATION

NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

The following table shows the final disposition

Length 90 days

Total Number of Bills Introduced, 95th Legislature, 1st Session: 891
Total Number of "A" Bills Introduced, 95th Legislature, 1st Session: 75
Total Number of Resolutions Introduced, 95th Legislature
(including CA), 1st Session: 301
Total Number of CA Resolutions Introduced, 95th Legislature, 1st Sessio
Total Number of CA Resolutions Passed, 95th Legislature, 1st Session: 8
Total Number of Bills to Become Law, 95th Legislature, 1st Session: 307

General File Chronological Order (205):

249A
104
465
465A
131
LR19CA
127
82
LR6CA
649
649A
262
245
502
124
87
109
203
293
162
LR43CA
33
525
629
684
369
259
259A
192
712
782
782A
211
228
LR12CA
LR55CA
321
409
427
521
447
855
872
376
234
350
260
260A
450
340
340A
120
45
148
848
356
518
252
299
656
656A
573
24
24A
583
583A
LR1
LR14CA
207
760
780
633
633A
32
548
548A
834
360
361
591
726
768
204
373
580
504
421
767
776
LR15CA
65
146
375
544
578
679
560
562
290
627
732
371
415
700
281
801
300
309
320
603
603A
451
803
574
417
436
191
884
355
559
561
233
511
709
LR38CA
235
800
849
135
297
616
619
470
810
553
701
225
515
566
341
757
736
497
318
400
500
59
632
395
39
244
324
695
841
601
674
730
756
769
LR42CA
218
766
766A
227
392
536
648
584
683
329
14
125
125A
353
881
306
804
84
839
LR53
778
878
878A
419
499
522

846
302
870
186
301
490
LR16CA
LR18CA
594
799
799A
423
540
394
539
711
843
714
777

General File Numerical Order (205):

14
24
24A
32
33
39
45
59
65
82
84
87
104
109
120
124
125
125A
127
131
135
146
148
162
186
191
192
203
204
207
211
218
225
227
228
233
234
235
244
245
249A
252
259
259A
260
260A
262
281
290
293
297
299
300
301
302
306
309
318
320
321
324
329
340
340A
341
350
353
355
356
360
361
369
371
373
375
376
392
394
395
400
409
415
417
419
421
423
427
436
447
450
451
465
465A
470
490
497
499
500
502
504
511
515
518
521
522
525
536
539
540
544
548
548A
553
559
560
561
562
566
573
574
578
580
583
583A
584
591
594
601
603
603A
616
619
627
629
632
633
633A
648
649
649A
656
656A
674
679
683
684
695
700
701
709
711
712
714
726
730
732
736
756
757
760
766
766A
767
768
769
776
777
778
780
782
782A
799
799A
800
801
803
804
810
834
839
841
843
846
848
849
855
870
872
878
878A
881
884
LR1
LR12CA
LR14CA
LR15CA
LR16CA
LR18CA
LR19CA
LR38CA
LR42CA
LR43CA
LR53
LR55CA
LR6CA

Enrollment & Review Initial (0).

Select File (16):

72
132
160
LR25CA
LR5CA
404
404A
LR13CA
249
280
303
579
579A
LR7CA
702
752A

Enrollment & Review Final (0).

Final Reading (4):
422
512
512A
102e

Approved by Governor (294):
1
2e
3
4
5
6
9
10
10A
11
13
15
16
18
19e
21e
22
23e
28
29
30e
34
35e
37
40e
44
46e
47e
49e
51
52e
53
54
55e
56e
57e
58
61
62
66
67
68
70
71
77
78e
79
80
85
86
86A
90
90A
91e
94
94A
97
99
106
107
108e
111
111A
114
116
116A
118
118A
119
121
122e
128e
129
130
132A
136e
137e
138
140
141
150e
151e
152e
153
161
165
166e
170e
173
173A
180
182e
182Ae
183e
184
185
188e
193
194
195
197
199
200
201
202e
206
210
216
221
222
226e
229
230
232e
238
246
248e
248Ae
250
254e
255
256
256A
258e
261
263
264
269e
269Ae
270e
270Ae
271e
271A
272
273
274
275e
278
278A
279
284e
285
307e
307A
310
310A
314e
314Ae
315
317
325
327
327A
335e
342e
343
344e
345
346
347
351e
352
362e
362Ae
363
364
372e
374
385e
387e
393
393A
396
396A
397e
398
401
412e
420
424
426e
434
437e
441
452
453
460
466
469
474
476
479
486
489
495e
517e
517Ae
523
526
527
531e
543
546
550e
551
554e
555
558
568
569
577
577A
588
589e
590e
590Ae
595e
608
610
610A
622e
622A
623e
624
626
626A
631e
635e
635Ae
636
641
643
658e
659
660e
660A
666
686
710
713
720e
722
724
724A
727
729
729A
734
740
741
746
752
753e
755e
758
764e
770
771

772
788
798e
798A
802
806
806A
809
814
829
829A
835
835Ae
837
851
852
852A
853
854
854A
856
861
861A
862e
864e
864Ae
865
873e
874e
875
877
882
882A
886
887e
890e

Line-item Veto (12):
114A
229A
255A
384e
386e
388e
389e*
523A
588A
641A
865A
875A

Returned by Governor Without Approval (5):
103
113
113A
485Ae
853A

Passed Notwithstanding Objections of Governor (1):
485e

Became Law Without Governor's Signature (0).

Failed on Final Reading (0).

Resolution CA Delivered to Secretary of State (8):
LR8CA
LR10CA
LR17CA
LR20CA
LR26CA
LR30CA
LR32CA
LR47CA

Indefinitely Postponed (278):
7
8
12
17
25
26
31
36
43
69
73
75
76
81
88
89
96
98
101
105
110
112
115
117
123
126
133
139
142
143
144
145
147
149
154
156
157
158
159
163
167
168
169
174
175
179
187
190
196
205
212
217
220
223
224
236
240
242
247
251
253
257
267
268
277
287
288
289
292
294
295
298
304
305
308
311
312
322
326
328
330
332
333
336
338
339
348
354
357
359
366
367
368
370
377
378
379
380
381
382
399
402
403
406
407
408
410
411
413
414
418
429
430
431
432
433
435
440
443
444
445
446
448
454
455
456
457
461
463
464
471
475
477
478
480
482
488
491

493
498
503
505
506
509
510
513
519
520
524
529
530
535
537
538
541
542
545
557
563
564
567
570
572
575
576
581
582
586
592
596
597
598
599
600
604
605
612
613
615
617
618
625
630
634
639
642
644
646
647
652
657
662
663
665
670
671
672
675
677
680
685
687
688
689
690
691
693
696
697
698
706
716
717
719
721
723
725
733
735
737
738
742
743
745
747
749
750
754
759
773
774
775
781
784
785
786
787
789
794
795
797
808
811
812
813
815
816
817
821
827
828
831
832
847
850
851A
858
859
863
879
880
888
891
LR9CA
LR11CA
LR21CA
LR22CA
LR35
LR39CA
LR40CA
LR46CA
LR48CA
LR56CA
LR57CA
LR61CA
LR63CA
LR64CA
LR65CA

Withdrawn (1):
468

Bills Held in Committees

Agriculture (2):
189
661

Appropriations (18):
27
60
63
95
164
213
214
349
514
645
669
673
681
824
833
844
857
LR2CA

Banking, Commerce and Insurance (4):
425
731
739
868

Business and Labor (10):
38
100
171
215
282
653
765
860
869
883

Education (11):
50
93
209
547
715
791
793
807
823
838
889

Executive Board (2):
LR3
LR23CA

General Affairs (1):
534

Government, Military and Veterans Affairs (19):
64
177
178
237
449
483
607
620
621
638
678
805
820
LR28CA
LR29CA
LR41CA
LR52CA
LR58CA
LR60CA

Health and Human Services (13):
83
92
219
243
266
472
587
609
692
762
783
842
871

Judiciary (44):
41
48
134
241
265
283
291
323
331
358
383
390
391
405
438
439
442
458
462
467
484
507
508
528
533
593
606
614
628
676
728
748
751
761
779
790
818
845
885
LR24CA
LR27CA
LR36CA
LR59CA
LR88

Legislative Program Evaluation (0).

Natural Resources (33):
155
172
208
313
316
334
416
428
473
501
516
549
552
571
585
602
654
655
664
667
682
699
703
704
705
707
718
744
819
830
866
867
LR54

Nebraska Retirement Systems (8):
337
365
459
532
650
796
822
840

Revenue (11):
20
176
181
198
276
296
492
496
668
LR45CA
LR62CA

Transportation (13):
42
74
231
239
286
494
556
565
640
694
792
LR31CA
LR44CA

Urban Affairs (12):
319
481
487
611
637
651
708
763
825
826
836
876

Resolutions Reported for Further Consideration (2):
LR37
LR108

Resolutions Adopted (69):
LR4
LR33
LR34
LR49
LR50
LR51
LR66
LR68
LR69
LR70
LR71
LR72
LR74
LR75
LR76
LR77
LR78
LR79
LR80
LR81
LR82
LR83
LR84
LR85
LR86
LR87
LR89
LR90
LR91
LR92
LR93
LR95
LR96
LR97
LR98
LR99
LR100
LR101
LR102
LR103
LR105
LR106
LR107
LR109
LR110
LR111
LR112
LR113
LR114
LR115
LR116
LR118
LR119
LR120
LR121
LR122
LR124
LR126
LR130
LR286
LR287
LR289
LR290
LR292
LR293
LR296
LR297
LR298
LR299

Resolutions Failed (0).

(Totals in parentheses include bills, A bills, and resolutions of each section.)

*Line-item veto partially overridden
**All Line-item veto overridden

GENERAL INDEX

NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

ACKNOWLEDGMENTS (See Ceremonies)

ADDENDUM
.... 24

ADJOURNMENT (See Motions)

ANNOUNCEMENTS
- Appropriations Committee (See Appropriations)
- Committee hearings, date change 1237
- Committee hearings, room change, unanimous consent 351, 510
- Committee hearings, schedule hearing, unanimous consent 797
- Committee meetings 151, 1697
- Executive Board announcement (See Executive Board)
- Executive sessions 566, 585, 586, 781, 809, 1100, 1118, 1143, 1216, 1229, 1249, 1328, 1509, 1697
- Interim study resolutions (See Resolutions, Interim Study)
- Priority bills (See Priority Bills)
- Speaker's announcement (See Speaker of the Legislature)

APPOINTMENTS, GOVERNOR
- Anderson, G. Roderic - Commission on Industrial Relations 28, 182, 413, 486, 581, 622
- Anderson, Tor C. - Boiler Safety Advisory Board 942, 972, 1143, 2607, 2695
- Anstine, Phyllis - Crime Victims Reparation Committee 27, 182, 719, 1428, 1584
- Avery, Michael T. - Nebraska Environmental Trust Board 500, 565
- Bataillon, Pamela D. - Health and Human Services Partnership Council 479, 506, 800, 1087, 1179, 1790
- Black, Aaron D., Sr. - Health and Human Services Partnership Council 479, 506, 800, 1087, 1179, 1790
- Bleicher, Stacie R. (Dr.) - Health and Human Services Partnership Council 479, 506, 800, 1087, 1179, 1790
- Boozer, Bob - Board of Parole 34, 182, 719, 1428, 1584
- Brandt, David N. - Coordinating Commission for Postsecondary Education 1881, 1887, 2082, 2692
- Bunger, Joyce - Foster Care Review Board 2073, 2081, 2251, 2690, 2709
- Burt, Sally - Child Abuse Prevention

Fund Board ... 27, 182, 1226

Cannon, William C. - Nebraska Motor Vehicle Industry Licensing Board ... 2055, 2080, 2296, 2534, 2694

Carlson, Stanley C. (Dr.) - Nebraska Educational Telecommunications Commission ... 636, 682, 688, 1093, 1182

Carr, Elnora - Health and Human Services Partnership Council ... 479, 506, 800, 1087, 1179, 1790

Catton, Robert - Nebraska Environmental Quality Council ... 35, 182, 681, 1086, 1181

Caulfield, Larry - Motor Carrier Advisory Council ... 31, 182, 1227, 1324, 1477

Cervantes-Salomons, Julie - Child Abuse Prevention Fund Board ... 635, 682, 1468, 1753, 2692

Coyne, Richard - Nebraska Liquor Control Commission ... 26, 182, 305, 451, 480

Crowley, Jack M. - Nebraska Liquor Control Commission ... 1562, 1590, 2136, 2546, 2693

Danberg, Neil B., Jr. - Nebraska Accountability and Disclosure Commission ... 32, 182, 297, 574, 621

Davis, Dianna - Motor Carrier Advisory Council ... 31, 182, 1227, 1324, 1477

Day, Connie J. - Health and Human Services Partnership Council ... 479, 506, 800, 1087, 1179, 1790

Dellamano, Toby - Nebraska Ethanol Board ... 28, 182, 318, 516, 620

Dillard, George - Health and Human Services Partnership Council ... 479, 506, 800, 1087, 1179, 1790

Egermayer, George W., Jr. - Nebraska Game and Parks Commission ... 449, 482, 541, 718, 811

Elliott, Jeffrey J. - Director, Finance and Support, Department of Health and Human Services ... 1039, 1064, 1468, 1753, 2691

Erwin, Gail P. - Nebraska Arts Council ... 31, 182, 305, 451, 480

Evans, Charles - Health and Human Services Partnership Council ... 479, 506, 800, 1087, 1179, 1790

French, Janet - Nebraska Advisory Commission on Compulsive Gambling ... 413, 434, 821, 1024, 1180

Frenzen, Galen - Nebraska Environmental Quality Council ... 2055, 2080, 2343, 2639, 2708

Galyen, Richard - Nebraska Environmental Quality Council ... 2055, 2080, 2343, 2639, 2708

Ganz, James R., Jr. - Foster Care Review Board ... 2073, 2081, 2251, 2690, 2709

Gilmore, Susan - Foster Care Review Board ... 2073, 2081, 2251, 2690, 2709

Gnadt, Ken - Nebraska Environmental Quality Council ... 2056, 2080, 2343, 2639, 2708

Goldstein, David - Motor Carrier

Advisory Council 32, 182, 498, 1227, 1324, 1477
Gutgsell, Jo Beth - Nebraska Power Review Board 759, 780, 1109, 1264, 2708
Haggadone, Jerry - Nebraska Motor Vehicle Industry Licensing Board 2055, 2080, 2296, 2534, 2694
Hale, David - Motor Carrier Advisory Council 31, 183, 1227, 1324, 1329, 1477
Haun, Janet L. - Commission for the Hearing Impaired 636, 682, 1671, 2145, 2691
Hawkins, Leonard - Nebraska Advisory Commission on Compulsive Gambling 499, 582, 821, 1024, 1180
Hinds, Don - Nebraska Art Council 31, 183, 305, 451, 480
Hurt, Dan - Motor Carrier Advisory Council 31, 183, 1227, 1324, 1477
Janssen, Cydney - Health and Human Services Partnership Council 479, 506, 800, 1087, 1179, 1790
Jelkin, John - Child Abuse Prevention Fund Board 27, 183, 1468, 1753, 2692
Johnson, Darrell - Crime Victims Reparation Committee 27, 183, 719, 1428, 1584
Jones, Melvin W. - Public Employees Retirement Board 1789, 1796, 1825, 2104
Jorgensen, Dennis D. - Nebraska Investment Council 37, 183, 356, 441, 575, 621
Kelley, Kevin - Nebraska Dry Bean Commission 1882, 1887, 2122, 2515, 2693
Kiefer, Darlene - Nebraska Environmental Quality Council 2055, 2081, 2343, 2639, 2708
Kingsbury, John - State Highway Commission 30, 183, 524, 844, 1178
Klosterboer, Laurie L. - Boiler Safety Advisory Board 942, 972, 1143, 1296, 1476
Koenig-Cramer, Susan - Child Abuse Prevention Fund Board 27, 183, 1468, 1754, 2692
Lambert, Gary - Nebraska Motor Vehicle Industry Licensing Board 2055, 2081, 2296, 2534, 2694
Lang-Morrissey, Cathy - Property Tax Administrator 31, 183, 562, 810, 812
Langel, Kevin - Nebraska Motor Vehicle Industry Licensing Board 2055, 2081, 2296, 2534, 2694
Lazure, Linda L., Ph.D. - State Board of Health 413, 434, 1468, 1753, 2691
Leuenberger, Don - Policy Secretary, Department of Health and Human Services 156, 183, 780, 927, 1178
Leung, Kam-Ching - Nebraska Arts Council 1882, 1887, 2136, 2461, 2693
Leung, Yvonne Norton - Director, Governor's Policy Research and Energy Office 37, 183, 748, 993, 1179
Lierk, Ellen - Nebraska Accountability and

Disclosure Commission 30, 183, 297, 574, 621
Lindau, Sheryl - Board of Trustees of the Nebraska State Colleges 1562, 1590, 1671, 1887, 2082, 2692
Louis, Virgie - State Personnel Board 29, 183, 297, 574, 621
Lovell, Jean - Nebraska Board of Parole 36, 183, 719, 1428, 1584
Maas, Craig - Nebraska Dry Bean Commission 1882, 1887, 2122, 2515, 2693
Maloney, Kathleen M. - Nebraska Foster Care Review Board 2103, 2136, 2251, 2690, 2709
Matzke, Lee-Ellen - Board of Trustees of the Nebraska State Colleges 759, 780, 800, 1093, 1182
Mercer, Dick - Nebraska Environmental Trust Board 759, 780, 1141, 1586, 1738, 2690
Mitchell, Marilyn R. - Nebraska Arts Council 30, 183, 305, 451, 480
Mitchell, Rudi L. (Dr.) - Health and Human Services Partnership Council 479, 506, 800, 1087, 1179, 1790
Moore, Barbara A. - Foster Care Review Board 2073, 2081, 2251, 2690, 2709
Moore, Kathy Bigsby - Health and Human Services Partnership Council 479, 506, 800, 1087, 1179, 1790
Morrissey, Spencer - Nebraska Environmental Quality Council 2055, 2081, 2343, 2639, 2708
Nelson, Arlene B. - Nebraska Educational Telecommunications Commission 635, 682, 688, 1093, 1182
Ochoa, Ella E. - Health and Human Services Partnership Council 479, 506, 800, 1087, 1179, 1790
Oltmans, Steven G. - Environmental Quality Council 29, 183, 681, 1086, 1181
Otter, Ray - Boiler Safety Advisory Board 942, 972, 1143, 2660, 2709
Peters, Charles A. - Public Employees Retirement Board 499, 582, 973, 1087, 1181
Podraza, Bill - Nebraska Environmental Quality Council 2055, 2081, 2343, 2639, 2708
Powell, Richard L. - Board of Educational Lands and Funds 33, 183, 547, 1093, 1182
Prazan, Susan E. - State Personnel Board 500, 582, 748, 993, 1179
Rankin, Sharon K. - Nebraska Educational Telecommunications Commission 635, 682, 688, 1093, 1182
Rasmussen, Jessie - Director, Department of Services, Department of Health and Human Services 413, 435, 780, 927, 1178
Renner, Jeff - Nebraska State College Board of Trustees 33, 183, 304, 489, 620
Richardson, Harry - Nebraska Arts

Council 35, 183, 305, 451, 480
Robinson, Alcurtis - Public Employees
Retirement Board 36, 183, 441, 1103
Roper, Lynn A. - Nebraska Environmental
Trust Board 759, 780, 1109, 1264, 2708
Rouse, Gerald (Judge) - Health and Human Services
Partnership Council 479, 506, 800, 1087, 1179, 1790
Sanders, Rick R. - Nebraska Power
Review Board 34, 184, 541, 718, 811
Sands, David - Nebraska Environmental
Quality Council 2055, 2081, 2343, 2639, 2708
Seanor, Esther M. - Commission for the
Hearing Impaired 636, 682, 1671, 2145, 2691
Sharpe, Jesse - Child Abuse Prevention
Fund Board 635, 682, 1468, 1754, 2692
Sher, Bradley L. - Health and Human Services
Partnership Council 479, 506, 800, 1087, 1179, 1790
Smith, Leonard L. - Commission for the
Hearing Impaired 26, 184, 1671, 2145, 2691
Spary, Allan W. - Boiler Safety
Advisory Board 942, 972, 1143, 1296, 1476
Stalker, Dick - Nebraska Advisory Commission
on Compulsive Gambling 413, 434, 821, 1024, 1180
Teller, Fred - Nebraska Arts
Council 35, 184, 305, 451, 480
Thige, Tricia M. - Commission for the
Hearing Impaired 636, 682, 1671, 2145, 2691
Thomas, Deb - Director, Department of Regulations
and Licensure, Department of Health and
Human Services 413, 434, 780, 927, 1178
Vaughan, Jerry (Dr.) - State Board of
Health 413, 434, 1671, 2145, 2691
Wagoner, Dick R. - Nebraska Dry
Bean Commission 26, 184, 491, 614, 623
Walker, Clifford - Nebraska Dry
Bean Commission 1882, 1887, 2122, 2515, 2693
Warren, Merritt C. (Retired Judge) - Public
Employees Retirement Board 787, 799, 973, 1087, 1181
Weyers, Mary C. - Nebraska Dry
Bean Commission 26, 184, 491, 614, 623
Whitmer, William M. - State Electrical
Board 32, 184, 305, 451, 481
Wittler, Kathleen - Nebraska Environmental
Quality Council 2055, 2081, 2343, 2639, 2708
Yanney, Gail - Nebraska Environmental
Trust Board 759, 780, 1586, 1738, 2690
Zgud, Michael - Health and Human Services
Partnership Council 479, 506, 800, 1087, 1179, 1790

APPOINTMENTS, SECRETARY OF STATE
Hunzeker, Mark - Nebraska Accountability and
  Disclosure Commission
    .... (1996 Second Session pp. 1609, 1610) 469, 477, 574, 621

APPROPRIATIONS COMMITTEE
Briefing on Aquatic Habitat Plan 797
Budget Bills
  LB 150
  LB 216
  LB 384
  LB 385
  LB 386
  LB 387
  LB 388
  LB 389
  LB 799
Reports on Governor's line-item vetoes
  LB 384 2468
  LB 388 2468
  LB 389 2469
State agencies hearings 551, 676, 677, 796, 797, 807

ASSISTANT CLERK OF THE LEGISLATURE
Election 11
Oath of Office 11

ATTORNEY GENERAL'S OPINIONS, LETTERS
By Bill Number
  LB 100, 1997 943
  LB 106, 1996 69
  LB 146, 1997 1218
  LB 271, 1997 2581
  LB 280, 1997 1759
  LB 371, 1995 74
  LB 422, 1997 1471
  LB 447, 1997 982
  LB 482, 1997 764
  LB 522, 1997 659
  LB 532, 1997 1755
  LB 534, 1997 659
  LB 592, 1989 74
  LB 755, 1997 1025
  LB 799, 1997 1272
  LB 878, 1997 914
  LB 1176, 1996 56

ATTORNEY GENERAL'S OPINIONS, LETTERS
By Opinion Number
#96038 38
#96039 39
#96043 45
#96046 56
#96053 59
#96058 68
#96062 69
#96063 73
#96066 74
#96067 76
#96082 78
#96084 80
#96088 81
#96089 84
#96090 87
#97001 89
#97002 156
#97010 593
#97013 659
#97014 764
#97015 914
#97016 943
#97017 982
#97018 1015
#97021 1218
#97022 1272
#97025 1471
#97026 1755
#97027 1759
#97029 2407
#97031 2510
#97032 2581

ATTORNEY GENERAL'S OPINIONS, LETTERS
By Subject
Abortion, constitutionality of a statutory ban on partial-birth abortions (Jensen #96043) 45
Agriculture, interpretation of the exemption from sales and use tax for agricultural chemicals (Elmer #96088) 81
Ambulance, whether term corporation includes nonprofit corporations in dealing with provision of ambulance service (Bruning #97017) 982
Appropriations, constitutionality of appropriation to the Nebraska Arts Council to fund the public portion of the proposed Cultural Trust

(Crosby #97022) 1272
Ballots, constitutionality of placing descriptive language on ballots regarding candidates' positions on term limits
(Witek #96053) 59
Business, whether legislation that would limit the number of used car lots within a city or county would impinge upon zoning rights of cities and counties
(Will #97018) 1015
Buy-outs for state employees
(Lawrence S. Primeau #97002) 156
(Maurstad #97015) 914
Car lots, whether legislation that would limit the number of used car lots within a city or county would impinge upon zoning rights of cities and counties
(Will #97018) 1015
Children, legitimization of marriages involving underage children based upon "custom"
(Wesely #97027) 1759
Corporation, whether term corporation includes nonprofit corporations in dealing with provision of ambulance service
(Bruning #97017) 982
Correctional Services, Department of, application of good time to mandatory minimum terms
(Wesely #96066) 74
Credit cards, authority to pay municipal fees with credit cards
(Withem #97010) 593
Crimes and punishments, restriction on the possession of firearms based on misdemeanor convictions
(Beutler #96089) 84
Cultural Trust, constitutionality of appropriation to the Nebraska Arts Council to fund the public portion of the proposed Cultural Trust
(Crosby #97022) 1272
Death penalty issues
(Kristensen #97025) 1471
Death penalty, whether Nebraska Pardons Board can commute a death sentence to a sentence of life with parole
(Beutler #96063) 73
Education, provide for free instruction in the common schools
(Vrtiska #97029) 2407
Elections, constitutionality of placing descriptive language on ballots regarding candidates' positions on term limits
(Witek #96053) 59
Firearms, restriction on the possession of firearms based on misdemeanor convictions

(Beutler #96089) 84
Gambling, proposing to expand the manner in which certain gambling activities may be conducted in Nebraska (Schellpeper #97013) 659
Game and Parks Commission, responsibility for fence maintenance along the railroad right-of-way (Jones #96082) 78
Good time, application of good time to mandatory minimum terms (Wesely #96066) 74
Governor, whether power of commutation is limited only to Nebraska Board of Pardons or whether Governor has authority to vest the power of commutation (Coordsen #96067) 76
Guns, restriction on the possession of firearms based on misdemeanor convictions (Beutler #96089) 84
Health care, legal effect in cases involving discipline of health care professionals (Wesely #97021) 1218
Horseracing, qualification of Horsemen's Benevolent and Protective Association to conduct licensed horseracing in Nebraska (Schellpeper #97001) 89
Legislature, Nebraska, permissibility of service in Nebraska National Guard by a member of the Nebraska Legislature (Hilgert #96039) 39
Liquors, constitutionality of provisions relating to liquor licenses and penalties and creating the Nebraska Liquor Control Commission Rule and Regulation Cash Fund (Schellpeper #97014) 764
Marriages, same-sex marriage, impact of Baehr V. Lewin and the Defense of Marriage Act on Nebraska Law (Jensen #96090) 87
Marriages, same-sex marriage, legitimization of marriages involving underage children based upon "custom" (Wesely #97027) 1759
Military, constitutionality of proposed appropriation of funds for the Women in Military Service for America Memorial (C. Peterson #97020) 1025
Motor vehicle, elimination of property tax on motor vehicles to be replaced with a fee schedule based on the age and original selling price of the motor vehicle (Engel #96046) 56
Motor vehicle, method of distribution of taxes

(Jones #97032) 2581
Municipalities, authority to pay municipal fees
with credit cards
(Withem #97010) 593
National Guard, Nebraska, permissibility of service
in Nebraska National Guard by a member of the
Nebraska Legislature
(Hilgert #96039) 39
Nebraska Pardons Board, whether Nebraska Pardons Board can
commute a death sentence to a sentence of life with parole
(Beutler #96063) 73
Newspaper carriers, specify that carriers are employees for
purposes of the Nebraska Workers' Compensation statutes
(Schrock #97016) 943
Pardons Board, whether Nebraska Pardons Board can commute
a death sentence to a sentence of life with parole
(Beutler #96063) 73
Pardons Board, whether power of commutation is limited
only to Nebraska Board of Pardons or whether Governor
has authority to vest the power of commutation
(Coordsen #96067) 76
Partial-birth abortion, constitutionality of a
statutory ban on partial-birth abortions
(Jensen #96043) 45
Prisons, application of good time to mandatory
minimum terms
(Wesely #96066) 74
Property tax, elimination of property tax on motor vehicles
to be replaced with a fee schedule based on the age
and original selling price of the motor vehicle
(Engel #96046) 56
Public Health and Welfare, legal effect in cases involving
discipline of health care professionals
(Wesely #97021) 1218
Public Institutions, Department of, authority to assess
patients and relatives for their ability to pay
(Maurstad #96038) 38
Public power districts, whether Section 253(a) of
Telecommunications Act of 1996 prevents the Legislature
from barring public power districts from providing
community antenna television service
(Robak #97031) 2510
Railroad right-of-way, Game and Parks Commission's
responsibility for fence maintenance along the
railroad right-of-way
(Jones #96082) 78
Retirement, providing for adjusted supplemental
retirement benefits

(Crosby and Stuhr #97026) 1755
Sales and use tax, sales and use tax of feed, water, veterinary medicines, and agricultural chemicals for consumption by, to be used on, or which are otherwise used in caring for certain forms of animal life
(Dierks #96062) 69
School employees, providing for adjusted supplemental retirement benefits
(Crosby and Stuhr #97026) 1755
Schools, provide for free instruction in the common schools
(Vrtiska #97029) 2407
State employees, buy-outs for state employees
(Lawrence S. Primeau #97002) 156
(Maurstad #97015) 914
State Institutions, Department of Public Institutions, authority to assess patients and relatives for their ability to pay
(Maurstad #96038) 38
Taxes, elimination of property tax on motor vehicles to be replaced with a fee schedule based on the age and original selling price of the motor vehicle
(Engel #96046) 56
Taxes, interpretation of the exemption from sales and use tax for agricultural chemicals
(Elmer #96088) 81
Taxes, method of distribution of motor vehicle taxes
(Jones #97032) 2581
Taxes, sales and use tax of feed, water, veterinary medicines, and agricultural chemicals for consumption by, to be used on, or which are otherwise used in caring for certain forms of animal life
(Dierks #96062) 69
Telecommunications, whether Section 253(a) of Telecommunications Act of 1996 prevents the Legislature from barring public power districts from providing community antenna television service
(Robak #97031) 2510
Term limits, constitutionality of placing descriptive language on ballots regarding candidates' positions on term limits
(Witek #96053) 59
Veterans, constitutionality of proposed appropriation of funds for the Women in Military Service for America Memorial
(C. Peterson #97020) 1025
Veterinary medicine, practice of veterinary medicine-embryo transfer
(Dierks #96084) 80
Veterinary medicine, sales and use tax of feed, water,

veterinary medicines, and agricultural chemicals for consumption by, to be used on, or which are otherwise used in caring for certain forms of animal life (Dierks #96062) ... 69
Veterinary medicine, whether the diagnostic use of ultrasound techniques falls within the scope of practice of veterinary medicine and surgery (Dierks #96058) ... 68
Women, constitutionality of proposed appropriation of funds for the Women in Military Service for America Memorial (C. Peterson #97020) ... 1025
Workers compensation, specify that newspaper carriers are employees for purposes of the Nebraska Workers' Compensation statutes (Schrock #97016) ... 943
Zoning, whether legislation that would limit the number of used car lots within a city or county would impinge upon zoning rights of cities and counties (Will #97018) ... 1015

BIRTHDAYS
Bromm ... 1103
Bruning ... 1734
Elmer ... 2706
Hilgert ... 2
Hillman ... 2708
Jensen ... 302
McKenzie ... 818
Schellpeper ... 437
Schimek ... 1159
Wesely ... 1292
Will ... 1559

CEREMONIES
Flags, Nebraska Army National Guard ... 1, 152
Former State Legislators ... 2251

CERTIFICATES
After adjournment certificate ... 2762
Constitutional amendments ... 20
Elected officials ... 19
Governor appointments, Legislature
  Pederson, Donald W. ... 3
  Raikes, Ronald E. ... 2024
  Suttle, Deborah S. ... 6
LB 389 ... 2732, 2754
LB 485 ... 2735, 2758
Legislative members, roster ... 8

CHAPLAIN COORDINATOR
Election 11
Oath of Office 11

CHAPLAINS
Alschwede, Stephanie (Pastor) 1236
Anderson, Tim (Father) 1881
Argue, David (Pastor) 512
Berger, Greg (Pastor) 2441
Beresford, Rex (Pastor) 462
Brewer, Carol Rottmer (Pastor) 1329
Buchinski, Ron (Pastor) 300
Cate, Dan (Pastor) 2291
Chitwood, Bob (Pastor) 763
Christensen, Michael (Father) 941
Christenson, M. L. "Bud" (Pastor) 2322
Clare (Sister) 2008
Clark, Bryan, (Pastor) 2554
Clements, Homer (Pastor) 354
David, Jerry (Pastor) 411
Dawson, James (Father) 1577
Dressen, William (Pastor) 1684
Ekdahl, Lauren (Pastor) 568
Fletcher, Eldon (Elder) 1014
Goeringer, Mike (Pastor) 2078
Gonnerman, Dan (Pastor) 2494
Goodrick, Merv (Pastor) 617
Hallstrom, Thomas (Pastor Doctor) 895
Hardy, Jim (Pastor) 914
Harrington, John (Pastor) 1714
Hebbert, Paul (Pastor) 712
Heenan, Jane (Reverend) 1102
Henning, Roger (Pastor) 687
Hull, Naomi (Pastor) 1505
Hurray, Don (Pastor) 2177
Israel, Warthen (Doctor) 557
Jirousek, Dale (Pastor) 634
Johnson, Harland (Reverend) 1, 25, 153, 795, 1186, 1271, 1422, 1452, 1471, 1632, 1662, 1734, 1770, 2518, 2698
Jorgensen, E. Gordon (Pastor) 842
Kassebaum, Larry (Pastor) 811
Killion, Becky (Pastor) 1789
Larson, Scott (Pastor) 726
Lauber, Daryl (Pastor) 215
Leavitt, Roger (Pastor) 1918
Lydick, David (Pastor) 1073
MacFarlane, Peter (Pastor) 784
Maurer, Frank (Pastor) 1807

Melang, James (Pastor) ... 1125
Meuter, Debra (Pastor) ... 2662
Meuter, Fred (Pastor) ... 2117
Miles, Bob (Captain) ... 1970
Morrow, Roger (Pastor) ... 433
Moulton, Brian (Pastor) ... 545
Myers, Allen (Pastor) ... 1490
Nau, Joel (Pastor) ... 1379
Nelson, Greg (Pastor) ... 1829
Nelson, Roger (Pastor) ... 1534
Nemec, Joseph (Father) ... 675
Olson, Greg (Pastor) ... 1311
Ostrom, Donald (Pastor) ... 445
Pierce, Christian (Father) ... 523
Poppe, Clint (Vicar) ... 1604
Redman, Nancy (Pastor) ... 255
Ribble, Dale (Pastor) ... 1218
Rosenbaum, Stanley (Rabbi) ... 2370
Schmidt, Charles (Pastor) ... 2054
Sheeley, Darrell (Pastor) ... 1036
Spitzer, Lee (Pastor) ... 280
Stedman, Anni (Pastor) ... 497
Sumey, Craig (Pastor) ... 1897
Swartz, Warren (Pastor) ... 180
Switzer, Douglas (Mr.) ... 987
Thornton, Bill (Pastor) ... 587
Ubben, Greg (Pastor) ... 1250
Ukinski, Anders ... 1150
Voorman, Duane ... 2615
Voss, Jim (Pastor) ... 852
Wasmundt, Andrew (Pastor) ... 1854
Wing, Steve (Pastor) ... 321
Witthers, Heather (Pastor Doctor) ... 477
Young, Mike (Pastor) ... 425

CHIEF JUSTICE OF THE SUPREME COURT
Administer oath of office to newly elected members ... 10
Administer oath of office to newly elected officers ... 11
Administer oath of office to newly elected state and constitutional officers ... 152
Escort committee ... 9, 11

CLERK OF THE LEGISLATURE
After adjournment certificate ... 2762
Appoint temporary clerk ... 7

Communications on bills
  LB 103 1509
  LB 113 2735
  LB 113A 2735
  LB 114A 1509
  LB 229A 2737
  LB 255A 2705
  LB 384 2738
  LB 386 2738
  LB 388 2738
  LB 389 2731
  LB 485 2735
  LB 485A 2736
  LB 523A 2739
  LB 588A 2737
  LB 641A 1833
  LB 853A 2736
  LB 865A 2737
  LB 875A 2739
Election 11
Oath of Office 11

COMMITTEE ON CREDENTIALS
Election 7
Report 7, 9

COMMITTEES, OTHER THAN STANDING
Committee on Committees Report
  Committee membership 102, 162, 2398
Elections
  Building Maintenance (C) 256
  Building Maintenance members 256
  Committee on Committees (C) 12
  Committee on Committees members 12
  Committee on Committees (VC) 105
  Education Commission of the States members 256
  Enrollment and Review (C) 18
  Executive Board (C) 13
  Executive Board members 13
  Executive Board (VC) 13
  Intergovernmental Cooperation (C) 17
  Intergovernmental Cooperation members 105
  Intergovernmental Cooperation (VC) 232
  Legislative Program Evaluation (C) 257
  Legislative Program Evaluation members 257, 2331
  Legislative Program Evaluation (VC) 350, 2705
  Midwestern Higher Education Commission members 257, 2331
  Rules (C) 18
  Rules members 104

Rules (VC) 298
Interim study resolutions (See Resolutions, Interim Study)

COMMITTEES, STANDING
Appointments
Notice of committee hearings 297, 304, 305, 318, 441, 469, 486, 491, 524, 541, 547, 562, 681, 687, 719, 748, 780, 800, 821, 973, 1109, 1141, 1143, 1227, 1468, 1586, 1671, 1825, 1887, 2122, 2136, 2251, 2296, 2343
Standing committee reports 451, 489, 516, 574, 575, 581, 614, 717, 810, 844, 927, 993, 1024, 1086, 1087, 1093, 1264, 1296, 1324, 1428, 1738, 1753, 2082, 2145, 2461, 2515, 2534, 2545, 2607, 2639, 2660, 2690
Appropriations Committee
(See Appropriations Committee)
Corrected standing committee report 477, 2130
Elections
Agriculture (C) 14
Agriculture members 102
Agriculture (VC) 213
Appropriations (C) 14
Appropriations members 23, 103
Appropriations (VC) 298
Banking, Commerce and Insurance (C) 14
Banking, Commerce and Insurance members 103, 2399
Banking, Commerce and Insurance (VC) 151
Business and Labor (C) 15
Business and Labor members 103
Business and Labor (VC) 151
Education (C) 15
Education members 103, 2399
Education (VC) 217
General Affairs (C) 15
General Affairs members 103
General Affairs (VC) 162
Government, Military and Veterans Affairs (C) 15
Government, Military and Veterans Affairs members 103
Government, Military and Veterans Affairs (VC) 213
Health and Human Services (C) 15
Health and Human Services members 103
Health and Human Services (VC) 151
Judiciary (C) 16
Judiciary members 104
Judiciary (VC) 232
Natural Resources (C) 16
Natural Resources members 104
Natural Resources (VC) 178
Nebraska Retirement Systems (C) 16
Nebraska Retirement Systems members 104

    Nebraska Retirement Systems (VC) 151
    Revenue (C) 17
    Revenue members 104, 2399
    Revenue (VC) 178
    Transportation (C) 17
    Transportation members 104
    Transportation (VC) 232
    Urban Affairs (C) 17
    Urban Affairs members 104
    Urban Affairs (VC) 232
  Hearings
    Appropriations
      Aquatic Habitat Plan briefing 797
    Appropriations/Nebraska Retirement Systems Joint Hearing
      State Agency 807
    Health and Human Services
      Community Service Block Grant State Plan 793
    Nebraska Retirement Systems
      NIC Report 1825
    Nebraska Retirement Systems/Appropriations Joint Hearing
      State Agency 807
    Natural Resources
      Air quality permit program funding options 709
      Game and Parks Commission aquatic
        habitat plan 709, 2145, 2343
      DEQ-Air Emission Fee Report 807
    Rules
      Rule change 2467
  Morning committee hearings, afternoon floor debate 1073
  Room change, (See Announcements, Committee hearings,
    room change, unanimous consent)
  Standing committee report on Nebraska Aquatic Habitat Fund .. 2607
  State agency committee hearings (See Appropriations Committee)

COMMUNICATIONS RECEIVED
  Communication from State Budget Administrator on LB 389 ... 2721
  Communications on bills (See Clerk of the Legislature)
  House and Senate Resolutions
    Alaska State Legislative Resolve No. 3 urging Congress to
      pass legislation to open the coastal plain of the Arctic
      National Wildlife Refuge to oil and gas exploration 1078
    Arizona Senate Concurrent Memorial 1001 requesting
      Congress to specify the authority for enacting
      proposed sections of law 102
    Arizona Senate Concurrent Memorial 1001 urging
      Congress to enact legislation that prohibits the
      President from establishing national monuments
      without authorization of Congress 1380
    Arizona Senate Joint Resolution 1001 declaring the

State's sovereignty under the U.S. Constitution and demanding that the Federal Government stop mandates that are beyond its powers 1898
Iowa House Concurrent Resolution 4 requesting Congress submit to the States for ratification a balanced budget amendment to the U. S. Constitution 500
Michigan Senate Concurrent Resolution 278 to protect taxpayer rights from judicial taxation 102
Montana House Joint Resolution 26 urging Congress to submit to the States for ratification a balanced budget amendment to the U. S. Constitution 1664
Ohio Senate Concurrent Resolution 21 urging Congress to support H.R. 1842 and other initiatives to mitigate the economic warfare among states that resulted from business incentive programs 463
Virginia Senate Joint Resolution No. 146 memorializing Congress to submit a balanced budget 102
Wyoming House Joint Resolution 8, Enrolled Joint Resolution 2 requesting Congress to amend the Constitution requiring a balanced budget 919
Major Proposals Communications (See Priority Bills)

DECEASED
Senator Jerome Warner 1604

DOCTOR OF THE DAY
Adams, David 1880
Books, Leon 711, 1603, 2697
Doering, William 1969
Filipi, David H. 2440, 2751
Gfeller, Bruce 1769
Glenn, Matt 1451
Glover, Greig 1012
Gotschall, Jeff 1328
Hanisch, Richard 794
Holz, Lynne 810
Hotovy, Pat 616
Hupp, Brad 940
Johnson,Tami 725
Ketner, J. B. 2176
Kissling, C. James 2661
Klutman, Ron 522
Kohl, Randy 444
Kramer, Lynette 410
Larson, Dwight L. 320
Lochen, D. J. 1072
Luther, Andy 685
Matzke, Jay 353, 423, 496, 556, 567, 762, 851, 1185, 2077, 2517

Michaels, Dale 152
Newburn, Hank 1217
Ptacek, Mark 1853
Pumphrey, Hal 2492
Quinn, John 1504
Rauner, Bob 1661
Rauner, Lisa 461
Reynen, Dr. 2007
Rhodes, Rob 298
Roth, Cheryl 2369
Strohmyer, Dr. 476
Veskrna, Dr. 1576
Voigtlander, George 2053
Weiss, Dr. 913
Willadsen, Kent 511

EXECUTIVE BOARD, LEGISLATIVE COUNCIL
Appointments to committees 2331
Communication on Speaker's major proposals 1330, 1462
Elections
  Chairperson 13
  Members 13
  Vice Chairperson 13
Interim study resolutions (See Resolutions, Interim Study)
Meetings (See Announcements, Committee meetings)
Report of special committee members 256

EXPEDITE (See Motions)

EXPLANATIONS OF VOTES
Bruning 1813, 2506
Engel 2638, 2672, 2758
Maurstad 1871
Peterson, C. 485
Raikes 2638
Wickersham 1172, 2684

FLOOR DEBATE
Morning committee hearings, afternoon floor debate 1073

GOVERNOR
Addressed Legislature
  Message 2751
  State of the State Address 264
Appointment - Legislature
  Pederson, Donald W. 2
  Raikes, Ronald E. 2024
  Suttle, Deborah S. 5
Appointment letters 25-37, 156, 433-435, 449, 478, 498-500,

635, 636, 758, 759, 786, 941, 1039, 1561, 1562, 1789, 1881, 1882, 2055, 2073, 2103
Appointment letters, withdraw names 565, 1103, 1226, 2104
Bills, approvals 566, 634, 843, 989, 1075, 1248, 1327, 1518, 1632, 1897, 2355, 2434, 2531, 2564, 2581, 2662, 2663, 2698, 2700, 2701, 2703, 2704, 2759, 2760
Bills, vetoes, messages, motions
  LB 103 1250
  LB 113 2701
  LB 113A 2701
  LB 114A, line-item veto 1331
  LB 229A, line-item veto 2702
  LB 255A, line-item veto 2356
  LB 384, line-item veto 2435
  LB 386, line-item veto 2664
  LB 388, line-item veto 2435
  LB 389, line-item veto 2436
  LB 485 2699
  LB 485A 2699
  LB 523A, line-item veto 2664
  LB 588A, line-item veto 2699, 2752
  LB 641A, line-item veto 1633
  LB 853A 2356
  LB 865A, line-item veto 2703
  LB 875A, line-item veto 2702
Communications
  LB 269 2761
  LB 269A 2761
Escort committee (See Motions)
Legislature approve appointments (See Motions, Legislature approve appointments)
Notice of committee hearings, appointments (See Committees, Standing, Appointments, Notice of committee hearings)
Notify Governor 2751
Reference committee reports, appointments (See Reference Reports, Appointments)
Standing committee reports, appointments (See Committees, Standing, Appointments, Standing committee reports)

INAUGURAL CEREMONIES
.... 152

INDEXES, LEGISLATIVE
Preparation and printing 2751

JOURNAL, LEGISLATIVE
Approve, 90th legislative day 2751
Permanent Journal, printing, distribution 2751

LOBBYISTS' REPORTS
.... 184, 300, 425, 478, 547, 618, 725, 840, 927, 1039
1150, 1251, 1345, 1479, 1583, 1664, 1796, 1889, 2513

MEMORIAL
Senator Jerome Warner 1604

MOTIONS
Adjournment
Motions to adjourn 1070, 1124, 1147, 1148, 1185, 1217, 1342, 1787, 1966, 2281
Motions to adjourn sine die 2751
Adopt rules
Permanent 221, 257
Temporary 10, 25, 153, 180, 215, 255
Appoint temporary officers 7
Cloture, motion to invoke
LB 23 2174
LB 280 .... 1120, 1386
LB 752 .... 1795, 2465
Committee on Committees report 102, 162
Committee on Credentials 7, 9
Confirmation report, bracket 1179
Election returns 18
Elections
Committee chairpersons 12-18
Committee members 12, 13, 23
Committee vice chairpersons 13
Officers 10
Speaker 11
Escort committees 9, 11, 152, 264
Expedite bills
LB 862 1131
Final Reading, dispense with reading at large
LB 30 1289
LB 44 605
LB 51 1290
LB 52 734
LB 53 2195
LB 62 1158
LB 79 736
LB 114 1286
LB 129 866
LB 130 968
LB 137 2639
LB 138 2501
LB 182 2641
LB 182A 2642
LB 185 735

LB 197	2643
LB 199	969
LB 229	2610
LB 248	2587
LB 250	1159
LB 263	1866
LB 269	2499
LB 270	2589
LB 271	2644
LB 273	2196
LB 307	2595
LB 310	2197
LB 314	2675
LB 335	2443
LB 345	866
LB 346	869
LB 347	867
LB 364	2747
LB 374	2199
LB 386	2454
LB 387	2455
LB 388	2293
LB 389	2294
LB 396	2444
LB 397	966
LB 401	2658
LB 420	2646
LB 424	2446
LB 453	970
LB 460	2647
LB 466	1453
LB 469	1160
LB 474	1161
LB 495	2648
LB 517	2677
LB 523	2447
LB 555	2598
LB 590	2649
LB 608	2449
LB 623	1164
LB 622	2743
LB 624	2450
LB 626	2651
LB 631	965
LB 635	1558
LB 658	2451
LB 710	2745
LB 713	1162
LB 720	1165

LB 727 2452
LB 752 2674
LB 764 2652
LB 798 2679
LB 806 2419
LB 809 1163
LB 814 2592
LB 837 2594
LB 851 2653
LB 862 1288
LB 864 2681
LB 865 2654
LB 874 2597
LB 875 2599
LB 877 2656
Inaugural ceremonies 23
Indefinitely postpone motion before bill title is read 989, 1775, 1776, 1890, 1906, 1909
Index, approve preparation and printing 2751
Introduce new bills 555, 568, 813
Journal, approve 90th legislative day 2751
Journal, approve preparation and printing 2751
Legislature approve appointments 480, 481, 619-623, 811, 812, 1178-1182, 1476, 1477, 1584, 1790, 2690-2694, 2708, 2709
Notify Governor 2751
Override veto
LB 113 2731
LB 386 2734
LB 389, line-item veto 2524, 2543, 2550, 2710, 2714-2716, 2722-2728
LB 485 2729
LB 485A 2730
LB 853A 2433, 2729
Overrule Speaker's agenda (See Speaker and Rulings of the Chair)
Place on General File 658, 718, 1100, 1120, 1247, 1249,
Recess, motions to 1122, 2064
Recommit to committee 2145
Reconsider override motion 2725
Request bill be read section by section 991, 1776, 1778, 1801, 1890, 1906
Return bill to General File for purposes of taking up a reconsideration motion on amendment 2016, 2490
Return bill to Select File to strike enacting clause prevailed 2505
Rules (See Motion, Adopt Rules)
Session Laws, approve preparation and printing 2751
Substitute amendments 694, 896, 973, 1064, 1506, 1565, 1611, 1635, 1698, 1701, 1720, 1721, 1724, 1735, 1807, 1819, 1826, 1877, 1892, 1898, 1991, 1993, 2017, 2084, 2100, 2127,

2157, 2298, 2305, 2400, 2430, 2432, 2439, 2456, 2472, 2507, 2509, 2557, 2617-2619
Substitute amendments, objection to 2432, 2526, 2527
Suspend Rules
  Overrule Speaker's agenda (See Speaker and Rulings of the Chair)
  Permit canceling a hearing 539
  Permit consideration of amendment 2185, 2519
  Permit consideration of resolution 2707
  Permit setting a hearing 797
  Permit withdrawal of bill 302
  Read on Final Reading without the A bill 2620, 2674
  Suspend provision that requires veto override motion be taken up on any of next five legislative days following receipt of veto message 2441, 2529
  Vote without further debate or amendment 1682, 1742, 2397, 2484, 2491, 2515, 2517, 2646
Withdraw bills 302

OATHS
Governor Appointment - Legislature
  Pederson, Donald W. 3
  Raikes, Ronald E. 2025
  Suttle, Deborah S. 6
Newly elected members 10
Newly elected officers 11

POINT OF PERSONAL PRIVILEGE
Pirsch 4

PRESENTATIONS (See Ceremonies)

PRIORITY BILLS/RESOLUTIONS
Abboud - LB 278 843
Beutler - LB 507 1034
Bohlke - LB 806 1093
Brashear - LB 420 1117
Bromm - LB 232 1076
Brown - LB 752 990
Bruning - LB 422 788
Chambers - LB 869 1125
Coordsen - LB 180 1128
Crosby - LB 864 985
Cudaback - LB 70 941
Dierks - LB 552 1038
Elmer - LB 686 1076
Engel - LB 882 941
Hartnett - LB 875 1014
Hilgert - LB 401 1142
Hillman - LB 835 1117

Hudkins - LB 485 909
Janssen - LB 310 992
Jensen - LB 280 800
Jones - LB 465 807
Kiel - LB 648 941
Kristensen - LB 660 1076
Landis - LB 151 1075
Lynch - LB 99 1110
Matzke - LB 255 1086
Maurstad - LB 23 1011
McKenzie - LB 865 1143
Pedersen, Dw. - LB 603 1110
Pederson, D. - LB 788 1129
Peterson, C. - LB 756 1075
Preister - LB 374 1045
Robak - LB 90 1024
Robinson - LB 271 1128
Schellpeper - LB 306 1125
Schimek - LR 7CA 992
Schmitt - LB 146 914
Schrock - LB 877 1038
Stuhr - LB 419 1102
Suttle - LB 301 788
Tyson - LB 519 1100
Vrtiska - LB 588 1076
Warner - LB 269 1129
Wehrbein - LB 59 1110
Wesely - LB 587 909
Wickersham - LB 138 1100
Will - LB 512 1125
Witek - LB 798 1076
Withem - LB 590 711

Speaker's major proposals
    LBs 269, 401, 660, 752, 806 .... 1330, 1462, 1722
Speaker's priority bills
    LBs 91, 124, 204, 225, 283, 296, 320, 344, 371, 395,
    497, 525, 569, 578, 579, 591, 608, 626, 659,
    677, 699, 729, 757, 803, 804 .... 321, 1142

Agriculture
    LB 211 1024
    LB 192 1034
Banking, Commerce and Insurance
    LB 327 1011
    LB 740 1125

Business and Labor
  LB 854 914
  LB 470 1142
Education
  LB 865 914
  LB 711 1125
Executive Board
  LR 14CA 1142
General Affairs
  LB 248 809
  LB 249 809
Government, Military and Veterans Affairs
  LB 764 1110
  LB 460 1110
Health and Human Services
  LB 622 850
  LB 279 1100
Judiciary
  LB 601 1125
  LB 829 1125
Natural Resources
  LB 297 909
  LB 518 909
Nebraska Retirement Systems
  LB 624 909
  LB 724 909
Revenue
  LB 270 895
  LB 583 1141
Transportation
  LB 309 1102
  LB 256 1102
Urban Affairs
  LB 299 1014
  LB 876 1014

REFERENCE REPORTS, APPOINTMENTS
.... 182, 356, 411, 482, 506, 582, 682, 780, 799, 972
1064, 1590, 1796, 1886, 2080, 2136

REFERENCE REPORTS, BILLS AND RESOLUTIONS
.... 180, 215, 248, 280, 295, 316, 354, 411, 418, 429, 445
506, 582, 850, 1011, 1344, 1410, 2296, 2309

REPORTS, ACKNOWLEDGED
Administrative Services, Department of
  Agency Contractual Services Semi-Annual Report 95
  Annual Budgetary Report 95
  Annual Financial Report 95

  Cash and Revolving Fund Balances 95
  Correctional Services Program 370 97
  DAS Employee Relations Report 1078
  Electronic Benefits Transfer Task Force Report 95
  Enterprise-wide goals and guidelines Report 95
  Information Technology Commission Report 95
  Intergovernmental Data Communications Advisory Council Annual Report 1898
  Intergovernmental Data Services Division Progress Report 256
Agriculture, Department of
  Evaluation of Milk Laboratories as referenced in the Pasteurized Milk Ordinance 2759
  Grade A Condensed and Dry Milk Products and Condensed and Dry Whey, Supplement I to the Grade A Pasteurized Milk Ordinance 2759
  Grade A Pasteurized Milk Ordinance - 1978, Recommendations of the U.S. Public Health Service/ Food and Drug Administration, Part II 2759
  Methods of Making Sanitary Ratings of Milk Supplies 2759
  Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program for Certification of Interstate Milk Shippers 2759
  Standards for Fabrication of Single Service Containers and Closures for Milk and Milk Products 2759
  U.S. Public Health Service Food and Drug Administration Food Code Recommendations 1790
Auditor of Public Accounts
  Accountability and Disclosure Commission 96
  Administrative Services, Department of, Administration - Program 49 96
  Administrative Services, Department of, Central Data Processing Division Procedures Report 96, 1475
  Administrative Services, Department of, Division of Employee Relations 413
  Administrative Services, Department of, Risk Management Division Program 536, Miscellaneous Claims ... 97
  Aeronautics, Department of 95
  Aging, Department of 1475
  Agriculture, Department of, Bureau of Plant Industry 1475
  Arts Council, Nebraska 97
  Banking and Finance, Department of 96
  Barber Examiners, Board of 96
  Chadron State College Audit Report 413
  Chadron State College Financial Statements 95
  Chadron State College Letter to Management 95, 414
  Charitable Gaming Division Petty Cash Fund 95
  College System, State, Board of Trustees 97

Commission on Status of Women 1475
Correctional Services, Department of, Lincoln
  Correctional Center 414
DAS-Task Force for Building Renewal Report 95
Education, Department of, School for
  the Visually Handicapped Program 402 96
Education Instruction Technology, Department
  of, Program 443 95
Educational Lands and Funds, Board of 96
Educational Telecommunications Commission 96
Environmental Quality, Department of, Community
  Improvement Cash Funds Report 95
Environmental Quality, Department of, Landfill
  Closure Assistance Program 1475
Environmental Quality, Department of, Low-Level
  Radioactive Waste Cash Fund-2844 96
Environmental Quality, Department of, Waste
  Water Program 518 96
Environmental Trust Board 96
Equal Opportunity Commission 95
Ethanol Board 96
Ethanol Board-Tax Credit Gasoline
  Transfers Report 95
Foster Care Review Board 95
Game and Parks Commission Administration
  Program 96, 413
Governor Programs, 002-Salary, 018-Pol. Res.,
  021-Governor 95, 1475
Hearing Impaired, Commission for the 413
Indian Affairs, Commission on 95
Industrial Relation, Commission of 96
Justice, Department of 96
Landscape Architects, State Board of 95
Legislative Council 96, 1475
Lieutenant Governor 95
Lottery, Nebraska 95, 413
Motor Vehicles, Department of, Vehicle Titling
  and Registration System Advisory Letter 96
Motor Vehicle Industry Licensing Board 96
Patrol, State 96
Patrol, State, Investigative and Auto Theft
  Cash Funds 414
Peru State College 414
Peru State College Financial Statements 95
Peru State College Letter to Management 95, 413
Postsecondary Education, Coordinating Commission 96
Professional Practices Commission 97
Public Employees' Retirement Systems Deferred

Compensation Plan 96, 97
Public Employees' Retirement Systems - School Employees', Judges', and State Patrol Retirement Plans 96, 1475
Public Employees' Retirement Systems - State and County Employees' Retirement Plans 95, 413
Public Institutions, Department of, Compulsive Gamblers Assistance Fund 1475
Public Institutions, Department of, Lincoln Regional Center Canteen Amusement Fund 97
Public Institutions, Department of, Thomas Fitzgerald Veterans' Home Members Trust Fund 95
Racing Commission, State 95
Real Estate Appraiser Board 413
Real Estate Commission 96
Revenue, Department of 95
Retirement Systems (See Public Employees' Retirement Systems)
Revenue, Department of, Charitable Gaming Division Petty Cash Fund 413
Revenue, Department of, Cigarette Tax Receipts 96, 1475
Revenue, Department of, Compulsive Gambling Assistance 413
Revenue, Department of, Motor Fuel Tax Enforcement and Collection Division 95, 97
Revenue, Department of, SAS 70 Report, Collection and Distribution of City Sales Taxes 96
Secretary of State, Office of the 96
Social Services, Department of, Assistance to the Aged, Blind, or Disabled Procedures Report 96
Social Services, Department of, Contractual Agreement with Policy Studies, Inc. 97
Social Services, Department of, Report on Contractual Obligation with Curtis and Associates 413
Social Services, Department of, State Wards' Guardianship Accounts 96
Soybean Development, Utilization and Marketing Board 95
State of Nebraska - CAFR 413
Treasurer, State, distribution of Aid to Incorporated Municipalities, Counties, and Natural Resources Districts 413
Treasurer, State, Severance Tax Distribution Advisory Letter 96
Treasure, State, Unclaimed Property Advisory Letter 96
University of Nebraska 96, 1475
University of Nebraska Financial Statements 95, 1475
Water Resources, Department of 96
Wayne State College Audit Report 413
Wayne State College Financial Statements 95

  - Wayne State College Letter to Management 95, 413
  - Workers' Compensation Court 97
- Claims Board, State
  - Risk Management/State Claims Board Report of Claims and Judgments Paid 2705
- County Highway and City Street Superintendents, Board of
  - Annual Report 97
- Criminal Justice, Department of
  - Annual Report 97
  - Crime Victim's Reparations Program and Victims Assistance Grant Program 97
  - Juvenile Services Grant Committee and Coalition for Juvenile Justice 97
- Economic Development, Department of
  - Nebraska Affordable Housing Trust Fund Report 414
  - Partnership for Economic Development Act Annual Report 97
- Education, Department of
  - Department of Education and The Nebraska Association of Public Employees/AFSCME, Local 61 Agreement 2056
  - Department of Education and The Nebraska Department of Education Teachers Association Agreement 2056
  - Nebraska School Finance Review Committee Annual Report 1072
  - School Districts Not Providing for or Contracting for Approved Special Education Programs Annual Report 256
  - Services Provided to Children Birth to Age Five with Disabilities Annual Report 256
- Educational Lands and Funds, Board of
  - Biennial Report 97
  - Plan submitted to Education Committee 97
- Energy Office, Nebraska
  - Annual Report 97, 637
  - Municipal Natural Gas Regulation Revolving Loan Fund Quarterly Reports 97, 479
- Environmental Quality, Department of
  - Annual Report 98
  - Construction Grants, Program #518 .... 97, 501
  - Litter Reduction and Recycling Grant Program Annual Report 98, 716
  - Small Town Grants, Program #523 .... 97, 98, 501
- Ethanol Board, Nebraska
  - Ethanol Producers Incentive Cash Fund 98, 479
- Examiners, Board of,
  - County Highway and City Street Superintendents

Annual Report 1329

Geographic Information Systems Steering Committee, Nebraska
  Annual Report 99

Health, Department of (See Health and Human Services System)

Health and Human Services System
  Child Care Licensing Annual Report 637
  Child Death Review Team Findings and
    Recommendation Report 98
  Community Health Services Act and Community
    Health Partners of Nebraska Progress Report 98
  Disabled Persons and Family Support
    Program Annual Report 501
  Housing Code Task Force Report 98
  Immunization Program Report 98
  Job Support Annual Report 512
  Office of System Advocate Report 1078, 1587, 2056, 2759
  Preparing for Nebraska's Future: Enhancing Primary
    Care and Psychiatry Postgraduate Residency
    Training Programs at UNMC 98

Health and Human Services, Nebraska Partnership for
  Health and Human Services System Report 100

Highway Commission, State (See Roads, Department of)

Historical Society, Nebraska State
  Annual Report 98
  Progress Report 98

Insurance, Department of
  Profitability Analysis of Property and Casualty
    Insurance Annual Report 98, 256

Intergovernmental Data Communications Advisory Council
  Annual Report and One and Five Year Plan 98

Interstate Agricultural Grain Marketing Commission
  Report and Financial Statements 98

Investment Council, Nebraska
  Annual Report 98
  Northern Ireland Requirements under LB 1066 98

Investment Finance Authority, Nebraska (NIFA)
  Agricultural Report 99
  Annual Report 99, 2722
  Series A and B Community Development Loan Notes
    Quarterly Reports 99, 256, 1665
  Series A Single Family Bond Issue
    Quarterly Reports 99, 479, 1476, 1898
  Series B Single Family Bond Issue
    Quarterly Reports 99, 501
  Series C Single Family Bond Issue
    Quarterly Reports 99, 501, 2507
  Series D Single Family Bonds 99, 479
  Series E Single Family Issue 256, 1475
  Single Family Housing Revenue Bonds

Notice of Bond Issuance 99
State Revolving Fund Revenue Bonds 99, 1665
Use of Proceeds Reports 256
Labor, Department of
Adjustments to Nebraska's Minimum Wage - Job Training Resources in Nebraska - Job Availability in Nebraska 98
Draft Title II and Title III Job Training Plans 98
State Labor Area Summaries 98, 501, 919, 1329, 1790
Law Enforcement and Criminal Justice, Commission on
Crime Victim's Reparations Program, Victims of, Crime Act Program, and Stop Violence Against Women Act Program Report 501
Legislative Council, Executive Board
Constitutional Revision Commission Recommendations 99
Electronic Access to Public Information Report 98
Task Force on Unfunded Mandates Report 98
Tax Incentives Review Committee Report (Cost-Benefit Model Recommendations) 919
Legislative Program Evaluation Committee
Public Employees Retirement Board and Nebraska Public Employees Retirement System Report 99
Public Service Commission Report 99
Liquor Control Commission, Nebraska
Keg Registration 99
Mental Health Planning and Evaluation Council, Nebraska
Annual Report 99
Natural Resources Commission
Plan of Work for State Water Planning and Review Process Annual Report 99
Resources Development Fund Biennial Report 99
Natural Resources District
Lewis and Clark Natural Resources District Report regarding Drainage Districts 716
Little Blue Natural Resources District Report regarding Drainage Districts 1040
Lower Loup Natural Resources District Report regarding Drainage Districts 1252
Lower Niobrara Natural Resources District Report regarding Drainage Districts 1078
Lower Platte North Natural Resources District Report regarding Drainage Districts 1252
Middle Niobrara Natural Resources District Report regarding Drainage Districts 1329
Middle Republican Natural Resources District Report regarding Drainage Districts 597
Natural Resources District Reports 94, 255, 356
Nemaha Natural Resources District Report regarding Drainage Districts 1078
North Platte Natural Resources District Report

regarding Drainage Districts 1252
Papio-Missouri River Natural Resources District Report
regarding Drainage Districts 1330
South Platte Natural Resources District Report
regarding Drainage Districts 1252
Tri-Basin Natural Resources District Report
regarding Drainage Districts 1040
Twin Platte Natural Resources District Report
regarding Drainage Districts 1252
Upper Big Blue Natural Resources District Report
regarding Drainage Districts 1330
Upper Elkhorn Natural Resources District Report
regarding Drainage Districts 1078
Upper Loup Natural Resources District Report
regarding Drainage Districts 1040
Upper Niobrara-White Natural Resources District
Report regarding Drainage Districts 1151
Nebraska Investment Finance Authority (NIFA)
(See Investment Finance Authority, Nebraska (NIFA))
Ombudsman
Annual Report 100
Patrol, Nebraska State
Drug Cash Fund Report 100, 1898
Policy Research Office, Governor's
Municipal Natural Gas Regulation Revolving
Loan Fund Quarterly Report 1665
Power Review Board, Nebraska
Biennial Report 100
Public Service Commission
Telecommunications Annual Report 256
Racing Commission, Nebraska State
Gambling in Nebraska and Neighboring States 100
Public Hearings on Expansion of Gambling 100
Railway Council, Nebraska
Annual Report 100, 1330
Retirement Systems, Public Employees
Nebraska Judges' Retirement Actuarial
Valuation Reports 100
Nebraska School Retirement System Actuarial
Valuation Reports 100
Nebraska State Patrolmen's Retirement System
Actuarial Valuation Reports 100
Revenue, Department of
Annual Report 1078
Auditor of Public Accounts Report of Examination 256
Charitable Gaming Division Annual Reports 101, 1665
Employment and Investment Growth Act, Employment
Expansion and Investment Incentive Act 101, 480
General Fund Net Receipts 101

  Nebraska Highway Trust Fund Review 101
  Nebraska Lottery Annual Report
  Tax Expenditure Report 101
  Tax Equity and Educational Opportunities
    Support Act Tax Receipts 101
Risk Management/State Claims Board
  Annual Report 101
Roads, Department of
  Board of Public Roads Classifications and
    Standards Minutes 100, 919, 1252, 1665, 2309
  Highway Cash Fund and Roads Operation
    Cash Fund 101, 357, 637, 1078, 1587, 2056, 2760
  Quarterly Reports 101
  Recreation Roads One- and Five-Year Programs 101
  State Board of Equalization and Assessment 101
  State Highway Commission Quarterly Report 480, 1790
  State Highway Inventory Supplement 101, 1151
  State Highway Plan and Needs Report 101
  Traffic Accident Facts Annual Report 101
Rural Development Commission, Nebraska
  Annual Report 100, 637
School Finance Review Committee
  Annual Report 101
Social Services, Department of
  Child Care Licensing Annual Report 101
  Community Service Programs Report 101
  Cost Sharing in the Medicaid Program Report 101
  Job Support Annual Report 101
State College System, Nebraska
  Agreement between the State College Board of Trustees,
    State College Education Association (SCEA), and Nebraska
    State College Professional Association (NSCPA) 597
Special Education Accountability Commission
  Final Report 102
State of Nebraska
  Annual Financial Report 256
Supreme Court
  Nebraska Probation System Report 919
Tax Equalization and Review Commission
  Statewide Plan of Equalization Report 501
Treasurer, State
  Biennial Report 102
  Treasurer's Report 102, 2309
University of Nebraska
  Nebraska Research Initiative Report 102
  Status of collective bargaining negotiations 940
University of Nebraska Medical Center
  Rural Health Opportunities Program (RHOP) Loan Report 102
Workers' Compensation Court

Annual Report 102

RESIGNATION LETTERS
Bernard-Stevens, David 2
Pirsch, Carol McBride 4

RESOLUTIONS, INTERIM STUDY
Report of committees on disposition 587
Report of Executive Board to refer to committees 2370, 2527, 2620, 2697, 2758

RESOLUTIONS, NUMERICAL
1 Apply to Congress to convene a Constitutional Convention as a result of Initiative Measure 409 regarding term limits on Congress.
(Withem) 109, 282, 498, 843, 849
2CA Constitutional amendment to require the Legislature to appropriate funds to political subdivisions for certain mandated programs.
(Coordsen) 110, 182, 551
3 Ratify the proposed balanced budget amendment to the U.S. Constitution.
(Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, C. Peterson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek) 101, 279, 448, 498
4 Extend sympathy to the family of Dr. William A. Scheller.
(Beutler) 111, 282, 301
5CA Constitutional amendment to change provisions relating to legislative sessions.
(Stuhr, Janssen, Robinson, Schrock, Vrtiska, Witek) 123, 217, 233, 264, 428, 437, 438, 442, 443, 450, 453, 454, 459, 629, 683, 1432, 1435, 1436
6CA Constitutional amendment to require the Legislature to prescribe the qualifications for members of the State Board of Education.
(Robinson, Bohlke) 124, 217, 304, 478, 514
7CA Constitutional amendment to change the percentage of petition signatures required for initiative and referendum measures.
(Schimek, Kristensen, Warner) 125, 217, 570, 904, 992, 1404, 1405, 1469, 1522, 1845, 1847, 1850, 1851, 1879, 2008, 2013, 2295, 2296, 2297
8CA Constitutional amendment to change residency requirements for executive officers of the state.

(Cudaback, Robinson, Schrock) 127, 217, 469, 573, 647, 715, 1432, 1482, 1549, 1560, 1563

9CA Constitutional amendment to change restrictions on the residence of executive officers.
(Warner, Kristensen, Withem) 128, 217, 469, 574

10CA Constitutional amendment to require legislative committees to hold open meetings and require recording of certain votes.
(Warner, Kristensen, Withem) 128, 282, 479, 510, 568, 625, 653, 1413, 1431, 1482, 1551, 1560, 1563

11CA Constitutional amendment to eliminate the Auditor of Public Accounts and Treasurer from the list of executive officers.
(Warner, Kristensen, Withem) 129, 282, 469, 676

12CA Constitutional amendment to change election procedures for constitutional amendments to require two separate votes by the electorate.
(Warner, Kristensen, Withem) 130, 217, 570, 749

13CA Constitutional amendment to provide for legislative powers during periods of enemy attack, terrorist attack or natural disaster.
(Warner, Kristensen, Withem) 133, 282, 469, 573, 683, 702, 784

14CA Constitutional amendment to create the Commission on Legislative Compensation and establish the salary and expenses of members of the Legislature.
(Warner, Kristensen, Withem) 134, 282, 498, 849, 1142

15CA Constitutional amendment to state that the use of the masculine gender in the Constitution be construed to include the feminine gender.
(Kristensen, Warner, Withem, Schimek) 135, 282, 320, 469, 904

16CA Constitutional amendment to eliminate the privilege from arrest granted to members of the Legislature.
(Kristensen, Warner, Withem) 135, 282, 719, 972, 1425

17CA Constitutional amendment eliminating certain publication requirements for session laws and the Constitution.
(Kristensen, Warner, Withem) 136, 282, 469, 573, 647, 715, 1413, 1432, 1490, 2188, 2196, 2207

18CA Constitutional amendment to eliminate references to certain categories of special legislation.
(Kristensen, Warner, Withem) 136, 282, 719, 973, 1425

19CA Constitutional amendment to provide that rights granted by the Nebraska Constitution are not to be construed as limited by interpretations placed on similar provisions of the U.S. Constitution.

(Kristensen, Warner, Withem) 138, 217, 264, 441

20CA Constitutional amendment to provide that no person shall be denied the equal protection of the laws.
(Kristensen, Warner, Withem, Schimek) 138, 217, 264, 320, 440, 482, 497, 1413, 1432, 1437, 1490, 2190, 2196, 2207

21CA Constitutional amendment to change the length of the legislative sessions.
(Robinson, Bromm, Janssen, Jones, Vrtiska, Bruning, Stuhr) 138, 179, 217, 264, 429

22CA Constitutional amendment to provide a person's right to recover damages caused by negligence is not barred by constitutional restrictions on the use of the money.
(Will) 140, 217, 318, 1210

23CA Constitutional amendment to change salaries for members of the Legislature.
(Withem) 140, 282, 498

24CA Constitutional amendment to change a reference to the appellate court and eliminate certain references to county courts and judges.
(Kristensen, Warner) 141, 217, 264

25CA Constitutional amendment to provide that the presiding officer shall sign bills and resolutions passed by the Legislature.
(Kristensen, Warner, Withem) 142, 282, 479, 510, 568, 625, 633, 653

26CA Constitutional amendment to eliminate an exception to the prohibition on imprisonment for debt.
(Withem, Kristensen, Warner) 143, 217, 264, 440, 489, 497, 1413, 1431, 1482, 1552, 1560, 1563

27CA Constitutional amendment to eliminate the constitutional provisions establishing the Board of Parole and eliminate the Board of Pardons.
(Withem, Kristensen, Warner) 143, 217, 264

28CA Constitutional amendment to transfer a provision from Article XVII to Article III.
(Withem, Kristensen, Warner) 144, 282, 469

29CA Constitutional amendment to repeal the requirement that printed copies of the Constitution be prefixed to books containing the laws of the state.
(Withem, Kristensen, Warner) 144, 282, 469

30CA Constitutional amendment to eliminate an exception to the prohibition on the suspension of the writ of habeas corpus.
(Withem, Kristensen, Warner) 145, 217, 264, 440, 490, 497, 1413, 1431, 1482, 1553, 1560, 1563

31CA Constitutional amendment to eliminate references to the Public Service Commission and the Railway Commission.
(Brown, Engel, Warner) 150, 217, 524

32CA Constitutional amendment to require initiative and

referendum measures to contain only one subject or act of the Legislature.
(Schimek) 167, 249, 297, 503, 558, 627, 699, 785, 1413, 1424, 1482, 1554, 1560, 1563

33 Congratulate the Scotus Central Catholic High School volleyball team for Class C-1 state championship.
(Robak) 168, 301, 322

34 Congratulate the Humphrey St. Francis High School football team for Class D-2 state championship.
(Robak) 169, 301, 322

35 Apply to Congress to convene a Constitutional Convention for purposes of proposing an amendment to the U.S. Constitution regarding term limits on Congress.
(Witek) 169, 249, 498, 849

36CA Constitutional amendment to eliminate certain contempt powers of the Legislature.
(Withem, Kristensen, Warner) 194, 282, 719, 973

37 Urge Congress to support HR1842 which recognizes problems created in competition between states in offering economic incentives.
(Kristensen) 207, 217, 296, 687, 701, 1306, 2750

38CA Constitutional amendment to prescribe requirements for initiative and referendum petitions.
(Kristensen, Warner, Withem) 208, 282, 570, 1079

39CA Constitutional amendment to limit initiative and referendum petitions to one subject.
(Kristensen, Warner, Withem) 209, 282, 297, 504

40CA Constitutional amendment to require certain candidates for public office to resign their current public position.
(Brashear) 210, 282, 748, 1292

41CA Constitutional amendment to require initiative and referendum measures to contain or refer to only one subject or act of the Legislature.
(Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem) 211, 282, 297

42CA Constitutional amendment to eliminate a reference to public, private, denominational and parochial schools.
(Warner, Kristensen, Withem) 213, 282, 547, 1229

43CA Change provisions relating to legislative confirmation of gubernatorial appointments.
(Warner, Kristensen, Withem) 218, 296, 469, 675, 724

44CA Constitutional amendment to eliminate provisions relating to the Public Service Commission.
(Warner) 220, 296, 524

45CA Constitutional amendment relating to motor vehicle taxes, municipal tax rates, governmental property taxation and townships.

(Revenue Committee, Maurstad) 240, 296, 297, 1070

46CA Constitutional amendment to allow the Legislature to regulate wagering on sporting events.
(Will) 262, 318, 821, 1024

47CA Constitutional amendment to eliminate references to the Lieutenant Governor as the presiding officer of the Legislature.
(Withem, Kristensen, Warner) 263, 318, 470, 537, 647, 715, 1413, 1432, 1482, 1556, 1560, 1563

48CA Constitutional amendment to prohibit the alienation of gas and other minerals in and under state land.
(Kristensen, Warner, Withem) 285, 318, 709, 1792

49 Extend sympathy to the family of Dr. Dale Dunn.
(Kiel, Dw. Pedersen) 305, 322, 357

50 Approve the gift of land from the SAC Museum Memorial Society, Inc. to the Game and Parks Commission.
(Wehrbein) 311, 312, 356, 410, 520, 619, 629

51 Recognize Cox Communications for support provided to Omaha Northwest High School and Northwest H.S. for being designated "A National Model Technology School."
(Suttle) 312, 322, 357

52CA Constitutional amendment to eliminate provisions relating to county and township officers.
(Hillman, Brown, Engel, Maurstad, Robinson) 313, 356, 889

53 Propose an amendment to the U.S. Constitution delaying any variances in the compensation of Members of Congress.
(Schimek, Beutler, Robak, Vrtiska) 314, 413, 889, 1313, 2750

54 Propose an amendment to the U.S. Constitution relating to the protection of natural resources.
(Preister) 315, 413, 709

55CA Constitutional amendment to identify the powers of initiative and referendum and to remove obsolete language.
(Withem, Kristensen, Warner) 345, 413, 570, 749

56CA Constitutional amendment to provide for legislative consideration of measures proposed by initiative petitions.
(Beutler) 347, 420, 748, 1293

57CA Constitutional amendment to create the Compensation Review Commission.
(Beutler) 348, 420, 498, 849

58CA Constitutional amendment to require legislative approval of gubernatorial appointments to vacated executive offices.
(Crosby) 399, 448, 889

59CA Constitutional amendment to provide for disciplinary action against judges.
(Beutler) 399, 448, 972

60CA Constitutional amendment to provide for recall of members of the Legislature.

	(Kristensen) 402, 448, 889
61CA	Constitutional amendment to authorize the Legislature to provide for enforcement of mediation and arbitration agreements. (Landis) 403, 448, 972, 1869
62CA	Constitutional amendment to require revenue from certain taxes and fees be used for maintenance of roads. (Maurstad) 404, 448, 562, 701
63CA	Constitutional amendment to authorize the Legislature to provide for differences in tax rates within and outside municipalities. (Maurstad, Brown) 404, 449, 561, 978
64CA	Constitutional amendment to permit the Legislature to classify property for taxation purposes. (Will) 407, 449, 507, 846
65CA	Constitutional amendment to require certain real property and franchises to be taxed either uniformly or based on a three-year average value. (Warner, at the request of the Governor) 414, 449, 507, 846
66	Extend sympathy to the family of Stanley E. Foster. (Stuhr) 442, 481, 490
67	Interim study of the process used in handling citizen complaints against law enforcement. (Preister) 452, 2370
68	Commend Westgate Elementary School in Omaha and Kahoa Elementary School in Lincoln for showing support for restoration of the State Capitol. (Brown, Jensen, Wesely) 474, 619, 629
69	Congratulate the UNO Mavericks volleyball team and Coach Rose Shires for NCAA Division II championship. (Brown, Jensen, Preister, Lynch, Bruning, Hilgert, Suttle, Brashear) 475, 619, 629
70	Congratulate the Bellevue West High School girls' volleyball team for Class A state championship. (Hartnett) 483, 619, 629
71	Congratulate the Lincoln Symphony Orchestra on its seventieth anniversary. (Crosby) 491, 619, 629
72	Extend sympathy to the family of Bernard Hall. (Hilgert) 521, 525, 540
73	Interim study to review management for the co-location of State Patrol training and local law enforcement training at the Law Enforcement Training Center in Grand Island. (C. Peterson, Schmitt, Bohlke, Jones, McKenzie) 559, 2370, 2620
74	Congratulate Dr. Donald H. Vrbka for being named Veterinarian of the Year.

(Robak) 573, 619, 629

75 Congratulate the University of Nebraska women's soccer team, Coach Walker, and the assistant coaches for their outstanding season.
(Withem) 582, 619, 629

76 Congratulate Senator J. J. Exon on his receipt of the Distinguished Nebraskalander Award.
(Withem) 583, 619, 629

77 Congratulate Ms. Ruth M. Amen on her receipt of the Pioneer Award.
(Withem) 584, 619, 629

78 Congratulate Admiral Charles R. Larson on his receipt of the Wagonmaster Award.
(Withem) 584, 619, 629

79 Extend sympathy to the family of former Senator George Syas.
(Lynch) 613, 619, 629

80 Congratulate Jeremy Sonnefeld for bowling three consecutive 300 games for a perfect 900 series.
(Robinson) 614, 713, 718

81 Congratulate the Gering High School wrestling team and Coach Chuck Deter for Class A state championship.
(Hillman) 785, 811, 878

82 Congratulate Dalton Hartman for winning the "You Know Contest."
(Vrtiska) 786, 811, 878

83 Congratulate the Seward High School boys' wrestling team for Class B state championship.
(Stuhr) 799, 811, 878

84 Congratulate Tekamah-Herman High School wrestling team for Class C state championship and individual members for state championships.
(Robinson) 833, 1177, 1187

85 Congratulate Omaha North High School girls' swim team and Coach Allison Terry for Class A state championship.
(Lynch) 852, 1177, 1187

86 Proclaim April 17 through June 3, 1997, as "Mormon Pioneer Heritage Days."
(Lynch) 853, 1034, 1041

87 Congratulate East Butler High School girls' cross county team, wrestling team and coaches on success.
(Bromm) 909, 1177, 1187

88 Encourage the Supreme Court to recognize precedential value of the opinions of the Court of Appeals for lower courts and tribunals.
(Beutler, Hilgert, D. Pederson, Abboud, Bruning, Bromm, Wickersham, Kristensen, Matzke, Will, Brashear, Elmer) 910, 2695, 2750, 785, 1011, 1109

89 Congratulate the Grand Island High School Boys' basketball

team and Coach Craig Jacobson for winning the district championship.
(C. Peterson) 984, 1177, 1187

90 Congratulate the Wauneta-Palisade girls' basketball team and Coach Roger Lauhead for Class D-1 state championship.
(Elmer) 990, 1177, 1187

91 Congratulate the Lincoln Southeast High School girls' basketball team and Coach John Larsen for Class A state championship.
(Crosby, Schimek, Beutler) 993, 1177, 1187

92 Congratulate Columbus Scotus High School girls' basketball team and Coach John Petersen for Class C-1 state championship.
(Robak) 1011, 1177, 1187

93 Congratulate South Sioux City girls' basketball team and Coach Kelly Flynn for Class B state championship.
(Engel) 1014, 1177, 1187

94 Congratulate the Tecumseh High School boys' basketball team and Coach Chris Hutt for winning the district championship.
(Vrtiska) 1015

95 Recognize the week of March 24-30, 1997, as (ASVAB) 18/19 Career Exploration Program Week.
(Hilgert) 1085, 1177, 1187

96 Congratulate the Chadron High School boys' basketball team and Coach Jim English for Class B state championship.
(Wickersham) 1085, 1177, 1187

97 Congratulate the Litchfield High School girls' basketball team and Coach Joan Reznicek for Class D-2 state championship.
(Cudaback) 1086, 1177, 1187

98 Congratulate the Shickley High School boys' basketball team and Coach Dan Sorge for Class D-2 state championship.
(Coordsen) 1128, 1177, 1187

99 Congratulate the Lincoln Northeast High School boys' basketball team and Coach Rick Collura for Class A state championship.
(Wesely, Landis) 1172, 1291, 1295

100 Congratulate the Johnson-Brock High School boys' basketball team and Coach Dan Vahle for Class D-1 state championship.
(Vrtiska) 1202, 1291, 1295

101 Congratulate the Tecumseh High School boys' basketball team and Coach Chris Hutt for Class C-2 state championship.

(Vrtiska) 1202, 1314, 1319

102 Congratulate Bob Erickson on his induction into the NAIA Basketball Hall of Fame.
(Robinson, Coordsen) 1203, 1291, 1295

103 Recognize the week of April 1-4, 1997, as Ethics In Law Week.
(Will, Abboud, Hilgert, Bromm) 1216, 1291, 1295

104 Interim study of laws relating to auto theft.
(Lynch) 1236, 2370

105 Congratulate the David City Aquinas High School boys' basketball team and Coach Kevin Scheef for Class C-1 state championship.
(Bromm) 1238, 1291, 1295

106 Congratulate Stephen Wright for being the Nebraska Spelling Bee Champion.
(Robak) 1301, 1476, 1491

107 Declare the week of April 13 to April 19, 1997, as National Library Week.
(Maurstad) 1308, 1476, 1491

108 Encourage Congress to pass the proposed balanced budget amendment to the U. S. Constitution.
(Maurstad) 1320, 1321, 1344, 1345, 1481, 2750

109 Proclaim April as Child Abuse Prevention Month.
(C. Peterson) 1345, 1476, 1491

110 Approve gift of land from the Todd Valley Wetland Foundation to the Game and Parks Commission.
(Robak) 1399, 1400, 1410, 1586, 1770, 2707, 2714

111 Declare the week of April 13-19, 1997, to be Nebraska's Crime Victims' Rights Week.
(Wesely) 1419, 1476, 1491

112 Congratulate Scott and Jane Easterly for receiving national and state recognition in the Outstanding Young Farmer Program.
(Matzke) 1428, 1476, 1491

113 Encourage the Governor, Legislature and Department of Economic Development to begin planning for Nebraska's role in the Millennium Observance.
(Stuhr) 1444, 1476, 1491

114 Congratulate the Nebraska Wesleyan University men's basketball team and Coach Todd Raridon for their performance in the NCAA Division III National Championship.
(Wesely, Schrock) 1474, 1584, 1588

115 Recognize and congratulate Tiger Woods on his Masters win.
(Bruning, Chambers, Lynch) 1496, 1584, 1588

116 Congratulate the Bradshaw Public School's Future Business Leaders of America for winning awards.

(Stuhr) 1508, 1790, 1791

117 Interim study of current sales and use tax statutes and regulations as they apply to sales involving wireless telecommunications equipment.
(Hartnett, Withem, Lynch, Brown, Suttle, Coordsen,
Abboud, Landis, Bruning, Brashear, Will) 1612, 2371

118 Declare the city of Franklin the Canoe Racing Capital of Nebraska.
(Schrock) 1613, 1790, 1791

119 Congratulate Mari Bonner for winning the State Arbor Day Poster Contest.
(Tyson) 1700, 1790, 1791

120 Congratulate Staci Bonner for being chosen the Nebraska State Winner in the Zanner-Bloser National Handwriting Contest.
(Tyson) 1700, 1790, 1791

121 Recognize Nathan Gold on his induction into the Nebraska Hall of Fame.
(Withem, Landis, Maurstad, Beutler, Crosby, Schimek,
Hudkins, Wesely) 1731, 1790, 1791

122 Congratulate Crystal Zabka for winning a national championship at the American Drug Free Powerlifting Association Women's Nationals.
(Robak) 1820, 2707, 2714

123 Interim study to examine ways to locally control and encourage growth and development of livestock operations considering the environmental concerns.
(Bohlke) 1849, 2371

124 Congratulate the Bethel Lutheran Church of Holdrege on its one hundred twentieth anniversary.
(Schrock) 1887, 2707, 2714

125 Express sympathy to the family of Bob Devaney.
(Bruning) 1912

126 Congratulate the Lincoln Stars Hockey Team and Coach Steve Johnson on their successful season.
(Wesely, Landis, Beutler, Schimek,
Crosby) 1913, 2707, 2714

127 Interim study relating to horseracing.
(General Affairs Committee) 1919, 2371

128 Interim study relating to consumption of alcoholic liquor by individuals under the age permitted by law.
(General Affairs Committee) 1920, 2371

129 Interim study relating to gaming.
(General Affairs Committee) 1921, 2371

130 Express sympathy to the family of Bob Devaney.
(Wesely, Abboud, Beutler, Bohlke, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hartnett, Hilgert, Hillman, Hudkins, Janssen, Jensen, Jones, Kiel, Kristensen, Landis, Lynch, Matzke,

Maurstad, McKenzie, Dw. Pedersen, D. Pederson, C. Peterson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Suttle, Tyson, Vrtiska, Wehrbein, Wickersham, Will,
Witek, Withem) 1925, 1979, 1983

131 Interim study of existing law impacting small business.
(Business and Labor Committee) 1950, 2371

132 Interim study of the feasibility of LB 765, 1997, relating to reducing employer contributions to the Unemployment Trust Fund.
(Business and Labor Committee and Brashear) . 1951, 2371

133 Interim study of licensing and regulation of passenger carriers by the Public Service Commission.
(Withem) 1977, 2371

134 Interim study regarding erection of structures and towers and their possible interference with the use of preexisting private airstrips.
(Hudkins) 1977, 2371

135 Interim study to determine how to develop and implement a prepaid tuition program for postsecondary education.
(Kristensen) 1982, 2371

136 Interim study to review the state's laws on access to adoption records and information contained in them.
(Suttle, Bromm, Schimek, Wesely, Matzke,
Coordsen) 1982, 2371

137 Interim study regarding the student dropout rate in Nebraska.
(Suttle, Bohlke) 1983, 2371

138 Interim study to conduct a general examination of the Rules of the Nebraska Unicameral Legislature.
(Will) 2015, 2372

139 Interim study of the germaneness rule in the Rules of the Nebraska Unicameral Legislature.
(Will) 2015, 2372

140 Interim study of statutory provisions and procedures regarding bidding and purchasing by the state, local governments and other political subdivisions.
(Jensen) 2036, 2372

141 Interim study to review changes made by LB 757, 1993, to the Nebraska Workers' Compensation Act.
(Abboud, Dierks, Hilgert, Schrock, Preister,
Schimek) 2047, 2372

142 Interim study of the entire juvenile justice system in Nebraska.
(Suttle, Witek, Jensen, Wesely, C. Peterson, Matzke, Dierks,
Brashear) 2074, 2372

143 Interim study relating to the ruling by the Federal Communications Commission that all television franchises implement a transition to digital television.

(Bohlke, Wehrbein) 2074, 2372, 2621

144 Interim study relating to expansion of the property tax base and granting local governments other tax bases.
(Revenue Committee) 2075, 2372

145 Interim study regarding fees charged by sheriffs for serving and returning of summonses, subpoenas and other orders.
(Robinson) 2082, 2372

146 Interim study regarding retirement benefits, records kept by public entities and the means this information is conveyed to the Public Employees Retirement Board.
(Nebraska Retirement Systems Committee) 2086, 2372

147 Interim study of the Nebraska Judges Retirement System.
(Nebraska Retirement Systems Committee) 2087, 2372

148 Interim study regarding creation of a uniform set of criteria to be used in determination of benefit adequacy for the retirement systems.
(Nebraska Retirement Systems Committee) 2087, 2372

149 Interim study of the importance of vocational education at the secondary level.
(Stuhr) 2088, 2372

150 Interim study of issues associated with providing attorney's fees for persons who prevail in amending an inaccurate maintained child abuse report.
(Stuhr) 2089, 2373

151 Interim study to review changes in child support obligations of parents.
(Coordsen) 2106, 2373

152 Interim study to examine the management and associated costs of information technology in state agencies.
(Coordsen, Kiel, Elmer) 2106, 2373

153 Interim study to review the operations of and the statutory framework for the Tax Equalization and Review Commission.
(Kristensen) 2122, 2373

154 Interim study to determine whether health insurance and accident losses should be included under pooling arrangements under the Intergovernmental Risk Management Act.
(Maurstad) 2122, 2373

155 Interim study relating to suspension of drivers licenses for failure to maintain proof of financial responsibility.
(Maurstad) 2123, 2373

156 Interim study of the Secretary of State's implementation of publication of the Nebraska Register and Nebraska Administrative Code.
(Coordsen) 2123, 2373

157 Interim study to examine resumption of a state meat and poultry inspection program.

(Agriculture Committee) 2124, 2373
158 Interim study of the viability of the Nebraska Tractor Testing Laboratory.
(Agriculture Committee) 2124, 2373
159 Interim study to examine economic development programs which can be targeted toward activities which enhance farm income.
(Agriculture Committee) 2125, 2373
160 Interim study of the interrelationship of the Nebraska Right to Farm Act with proposed air quality standards which may impact agricultural production facilities.
(Agriculture Committee) 2125, 2373
161 Interim study to review the Nebraska brand law.
(Agriculture Committee and Jones) 2126, 2374
162 Interim study to address issues addressed by the Nebraska Host Farm and Ranch Act.
(Agriculture Committee) 2126, 2374
163 Interim study to examine methods of structuring debate on legislative bills, amendments, resolutions and constitutional amendments.
(Will) 2132, 2374
164 Interim study relating to the impact of levy limits on providing public library services.
(General Affairs Committee) 2132, 2374
165 Interim study to examine the extent and nature of Internet gaming in Nebraska.
(General Affairs Committee) 2133, 2374
166 Interim study relating to acupuncture.
(C. Peterson) 2134, 2374
167 Interim study to examine authorizing counties to sell tax certificates.
(C. Peterson) 2134, 2374
168 Interim study of the method in which child care home providers receive reimbursement for meals under the Child and Adult Care Food Program.
(C. Peterson) 2135, 2374
169 Interim study to conduct an actuarial study of the Medicaid Program to assist planning for future costs.
(Wickersham, Hillman) 2138, 2374
170 Interim study to review statutes relating to liability for payment of preexisting bond debt of territory moving from one school district to another.
(Raikes) 2138, 2374
171 Interim study relating to reimbursement to counties by the state for feeding and boarding state prisoners in county jails.
(Wehrbein) 2144, 2374
172 Interim study to examine the state's natural resources districts.

(Tyson, Beutler) 2153, 2374

173 Interim study by Legislative committees relating to property tax relief and examination of governmental services.
(Revenue Committee) 2154, 2375

174 Interim study of property tax issues.
(Revenue Committee) 2155, 2375

175 Interim study relating to the purchase of group medical insurance coverage for employees by school districts.
(Bromm, Robinson, Vrtiska, Dierks) 2156, 2375

176 Interim study of statutes related to the relationship between the agricultural and horticultural land valuation boards and the Tax Equalization Commission.
(Stuhr) 2157, 2375

177 Interim study relating to LB 306, 1997, requiring state approval of certain capital construction projects.
(Coordsen, Bohlke, Schellpeper) 2201, 2375

178 Interim study to review the policy of the University of Nebraska which provides for use of facilities and equipment by tenured staff for personal financial gain.
(Hudkins) 2202, 2375

179 Interim study of issues associated with having natural resources districts become involved in settling certain disputes between land owners.
(Janssen) 2203, 2375

180 Interim study relating to LR 62CA, 1997, dealing with highway trust funds.
(Maurstad) 2204, 2375

181 Interim study to examine development of a Nebraska Center for Excellence in Electronics in the University of Nebraska Technology Park.
(Maurstad) 2204, 2375

182 Interim study to examine Nebraska's laws regarding methods used to determine child support payments and procedures to collect payments.
(Will) 2204, 2375

183 Interim study to make recommendations as to how all students can be ensured of access to school nurses delivering quality school health services.
(Crosby) 2205, 2375

184 Interim study to examine alternatives to the DARE program and potential federal funding for such a program.
(Hillman, Wehrbein, Brown, Brashear) 2206, 2376

185 Interim study to review the plans, progress and costs of court automation.
(Hillman, Wehrbein, Brashear) 2207, 2376, 2697

186 Interim study relating to health care availability for uninsured children.

(Wesely, Beutler) 2209, 2376

187 Interim study of the eight area agencies on aging in Nebraska.
(Wesely) 2209, 2376

188 Interim study of the current role of the State of Nebraska in the oversight and regulation of hospital and health care related mergers.
(Wesely, Matzke) 2210, 2376

189 Interim study relating to monitoring, licensing and regulating the insurance industry.
(Schellpeper) 2210, 2376

190 Interim study to identify the consequences of adopting into the School Employees Retirement System the "Rule of Eighty-Five."
(Robinson) 2211, 2376

191 Interim study relating to permitting municipalities to impose a local option income tax.
(Schimek) 2211, 2376

192 Interim study relating to diabetes and ensuring persons have third- party reimbursement for equipment and medications.
(Schimek, Suttle, Wesely, Stuhr) 2212, 2376

193 Interim study to review and make recommendations as to Nebraska's responsibility to reduce disabilities due to osteoporosis.
(Schimek, Suttle, Wesely) 2213, 2376

194 Interim study to review providing for cost-of-living adjustments for Nebraska State Patrol retirees.
(Hartnett, Brashear) 2213, 2376

195 Interim study relating to protecting sellers of livestock in situations where the buyer's financial creditors foreclose on the buyer before payment is made.
(Dierks, Schrock) 2214, 2376

196 Interim study relating to law enforcement costs.
(Urban Affairs Committee) 2215, 2377

197 Interim study to review provisions of the Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act.
(Urban Affairs Committee) 2216, 2377

198 Interim study relating to handicapped parking statutes.
(Urban Affairs Committee) 2217, 2377

199 Interim study relating to regulation of natural gas rates.
(Urban Affairs Committee) 2217, 2377

200 Interim study relating to Nebraska's housing authority statutes.
(Urban Affairs Committee) 2218, 2377

201 Interim study to determine how the Legislature can encourage cooperative efforts between political subdivisions to provide necessary services.

(Withem) 2223, 2377

202 Interim study relating to placement of a low-level radioactive waste repository proposed to be sited in Boyd County.
(Dierks, Schrock, Schellpeper, Preister, Bromm) 2224, 2377

203 Interim study to examine the general philosophy and policy of traffic diversion programs.
(Schmitt) 2224, 2377

204 Interim study to review the cost of state and political subdivision vehicles and associated expenses.
(Cudaback, Robinson, Coordsen) 2225, 2377

205 Interim study of Nebraska's regulatory authority over various types of managed care arrangements.
(Landis, Wesely, Elmer) 2225, 2377, 2695

206 Interim study to examine whether Nebraska should enact legislation to provide for regulation of medical and health risk-bearing entities.
(Landis, Elmer) 2226, 2377, 2695

207 Interim study to determine whether Nebraska should enact legislation to provide for regulation of insurance discrimination against victims of abuse.
(Landis) 2226, 2377

208 Interim study to determine whether Nebraska should enact legislation relating to allowing for a new kind of state-chartered institution known as a savings bank.
(Landis) 2226, 2378

209 Interim study to determine whether Nebraska revise statutes relating to the filing system for the perfecting of liens and security interests.
(Landis) 2227, 2378

210 Interim study to determine if Nebraska should revise statutes relating to the Nebraska Uniform Limited Partnership Act.
(Landis) 2227, 2378

211 Interim study to determine if Nebraska should revise statutes relating to banking and finance.
(Landis) 2227, 2378

212 Interim study to determine if Nebraska should enact legislation regarding cancellation of insurance agency contracts and appointments.
(Landis) 2228, 2378

213 Interim study to examine changes in the profession of public accountancy.
(Landis) 2228, 2378

214 Interim study to examine methods to encourage owners of motor vehicles to maintain automobile liability coverage during the entire registration period.

(Landis) 2228, 2378

215 Interim study to examine the territorial rating practices of the automobile insurance industry.
(Preister, Hilgert) 2229, 2378

216 Interim study to investigate the level of interest in village dissolution, as a result of limiting property tax levies.
(Hartnett, Elmer) 2229, 2378

217 Interim study relating to financing rural and suburban fire protection districts.
(Hartnett) 2230, 2378

218 Interim study relating to property tax reduction and merger and consolidation of public bodies.
(Hartnett) 2231, 2378

219 Interim study to examine the Behavioral Mental Health Redesign as proposed by the Department of Health and Human Services.
(Health and Human Services Committee, Tyson, Bohlke, Schimek) 2231, 2379

220 Interim study to oversee the implementation of the Nebraska Partnership Project.
(Health and Human Services Committee) 2232, 2379

221 Interim study of health and human services issues.
(Health and Human Services Committee) 2232, 2379

222 Interim study to examine the legal authority of the Game and Parks Commission to determine if statutes need to be updated.
(Natural Resources Committee) 2233, 2379

223 Interim study to review development of current sources of funding for recreational trails.
(Beutler, Preister) 2233, 2379

224 Interim study to examine Nebraska's administration of the federal Safe Drinking Water Act.
(Beutler, Wesely, Preister) 2234, 2379

225 Interim study relating to the Leaking Underground Storage Tank program.
(Beutler, Engel, Kiel, Preister, Bohlke, Bromm) 2234, 2379

226 Interim study to examine the implications of ethanol production and use in Nebraska.
(Beutler, Preister) 2235, 2379

227 Interim study to consider the Protection from Domestic Abuse Act and other relevant statutes that relate to victims of domestic abuse.
(Judiciary Committee) 2235, 2379

228 Interim study relating to gang activity.
(Judiciary Committee) 2236, 2379

229 Interim study to consider whether Nebraska should enact the Uniform Common Interest Ownership Act.

(Judiciary Committee) 2236, 2379

230 Interim study to consider whether the Nebraska Supreme Court is the appropriate agency to establish child support guidelines.
(Judiciary Committee) 2237, 2379

231 Interim study to examine legislation to protect a former and current employer from civil liability if such employer provides certain information.
(Judiciary Committee) 2237, 2380

232 Interim study to examine the public policy considerations that are the basis for promulgation requirements of the Administrative Procedure Act relating to the Department of Correctional Services.
(Judiciary Committee) 2238, 2380

233 Interim study to design and implement statewide assessment of school spending.
(Bohlke, Wickersham) 2238, 2380

234 Interim study relating to postsecondary educational institutions and procedures to reduce cohort default rates for loan programs.
(Bohlke) 2239, 2380

235 Interim study to review the budgeting process for schools.
(Bohlke) 2239, 2380

236 Interim study to review use by municipalities of sirens to summon volunteer personnel to respond to emergencies.
(Hartnett, Dw. Pedersen, Abboud) 2243, 2380

237 Interim study to review matters which are within the jurisdiction of the Urban Affairs Committee.
(Hartnett) 2243, 2380

238 Interim study of issues regarding students with disabilities and special education students under the option enrollment program.
(Hartnett) 2244, 2380

239 Interim study of the legal and public policy issues raised, regarding requiring school districts to admit pupils who are in the actual custody of a resident of the district.
(Hartnett) 2244, 2380

240 Interim study to examine methods of resolving interstate water conflicts.
(Beutler) 2245, 2380

241 Interim study to examine the annual emission fee collected from major sources of air pollution.
(Beutler, Bohlke) 2245, 2380

242 Interim study to examine state policies relating to solid waste and the recycling of plastic containers.
(Beutler, Preister) 2246, 2381

243 Interim study to examine water issues in connection with the state's natural resources districts.

(Beutler, Elmer) 2246, 2381
244 Interim study to consider implications of allowing transfer of surface water appropriations.
(Beutler, Preister) 2246, 2381
245 Interim study to consider uses for scrap tires and use of tire-derived fuel to produce or recover energy.
(Beutler) 2247, 2381
246 Interim study to analyze safety awareness among propane consumers and propane industry personnel.
(Beutler, Elmer) 2247, 2381
247 Interim study to examine the possibility of sharing responsibility of cloud seeding with natural resources districts and others.
(Schrock, Elmer, Beutler) 2248, 2381
248 Interim study relating to the screening of newborn infants for metabolic and other disorders.
(Wesely) 2248, 2381
249 Interim study of incentive programs for encouraging use of vegetative filter strips to enhance water quality.
(Stuhr, Dierks) 2249, 2381
250 Interim study to examine territorial ratings by insurance companies.
(Hilgert, Preister) 2249, 2381
251 Interim study relating to congressional and legislative redistricting.
(Robinson, Bromm) 2250, 2381
252 Interim study to examine how schools can be better utilized for governmental and community services.
(Wesely) 2253, 2381
253 Interim study to examine the potential state impacts of proposals in the Antelope Creek Valley study.
(Wesely) 2253, 2382
254 Interim study to examine the city of Lincoln's plans for a south and east beltway from a state perspective.
(Wesely) 2254, 2382
255 Interim study to examine how economic development links can be better established between various entities.
(Wesely) 2254, 2382
256 Interim studies to examine how cooperative arrangements between law enforcement agencies could operate in responding to crime.
(Wesely) 2255, 2382
257 Interim study to examine issues surrounding delinquent payment of property taxes.
(McKenzie) 2255, 2382
258 Interim study of the impact of LB 271, which provides motor vehicle tax and fee schedules.
(Kristensen) 2256, 2382
259 Interim study to examine the effect of changes in

telecommunications technologies and in services which are provided.
(Kristensen) 2256, 2382

260 Interim study of Nebraska's implementation and administration of the authority delegated to the state pursuant to the federal Telecommunications Act of 1996.
(Kristensen) 2257, 2382

261 Interim study relating to the provision of 911 telephone service in Nebraska.
(Kristensen) 2257, 2382

262 Interim study to examine enactment of legislation which would authorize and recognize use of digital signatures.
(Kristensen) 2258, 2382

263 Interim study of issues relevant to authorization, manufacture and administration of requirements related to motor vehicle license plates.
(Kristensen) 2258, 2382

264 Interim study to create a task force to study quality education and core curriculum issues.
(Bohlke, Wickersham, Suttle, McKenzie, Bromm, Stuhr, Beutler) 2259, 2382

265 Interim study to investigate how widespread the differential fee system is being implemented for the financing of utility facility expansions.
(Hartnett, Preister, Lynch, Withem) 2260, 2383

266 Interim study relating to legislation which would license plumbers on a statewide basis through the Department of Health and Human Services.
(Hudkins, Hartnett, Lynch, Withem) 2261, 2383

267 Interim study to provide information to the Legislature on development of programs in public schools for learners with high ability.
(McKenzie, Schimek, Bruning, Bohlke, Bromm, Suttle, Beutler, Brown) 2261, 2383

268 Interim study of issues related to electric utility service areas in Nebraska.
(Beutler) 2264, 2383

269 Interim study to review the progress of implementing the General Management Plans for the Niobrara National Scenic River and Missouri/Niobrara/Verdigre Creek National Recreational Rivers.
(Beutler) 2265, 2383

270 Interim study to examine the public health and environmental effects of hydrogen sulfide gas and other airborne sulfur compounds.
(Beutler, Preister) 2265, 2383

271 Interim study to review the tobacco licensing system.

(Preister, Jensen) 2266, 2383

272 Interim study of the current law on post-conviction petitions.
(Judiciary Committee) 2266, 2383

273 Interim study to consider inconsistencies within the statues relating to pawnbrokers and junk dealers.
(Judiciary Committee) 2267, 2383

274 Interim study to consider issues related to the high recidivism rate of sexual offenders.
(Judiciary Committee) 2267, 2383

275 Interim study to gather information as to policy considerations relating to legislation which would repeal the death penalty.
(Judiciary Committee) 2268, 2383

276 Interim study relating to renewable energy.
(Beutler, Preister, Hartnett, McKenzie) 2268, 2383

277 Interim study relating to victim notification laws.
(Wesely) 2269, 2384

278 Interim study of the landlord-tenant law and the landlord's ability to evict tenants.
(Wesely) 2269, 2384

279 Interim study to examine whether the State of Nebraska is actively reducing the recidivism rates of sex offenders.
(Wesely) 2270, 2384

280 Interim study to examine whether county attorneys should be given the dispositional option of victim-offender mediation.
(Wesely) 2271, 2384

281 Interim study to examine the reasons behind Nebraska's low wages.
(Wesely) 2271, 2384

282 Interim study to address a number of issues regarding women in Nebraska.
(Wesely, Schimek, Brown, Hillman, McKenzie, Beutler, Stuhr, Wehrbein, Bohlke, Suttle, Raikes, Crosby, Robak, Landis, Janssen, Chambers, Dw. Pedersen) 2272, 2384

283 Interim study to develop cost projections for creation of a supplemental retirement plan for employees of the Legislature and other constitutional offices.
(Chambers) 2273, 2384

284 Interim study to examine costs to the State of Nebraska for mental health services and lack of coverage for mental health treatment by third-party payment plans.
(Brown) 2289, 2384

285 Interim study to provide information regarding special education and assist the Department of Education in adopting rules to define educational benefit.

(McKenzie) 2289, 2384

286 Approve gift of land from the City of Peru to Game and Parks Commission.
(Vrtiska) 2295, 2296, 2343, 2606, 2708, 2714

287 Approve gift of land from Friends of White River Trail, Inc. to the Game and Parks Commission.
(Wickersham) 2308, 2309, 2343, 2606, 2708, 2714

288 Interim study of issues surrounding recognition of the federal sub-minimum wage in Nebraska.
(Business and Labor Committee) 2470, 2527

289 Declare the week of June 8, 1997, as "Management Week."
(Preister) 2523, 2707, 2714

290 Congratulate Becky Beachler on winning her third consecutive title in the 1997 Nebraska High School Track and Field Meet.
(Janssen) 2546, 2707, 2714

291 Interim study to review operations and functions of the Nebraska Liquor Control Commission.
(General Affairs Committee) 2602, 2620

292 Congratulate the Kearney High School boys' track team for winning the Class A state championship.
(Kristensen) 2683, 2707, 2714

293 Congratulate Walter A. Canney on his upcoming retirement from LES.
(Beutler, Crosby, Landis, Wesely, Schimek,
Raikes) 2689, 2707, 2714

294 Direct the Rules Committee of the Legislature to conduct a thorough review of the legislative committee structure.
(Withem) 2689, 2750

295 Request the Attorney General to review LB 806 and LB 710 to determine whether the state aid to education formula violates certain constitutional provisions.
(Coordsen, Dierks, Schellpeper, Bromm) 2695, 2750

296 Congratulate the Dodge High School girls' track team on its third consecutive Class D state championship.
(Bromm) 2696, 2707, 2714

297 Congratulate the Bishop Neumann High School boys' track team on its third consecutive Class C state championship.
(Bromm) 2696, 2707, 2714

298 Sympathy to the family of Coach Frank Smagacz.
(Robinson, Janssen, Bromm, Kiel) 2706, 2707, 2714

299 Congratulate Justin Mosel on winning third place in the National Geography Bee in Washington D.C.
(Dierks) 2706, 2707, 2714

300 Recognize the continuing deterioration of state buildings and appropriate funds for completion of major capital construction projects.

(Lynch) 2719, 2750
301 Interim study of the process of legislative confirmation of gubernatorial appointments.
(Natural Resources Committee, Abboud, Brashear, Coordsen, Dierks, Hartnett, Kristensen, Robinson, Schellpeper, Wehrbein, Wickersham, Will, Withem) 2721, 2758

RULES, AMENDMENTS, MOTIONS
Adopt permanent rules 221, 257
Adopt temporary rules 10, 25, 153, 180, 215, 255
Rule 2, Sec. 7(b) - decorum during debate 2566
Rule 3, Sec. 2(a) - Committee on Committees membership 2078, 2624, 2684, 2685, 2716, 2718
Rule 3, Sec. 4(e) - Reference Committee membership 2603
Rule 3, Sec. 5(c)(ii) - Executive Board hold hearings 154, 230
Rule 3, Sec. 5(c)(iii) - Legislative Program Evaluation Committee hold hearings 154, 230, 235, 257
Rule 3, Sec. 6(b) - meeting times, standing committee 153, 221
Rule 3, Sec. 9 - quorum at committee hearings 154, 221
Rule 3, Sec. 11 - temporary appointments 2717
Rule 3, Sec. 12 - committee amendments adopted 154, 222, 236, 249
Rule 3, Sec. 16(a) - report of bill to Legislature 154, 221
Rule 3, Sec. 19(b) - request from committee, bills held 155, 230
Rule 4, Sec. 2 - when considered as a bill 2718
Rule 4, Sec. 3 - all other resolutions, vote requirement, referral 2718
Rule 4, Sec. 8 - engrossed resolution 2719
Rule 5, Sec. 8 - reading title of bills, printing 155, 250, 251
Rule 6, Sec. 3 - committee amendments adopted 155, 222, 236, 249
Rule 6, Sec. 3(a) - General File, read bill section by section 1874
Rule 6, Sec. 3(b) - introducer open on bill immediately after reading of the title 250, 280
Rule 6, Sec. 3(b) - require four signatures for filing motion or amendment 2516
Rule 6, Sec. 3(b) - limit the number of motions or amendments offered by a member at each debate stage 2516
Rule 6, Sec. 5(f) - E & R amendments read by Clerk 1875
Rule 6, Sec. 8 - vote to dispense with Final Reading taken on package of bills 251, 973
Rule 7, Sec. 3(a) - require four signatures for filing motion or amendment 2516
Rule 7, Sec. 3(a) - cloture, repeal, alternative procedure for ending debate 2469
Rule 7, Sec. 3(a) - limit the number of motions or amendments

  offered by a member at each debate stage 2516
 Rule 7, Sec. 5 - Call of the House 154, 235
 Rule 7, Sec. 7(b) - cloture, repeal, alternative procedure
  for ending debate 2469
 Rule 7, Sec. 10 - cloture, repeal, alternative procedure
  for ending debate 2469

RULINGS OF THE CHAIR
 Amendments germane 1104, 1300, 1588, 1822
 Amendments, order they are taken up 1605
 Bracket confirmation report 1179
 Challenge the Chair 1104, 1300, 1588, 2434, 2526
 Division of the question 230, 1211, 1605, 1641, 1750,
  1778, 1996, 2160, 2163, 2208, 2252, 2508
 Modified amendment ruled out of order 2434
 Request bill be read section by section 991, 1776, 1778,
  1801, 1890
 Speaker stated quorum not present (See floor debate - March 18,
  1997) Rule 1 - Sec. 10
 Substitute motion, whether motion is in order if objection
  to the request 2526
 Votes required, amendment same as another bill that
  was indefinitely postponed 1142
 Whether amendment is a reconsideration 1940
 Whether amendment is property before us 2433

SECRETARY OF STATE
 Appointments (See Appointments, Secretary of State)
 Bonds, oaths, and certificates
  Appointed members 3, 5
  Elected members 8
  Elected officials 19
 Election returns 18
 Escort committee 18
 Legislative members, roster 8
 Letters and certificates on bills
  LB 389 .... 2752, 2754
  LB 485 2757

SERGEANT AT ARMS
 Appoint temporary 7
 Election 11
 Oath of Office 11

SESSION
 Morning committee hearings, afternoon floor debate 1073

SESSION LAWS
 Approve preparation and printing 2751

SPEAKER OF THE LEGISLATURE
Election 11
Major proposals, communication designation 1330, 1462, 1722
Oath of Office 11
Overrule agenda 2750
Refer resolutions to Reference Committee 217, 312, 985, 1321, 1400, 2296, 2308
Speaker stated quorum not present (See floor debate - March 18, 1997) Rule 1 - Sec. 10

SUSPEND RULES (See Motions)

VISITORS, FOREIGN
Brazil 2411
Colombia 586
Ecuador 633
Germany 1235, 1683, 2411
Japan 940, 1400
Korea 1661
Romania 1439
Russian Federation 586, 1439
South Africa 2175, 2586
Switzerland 476, 2411
Thailand 1270

SUBJECT INDEX

TO BILLS AND RESOLUTIONS

REFERRED TO COMMITTEE

NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

This index includes bills and resolutions introduced during the Ninety-Fifth Legislature, First Session, 1997. Constitutional amendment resolutions are identified by a CA after the number.

Compiled by

Patrick J. O'Donnell
Clerk of the Legislature

Carol Koranda, Index Clerk

INTRODUCED SUBJECT INDEX
BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS
NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

ABORTION

	LB
Partial-birth abortions: define terms and provide penalties (Hilgert, Bruning, Engel, Jensen, Schrock, Vrtiska, Dw. Pedersen)	217
Partial-birth abortions: prohibit (Maurstad, Bruning, Vrtiska, Hartnett, Jones, Preister, Schrock, Robak, Tyson, Dw. Pedersen, Jensen, Stuhr, Hilgert, Witek, Brashear, Bromm, Hudkins, Robinson, D. Pederson, Crosby, Schmitt, Elmer, Wehrbein, Dierks, C. Peterson, Engel, Coordsen, McKenzie)	23
Partial-birth abortions: prohibit (Witek, Crosby, Dierks, Jensen, Maurstad, Preister, Bruning, Jones)	167
School districts: change and eliminate a duty for school districts to provide certain information (Bohlke)	132
School districts: change and eliminate a duty for school districts to provide certain information (Bohlke) Appropriation bill	132A

ABUSE

Child abuse: provide a child's caretaker with notification of and access to reports (Janssen, Schimek)	119
Child victims of sexual assault or child abuse: provide restrictions on the release or use of videotapes and provide penalties (Abboud)	643
Domestic relations matters: change provisions for court filings and jurisdiction (Beutler)	677
Domestic violence: create the offense (Brashear, Bohlke, Brown, Crosby, Hartnett, Hilgert, Hillman, Hudkins, Kiel, Lynch, Robak, Schimek, Schrock, Stuhr, Suttle, Dw. Pedersen)	509
Domestic violence: provide for creation of an incident report form by the Nebr. Comm. on Law Enforcement & Criminal Justice (Schimek, Crosby, Hillman)	448
Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle)	393
Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman) Appropriation bill	393A
DNA Detection of Sexual and Violent Offenders Act: adopt (Abboud, Hudkins, Jones, Dw. Pedersen, Robak, Witek)	278
DNA Detection of Sexual and Violent Offenders Act: adopt (Abboud) Appropriation bill	278A
Protection from Domestic Abuse Act: authorize full faith and credit be accorded valid foreign protection orders (Hillman, Brown, Kiel, Schimek)	829
Protection from Domestic Abuse Act: authorize full faith and credit be accorded valid foreign protection orders (Hillman) Appropriation bill	829A
Sex offenders: eliminate a duty for sheriffs (Abboud, Jones, Dw. Pedersen, Robak)	203
Sex offenders: provide for community notification of certain records (Abboud, Jones, Dw. Pedersen, Robak)	204
Sex Offender Registration Act: change provisions relating to access to information (Beutler)	644
Sex Offender Registration Act: provide public access to certain information (Witek)	480
Sexual assault in the third degree: change provisions for penalties (Wesely)	324
Sexual Predator Act: adopt (Wesely, Beutler, Bromm, Brown, Crosby, Cudaback, Engel, Hilgert, Hudkins, Jensen, Jones, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schmitt, Schrock, Suttle, Will)	323
Stalking and the Protection from Domestic Abuse Act: change provisions (Hillman, Brown, Kiel)	600

ACCOUNTABILITY AND DISCLOSURE COMMISSION, NE. POLITICAL (See Political Accountability and Disclosure Act, NE.)

LB

ACCOUNTANTS
Change provisions (Landis) ... 114
Change provisions (Landis) Appropriation bill ... 114A

ACTS
Administrative Procedure Act: change provisions relating to ex parte communications (Beutler) ... 31
Arbitration Act, Uniform: reenact provisions which were found unconstitutional (Landis, Jensen, Matzke) ... 151
Archeological Resources Preservation Act, Nebr.: adopt (Wesely) ... 778
Assistive Technology Regulation Act: adopt (Lynch, Stuhr) ... 802
Athlete Agent Registration and Accountability Act: adopt (Brashear, Will) ... 766
Athlete Agent Registration and Accountability Act: adopt (Brashear) Appropriation bill ... 766A
Attorney-Client Conference Act: adopt (Withem, Brashear, Brown, Coordsen, Schimek) ... 593
Bank Holding Company Act of 1995, Nebr.: change provisions for acquisition of banks (Landis) ... 739
Blind and Visually Impaired Act, Commission for the: adopt (Crosby, Lynch, Dw. Pedersen, Will, Witek) ... 341
Boat Act, State: authorize nonpublic lake associations to adopt and promulgate rules and regulations (Lynch) ... 667
Boat Act, State: prohibit operation of motorboats and personal watercrafts by persons under sixteen years of age (Matzke) ... 316
Boiler Inspection Act: provide an exemption for hobby boilers (Warner) ... 653
Boiler Safety Act: provide for exemptions and change certain inspection requirements (Hilgert) ... 641
Boiler Safety Act: provide for exemptions and change certain inspection requirements (Hilgert) Appropriation bill ... 641A
Budget Act, Nebraska: change notice requirements for proposed budget statements for villages (Hudkins, Jones, Tyson, Vrtiska) ... 160
Campaign Finance Limitation Act: change provisions for distribution of public funds and reporting (Beutler) ... 621
Campaign Finance Limitation Act: provide for enforcement and for civil and criminal penalties (Beutler) ... 678
Campaign Finance Limitation Act: repeal provisions (Brashear, Wickersham) ... 420
Capital Expansion Act: change provisions (Jensen, Witek) ... 275
Centers for Independent Living Act: adopt (Wesely) ... 259
Centers for Independent Living Act: adopt (Wesely) Appropriation bill ... 259A
Certificate of Need Act, Nebraska Health Care: eliminate provisions (McKenzie, Witek) ... 186
Certificate of Need Act, Nebraska Health Care: eliminate provisions (Witek) ... 219
Charitable Solicitation Registration Act: adopt (Schimek, Bohlke, Crosby) ... 383
Common Interest Ownership Act, Uniform: adopt (Abboud) ... 134
Community-Based Neurobehavioral Rehabilitation Act: adopt (Lynch, Coordsen, Crosby, Hartnett, Stuhr) ... 803
Community-State Partnership Act: adopt (Wesely, Withem, at the request of the Governor) ... 587
Comprehensive Health Insurance Pool Act: change offset tax liability provisions (Landis) ... 55
Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek) ... 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill ... 465A
Condominium Act, Nebraska: eliminate provisions (Abboud) ... 134
Condominium Property Act: eliminate provisions (Abboud) ... 134
Construction Lien Act, Nebr.: provide duties for prime contractors, primary lenders and mortgagees and provide penalties (Schimek) ... 449

LB

Contractor Registration Act: provide for waiver of a proposed administrative penalty (Lynch) 883

Counterfeiting Prevention and Trademark Protection Act: adopt (Brashear, Abboud, Beutler, Bromm, Bruning, Hilgert, Kristensen, Matzke, D. Pederson, Wickersham, Will) 302

County and City Lottery Act, Nebraska: change provisions (Will) 101

County Agricultural Society Act: adopt (Schellpeper, Coordsen, Cudaback, Jones, Vrtiska, Wickersham) 469

County Employees Retirement Act: redefine "employees" (Robak) 367

County Horseracing Facility Bond Act: change provisions (Will) 101

County Initiative and Referendum Act: adopt (Cudaback, Vrtiska) 574

County Purchasing Act: change provisions (Wickersham) 743

County Revenue Assistance Act: eliminate provisions (Wickersham) 818

Court Appointed Special Advocate Act (Withem, Brown, Hillman, Janssen, Dw. Pedersen, C. Peterson, Suttle) 301

Critical Incident Stress Debriefing Act: rename the Critical Incident Stress Management Act (Wesely) 184

Custodial Trust Act, Nebraska Uniform: adopt (Landis) 51

Developmental Disabilities Services Act: require criminal history record information checks of certain employees (Crosby, Dierks, Lynch, Tyson, Vrtiska, Wehrbein, Robak, Warner, Maurstad, Engel, Jensen) 852

Developmental Disabilities Services Act: require criminal history record information checks of certain employees (Crosby) Appropriation bill 852A

Digital Signature Act: adopt (Kristensen) 286

Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle) 393

Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman) Appropriation bill 393A

Drug Dealer Liability Act: adopt (Hudkins, Abboud, Jones, Robak, Stuhr, Vrtiska, Witek, Dw. Pedersen) 268

DNA Detection of Sexual and Violent Offenders Act: adopt (Abboud, Hudkins, Jones, Dw. Pedersen, Robak, Witek) 278

DNA Detection of Sexual and Violent Offenders Act: adopt (Abboud) Appropriation bill 278A

Educational Finance Authority Act, Nebr.: redefine a term (Hartnett, Brown, Jensen) 303

Effectiveness Act, State Government: change the duties of the Public Counsel (Landis) 15

Elementary and Secondary School Finance Authority Act, Nebr.: adopt (Landis, Brashear) 809

Emergency Medical Services Act: adopt (Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely) 138

Emergency Medical Technician-Paramedic Act: repeal provisions (Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely) 138

Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister, Beutler, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Janssen, Landis, Robinson, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wickersham) 374

Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister) 670

Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers) 459

Employees Retirement Act, State: change provisions relating to investments and contributions (Crosby) 337

Employment and Investment Growth Act: limit the use of income tax credits (Wesely) 454

Employment and Investment Growth Act: redefine "number of new employees" (Wesely) 456

Employment Expansion and Investment Incentive Act: change a provision for computation of credits (Will, Coordsen, McKenzie, Schrock, Schellpeper, Bruning) 443

Employment Expansion and Investment Incentive Act: change provisions (Warner, at the request of the Governor) 886

LB

Employment Expansion and Investment Incentive Act: change provisions relating to enterprise zones (Hartnett, Hillman, McKenzie, Preister, Tyson, Wickersham, at the request of the Governor)........................... 745

Employment Expansion and Investment Incentive Act: provide for a conversion of unused credits (Hartnett).............................. 696

Engineers and Architects Regulation Act: adopt (Wesely)................ 260

Engineers and Architects Regulation Act: adopt (Wesely) Appropriation bill.. 260A

Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie).. 579

Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie) Appropriation bill................................ 579A

Environmental Trust Act, Nebr.: change provisions for duties of the board and establishing priorities for use of the trust (Elmer, Bromm, Bruning, McKenzie, Preister, Schrock)................................ 616

Excellence In Higher Education Fund Act: adopt (Wesely, Beutler, Crosby, Landis, Schimek)... 858

Family Support Act, Uniform Interstate: change provisions for recognition and enforcement of child support orders (Landis)........... 727

Farm Mediation Act: expand the scope of mediation to include disputes involving non-credit farm programs (Agriculture Committee)............. 200

First Chance Vocational Education Act: adopt (Stuhr)................... 807

First Responders Emergency Rescue Act: repeal provisions (Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely)............... 138

Geologists Regulation Act: adopt (Beutler)............................ 700

Ground Water Management and Protection Act, Nebr.: change provisions relating to notice of controls (Bromm, Dierks, Hudkins, McKenzie, C. Peterson, Schrock, Elmer).. 188

Highway Bond Act, Nebr.: provide loans to political subdivisions (Hartnett)... 697

Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke, Coordsen, Elmer)... 255

Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke) Appropriation bill.. 255A

Hospital District Act, Nebraska Local: change provisions relating to powers, duties and taxation (Cudaback, Schellpeper, Wickersham)......... 28

Hospital-Medical Liability Act, Nebr.: change provisions for the amount recoverable under the act (Brashear)................................ 235

Host Farm and Ranch Act, Nebraska: adopt (Dierks, Jones)............... 189

Housing Agency Act, Nebr.: adopt (Urban Affairs Committee)............. 876

Industrial Hygienist Title Protection Act, Certified: adopt (Brashear)... 558

Insurers Demutualization Act: change provisions (Landis)............... 52

Integrated Health Services Plan Act: adopt (Wesely, Withem, at the request of the Governor)... 587

Integrated Solid Waste Management Act: change provisions relating to rates and charges (Beutler)... 135

Integrated Solid Waste Management Act: provide for disbursements from the cash fund (Beutler, at the request of the Governor)................. 495

Interior Design Professional Regulation Act: adopt (Crosby, Bromm, Elmer, Warner, Bohlke).. 842

Interlocal Cooperation Act: provide first and second class cities, villages and certain counties maintain jails under the act (Hartnett)... 825

International Fuel Tax Agreement Act: authorize local reciprocal exemption agreements (Engel, Hartnett)................................. 496

Interstate Branching By Merger Act of 1997: adopt (Landis)............. 351

Judges Retirement Act: change provisions for retirement age and annuities (Bromm, Brashear, Janssen)................................... 796

Juvenile Services Act: change provisions (Landis)...................... 424

Kids First Health Care Act: adopt (Beutler)........................... 675

Landlord and Tenant Act: provide for the termination of a rental agreement due to a serious and clear danger (Wesely).................. 779

License Suspension Act: adopt (Beutler, Brown, at the request of the Governor).. 752

License Suspension Act: adopt (Beutler) Appropriation bill............ 752A

Licensed Practical Nurse-Certified Act: change provisions (Schrock, Cudaback, Dw. Pedersen, Schellpeper)................................. 66

LB
Limited Liability Company Act: change provisions (Kristensen).......... 631
Limited Liability Company Act: change provisions for registration or filing of corporate or other business entity names (Kristensen)......... 44
Liquor Control Act, Nebr.: change provisions for employment of minors as servers and sellers of alcoholic liquor (Dw. Pedersen).............. 613
Liquor Control Act, Nebr.: change provisions relating to prosecutions for sale of liquor to a minor (Hilgert, Tyson, Will).................. 241
Liquor Control Act, Nebr.: change provisions relating to retail license suspension (Landis)... 17
Liquor Control Act, Nebr.: change the hours to sell or dispense alcoholic liquor (Hilgert, Robak).................................... 242
Liquor Control Act, Nebr.: prohibit furnishing alcoholic liquor to a visibly intoxicated person (Schellpeper)............................ 247
Liquor Control Act, Nebr.: provide a gallonage tax on certain cider (Kristensen)... 371
Liquor Control Act, Nebraska: change provisions (General Affairs Committee).. 249
Liquor Control Act, Nebraska: change provisions (Schellpeper) Appropriation bill.. 249A
Liquor Control Act: provide for license sanctions for certain violations occurring on a licensed premises (Will)..................... 846
Local Option Revenue Act: change a provision authorizing a ballot issue (Cudaback).. 575
Local Option Revenue Act: eliminate provisions (Cudaback, Schrock, Vrtiska).. 468
Local Schools Sales Tax Option Act: adopt (Withem).................... 759
Lottery and Raffle Act, Nebraska: provide alternative games involving floating of game pieces in water (Kristensen)........................ 148
Lottery Act, State: authorize salary stipends for incentive grant purposes (Withem)... 525
Lottery Act, State: change provisions for distribution of proceeds (Maurstad).. 212
Lottery Act, State: change provisions for distribution of proceeds (Witek, Abboud, Brashear, Bromm, Brown, Bruning, Chambers, Crosby, Cudaback, Dierks, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Kiel, Kristensen, Matzke, Dw. Pedersen, Preister, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein)... 288
Lottery Act, State: rename the Solid Waste Landfill Closure Assistance Fund and change and eliminate grant procedures (Tyson)................. 750
Managed Care Patient Protection Act: adopt (Wesely, Matzke, Schimek).... 279
Mechanical Amusement Device Tax Act: change provisions for fees, licenses, and occupation taxes (Schellpeper, Hartnett, Landis, Wickersham)... 317
Medication Aide Act: adopt (Wesely).................................. 783
Mental Health Commitment Act, Nebr.: provide the act is applicable to juveniles (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr)... 757
Microenterprise Development Act: adopt (Hilgert, McKenzie, C. Peterson, Preister, Will, at the request of the Governor)....................... 327
Microenterprise Development Act: adopt (Hilgert) Appropriation bill... 327A
Motor Vehicle Operator's License Act: change provisions for driver's license renewal for military personnel (Cudaback, Schrock)............ 22
Motor Vehicle Operator's License Act: change provisions for learner's permits and require a driver improvement course for minors (Bohlke, Crosby, Engel, Kristensen).. 320
Motor Vehicle Operator's License Act: change provisions relating to state identification cards (Cudaback)................................ 21
Motor Vehicle Operator's License Act: provide for provisional operator's permits (Bohlke, Crosby, Engel, Kristensen)................ 320
Motor Vehicle Operator's License Act: provide operator's permits for mopeds (Robak).. 220
Motor Vehicle Operator's License Act: require driver education for persons subject to license suspension or revocation (Crosby)........... 133
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen)....... 635
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen) Appropriation bill.. 635A

LB
Mutual Insurance Holding Company Act: adopt (Landis) 740
New Hire Reporting Act: adopt (Beutler, Brown, at the request of the Governor) 752
New Hire Reporting Act: adopt (Beutler) Appropriation bill 752A
Nonprofit Corporation Act, Nebr.: exempt from the act certain corporations created to carry out a federal mandate (Kristensen) 285
Nurse Practice Act: change provisions (Schrock, Cudaback, Dw. Pedersen, Schellpeper) 66
One-Call Notification System Act: change provisions relating to location assistance provided by operators (Hillman, Cudaback, Engel, Vrtiska) 827
Parenting Act: change provisions relating to custody and visitation (Beutler) 674
Partnership for Health & Human Services Act, Nebr.: state intent that the policy secretary report changes needed to LB1044A, 1996 (Wehrbein, Brown, Crosby, Engel, Hillman, Kiel, Lynch, Maurstad, D. Pederson) 669
Partnership for Health & Human Services Act, Nebr.: transfer administration of the Safe Drinking Water Act to Dept. of Env. Qual. (Wesely, Beutler, at the request of the Governor) 888
Partnership for Health and Human Services Act, Nebr.: change provisions (Wesely) 307
Partnership for Health and Human Services Act, Nebr.: change provisions (Wesely) Appropriation bill 307A
Partnership for Health and Human Services Act, Nebr.: provide legislative oversight for contracts (Hilgert) 692
Partnership Act, Uniform: adopt (Landis) 523
Partnership Act, Uniform: adopt (Landis) Appropriation bill 523A
Personal Care Assistance Services Act: adopt (Wesely) 259
Personal Care Assistance Services Act: adopt (Wesely) Appropriation bill 259A
Physician Aid-In-Dying Act: adopt (Chambers) 406
Pickle Card Lottery Act, Nebr.: authorize use of electronic pickle card dispensing devices (Will, Hilgert) 98
Pickle Card Lottery Act, Nebr.: authorize use of electronic pickle card dispensing devices (Hilgert) 723
Plane Coordinate System Act, Nebraska: adopt (Hillman, Robinson) 483
Political Accountability & Disclosure Act, Nebr.: prohibit campaign contributions during legislative sessions (Bromm, Crosby, Schimek) 131
Political Accountability & Disclosure Act: require reports of late expenditures by independent committees and provide a penalty (Schimek, Beutler, Brashear) 321
Political Accountability and Disclosure Act: change contribution restrictions on campaign committees (Brashear, Landis, Maurstad) 768
Postsecondary Education Expense Act: adopt (Kristensen) 475
Probation Administration Act, Nebr.: provide for the payment of supervision fees as prescribed as a condition of probation (Hilgert) 879
Propane Education and Research Act: adopt (Natural Resources Committee) 699
Protection from Domestic Abuse Act: authorize full faith and credit be accorded valid foreign protection orders (Hillman, Brown, Kiel, Schimek) 829
Protection from Domestic Abuse Act: authorize full faith and credit be accorded valid foreign protection orders (Hillman) Appropriation bill 829A
Protection from Domestic Abuse Act: change provisions (Hillman, Brown, Kiel) 600
Protection from Domestic Abuse Act: provide for creation of an incident report form (Schimek, Crosby, Hillman) 448
Prudent Investor Act, Nebraska Uniform: adopt (Landis) 54
Public Accountancy Act of 1957: change provisions (Landis) 114
Public Accountancy Act of 1957: change provisions (Landis) Appropriation bill 114A
Public Funds Deposit Security Act: change provisions (Jensen, Witek) 275
Pure Food Act, Nebraska: change and eliminate provisions (Agriculture Committee) 199
Quality Jobs Act: change provisions for wage benefit credits, the board and application procedures (Wesely) 457

LB

Quality Work Force Academic Grant Program Act: adopt (Kiel, Brown, Bruning, Coordsen, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Lynch, McKenzie, D. Pederson, C. Peterson, Preister, Robinson, Schimek, Schrock, Stuhr, Suttle, Tyson, at the request of the Governor).................. 813
Radiation Control Act: change provisions for fees associated with nuclear power plant emergency response (Beutler)...................... 658
Real Estate Appraiser Act: change provisions relating to qualifications and continuing education requirements for appraisers (Beutler).......... 29
Redevelopment Act, Nebr.: change provisions for designation of blighted and substandard areas (Withem, Brashear, Brown, Warner)................ 344
Resident Health Education Tuition Assistance Grant Program Act: adopt (McKenzie)... 773
Resident Tuition Assistance Grant Program Act: adopt (Robinson, Abboud, Crosby, Hartnett, Hilgert, Janssen, Jensen, Lynch, Dw. Pedersen, Stuhr, Will)... 639
Retirement Act, State Employees: change provisions relating to termination benefits (Crosby)....................................... 96
Rural Health Systems and Professional Incentive Act: change provisions relating to eligible professions under the act (Dierks)................ 577
Rural Health Systems and Professional Incentive Act: change provisions relating to eligible professions under the act (Dierks) Appropriation bill... 577A
Safe Drinking Water Act, Nebr.: provide for loans to public water supply systems (Beutler, Preister, at the request of the Governor)...... 518
Safe Drinking Water Act, Nebr.: transfer administration to the Dept. of Environmental Quality (Wesely, Beutler, at the request of the Governor)... 888
School finance: provide for adjustment of district formula resources (Wickersham, McKenzie, Stuhr)..................................... 784
School Employees Retirement Act: authorize agreements for purchases of service credit (Wickersham)....................................... 724
School Employees Retirement Act: authorize agreements for purchases of service credit (Wickersham) Appropriation bill...................... 724A
School Employees Retirement Act: authorize members an election to pay the retirement system for up to ten years of service (Stuhr, Crosby, Lynch).. 491
School Employees Retirement Act: authorize purchase of service credit for certain employees (Crosby, Lynch)................................ 840
School Employees Retirement Act: authorize purchase of service credit for service rendered in community colleges (Robak).................... 147
Securities Act of Nebr.: define and redefine terms and change provisions (Landis).. 335
Sex Offender Registration Act: change provisions relating to access to information (Beutler).. 644
Sex Offender Registration Act: provide public access to certain information (Witek).. 480
Sexual Predator Act: adopt (Wesely, Beutler, Bromm, Brown, Crosby, Cudaback, Engel, Hilgert, Hudkins, Jensen, Jones, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schmitt, Schrock, Suttle, Will).............. 323
Small Employer Health Insurance Availability Act: change provisions (Banking, at the request of the Governor)............................ 862
Special Education Act: change provisions for appropriations and provide for reimbursement for support services (McKenzie)..................... 797
Sports Wagering Act: adopt (Will)..................................... 359
State Funds Investment Act, Nebraska: revisor bill to repeal a defined term that is no longer needed (Executive Board)....................... 4
State Patrol Retirement Act, Nebr.: provide a cost-of-living adjustment (Hartnett)... 650
State Patrol Retirement Act, Nebr.: provide a cost-of-living adjustment to retirees (Brashear).. 365
State Patrol Retirement Act, Nebr.: redefine "surviving spouse" (Wickersham)... 567
Statewide Trauma System Act: adopt (Wesely, Matzke, Wickersham)......... 626
Statewide Trauma System Act: adopt (Wesely) Appropriation bill........ 626A
Street Gang Recision Act: adopt and provide penalties (Lynch).......... 439

LB

Student Discipline Act: change provisions relating to alternative educational programs (Bromm, Coordsen, Engel, Hudkins, Janssen, Jones, Robinson, Stuhr, Vrtiska).. 232
Student Freedom of Expression Act: adopt (Beutler)..................... 539
Tax Equity & Educational Opportunities Support Act: change provisions relating to "other actual receipts" (Wickersham, Bohlke)............... 209
Tax Equity & Educational Opportunities Support Act: provide records to the Legislative Council (Wickersham, Bohlke).......................... 205
Tax Equity an Educational Opportunities Support Act: change provisions for calculation of district formula needs (Wesely).................... 503
Tax Equity and Educational Opportunities Support Act: change and eliminate provisions for calculation and disbursement (Education Committee).. 806
Tax Equity and Educational Opportunities Support Act: change and eliminate provisions for calculation and disbursement (Bohlke, Abboud, Beutler, Chambers, Crosby, Cudaback, Elmer, Hilgert, Hudkins, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schrock, Suttle, Wehrbein, Wesely, Withem) Appropriation bill.. 806A
Tax Equity and Educational Opportunities Support Act: change provisions for calculation and disbursement of state aid (Warner)................. 672
Tax Equity and Educational Opportunities Support Act: change provisions for calculation of adjusted tiered cost per student (Beutler)........... 542
Tax Equity and Educational Opportunities Support Act: change provisions for calculation of the local effort rate (Robak, Bromm, Cudaback, Schellpeper, Dierks).. 93
Tax Equity and Educational Opportunities Support Act: change provisions for distribution of state aid (Bohlke)............................... 714
Tax Equity and Educational Opportunities Support Act: change provisions for legislative findings, intent and reports (Withem).................. 524
Tax Equity and Educational Opportunities Support Act: change provisions for reports and certification of aid (Bohlke)........................ 713
Tax Equity and Educational Opportunities Support Act: change provisions relating to "other actual receipts" (Wehrbein)........................ 163
Tax Equity and Educational Opportunities Support Act: change provisions relating to income tax allocation (McKenzie, Bromm, Wickersham)......... 811
Tax Equity and Educational Opportunities Support Act: change provisions relating to income tax allocation (Withem)........................... 815
Tax Equity and Educational Opportunities Support Act: provide and change provisions relating to legislative findings and intent (Crosby)... 433
Tax Equity and Educational Opportunities Support Act: provide for the transfer of certain revenue (Schrock, Coordsen, Schellpeper, Vrtiska)... 719
Telecommunications Relay System Act: provide vouchers for certain individuals (Bruning)... 568
Telecommunications Universal Service Fund Act, Nebr.: adopt (Kristensen, Dw. Pedersen, Coordsen, Robinson, Matzke, Elmer)........... 686
Telemarketer Registration Act: adopt (Crosby, Jensen, Schimek).......... 445
Title Insurance Act: repeal (Landis)................................... 53
Title Insurance Agent Act: adopt (Landis).............................. 53
Title Insurers Act: adopt (Landis)..................................... 53
Tobacco Products Tax Act: provide for physical possession of tobacco products by a first owner before resale (Lynch, Hartnett).............. 123
Tort Claims Act, State: limit recovery for claims (Kristensen).......... 41
Tort Claims Act, State: redefine "state agency" to include mental health boards (Vrtiska).. 39
Trail Development Assistance Act: eliminate a termination date (Beutler).. 356
Treatment and Corrections Act, Nebr.: provide mental health therapy (Dw. Pedersen).. 274
Unclaimed Property Act, Uniform Disposition of: provide for payment of auditing expenses (Landis)... 57
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Abboud)............................. 855
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Urban Affairs Committee).............. 872

ADMINISTRATIVE DEPARTMENTS, STATE (See also specific department)

LB

Applicants who have applied for employment by any public body: exclude application materials from public record requirements (Bohlke).......... 400
Capital construction: provide funding for the University of Nebr. and Nebraska State Colleges (Wesely, Crosby, Lynch)......................... 857
Capitol building: change provisions for allocation of space (Coordsen, Bromm, Chambers, Engel, Kristensen, McKenzie, Dw. Pedersen, Vrtiska, Wehrbein, Withem).. 102
Credit cards: authorize political subdivisions to accept for payment of fees, licenses, tax or penalties (Vrtiska, Schimek).................... 414
Deficit appropriations: provide (Speaker Withem, at the request of the Governor).. 388
Effectiveness Act, State Government: change the duties of the Public Counsel (Landis).. 15
Existing Business Assistance Division: change provisions relating to contract authorization (Jensen, Chambers).............................. 861
Existing Business Assistance Division: change provisions relating to contract authorization (Chambers) Appropriation bill.................. 861A
Joint Merit System: revisor bill to delete references (Executive Board).. 5
Local Government Innovation and Restructuring Fund: provide funding for innovation and restructuring (Warner)................................ 305
Motor vehicle purchases from the state or a political subdivision: eliminate a provision (Hilgert, Kiel)................................. 529
Nebraska Register and the Nebraska Administrative Code: require publication (Coordsen).. 665
Personnel Board, State: change provisions (Landis)...................... 314
Personnel Board, State: change provisions (Landis) Appropriation bill.. 314A
Personnel, Director of: change provisions (Landis)..................... 314
Personnel, Director of: change provisions (Landis) Appropriation bill.. 314A
Public letting and contract requirements: change provisions (Preister).. 805
Smoking in state buildings and vehicles: prohibit (Preister, Dierks, Hartnett, Jensen, Matzke, Robinson)................................ 375
State agencies: require performance evaluations of the administrative head of certain agencies (Wickersham, Warner)......................... 500
State agency purchases, vacant state buildings, building renewal and state personnel: change provisions (Landis).......................... 553
State government expenses: appropriate funds (Wehrbein)................. 60
State government expenses: appropriate funds (Speaker Withem, at the request of the Governor)... 389
Tort Claims Act, State: redefine "state agency" to include mental health boards (Vrtiska).. 39

ADMINISTRATIVE PROCEDURE ACT
Ex parte communications: change provisions (Beutler).................. 31

ADMINISTRATIVE SERVICES, DEPARTMENT OF
Change provisions (Wehrbein, at the request of the Governor)............ 844
Credit cards: authorize political subdivisions to accept for payment of fees, licenses, taxes or penalties (Vrtiska, Schimek).................. 414
Duties: provide (Brashear).. 767
Employee buy-out programs: authorize (Brown, Maurstad)................. 878
Employee buy-out programs: authorize (Brown) Appropriation bill....... 878A

ADOPTION
Decrees: change provisions for providing copies of decrees by the clerk of the county court (Schimek, Beutler, Matzke)........................ 80
Medical expenses for certain adopted children: provide payment (D. Pederson, Bromm, Bruning, Engel, Hillman, Matzke)..................... 788

ADVERTISEMENTS
Casino gambling: prohibit advertisement (Jensen, Jones, Schrock, Witek).. 381
Lottery games: change provisions (Jensen, Jones, Witek)................ 380
Telemarketer Registration Act: adopt (Crosby, Jensen, Schimek).......... 445

LB

Tobacco: prohibit certain advertising practices relating to billboards (Schrock, Crosby, Engel, Jensen, Suttle)........ 65

AERONAUTICS

Driver's license suspension: provide clarifying language relating to sentencing provisions (Brashear)........ 772

Structures which would interfere or obstruct approach zones of an airport: provide for regulation (Hudkins, Bromm, Dierks, Elmer, Schrock)........ 237

AGED AND AGING (See also Retirement; Senior Citizens)

AGENCIES, STATE (See Administrative Departments, State)

AGRICULTURE (See also Farms and Farming; Ranching)

Agricultural or horticultural land located near federally designated scenic rivers: provide for special valuation (Dierks)........ 190

Agricultural Grain Marketing, Interstate Compact on: repeal (Coordsen)........ 6

Change provisions (Agriculture Committee)........ 199

Corn plant: designate as the state crop (Hudkins, Dw. Pedersen, Stuhr)........ 106

County Agricultural Society Act: adopt (Schellpeper, Coordsen, Cudaback, Jones, Vrtiska, Wickersham)........ 469

Crop destruction: provide for the measure of damages for perennial crop destruction (Robak)........ 294

Disparagement of a perishable agricultural food product or commodity: provide a cause of action (Wehrbein)........ 175

Equine activities: provide an exemption from civil liability and for the posting of warning signs (Jones, Cudaback, Dierks, Elmer, Hudkins, Schellpeper, Schmitt, Schrock, Wickersham)........ 153

Farm Mediation Act: expand the scope of mediation to include disputes involving non-credit farm programs (Agriculture Committee)........ 200

Farming or ranching activities: require reports of ownership of real estate (Dierks, Vrtiska)........ 211

Genetically engineered labeling: provide for certain products (Robak)........ 478

Grain sorghum: change provisions (Coordsen)........ 11

Ground water conservation districts: change provisions relating to funds of districts and a termination date (Stuhr, Coordsen, McKenzie)... 78

Ground Water Management and Protection Act, Nebr.: change provisions relating to notice of controls (Bromm, Dierks, Hudkins, McKenzie, C. Peterson, Schrock, Elmer)........ 188

Horseracing: change provisions (Will)........ 101

Horseracing: change provisions for fingerprinting of job applicants by the State Racing Commission (Schellpeper)........ 581

Horseracing: change provisions relating to licensure qualification (Schellpeper)........ 582

Host Farm and Ranch Act, Nebraska: adopt (Dierks, Jones)........ 189

Livestock: change in-herd brand identification provisions (Dierks)...... 193

Meat and poultry inspection: state intent (Dierks, at the request of the Governor)........ 661

Natural resources districts: change provisions for eminent domain procedures (Robinson, Janssen)........ 596

Natural resources districts: change provisions for the election of directors and creation of subdistricts (Beutler)........ 540

Natural resources districts: provide for creation of new districts (Tyson, Wesely)........ 747

Noxious weed seeds: change provisions (Dierks)........ 263

Pasteurized Milk Law, Nebraska: adopt federal provisions by reference (Agriculture Committee)........ 201

Pesticide application: change provisions for filing reports claiming damages as a result of application (Dierks)........ 262

Potato checkoff: change from quarterly to annual collection and change provisions for penalties for delinquent payment (Agriculture Committee)........ 202

LB

Pure Food Act, Nebraska: change and eliminate provisions (Agriculture Committee) 199

Racing Commission, State: change provisions for fingerprinting of job applicants (Will) 848

Sugar beets: allow for use of longer trucks to transport sugar beets from collection points to refining plants (Matzke, Hillman, Wickersham) 122

Tractors: change and eliminate provisions for the testing and sale of current tractor models (Dierks) 192

AGRICULTURE, DEPARTMENT OF

Animal damage control program: provide funding (Dierks) 649

Animal damage control program: provide funding (Dierks) Appropriation bill 649A

Birds and mammals: change provisions for the importation, exportation and release (Beutler) 703

Duties: provide (Stuhr, Bohlke, Maurstad, McKenzie, Schrock) 308

Meat and poultry inspection: state intent (Dierks, at the request of the Governor) 661

Noxious weed seeds: change provisions (Dierks) 263

Pesticide application: change provisions for filing reports claiming damages as a result of application (Dierks) 262

AIDS

AIDS, HIV or cancer: require insurance coverage for certain drugs used in treatment (Suttle, Schimek) 849

HIV home collection kits: require certain labels (Dierks) 619

HIV: exempt home collection kits from informed consent requirements (Dierks) 194

HIV: provide for expert panels to review the status of infected health care workers (Dierks) 195

AIRPLANES (See Aeronautics)

ALCOHOLIC BEVERAGES (See also Intoxication; Liquors)

Cider: provide a gallonage tax on certain cider (Kristensen) 371

Driver's license suspension: provide clarifying language relating to sentencing provisions (Brashear) 772

Driving or boating under the influence of alcohol or a controlled substance: provide for blood specimen certificates (Kristensen, Crosby, Vrtiska) 210

Driving under the influence: change provisions (Bruning) 26

Driving under the influence: change provisions for penalties, driver's license suspension, revocation or vehicle impoundment (Transportation Committee, Crosby) 309

Driving under the influence: define "refusal to take a chemical test" and change hearing procedures and penalties (Crosby, Kristensen, Schimek) 464

Driving under the influence: lower the prohibited concentration of alcohol for conviction (Crosby, Dierks, Hudkins, Jensen, Jones, Preister, Schrock, Vrtiska, Wehrbein) 239

Farm wineries: change provisions (Schellpeper, Wehrbein) 479

Furnishing alcoholic liquor to a visibly intoxicated person: prohibit (Schellpeper) 247

Hours to sell or dispense alcoholic liquor: change provisions (Hilgert, Robak) 242

Licenses: provide for license sanctions for certain violations occurring on a licensed premises (Will) 846

Liquor licenses and penalties: change provisions (Kristensen) 482

Liquor licenses: change provisions (General Affairs Committee) 249

Liquor licenses: change provisions (Schellpeper) Appropriation bill 249A

Liquor tax: change provisions (Warner) 411

Minors in possession of alcohol: change provisions for suspension of driver's licenses (Dw. Pedersen, Crosby) 603

Minors in possession of alcohol: change provisions for suspension of driver's licenses (Dw. Pedersen) Appropriation bill 603A

LB
Minors: change provisions for employment of as servers and sellers of alcoholic liquor (Dw. Pedersen)........ 613
Retail license suspension: change provisions (Landis)........ 17
Retail liquor licenses: change provisions relating to the location of licensed premises (Robinson, Lynch)........ 45
Sale of liquor to a minor: change provisions relating to prosecutions (Hilgert, Tyson, Will)........ 241
Sales: change provisions (Janssen, Schellpeper)........ 120

AMBULANCES (See also Emergencies)

ANIMALS
Animal damage control program: provide funding (Dierks)........ 649
Animal damage control program: provide funding (Dierks) Appropriation bill........ 649A
Animal offenses: provide for reimbursement for costs and disposition (Dierks, Schimek)........ 551
Importation and possession of certain animals: change provisions (Dierks, Lynch)........ 549
Livestock: change in-herd brand identification provisions (Dierks)........ 193
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek)........ 814
Service dogs: provide for physically disabled persons (Robak, Stuhr)........ 254
Slaughterhouses: prohibit establishment near residential areas in metropolitan class cities (Preister, Hartnett)........ 502
Veterinarians: create a veterinarian-client privilege (Dierks)........ 191

APPROPRIATIONS (See also Funds)
Capital construction: provide (Speaker Withem, at the request of the Governor)........ 386
Claims against the state: appropriate funds for payment of certain claims (Business and Labor Committee)........ 890
Claims against the state: disapprove certain claims (Business and Labor Committee)........ 891
Cooperative extension educators: appropriate funds for salaries to the University of Nebraska (Wehrbein, Stuhr, Coordsen, Bromm, Jones, Hillman, Warner, Vrtiska, Hudkins)........ 164
Correctional Services, Dept. of: provide appropriations for acquisition of Rivendell Psychiatric Hospital (Wehrbein, at the request of the Governor)........ 844
Cultural Trust Fund: create (Crosby)........ 799
Cultural Trust Fund: create (Crosby) Appropriation bill........ 799A
Deficit appropriations: provide (Speaker Withem, at the request of the Governor)........ 388
Developmental disabilities: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad, Hilgert, Engel, Stuhr, Brown, Lynch, Crosby, Hudkins, Jones, Dierks, Chambers)........ 27
Foster Grandparent Program: appropriate funds to the Dept. of Health and Human Services (Maurstad, Bohlke, Brown, Kiel, Dw. Pedersen, Preister, Suttle, C. Peterson, Lynch)........ 514
Game and Parks Commission: appropriate funds to design exhibits for the Prehistoric Prairies Discovery Center at Ft. Robinson (Wickersham)........ 819
Historical Society, Nebr. State: provide for funds to provide operating support for the Gerald R. Ford Conservation Center (Warner)........ 673
Historical Society, Nebraska State: provide (Maurstad)........ 214
Legislature: appropriate funds for payment of salaries (Speaker Withem, at the request of the Governor)........ 385
Legislature: provide to the Legislative Council for a study of the consumer-owned electric industry in Nebraska (Beutler)........ 681
Libraries: state intent (Crosby)........ 95
Medium-minimum security adult correction facility: authorize construction and appropriate funds (Maurstad)........ 150
Mental health programs: state findings and intent relating to funding (Wesely)........ 609
Niobrara Council: state intent and appropriate funds (Beutler)........ 656

Niobrara Council: state intent and appropriate funds (Beutler) Appropriation bill........ 656A
Parents of All Ages Program: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad)........ 833
Partnership for Health & Human Services Act, Nebr.: state intent that the policy secretary report changes needed to LB1044A, 1996 (Wehrbein, Brown, Crosby, Engel, Hillman, Kiel, Lynch, Maurstad, D. Pederson)...... 669
Postsecondary Education Award Program: provide (Lynch, Crosby, Engel, Kiel)........ 645
State aid to public school districts: provide (Bohlke, at the request of the Governor)........ 349
State colleges: provide funds for capital improvements (Hillman, Engel, Schellpeper, Tyson, Wickersham)........ 394
State employees: provide for salary increases (Speaker Withem, at the request of the Governor)........ 387
State government expenses: provide (Wehrbein)........ 60
State government expenses: provide (Speaker Withem, at the request of the Governor)........ 389
State officers: appropriate funds for payment of salaries and benefits (Speaker Withem, Wehrbein, at the request of the Governor)........ 384
Unfunded mandates: require the Legislature to appropriate funds to political subdivisions (Coordsen)........ 2CA
Vocational rehabilitation: provide to the Dept. of Education (Maurstad)........ 213
Water Resources, Department of: provide (Appropriations Committee)...... 887
Women in Military Service for America Memorial: provide (Hilgert)....... 693
Women In Military Service for America Memorial: provide appropriations to the Dept. of Veterans' Affairs (C. Peterson, Bruning, Dierks, Hudkins, Janssen, Kiel, McKenzie, Schmitt, Stuhr, Suttle, Vrtiska, Robak, Hilgert, Bromm)........ 755
Women In Military Service for America Memorial: provide to the Dept. of Veterans' Affairs (Bromm, Cudaback)........ 795

ARBITRATION ACT, UNIFORM
Provisions which were found unconstitutional: reenact (Landis, Jensen, Matzke)........ 151

ARCHAEOLOGISTS AND ARCHAEOLOGY
Archeological Resources Preservation Act, Nebr.: adopt (Wesely)......... 778

ARCHEOLOGICAL RESOURCES PRESERVATION ACT, NEBRASKA
Adopt (Wesely)........ 778

ARCHITECTS
Engineers and Architects Regulation Act: adopt (Wesely)........ 260
Engineers and Architects Regulation Act: adopt (Wesely) Appropriation bill........ 260A

ASSISTANCE (See Medical Assistance; Public Assistance)

ASSISTIVE TECHNOLOGY REGULATION ACT
Adopt (Lynch, Stuhr)........ 802

ATHLETE AGENT REGISTRATION AND ACCOUNTABILITY ACT
Adopt (Brashear, Will)........ 766
Adopt (Brashear) Appropriation bill........ 766A

ATHLETICS
Athlete Agent Registration and Accountability Act: adopt (Brashear, Will)........ 766
Athlete Agent Registration and Accountability Act: adopt (Brashear) Appropriation bill........ 766A
Athletic trainers: change provisions relating to practices allowed (Dw. Pedersen)........ 762

ATTORNEY GENERAL
Appointment: provide (Warner, Kristensen, Withem)........ 11CA

LB

Ballots: eliminate provisions relating to explanatory statements (Warner) 12

Casino gambling: prohibit advertisement and provide penalties (Jensen, Jones, Schrock, Witek) 381

Duties: provide (Schimek, Crosby, Hillman) 448

Duties: provide (Withem) 758

Duties: provide with respect to the state's boundary lines (Vrtiska, Wehrbein) 588

Duties: provide with respect to the state's boundary lines (Vrtiska) Appropriation bill 588A

Election: provide for nonpartisan election (Chambers) 738

Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers) 459

Nebraska Register and the Nebraska Administrative Code: require publication (Coordsen) 665

Powers and duties: change and eliminate (Wickersham, Beutler) 430

Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock) 8CA

Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem) 9CA

Salary: change provisions (Warner, Withem) 14

Sex offenders: provide for community notification of certain records (Abboud, Jones, Dw. Pedersen, Robak) 204

ATTORNEY-CLIENT CONFERENCE ACT

Adopt (Withem, Brashear, Brown, Coordsen, Schimek) 593

ATTORNEYS

Attorney-Client Conference Act: adopt (Withem, Brashear, Brown, Coordsen, Schimek) 593

Child protection case central registry: provide for attorney's fees in certain cases (Stuhr) 490

City attorneys in primary class cities: allow to appeal from preliminary rulings and seek pretrial diversion from city council (Hudkins) 355

AUDITOR OF PUBLIC ACCOUNTS

Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt) 583

Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham) Appropriation bill 583A

Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers) 459

Executive officer: eliminate provisions (Warner, Kristensen, Withem) 11CA

Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock) 8CA

Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem) 9CA

Salary: change provisions (Warner, Withem) 14

Schools: change provisions relating to audits (Jones, Bromm, Hudkins, Schmitt, Schrock) 157

AUDITORS AND AUDITS

Environmental audits; state intent and define terms (Kristensen, Bromm) 395

Environmental audits: define terms and provide for mitigation or waiver of penalties (Preister) 208

Environmental audits: provide (Beutler) 541

Schools: change provisions relating to audits (Jones, Bromm, Hudkins, Schmitt, Schrock) 157

AUTOMOBILES (See Motor Vehicles)

BANK HOLDING COMPANY ACT OF 1995, NEBRASKA

Acquisition of banks: change provisions (Landis) 739

BANKING AND FINANCE, DEPARTMENT OF
Powers: provide (Landis)... 555

BANKING AND FINANCE, DIRECTOR OF
Powers: provide (Landis)... 335

BANKS AND BANKING (See also Financial Institutions)
Bank director qualifications: change provisions (Brashear, Chambers).... 364
Bank executive officers, directors or principal shareholders: change provisions relating to loans (Brashear, Chambers)...................... 364
Bank Holding Company Act of 1995, Nebr.: change provisions for acquisition of banks (Landis)....................................... 739
Change provisions (Landis)... 137
Change provisions (Banking).. 425
Detached branch banks in Class II counties: change provisions (Landis).. 56
Installment loans: change provisions relating to charges and penalties (Landis).. 555
Interstate Branching By Merger Act of 1997: adopt (Landis)............. 351
Medical savings accounts: authorize banks to act as a trustee or custodian of a medical savings account (Matzke)........................ 753
Mobile branch banks: provide (Landis)................................ 136
Mortgage loans: change provisions relating to escrow accounts (Landis).. 554
Non-deposit-taking branch banks: provide a restriction on names (Schmitt, Jones)... 868
Revisor bill to eliminate language not eliminated as part of the enrollment and review process in Laws 1996, LB 1053 (Executive Board)... 2
Savings and loan associations: allow state chartered associations equal power as federal associations (Vrtiska)............................ 35
Securities Act of Nebr.: define and redefine terms and change provisions (Landis)... 335
Third-party guarantor on a loan: provide for notification (Elmer, Schrock)... 142

BENEFITS (See also Employment Security; Labor)

BICYCLES
Bicycles, sale of: provide a fee and credit to the Trail Development Assistance Fund (Beutler)... 683

BIDS AND BIDDING (See also Public Lettings)
Bids and public works contracts: change provisions for cities and villages (Maurstad, Hartnett)...................................... 238
Cities and villages: provide for purchases without competitive bidding (Schimek, Crosby, Hudkins)....................................... 315
Contracts: require certain contracts be let to the lowest responsible bidder (Jensen).. 357
County Purchasing Act: change provisions (Wickersham)................. 743
Public letting and contract requirements: change provisions (Preister)... 805

BINGO (See also Gambling; Lotteries; Pickle Cards; Horseracing)
Change provisions (Hilgert).. 627
Pickle cards played in conjunction with the conduct of bingo: change provisions (Will).. 732

BLIND AND VISUALLY IMPAIRED ACT, COMMISSION FOR THE
Adopt (Crosby, Lynch, Dw. Pedersen, Will, Witek)...................... 341

BLIND AND VISUALLY IMPAIRED, COMMISSION FOR THE
Create (Crosby, Lynch, Dw. Pedersen, Will, Witek)..................... 341

BOARDS (See also Commissions)
Board of health regulations, laboratory notifications and liability for certain examination: change provisions (Dierks)...................... 197

LB

Board of Trustees of the Nebr. State Colleges: provide for placing community colleges under governance of the board (Wickersham, Bromm, Coordsen, Cudaback, Elmer, Hartnett, Hillman, Hudkins, Janssen, Jones, McKenzie, Robinson, Schellpeper, Schmitt, Schrock, Vrtiska)............ 823

Budget Act Advisory Board, Nebraska: create (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt)........ 583

Budget Act Advisory Board, Nebraska: create (Wickersham) Appropriation bill... 583A

Cemetery districts: change provisions relating to boards of trustees (Cudaback, Robinson, Schrock).. 71

County board meetings: change provisions (Vrtiska).................... 40

County boards: change provisions relating to budget revisions (Withem)... 545

Deferred compensation: change provisions (Wickersham).................. 330

Education, State Board of: require the Legislature to prescribe qualifications for members (Robinson, Bohlke)........................ 6CA

Educational Lands and Funds, Board of: change provisions relating to appraisals, leases and board duties (Legislative Program Evaluation Committee)... 843

Environmental Trust Board, Nebr.: change provisions for duties o f the board and establishing priorities for use of the trust (Elmer, Bromm, Bruning, McKenzie, Preister, Schrock)............................... 616

Equalization, State Board of: transfer powers and duties to the Tax Equalization and Review Commission (Kristensen, Hartnett, Landis, Schellpeper, Warner, Coordsen).. 397

Industrial Competitiveness Alliance Board, Nebr.: create (Withem, Robak)... 659

Libraries: change provisions for membership on certain boards (Brown).. 112

Mental health boards: redefine"state agency" to include boards under the State Tort Claims Act (Vrtiska)................................. 39

Mental Health Commitment Act, Nebr.: provide the act is applicable to juveniles (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr).. 757

Pardons, Board of: change provisions for driver's license revocation and provide for an application with the board (Will).................. 377

Pardons, Board of: eliminate provisions (Withem, Kristensen, Warner)... 27CA

Parole, Board of: eliminate the constitutional provisions establishing (Withem, Kristensen, Warner).. 27CA

Personnel Board, State: change provisions (Landis)..................... 314

Personnel Board, State: change provisions (Landis) Appropriation bill... 314A

Plumbing boards: change a bond requirement for members (Lynch).......... 666

Records Board, State: provide duties relating to the dissemination of public information electronically (Withem, Brashear, Brown, Hillman, Kristensen, Robinson)... 590

Records Board, State: provide duties relating to the dissemination of public information electronically (Withem) Appropriation bill......... 590A

Retirement board, Public Employees: change provisions for termination benefits under the State Employees Retirement Act (Crosby)............. 96

School lands: provide a duty for the Board of Educational Lands and Funds and change provisions for administrative costs (Legislative Program Evaluation Committee).. 547

BOAT ACT, STATE

Motorboats and personal watercrafts: prohibit operation of by persons under sixteen years of age (Matzke)................................. 316

Nonpublic lake associations: authorize to adopt and promulgate rules and regulations (Lynch).. 667

BOATS AND BOATING

Boat Act, State: authorize nonpublic lake associations to adopt and promulgate rules and regulations (Lynch).............................. 667

Certificates of title and registration: change provisions (Transportation Committee)... 720

Driving or boating under the influence of alcohol or a controlled substance: provide for blood specimen certificates (Kristensen, Crosby, Vrtiska)........ 210
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen)........ 635
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen) Appropriation bill........ 635A
Motorboat operator education: require (Lynch)........ 668
Motorboat registration renewals: provide for electronic issuance (Natural Resources Committee)........ 172
Propelled vehicles: change a penalty for unauthorized use (Witek)........ 290

BOILER INSPECTION ACT
Hobby boilers: provide an exemption (Warner)........ 653

BOILER SAFETY ACT
Exemptions and certain inspection requirements: change provisions (Hilgert)........ 641
Exemptions and certain inspection requirements: change provisions (Hilgert) Appropriation bill........ 641A

BOUNDARIES
Attorney General: provide duties with respect to the state's boundary lines (Vrtiska, Wehrbein)........ 588
Attorney General: provide duties with respect to the state's boundary lines (Vrtiska) Appropriation bill........ 588A
Boundary line between Missouri and Nebraska: change provisions (Wehrbein)........ 59

BRAND COMMITTEE, NEBRASKA
Duties: provide (Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham)........ 640

BRANDS
License plates: provide for brand license plates (Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham)........ 640
Livestock: change in-herd brand identification provisions (Dierks)........ 193

BRIDGES (See also Highways; Roads)
Counties: authorize a tax levy for road, street and bridge construction and improvement (Vrtiska, Cudaback)........ 115
Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad)........ 62CA

BUDGET ACT ADVISORY BOARD, NEBRASKA
Create (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt)........ 583
Create (Wickersham) Appropriation bill........ 583A

BUDGET ACT, NEBRASKA
Villages: change notice requirements for proposed budget statements (Hudkins, Jones, Tyson, Vrtiska)........ 160

BUDGETS
Auditor of Public Accounts: transfer duties to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt)........ 583
Auditor of Public Accounts: transfer duties to the Property Tax Administrator (Wickersham) Appropriation bill........ 583A
Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek, C. Peterson)........ 3LR

LB

Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad) 108LR
County boards: change provisions relating to budget revisions (Withem) 545
Limitations and restrictions: change provisions (Lynch) 625
Villages: change notice requirements for proposed budget statements (Hudkins, Jones, Tyson, Vrtiska) 160

BUILDING AND LOAN ASSOCIATIONS (See Financial Institutions)

BUILDINGS (See also Public Lands and Buildings; Construction)
Elevators: provide an exemption of certain standards (Brown, Bromm, Bruning, Engel, Hartnett, Hudkins, Jensen, Jones, Kiel, Lynch, Maurstad, Dw. Pedersen, Robak, Robinson, Schmitt, Stuhr, Vrtiska, Wehrbein, Will) 125
Elevators: provide an exemption of certain standards (Brown) Appropriation bill 125A

BUSES (See also Motor Vehicles)
School buses: require seatbelts (Robak) 366

BUSINESS AND COMMERCE (See also Corporations)
Aliens, unauthorized: provide restrictions on employment for purposes of tax incentive programs (Wesely) 455
Assistive Technology Regulation Act: adopt (Lynch, Stuhr) 802
Business services: provide a sales tax (Schellpeper) 662
Credit unions: change provisions (Dw. Pedersen) 89
Employment and Investment Growth Act: redefine "number of new employees" (Wesely) 456
Industrial Competitiveness Alliance, Nebr.: create (Withem, Robak) 659
Limited liability companies: change provisions (Kristensen) 631
Limited Liability Company Act: change provisions for registration or filing of corporate or other business entity names (Kristensen) 44
Microenterprise Development Act: adopt (Hilgert, McKenzie, C. Peterson, Preister, Will, at the request of the Governor) 327
Microenterprise Development Act: adopt (Hilgert) Appropriation bill 327A
Nonprofit Corporation Act, Nebr.: change provisions relating to mergers (Brashear, Kristensen) 121
Nonprofit Corporation Act, Nebr.: exempt from the act certain corporations created to carry out a federal mandate (Kristensen) 285
Partnership Act, Uniform: adopt (Landis) 523
Partnership Act, Uniform: adopt (Landis) Appropriation bill 523A
Personal property tax exemption: provide for investments in certain business property (Hudkins, Jones, Stuhr, Wehrbein) 224
Quality Jobs Act: change provisions for wage benefit credits, the board and application procedures (Wesely) 457
Trade practices and trade names: change provisions (Wesely) 453

CABLE TELEVISION (See also Television; Telecommunications)

CAMPAIGN FINANCE LIMITATION ACT
Distribution of public funds and reporting: change provisions (Beutler) 621
Enforcement and civil and criminal penalties: provide (Beutler) 678
Repeal provisions (Brashear, Wickersham) 420

CAMPAIGNS
Attorney General: provide for nonpartisan election (Chambers) 738
Campaign contributions and expenditures: provide limits (Kristensen) 287
Campaign contributions: prohibit during legislative sessions (Bromm, Crosby, Schimek) 131
Campaign funds: authorize expenditures for conference fees (Schimek) 49
Campaign materials: provide restrictions on publishing and broadcasting (Beutler) 620
Campaign Finance Limitation Act: change provisions for distribution of public funds and reporting (Beutler) 621

LB

Campaign Finance Limitation Act: provide for enforcement and for civil and criminal penalties (Beutler) 678
Candidates: require certain candidates for public office to resign their current public position (Brashear) 40CA
Conflicts of interest and dissolution of committees: change provisions (Brashear) 767
Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem) 12CA
Contributions: prohibit acceptance of certain contributions (Brashear, Wickersham) 420
Elections: change and eliminate provisions (Robinson, Matzke, Maurstad, Schimek, Withem) 764
Filing: change provisions (Chambers) 632
Independent committees: require reports of late expenditures by a committee and provide a penalty (Schimek, Beutler, Brashear) 321
Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem) 38CA
Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner) 7CA
Initiative and referendum measures: identify the powers of and remove obsolete language (Withem, Kristensen, Warner) 55CA
Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem) 39CA
Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler) 56CA
Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek) 32CA
Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem) 41CA
Initiative and referendum: change provisions for petitions, petition signers and circulators, and procedures (Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem) 460
Multiple office holding and filing for more than one office: prohibit (Crosby) 339
Multiple office holding: prohibit and change provisions for filing petitions for nomination (Will) 382
Out-of-state contributors: provide filing requirements (Withem, Coordsen, Dierks, Robinson, Schellpeper, Schimek, Warner) 591
Political Accountability and Disclosure Act: change contribution restrictions on campaign committees (Brashear, Landis, Maurstad) 768
Political Accountability and Disclosure Act: change provisions for a civil penalty (Brashear) 361
Public property and personnel: prohibit use of (Brashear) 360

CAPITAL CONSTRUCTION
Appropriations: provide (Speaker Withem, at the request of the Governor) 386
Medium-minimum security adult correction facility: authorize construction and appropriate funds (Maurstad) 150
Nebraska State Colleges: provide funding for capital construction projects (Wesely, Crosby, Lynch) 857
Postsecondary education: change provisions for approval of capital construction projects (Wehrbein) 586
State approval of certain projects proposed by political subdivisions: require (Warner, Schellpeper) 306
State colleges: provide funds for capital improvements (Hillman, Engel, Schellpeper, Tyson, Wickersham) 394
University of Nebraska: provide funding for capital construction projects (Wesely, Crosby, Lynch) 857

CAPITAL EXPANSION ACT, NEBRASKA
Change provisions (Jensen, Witek) 275

CAPITAL PUNISHMENT

LB

Appeals and postconviction proceedings: change provisions (Jensen, Bromm) 390
Capital punishment: change provisions relating to aggravating circumstances in applying the death penalty (Witek, Bruning, Jensen, Jones, Robinson, Schmitt, Schrock, Stuhr) 774
Life imprisonment without possibility of parole: provide and eliminate provisions relating to capital punishment (Chambers) 331

CEMETERIES
Cemetery districts: change provisions relating to boards of trustees (Cudaback, Robinson, Schrock) 71
Veteran cemetery system: provide for creation and create a fund (Wickersham) 820

CENTERS FOR INDEPENDENT LIVING ACT
Adopt (Wesely) 259
Adopt (Wesely) Appropriation bill 259A

CERTIFICATE OF NEED ACT, NEBRASKA HEALTH CARE
Certificate of Need Act, Nebraska Health Care: eliminate provisions (McKenzie, Witek) 186
Change provisions (Wesely) 450
Eliminate provisions (Witek) 219
Exemption for hospitals in primary class cities establishing a full service cardiology program: provide (Crosby, Witek) 798
Exemption for hospitals in primary class cities establishing a full service cardiology program: provide (Crosby) Appropriation bill 798A

CERTIFICATION (See Schools; Teachers)

CHARITABLE AND FRATERNAL SOCIETIES (See also Nonprofit Organizations)
Charitable Solicitation Registration Act: adopt (Schimek, Bohlke, Crosby) 383

CHARITABLE SOLICITATION REGISTRATION ACT
Adopt (Schimek, Bohlke, Crosby) 383

CHILD CARE
Child abuse: provide a child's caretaker with notification of and access to reports (Janssen, Schimek) 119
Nonexpiring licenses: provide and change provisions relating to inspections and enforcement (Janssen, Bohlke, Schimek) 310
Nonexpiring licenses: provide and change provisions relating to inspections and enforcement (Janssen) Appropriation bill 310A

CHILD SUPPORT (See also Children; Divorce; Husband and Wife)
Accounts and use: provide specific provisions (Coordsen) 7
Collection: create a task force to study and make recommendations (Brown) 437
Domestic relations matters: change provisions for court filings and jurisdiction (Beutler) 677
Family Support Act, Uniform Interstate: change provisions for recognition and enforcement of child support orders (Landis) 727
Guidelines: provide the Director of Research of the Legislature formulate and recommend to the Legislature (Crosby) 885
License Suspension Act: adopt (Beutler, Brown, at the request of the Governor) 752
License Suspension Act: adopt (Beutler) Appropriation bill 752A
Medical expenses of a minor child in a divorce or legal separation: provide both parents are liable (Kristensen) 785
Retroactive modification: provide (Landis) 423
Termination of support upon certain events and procedures: provide (Landis) 58
Withholding of earnings, assignment of income and delinquency: change provisions (Landis) 18

CHILDREN

LB

Adoption decrees: change provisions for providing copies of decrees by the clerk of the county court (Schimek, Beutler, Matzke)............... 80
Adoption: provide payment for medical expenses for certain adopted children (D. Pederson, Bromm, Bruning, Engel, Hillman, Matzke).......... 788
Aid to dependent children: eliminate provisions (Wesely, Chambers, at the request of the Governor).. 864
Aid to dependent children: eliminate provisions (Wesely) Appropriation bill... 864A
Child abuse: provide a child's caretaker with notification of and access to reports (Janssen, Schimek)................................ 119
Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen, Bohlke, Schimek)...... 310
Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen) Appropriation bill... 310A
Child custody: change provisions for determination (Crosby)............ 884
Child custody: change provisions for moving the residence of a child to another state (Janssen, Robinson)................................. 253
Child protection case central registry: provide for attorney's fees in certain cases (Stuhr)... 490
Child support collection: create a task force to study and make recommendations (Brown).. 437
Child support guidelines: provide the Director of Research of the Legislature formulate and recommend to the Legislature (Crosby)......... 885
Child support: adopt the License Suspension Act (Beutler, Brown, at the request of the Governor).. 752
Child support: adopt the License Suspension Act (Beutler) Appropriation bill.. 752A
Child support: change delinquency, withholding of earnings and assignment of income provisions (Landis).............................. 18
Child support: provide for retroactive modification (Landis)........... 423
Child support: provide for termination of support upon certain events and for procedures (Landis)... 58
Child support: provide specific account and use provisions (Coordsen)... 7
Child victims of sexual assault or child abuse: provide restrictions on the release or use of videotapes and provide penalties (Abboud)......... 643
Court ordered placement: change provisions relating to costs of treatment and health care and disciplinary restrictions (Brashear, at the request of the Governor).. 769
Court Appointed Special Advocate Act (Withem, Brown, Hillman, Janssen, Dw. Pedersen, C. Peterson, Suttle)................................. 301
Domestic relations matters: change provisions for court filings and jurisdiction (Beutler)... 677
Family Support Act, Uniform Interstate: change provisions for recognition and enforcement of child support orders (Landis)........... 727
Firearms, unlawful storage of: create the offense (Brown).............. 110
Food stamp assistance: provide state-funded assistance for certain residents (Chambers).. 633
Food stamp assistance: provide state-funded assistance for certain residents (Chambers) Appropriation bill............................ 633A
Grandparent visitation: redefine "grandparent" (Witek, Crosby, Dierks, Hilgert, Hudkins, Jones, Preister, Stuhr, Warner, Schimek)............. 207
Grandparent visitation: state intent and provide for mediation (Jensen, Engel)... 358
Indecency with a child: create the offense and provide penalties (Hillman, Brown, Kiel).. 601
Juvenile Services Act: change provisions (Landis)...................... 424
Juveniles: change provisions for costs of care and treatment (Withem)... 536
Kids First Health Care Act: adopt (Beutler)............................ 675
Mediation: provide as a juvenile code prosecution and disposition alternative (Wesely)... 236
Mental health placement for juveniles: provide (Health and Human Services Committee)... 622
Mental health placement for juveniles: provide (Wesely) Appropriation bill... 622A

LB

Mental Health Commitment Act, Nebr.: provide the act is applicable to juveniles (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr) 757
Metabolic diseases: provide a fee for screening infants for metabolic diseases (Wesely) 610
Metabolic diseases: provide a fee for screening infants for metabolic diseases (Wesely) Appropriation bill 610A
Parenting education courses: provide (Jensen, Brown, Hudkins, Kiel, Dw. Pedersen, Schimek, Stuhr) 777
Parenting Act: change provisions relating to custody and visitation (Beutler) 674
Temporary custody, detention or placement: change provisions (Hillman, Bromm, Engel, Robak, Suttle) 392
Visually handicapped children: provide for braille instruction (Schimek, Crosby, Dw. Pedersen, Witek) 81

CIGARETTES (See also Tobacco)
Billboards: prohibit certain advertising practices (Schrock, Crosby, Engel, Jensen, Suttle) 65
Licenses, products and minors: change provisions, require posting of signs and provide penalties (Hilgert, Crosby, Elmer, Hudkins, Janssen, Jones, Robinson, Robak, Engel) 467
Licenses: provide for suspension (Suttle, Kiel, Preister) 484
Products: provide for physical possession of products by a first owner before resale (Lynch, Hartnett) 123
Smoking in state buildings and vehicles: prohibit (Preister, Dierks, Hartnett, Jensen, Matzke, Robinson) 375
Tax: change provisions (Warner) 411
Tax: change the distribution and provide funding for capital construction for the Univ. of Nebr. and Nebr. State Colleges (Wesely, Crosby, Lynch) 857
Tobacco products: prohibit automated dispensing (Preister, Jensen) 158

CITIES AND VILLAGES: LAWS APPLICABLE TO ALL
Blighted and substandard areas: change provisions (Urban Affairs Committee) 875
Blighted and substandard areas: change provisions (Hartnett) Appropriation bill 875A
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt) 583
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham) Appropriation bill 583A
Community redevelopment authority: change provisions for appointments (Cudaback) 427
Handicapped parking permits: change provisions for renewal for permanent permits (Schimek) 836
Handicapped parking permits: change provisions relating to placement (Lynch) 298
Handicapped parking permits: provide for agreements between a state agency and political subdivision for enforcement (Lynch) 299
Income tax: change provisions (Cudaback, Schrock, Vrtiska) 468
Levy limitations for municipalities: change provisions (Maurstad) 831
Local option sales tax: provide for distribution of tax collected in community redevelopment areas (Warner, Coordsen, Hartnett) 415
Local Option Revenue Act: eliminate provisions (Cudaback, Schrock, Vrtiska) 468
Motor vehicles: provide for issuance of one license plate (Schmitt) 564
Natural gas and telecommunications services: allow cooperating municipalities and public power districts to provide (Beutler, Bohlke, Bromm, Elmer, McKenzie, Preister, Schrock) 506
Plumbing boards: change a bond requirement for members (Lynch) 666
Police authority: eliminate provisions relating to cities and villages (Hartnett) 826
Property tax: change provisions (Cudaback, Schrock, Vrtiska) 468
Public power districts: change and eliminate provisions for the sale or lease of equipment and property of the districts (Tyson) 499

LB
Purchases without competitive bidding: provide for (Schimek, Crosby, Hudkins) 315
Sales and use taxes: change provisions (Cudaback, Schrock, Vrtiska) 468
Tax increment financing: change provisions (Urban Affairs Committee) 875
Tax increment financing: change provisions (Hartnett) Appropriation bill 875A
Wind energy resources: provide for different rates, tolls, rent, or other charges (Hartnett, Dierks, Preister) 571

CITIES AND VILLAGES: PARTICULAR CLASSES
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen, Lynch, Robinson, Schellpeper) 116
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen) Appropriation bill 116A
Gas furnace inspections of certain residential and commercial structures by utilities or gas companies: provide (Janssen, Hartnett) 708
Jails: provide first & second class cities, villages and certain counties maintain jails under Interlocal Cooperation agreements (Hartnett) 825
Natural gas regulation: redefine terms and change provisions for regulation of rates and enforcement of the regulation (Bromm, Preister) 318
Offstreet parking districts: provide for alternate uses of levies and assessments (Tyson) 746
Planning commission meetings: change provisions (Cudaback) 426
Police authority: eliminate provisions relating to cities and villages (Hartnett) 826
Transcripts of certain municipal proceedings: change provisions relating to costs (Bromm) 319

CITIES OF THE FIRST CLASS
Bids and public works contracts: change provisions (Maurstad, Hartnett) 238
County treasurers: eliminate collection fees for property tax, homestead reimbursement revenue and certain special assessments (Landis, Coordsen, Kristensen, Warner, Wickersham) 179
Jails: provide first & second class cities, villages and certain counties maintain jails under Interlocal Cooperation agreements (Hartnett) 825
Municipal power suppliers: change and eliminate provisions relating to service areas (Beutler, Bohlke, Landis, C. Peterson, Wesely) 602
Police authority: eliminate provisions relating to cities and villages (Hartnett) 826
Railroads and railroad crossings: transfer powers and duties to the Dept. of Roads (Kristensen) 257
Remonstrance petitions: provide for validation of signatures (Wickersham) 230
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek) 814
Sports Wagering Act: adopt (Will) 359
State law violations: require the state to pay costs (Wickersham) 816
Terms of office and filling of vacancies: change provisions (Robinson) 734

CITIES OF THE METROPOLITAN CLASS (See also Omaha)
Annexation: change provisions (Dw. Pedersen, Bruning, Hartnett, Hilgert, Lynch) 611
County treasurers: eliminate collection fees for property tax, homestead reimbursement revenue and certain special assessments (Landis, Coordsen, Kristensen, Warner, Wickersham) 179
Enterprise zones: revoke the enterprise zone designation of an area located within a metropolitan class city (Chambers) 634
Gas furnace inspections of certain residential and commercial structures by utilities or gas companies: provide (Janssen, Hartnett) 708

LB
Metropolitan utilities districts: authorize donation of certain personal property to political subdivisions (Hartnett)................. 651
Police authority: eliminate provisions relating to cities and villages (Hartnett).. 826
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek)... 814
Slaughterhouses: prohibit establishment near residential areas (Preister, Hartnett).. 502
Sports Wagering Act: adopt (Will).................................... 359
Transcripts of certain municipal proceedings: change provisions relating to costs (Bromm).. 319

CITIES OF THE PRIMARY CLASS (See also Lincoln)
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby, Witek)... 798
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby) Appropriation bill.. 798A
City attorneys in primary class cities: allow to appeal from preliminary rulings and seek pretrial diversion from city council (Hudkins)... 355
City-county health departments: provide new procedures for establishing (Wesely).. 185
Jails: provide first & second class cities, villages and certain counties maintain jails under Interlocal Cooperation agreements (Hartnett).. 825
Municipal electric utility: provide for the election of the board of directors (Coordsen, Schellpeper).................................. 637
Police authority: eliminate provisions relating to cities and villages (Hartnett).. 826
Railroads and railroad crossings: transfer powers and duties to the Dept. of Roads (Kristensen).. 257
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek)... 814
Sports Wagering Act: adopt (Will).................................... 359
State law violations: require the state to pay costs (Wickersham)....... 816

CITIES OF THE SECOND CLASS AND VILLAGES
Bids and public works contracts: change provisions (Maurstad, Hartnett).. 238
Bond requirements: eliminate provisions (Tyson)........................ 520
Jails: provide first & second class cities, villages and certain counties maintain jails under Interlocal Cooperation agreements (Hartnett).. 825
Municipal power suppliers: change and eliminate provisions relating to service areas (Beutler, Bohlke, Landis, C. Peterson, Wesely)........... 602
Ordinance, violation of: provide increase in the fine a city or village may charge (Tyson)... 521
Police authority: eliminate provisions relating to cities and villages (Hartnett).. 826
Railroads and railroad crossings: transfer powers and duties to the Dept. of Roads (Kristensen).. 257
Remonstrance petitions: provide for validation of signatures (Wickersham)... 230
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek)... 814
Sewerage system funds: change provisions (Schrock, Cudaback, Elmer, Hudkins, Dw. Pedersen, Schellpeper)................................. 67
Sports Wagering Act: adopt (Will).................................... 359

LB

CITIES, COUNTIES, AND OTHER POLITICAL SUBDIVISIONS

Ambulance and fire service: change provisions for contracts with counties, cities and villages (Will, Bruning, Hilgert, Robak).......... 447
Budget limitations and restrictions: change provisions (Lynch).......... 625
Budgets: change notice requirements for proposed budget statements for villages (Hudkins, Jones, Tyson, Vrtiska)............................. 160
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt)......................... 583
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham) Appropriation bill........... 583A
City-county health departments: provide new procedures for establishing (Wesely).. 185
Counties and municipalities: provide for consolidation and creation of classified local governments (Wickersham, Coordsen, Kristensen, Warner, Hartnett, Schellpeper, Will)...................................... 178
County Purchasing Act: change provisions (Wickersham).................. 743
County-municipal service districts and unified local governments: authorize creation (Revenue Committee).................................. 177
Delinquent taxes and special assessments owed to political subdivisions: change provisions for the interest rate (McKenzie).................... 187
Discrimination: combine and eliminate provisions (Legislative Program Evaluation Committee)... 548
Discrimination: combine and eliminate provisions (Hillman) Appropriation bill.. 548A
Discrimination: combine and eliminate sections (Landis, Warner)......... 171
Elections: change and eliminate provisions (Robinson, Matzke, Maurstad, Schimek, Withem)... 764
Enterprise zones: revoke the enterprise zone designation of an area located within a metropolitan class city (Chambers).................... 634
Fire protection: authorize a uniform or common levy for fire protection (Revenue Committee).. 176
Integrated Solid Waste Management Act: provide for disbursements from the cash fund (Beutler, at the request of the Governor)................ 495
Libraries: change provisions (General Affairs Committee)............... 250
Local Government Innovation and Restructuring Fund: provide funding for innovation and restructuring (Warner)................................ 305
Payments in lieu of taxes for certain tax-exempt property: authorize local governments to levy (Wickersham, Coordsen, Landis, Warner, Will)... 181
Police authority: eliminate provisions relating to cities and villages (Hartnett)... 826
Solid waste collection service: change provisions relating to rates and charges (Beutler).. 135
Solid waste: authorize combined billing of charges, provide for transportation permits and change Small Claims Court procedures (Tyson).. 749
Transit authorities: change provisions relating to tax levies (Will).... 348

CIVIL PROCEDURE

Arbitration Act, Uniform: reenact provisions which were found unconstitutional (Landis, Jensen, Matzke)............................. 151
Child custody: change provisions for moving the residence of a child to another state (Janssen, Robinson).................................... 253
Clerk magistrate of the county court and clerk of the district court: eliminate and create the position of clerk of the court (Beutler)....... 507
County court: change filing deadlines for pleadings (Brashear).......... 363
County court: change provisions relating to jurisdiction (Cudaback)..... 573
District attorney and district public defender offices and districts: create (Wickersham).. 818
District court judges: change provisions for the number (Beutler)....... 706
District court: change the status of clerks and employees and eliminate provisions relating to election (Wickersham).......................... 817
Divorce decree dissolution: change provisions (Crosby).................. 434
Domestic relations matters: change provisions for court filings and jurisdiction (Beutler).. 677

LB

Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle) ... 393
Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman) Appropriation bill ... 393A
Drug Dealer Liability Act: adopt (Hudkins, Abboud, Jones, Robak, Stuhr, Vrtiska, Witek, Dw. Pedersen) ... 268
Equine activities: provide an exemption from civil liability and for the posting of warning signs (Jones, Cudaback, Dierks, Elmer, Hudkins, Schellpeper, Schmitt, Schrock, Wickersham) ... 153
Garnishment: authorize a fee for executing an order (Dierks) ... 196
Garnishments: change provisions relating to payment and liens (Brashear) ... 771
Hearing impaired persons: change provisions relating to interpreters (Crosby, Coordsen, Dw. Pedersen, Schimek, Robak) ... 810
Homestead exemptions: change provisions (Landis) ... 730
Inmate dispositions and testimony: change provisions (Crosby) ... 94
Inmate dispositions and testimony: change provisions (Crosby) Appropriation bill ... 94A
Insurance settlement payments: change provisions relating to certain advance payments (Landis) ... 741
Joinder: change provisions (Brashear) ... 234
Juveniles: provide for mediation as a juvenile code prosecution and disposition alternative (Wesely) ... 236
Leased trucks: change provisions relating to liability for damages (Dw. Pedersen) ... 527
Legal services for the indigent: provide an additional docket fee and create a fund (Landis) ... 729
Legal services for the indigent: provide an additional docket fee and create a fund (Landis) Appropriation bill ... 729A
Limitation of action issues: change provisions for trial procedure (Robak) ... 165
Medical expenses of a minor child in a divorce or legal separation: provide both parents are liable (Kristensen) ... 785
Notice of appeal: change provisions and clarify the time for filing (Abboud) ... 398
Practice notes: eliminate a duty of the Revisor of Statutes to publish (Brashear) ... 560
Prisoners: change provisions for actions brought by prisoners and informally name the Nebr. Prison Litigation Reform Act of 1997 (Bromm, Engel, Hudkins, Jensen, Maurstad, D. Pederson, Schrock, Witek) ... 508
Probation Administration Act, Nebr.: provide for the payment of supervision fees as prescribed as a condition of probation (Hilgert) ... 879
Proceedings in forma pauperis: define terms (Robak) ... 227
Product liability: change provisions for commencement (Will) ... 458
Product liability: change provisions relating to strict liability (Abboud, Hilgert) ... 442
Revisor bill to strike references to a statute that was repealed in 1983 (Executive Board) ... 1
Sex offenders: provide for community notification of certain records (Abboud, Jones, Dw. Pedersen, Robak) ... 204
Small Claims Court: require law enforcement personnel to give information to aid in collection of a judgment (Coordsen) ... 8
Solid waste: authorize combined billing of charges, provide for transportation permits and change Small Claims Court procedures (Tyson) ... 749
Water wells: provide a statute of limitations for actions to collect civil penalties (Beutler) ... 30
Work camps, incarceration: create (Engel, Crosby, Dierks, Jones, Kiel, D. Pederson, Robinson, Schrock, Vrtiska, Wehrbein, Witek, Preister, Abboud, at the request of the Governor) ... 882
Work camps, incarceration: create (Engel) Appropriation bill ... 882A

CIVIL RIGHTS

Discrimination based on sexual orientation: change provisions (Chambers) ... 869

LB

Discrimination: combine and eliminate provisions (Legislative Program Evaluation Committee) 548
Discrimination: combine and eliminate provisions (Hillman) Appropriation bill 548A
Discrimination: combine and eliminate sections (Landis, Warner) 171
Hearing impaired persons: change provisions relating to interpreters (Crosby, Coordsen, Dw. Pedersen, Schimek, Robak) 810
Physically disabled persons: provide for service dogs (Robak, Stuhr) 254
Physician Aid-In-Dying Act: adopt (Chambers) 406

CLAIMS
Annuities, life insurance and health insurance proceeds: change provisions exempting from claims of judgment creditors (Crosby) 47
Claims against the state: appropriate funds for payment of certain claims (Business and Labor Committee) 890
Claims against the state: disapprove certain claims (Business and Labor Committee) 891
Insurance: change provisions relating to unfair claims settlement practices (Coordsen) 543
Tort Claims Act, State: limit recovery for claims (Kristensen) 41
Tort Claims Act, State: redefine "state agency" to include mental health boards (Vrtiska) 39

COLLECTIVE BARGAINING (See also Labor)

COLLEGES (See Postsecondary Education; Universities and Colleges)

COMMISSIONS (See also Boards)
Accountability and Disclosure Commission: change and eliminate provisions relating to conflict of interest (Wickersham) 726
Accountability and Disclosure Commission: provide and change enforcement powers and provide for issuance of subpoenas (Brashear) 421
Accountability and Disclosure Commission: provide enforcement of the Campaign Finance Limitation Act (Beutler) 678
Accountability and Disclosure Commission: redefine ballot question relating to groups who intend to oppose retention of a judge (Withem) 839
Blind and Visually Impaired, Commission for the: create (Crosby, Lynch, Dw. Pedersen, Will, Witek) 341
Compensation Review Commission: create and change provisions for compensation for members of the Legislature and employees (Beutler) 57CA
County land reutilization authorities and commissions: change provisions (Hartnett, Bruning, Dw. Pedersen, Preister, Will, Withem) 489
Emergency Response Commission, State: create (Preister) 670
Game and Parks Commission: appropriate funds to design exhibits for the Prehistoric Prairies Discovery Center at Ft. Robinson (Wickersham) 819
Game and Parks Commission: approve gift of land from the City of Peru to the Game and Parks Commission (Vrtiska) 286LR
Game and Parks Commission: approve gift of land from the Friends of the White River Trail to the Game and Parks Commission (Wickersham) 287LR
Game and Parks Commission: approve gift of land from the Todd Valley Wetland Foundation (Robak) 110LR
Game and Parks Commission: change provisions for aquaculture, game and fur farming, dog training and controlled shooting areas (Natural Resources Committee) 313
Game and Parks Commission: change provisions for commercial exploitation or exportation of certain aquatic organisms (Preister) 866
Game and Parks Commission: change provisions for importation, exportation and release of birds and mammals (Beutler) 703
Game and Parks Commission: change provisions for issuance of certain permits (Beutler) 704
Game and Parks Commission: change provisions for limited hunting permits (Vrtiska, Wehrbein) 473
Game and Parks Commission: change provisions for the number of members and the districts (Schimek, Vrtiska, Will, Hilgert) 585
Game and Parks Commission: change provisions for the purchase, sale, or barter of game animals, game birds and game fish (Hudkins, Jones, D. Pederson, Preister) 107

LB

Game and Parks Commission: change provisions relating to controlled shooting areas (Hudkins) 664

Game and Parks Commission: change provisions relating to game breeding operations (Hudkins) 664

Game and Parks Commission: change provisions relating to meetings and official actions (Beutler) 141

Game and Parks Commission: define habitual offender and provide for revocation of licenses, permits, and stamps (Hillman, Hudkins, Jones, Schmitt, Schrock, Wickersham) 830

Game and Parks Commission: provide duties (Beutler, Preister) 494

Game and Parks Commission: provide for credentialing of certain federal officers as conservation officers (Beutler) 702

Game and Parks Commission: provide for lifetime habitat stamps and for fees (Beutler) 705

Game and Parks Commission: provide for permits to hunt and kill mountain sheep (Wickersham, Beutler) 733

Game and Parks Commission: provide powers and duties for conservation and deputy conservation officers (Beutler) 701

Game and Parks Commission: require motorboat operator education (Lynch) 668

Gift of land from the SAC Museum Memorial Society, Inc. to the Game and Parks Commission: provide approval by the Legislature (Wehrbein) 50LR

Government Efficiency Commission: create (Warner, Schellpeper) 306

Hearing impaired persons: change provisions relating to interpreters (Crosby, Coordsen, Dw. Pedersen, Schimek, Robak) 810

Hearing Impaired, Commission for the: change the name, membership and duties of the commission (Crosby, Dw. Pedersen) 851

Hearing Impaired, Commission for the: change the name, membership and duties of the commission (Crosby) Appropriation bill 851A

Human Genetic Technologies, Nebr. Commission on.: create (Brown) Appropriation bill 111A

Human Genetic Technologies, Nebr. Commission on: create (Brown, Schimek) 111

Industrial Relations, Comm. of: provide methods for disputes involving wages, rates and conditions for municipal employees (Coordsen) 519

Jobs and Wages, Nebr. Commission on: create (Wesely) 860

Judicial Resources Commission: change provisions relating to determination of judicial vacancies (Wickersham) 229

Judicial Resources Commission: change provisions relating to determination of judicial vacancies (Wickersham) Appropriation bill 229A

Law Enforcement & Criminal Justice, Nebr. Comm. on: provide for creation of an incident report form relating to domestic violence (Schimek, Crosby, Hillman) 448

Law Enforcement and Criminal Justice, Nebr. Comm. on: change duties (Wickersham) 818

Law Enforcement and Criminal Justice, Nebr. Comm. on: provide duties relating to hate crimes (Robak, Schimek, Brown, Kiel, Jensen, Crosby, Lynch, Preister, Hartnett) 90

Law Enforcement and Criminal Justice, Nebr. Comm. on: provide duties relating to hate crimes (Robak) Appropriation bill 90A

Legislative Compensation, Commission on: create and provide for establishment of salary & expenses of members of the Legislature (Warner, Kristensen, Withem) 14CA

Liquor Control Commission: change provisions for liquor licenses and penalties (Kristensen) 482

Liquor Control Commission: change provisions relating to retail license suspension (Landis) 17

Liquor Control Commission: change provisions relating to the location of licensed premises (Robinson, Lynch) 45

Local Option Property Tax Relief Committee: create (Janssen, at the request of the Governor) 804

Oil and Gas Conservation Commission: authorize contracts for appraisals of oil and gas interests (Matzke, Elmer, Wickersham) 334

Planning commission meetings in certain cities and villages: change provisions (Cudaback) 426

LB

Postsecondary Education, Coordinating Commission for: provide for the Seamless Delivery System Pilot Project (Hillman, Brashear, Crosby, D. Pederson, Tyson, Wickersham, Bohlke) 835
Postsecondary Education, Coordinating Commission for: provide for the Seamless Delivery System Pilot Project (Hillman) Appropriation bill... 835A
Public Advocacy, Nebr. Commission on: change provisions for funding and cost of indigent defense (Kristensen) 108
Public Service Commission: adopt the Nebr. Telecommunications Universal Service Fund Act (Kristensen, Dw. Pedersen, Coordsen, Robinson, Matzke, Elmer) 686
Public Service Commission: adopt the Telemarketer Registration Act (Crosby, Jensen, Schimek) 445
Public Service Commission: change certification provisions for passenger carriers (Withem, Brown) 556
Public Service Commission: change provisions for certificates of convenience (Kristensen) 687
Public Service Commission: change provisions for telecommunication service rates and regulation and local competition (Kristensen, Dw. Pedersen, Coordsen, Robinson, Bruning, Matzke, Elmer, C. Peterson) 660
Public Service Commission: change provisions for telecommunication service rates and regulation and local competition (Kristensen) Appropriation bill 660A
Public Service Commission: change provisions relating to service rates and regulation (Kristensen) 685
Public Service Commission: change the number of members and the composition of public service commissioner districts (Legislative Program Evaluation Committee) 399
Public Service Commission: eliminate provisions (Warner) 44CA
Public Service Commission: eliminate references (Brown, Engel, Warner) 31CA
Public Service Commission: exclude interactive computer services from regulation (Warner) 786
Public Service Commission: provide transportation services for visually handicapped persons be performed at a reduced rate (Crosby) 801
Public Service Commission: transfer powers and duties relating to railroads and railroad crossings to the Dept. of Roads (Kristensen) 257
Racing Commission, State: change provisions (Will) 101
Racing Commission, State: change provisions for fingerprinting of job applicants (Schellpeper) 581
Racing Commission, State: change provisions for fingerprinting of job applicants (Will) 848
Railway Commission: eliminate references (Brown, Engel, Warner) 31CA
Tax Equalization and Review Commission: provide powers and duties (Kristensen, Hartnett, Landis, Schellpeper, Warner, Coordsen) 397
Transition Commission: create relating to special education (Education Committee, Brashear, Engel, Hartnett, Hillman, Maurstad, Robinson, Schimek) 865
Transition Commission: create relating to special education (McKenzie) Appropriation bill 865A

COMMODITIES (See Agriculture; Farms and Farming)

COMMON INTEREST OWNERSHIP ACT, UNIFORM
Adopt (Abboud) 134

COMMUNICATION (See also Telecommunications)
Cellular telephones: restrict the use of while operating a motor vehicle (Crosby, Schmitt) 338
Digital signatures: provide procedures for use (Coordsen, Kristensen) 42
Digital Signature Act: adopt (Kristensen) 286
Natural gas and telecommunications services: allow cooperating municipalities and public power districts to provide (Beutler, Bohlke, Bromm, Elmer, McKenzie, Preister, Schrock) 506
Newspaper carriers: include as employees for purposes of workers' compensation (Will, Chambers) 100

LB

Public power districts: eliminate a restriction relating to communications services (Kristensen) 689
Services by cities and villages: authorize (Kristensen) 688
Telecommunications service rates and regulation: change provisions (Kristensen) 685
Telecommunications Relay System Act: provide vouchers for certain individuals (Bruning) 568
Telecommunications Universal Service Fund Act, Nebr.: adopt (Kristensen, Dw. Pedersen, Coordsen, Robinson, Matzke, Elmer) 686
Telecommunications: change provisions for certificates of convenience (Kristensen) 687
Telecommunications: change provisions for service rates and regulation, local competition and universal service (Kristensen, Dw. Pedersen, Coordsen, Robinson, Bruning, Matzke, Elmer, C. Peterson) 660
Telecommunications: change provisions for service rates and regulation, local competition and universal service (Kristensen) Appropriation bill 660A
Telemarketer Registration Act: adopt (Crosby, Jensen, Schimek) 445
911 emergency service: eliminate a restriction on an additional amount of service surcharge (Abboud, Jensen, Lynch, Dw. Pedersen, Suttle) 104
911 emergency telephone services: change provisions (Vrtiska) 37

COMMUNITY-BASED NEUROBEHAVIORAL REHABILITATION ACT
Adopt (Lynch, Coordsen, Crosby, Hartnett, Stuhr) 803

COMMUNITY-STATE PARTNERSHIP ACT
Adopt (Wesely, Withem, at the request of the Governor) 587

COMPACTS (See also Interstate Compacts)
Agricultural Grain Marketing, Interstate Compact on: repeal (Coordsen) 6
Low Level Radioactive Waste Compact: change a date for funds to be remitted to the Community Improvements Cash Fund (Beutler) 684
Low-Level Radioactive Waste Compact, Central Interstate: withdraw Nebraska from the compact (Dierks, Preister, Schellpeper) 552
Missouri-Nebraska Boundary Compact of 1971: change provisions (Wehrbein) 59

COMPENSATION REVIEW COMMISSION
Create (Beutler) 57CA

COMPREHENSIVE HEALTH INSURANCE POOL ACT
Comprehensive Health Insurance Pool: change offset tax liability provisions (Landis) 55

COMPUTERS
Digital signatures: provide procedures for use (Coordsen, Kristensen) 42
Digital Signature Act: adopt (Kristensen) 286
Interactive computer services: exclude from regulation (Warner) 786
Public records: provide access to state public records and authorize fees for access (Bromm, Coordsen, Cudaback, Engel, Janssen, Preister, Robinson, Schmitt, Stuhr, Witek) 792

CONCEALED HANDGUN LICENSE ACT
Adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek)... 465
Adopt (Schellpeper) Appropriation bill 465A

CONDEMNATION (See also Eminent Domain)

CONDOMINIUM ACT, NEBRASKA
Eliminate provisions (Abboud) 134

CONDOMINIUM PROPERTY ACT
Eliminate provisions (Abboud) 134

CONGRESS

Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek, C. Peterson) 3LR

Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad) 108LR

Compensation of members of Congress: propose an amendment to the U.S. Constitution delaying variances in compensation (Schimek, Beutler, Robak, Vrtiska) 53LR

Economic incentives: urge Congress to support HR1842 which recognizes problems created in competition between states (Kristensen) 37LR

Natural resources: propose an amendment to the U.S. Constitution relating to protection of natural resources (Preister) 54LR

Redistricting: provide procedures for drawing legislative and congressional district boundaries (Bromm, Cudaback, Robinson) 607

Term limits on Congress: apply to Congress to convene a constitutional convention for purposes of proposing an amendment (Witek) 35LR

Term limits: apply to Congress to convene a Constitutional Convention as a result of Initiative 409 (Withem) 1LR

CONSERVATION (See also Soil Conservation)

CONSTITUTION

Appellate court: change a reference (Kristensen, Warner) 24CA

Auditor of Public Accounts: eliminate from the list of executive officers (Warner, Kristensen, Withem) 11CA

Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek, C. Peterson) 3LR

Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad) 108LR

Candidates: require certain candidates for public office to resign their current public position (Brashear) 40CA

Compensation of members of Congress: propose an amendment to the U.S. Constitution delaying variances in compensation (Schimek, Beutler, Robak, Vrtiska) 53LR

Compensation Review Commission: create and change provisions for compensation for members of the Legislature and employees (Beutler) ... 57CA

Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem) 12CA

County and township officers: eliminate provisions (Hillman, Brown, Engel, Maurstad, Robinson) 52CA

County courts and county court judges: eliminate certain references (Kristensen, Warner) 24CA

Damages caused by negligent conduct of another: provide a person's right to recover is not barred by restriction on use of fine (Will) ... 22CA

Education, State Board of: require the Legislature to prescribe qualifications for members (Robinson, Bohlke) 6CA

Equal protection of the laws: provide no person shall be denied (Kristensen, Warner, Withem, Schimek) 20CA

Gambling: change provisions relating to parimutuel wagering and wagering on the results of sporting events (Will) 46CA

Gas and other minerals in and under state land: prohibit the alienation (Kristensen, Warner, Withem) 48CA

Gubernatorial appointments to vacated executive state offices: require legislative approval (Crosby) 58CA

Gubernatorial appointments: change provisions relating to legislative confirmation (Warner, Kristensen, Withem) 43CA

LB

Imprisonment for debt: eliminate an exception to the prohibition (Withem, Kristensen, Warner)........ 26CA

Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem)........ 38CA

Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner)........ 7CA

Initiative and referendum measures: identify the powers of and remove obsolete language (Withem, Kristensen, Warner)........ 55CA

Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem)........ 39CA

Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler)........ 56CA

Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek)........ 32CA

Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem)........ 41CA

Judges: provide for disciplinary actions (Beutler)........ 59CA

Legislative committees: require open meetings and recording and publishing of certain votes by members (Warner, Kristensen, Withem)... 10CA

Legislative powers: provide for and eliminate during enemy attack, terrorist attack or natural disaster (Warner, Kristensen, Withem)..... 13CA

Legislative session: change provisions for the convening date, the length and the date on which terms of members begin and end (Stuhr, Janssen, Robinson, Schrock, Vrtiska, Witek)........ 5CA

Legislative session: change provisions for the convening date, the length, and the date on which terms of members begin and end (Robinson, Bromm, Janssen, Jones, Vrtiska, Bruning, Stuhr)........ 21CA

Legislative Compensation, Commission on: create and provide for establishment of salary & expenses of members of the Legislature (Warner, Kristensen, Withem)........ 14CA

Legislature: change provisions relating to salaries (Withem)........ 23CA

Legislature: eliminate certain provisions relating to contempt powers (Withem, Kristensen, Warner)........ 36CA

Legislature: eliminate references to the Lieutenant Governor as the presiding officer (Withem, Kristensen, Warner)........ 47CA

Legislature: eliminate the privilege from arrest granted to members (Kristensen, Warner, Withem)........ 16CA

Legislature: prohibit special legislation and eliminate references to certain categories of special legislation (Kristensen, Warner, Withem)........ 18CA

Legislature: provide for recall of members (Kristensen)........ 60CA

Legislature: provide the presiding officer shall sign bills and resolutions passed by the Legislature (Kristensen, Warner, Withem).... 25CA

Masculine gender in the Constitution: state that the use be construed to include the feminine gender (Kristensen, Warner, Withem, Schimek)........ 15CA

Mediation, arbitration agreements and dispute resolution: authorize the Legislature to provide for enforcement (Landis)........ 61CA

Motor vehicles taxes, municipal tax rates, governmental property taxation and townships: change provisions (Revenue Committee, Maurstad)........ 45CA

Natural resources: propose an amendment to the U.S. Constitution relating to protection of natural resources (Preister)........ 54LR

Pardons, Board of: eliminate provisions (Withem, Kristensen, Warner)........ 27CA

Parole, Board of: eliminate the constitutional provisions establishing (Withem, Kristensen, Warner)........ 27CA

Printed copies: repeal requirement that it be prefixed to books containing the laws of this state (Withem, Kristensen, Warner)........ 29CA

Prohibition on the suspension of the writ of habeas corpus: eliminate an exception (Withem, Kristensen, Warner)........ 30CA

Provision from Article XVII entitled "Schedule": transfer to Article III, entitled "Legislative Power" (Withem, Kristensen, Warner)........ 28CA

Public Service Commission: eliminate provisions (Warner)........ 44CA

LB

Public Service Commission: eliminate references (Brown, Engel, Warner).......... 31CA
Railway Commission: eliminate references (Brown, Engel, Warner)....... 31CA
Real property: require property not exempt from taxation to be taxed either uniformly or based upon a three year average value (Warner, at the request of the Governor).......... 65CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock).......... 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA
Rights granted by the Nebr. Constitution: provide rights are not construed as limited by interpretations of the U.S. Constitution (Kristensen, Warner, Withem).......... 19CA
Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad).......... 62CA
Schools: eliminate a reference to public, private, denominational and parochial schools (Warner, Kristensen, Withem).......... 42CA
Session laws: eliminate a provision relating to the form in which session laws are published (Kristensen, Warner, Withem).......... 17CA
State Treasurer: eliminate from the list of executive officers (Warner, Kristensen, Withem).......... 11CA
Tax rates within and outside municipalities: authorize the Legislature to provide for differences (Maurstad, Brown).......... 63CA
Taxation: permit the Legislature to classify property for purposes of taxation (Will).......... 64CA
Term limits on Congress: apply to Congress to convene a constitutional convention for purposes of proposing an amendment (Witek)............ 35LR
Term limits: apply to Congress to convene a Constitutional Convention as a result of Initiative 409 (Withem).......... 1LR
Unfunded mandates: require the Legislature to appropriate funds to political subdivisions (Coordsen).......... 2CA

CONSTRUCTION
Construction Lien Act, Nebr.: provide duties for prime contractors, primary lenders and mortgagees and provide penalties (Schimek)......... 449
Contractor Registration Act: provide for waiver of a proposed administrative penalty (Lynch).......... 883
University of Nebraska Medical Center: require persons who contract for construction to provide health care coverage (Preister, Will, Lynch, Hilgert, Hartnett).......... 618

CONSTRUCTION LIEN ACT, NEBRASKA
Prime contractors, primary lenders and mortgagees: provide duties for and provide penalties (Schimek).......... 449

CONSUMER INFORMATION
Assistive Technology Regulation Act: adopt (Lynch, Stuhr).............. 802

CONTRACTOR REGISTRATION ACT
Administrative penalty, proposed: provide for waiver (Lynch)........... 883

CONTRACTORS
Fire protection systems: provide for certificates for contractors who work on water-based fire protection systems (Kristensen, Cudaback, Withem).......... 636

CONTRACTS
Ambulance and fire service: change provisions for contracts with counties, cities and villages (Will, Bruning, Hilgert, Robak).......... 447
Appraisals of oil and gas interests: authorize contracts (Matzke, Elmer, Wickersham).......... 334
Bidding: require certain contracts be let to the lowest responsible bidder (Jensen).......... 357
Certificated school employees: change provisions relating to contracts (Bromm, Engel, Jones, D. Pederson, Stuhr).......... 791
Existing Business Assistance Division: change provisions relating to contract authorization (Jensen, Chambers).......... 861

LB

Existing Business Assistance Division: change provisions relating to contract authorization (Chambers) Appropriation bill 861A
Landlord and Tenant Act: provide for the termination of a rental agreement due to a serious and clear danger (Wesely) 779
Partnership for Health and Human Services Act, Nebr.: provide legislative oversight for contracts (Hilgert) 692
Public buildings: provide for energy financing contracts (Jensen, Maurstad) 776
Public letting and contract requirements: change provisions (Preister) 805
Schools: change and eliminate provisions relating to contracting for instruction and for dissolution (Suttle, Brown) 850

CONTROLLED SUBSTANCES (See also Drugs and Narcotics)
Dispensing of certain substances: restrict (Dw. Pedersen) 472
Driver's license suspension: provide clarifying language relating to sentencing provisions (Brashear) 772
Driving or boating under the influence of alcohol or a controlled substance: provide for blood specimen certificates (Kristensen, Crosby, Vrtiska) 210
Drug Dealer Liability Act: adopt (Hudkins, Abboud, Jones, Robak, Stuhr, Vrtiska, Witek, Dw. Pedersen) 268
Marijuana: provide penalties for minors in possession (Tyson) 391
Registration fees and biennial registration: provide (Dierks) 550
Schedule of controlled substances: change provisions (Kristensen) 373

CORPORATIONS (See also Business and Commerce)
Aliens, unauthorized: provide restrictions on employment for purposes of tax incentive programs (Wesely) 455
Credit unions: change provisions (Dw. Pedersen) 89
Employment and Investment Growth Act: redefine "number of new employees" (Wesely) 456
Industrial Competitiveness Alliance, Nebr.: create (Withem, Robak) 659
Limited liability companies: change provisions (Kristensen) 631
Limited Liability Company Act: change provisions for registration or filing of corporate or other business entity names (Kristensen) 44
Nonprofit Corporation Act, Nebr.: change provisions relating to mergers (Brashear, Kristensen) 121
Nonprofit Corporation Act, Nebr.: exempt from the act certain corporations created to carry out a federal mandate (Kristensen) 285
Partnership Act, Uniform: adopt (Landis) 523
Partnership Act, Uniform: adopt (Landis) Appropriation bill 523A
Personal property tax exemption: provide for investments in certain business property (Hudkins, Jones, Stuhr, Wehrbein) 224
Quality Jobs Act: change provisions for wage benefit credits, the board and application procedures (Wesely) 457
Trade practices and trade names: change provisions (Wesely) 453

CORRECTIONAL SERVICES, DEPARTMENT OF
Duties: provide (Engel, Crosby, Dierks, Jones, Kiel, D. Pederson, Robinson, Schrock, Vrtiska, Wehrbein, Witek, Preister, Abboud, at the request of the Governor) 882
Duties: provide (Engel) Appropriation bill 882A
Health care and treatment: change provisions relating to costs and disciplinary restrictions and procedures (Brashear, at the request of the Governor) 769
Inmate dispositions and testimony: change provisions (Crosby) 94
Inmate dispositions and testimony: change provisions (Crosby) Appropriation bill 94A
Inmates, parolees and probationers: authorize to be undercover agents (Stuhr, Bromm, Hudkins, Witek) 48
Inmates: change provisions relating to employment (Dw. Pedersen) 88
Inmates: change provisions relating to visitation (Dw. Pedersen) 87
Medium-minimum security adult correction facility: authorize construction and appropriate funds (Maurstad) 150

LB

Prisoners: change provisions for actions brought by prisoners and informally name the Nebr. Prison Litigation Reform Act of 1997 (Bromm, Engel, Hudkins, Jensen, Maurstad, D. Pederson, Schrock, Witek).......... 508
Prisoners: change provisions relating to custody and maintenance (Cudaback)... 695
Rivendell Psychiatric Hospital: appropriate funds for acquisition of property (Wehrbein, at the request of the Governor).................... 844
Rules and regulations relating to rights, privileges and opportunities of the inmates: provide for adopting and promulgating (Dw. Pedersen)... 761
Secure youth facility: provide for oversight and control (Dw. Pedersen, at the request of the Governor)....................................... 760
State law violations: require the state to pay costs (Wickersham)....... 816

COUNTERFEITING PREVENTION AND TRADEMARK PROTECTION ACT

Adopt (Brashear, Abboud, Beutler, Bromm, Bruning, Hilgert, Kristensen, Matzke, D. Pederson, Wickersham, Will)................................ 302

COUNTIES (See also County Government and Officers; Political Subdivisions)

Adoption decrees: change provisions for providing copies of decrees by the clerk of the county court (Schimek, Beutler, Matzke)............... 80
Ambulance and fire service: change provisions for contracts with counties, cities and villages (Will, Bruning, Hilgert, Robak)........... 447
Board meetings: change provisions (Vrtiska)............................ 40
Boundary line between Missouri and Nebraska: change provisions (Wehrbein)... 59
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt)......................... 583
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham) Appropriation bill........... 583A
City-county health departments: provide new procedures for establishing (Wesely)... 185
Clerk magistrate of the county court and clerk of the district court: eliminate and create the position of clerk of the court (Beutler)....... 507
Collection fees: eliminate for property tax, homestead reimbursement revenue and certain special assessments (Landis, Coordsen, Kristensen, Warner, Wickersham).. 179
Counties and municipalities: provide for consolidation and creation of classified local governments (Wickersham, Coordsen, Kristensen, Warner, Hartnett, Schellpeper, Will).. 178
County and township officers: eliminate provisions (Hillman, Brown, Engel, Maurstad, Robinson)... 52CA
County boards: change provisions relating to budget revisions (Withem)... 545
County court judges: change provisions for the number (Beutler)......... 706
County court jurisdiction: change provisions for the operative date of LB 1296, 1996 (Wickersham)... 780
County court: change provisions for jurisdiction (Brashear)............. 559
County court: change provisions for the number of judges (Dw. Pedersen, Witek, Will).. 404
County court: change provisions for the number of judges (Dw. Pedersen) Appropriation bill... 404A
County court: change provisions relating to jurisdiction (Cudaback)..... 573
County courts and county court judges: eliminate certain references (Kristensen, Warner)... 24CA
County income tax: authorize and provide a property tax credit (Janssen, Vrtiska).. 311
County judges in certain districts: change provisions for the number (Abboud, Bruning, Hartnett, Hilgert, Dw. Pedersen)...................... 642
County land reutilization authorities and commissions: change provisions (Hartnett, Bruning, Dw. Pedersen, Preister, Will, Withem).... 489
County superintendent of schools: state intent (Schellpeper)........... 663
County treasurer: change duties relating to Class III school districts (McKenzie)... 615
County treasurers: change provisions relating to duties (Schellpeper).. 85

LB
County treasurers: eliminate certain fees (Robak)........................ 223
County Agricultural Society Act: adopt (Schellpeper, Coordsen, Cudaback, Jones, Vrtiska, Wickersham).................................. 469
County Employees Retirement Act: redefine "employees" (Robak)........... 367
County Initiative and Referendum Act: adopt (Cudaback, Vrtiska)......... 574
County Purchasing Act: change provisions (Wickersham)................... 743
County Revenue Assistance Act: eliminate provisions (Wickersham)........ 818
County-municipal service districts and unified local governments: authorize creation (Revenue Committee)............................... 177
Court: change provisions for the number of judges (Beutler)............ 505
Credit cards, charge cards and debit cards: allow county government to accept cards as a method of payment of assessments (Cudaback, Robinson, Schrock, Vrtiska)... 70
District attorney and district public defender offices and districts: create (Wickersham)... 818
District court: change the status of clerks and employees and eliminate provisions relating to election (Wickersham).......................... 817
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen, Lynch, Robinson, Schellpeper)..................... 116
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen) Appropriation bill............................. 116A
Fire protection: authorize a uniform or common levy for fire protection (Revenue Committee)... 176
Health care services: transfer duties relating to providing services from counties to the state (Wesely).................................. 871
Hospital districts: change provisions relating to powers, duties and taxation (Cudaback, Schellpeper, Wickersham)......................... 28
Imprest funds: provide for counties (Vrtiska)........................... 34
Jails: provide first & second class cities, villages and certain counties maintain jails under Interlocal Cooperation agreements (Hartnett).. 825
Liability insurance: change provisions relating to procurement (Schimek)... 376
Libraries: change provisions (General Affairs Committee)............... 250
Local Government Innovation and Restructuring Fund: provide funding for innovation and restructuring (Warner)................................ 305
Prisoners: change provisions relating to custody and maintenance (Cudaback)... 695
Regional superintendents of public instruction and regional superintendent of public instruction districts: provide (Bohlke, Hillman, McKenzie, Vrtiska, Warner, Wickersham, Preister, Will, Brashear)........ 789
Register of deeds: eliminate a requirement to maintain printouts of computer records (Vrtiska, Cudaback)................................. 33
Sheriffs and deputy sheriffs: provide a rebuttable presumption in certain cases of death or disability (Dw. Pedersen).................... 528
Tax levy: authorize for road, street and bridge construction and improvement (Vrtiska, Cudaback)...................................... 115
Veterans Homes, Division of: create within the Dept. of Health and Human Services (Dierks, C. Peterson, Schimek, at the request of the Governor)... 396
Veterans Homes, Division of: create within the Dept. of Health and Human Services (Dierks) Appropriation bill.......................... 396A

COUNTY AGRICULTURAL SOCIETY ACT
Adopt (Schellpeper, Coordsen, Cudaback, Jones, Vrtiska, Wickersham)...... 469

COUNTY AND CITY LOTTERY ACT, NEBRASKA
Change provisions (Will).. 101

COUNTY ASSESSOR
Duties: provide (Kristensen, Hartnett, Landis, Schellpeper, Warner, Coordsen)... 397

COUNTY GOVERNMENT AND OFFICERS
Ambulance and fire service: change provisions for contracts with counties, cities and villages (Will, Bruning, Hilgert, Robak).......... 447

	LB
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt)	583
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham) Appropriation bill	583A
Capital punishment: eliminate provisions and provide for life imprisonment without possibility of parole (Chambers)	331
City-county health departments: provide new procedures for establishing (Wesely)	185
Clerk magistrate of the county court and clerk of the district court: eliminate and create the position of clerk of the court (Beutler)	507
Counties and municipalities: provide for consolidation and creation of classified local governments (Wickersham, Coordsen, Kristensen, Warner, Hartnett, Schellpeper, Will)	178
County and township officers: eliminate provisions (Hillman, Brown, Engel, Maurstad, Robinson)	52CA
County assessor: provide duties (Kristensen, Hartnett, Landis, Schellpeper, Warner, Coordsen)	397
County board meetings: change provisions (Vrtiska)	40
County boards: change provisions relating to budget revisions (Withem)	545
County court judges: change provisions for the number (Beutler)	706
County court jurisdiction: change provisions for the operative date of LB 1296, 1996 (Wickersham)	780
County court: change filing deadlines for pleadings (Brashear)	363
County court: change provisions for jurisdiction (Brashear)	559
County court: change provisions relating to jurisdiction (Cudaback)	573
County courts and county court judges: eliminate certain references (Kristensen, Warner)	24CA
County income tax: authorize and provide a property tax credit (Janssen, Vrtiska)	311
County judges in certain districts: change provisions for the number (Abboud, Bruning, Hartnett, Hilgert, Dw. Pedersen)	642
County superintendent of schools: state intent (Schellpeper)	663
County treasurer: change a collection fee for sales and use tax (Lynch)	435
County treasurer: change duties relating to Class III school districts (McKenzie)	615
County treasurers: change provisions relating to duties (Schellpeper)	85
County treasurers: eliminate certain fees (Robak)	223
County treasurers: eliminate collection fees for property tax, homestead reimbursement revenue and certain special assessments (Landis, Coordsen, Kristensen, Warner, Wickersham)	179
County Agricultural Society Act: adopt (Schellpeper, Coordsen, Cudaback, Jones, Vrtiska, Wickersham)	469
County Employees Retirement Act: redefine "employees" (Robak)	367
County Initiative and Referendum Act: adopt (Cudaback, Vrtiska)	574
County Purchasing Act: change provisions (Wickersham)	743
County-municipal service districts and unified local governments: authorize creation (Revenue Committee)	177
Court: change provisions for the number of judges (Beutler)	505
Credit cards, charge cards and debit cards: allow county government to accept cards as a method of payment of assessments (Cudaback, Robinson, Schrock, Vrtiska)	70
District attorney and district public defender offices and districts: create (Wickersham)	818
District court: change the status of clerks and employees and eliminate provisions relating to election (Wickersham)	817
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen, Lynch, Robinson, Schellpeper)	116
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen) Appropriation bill	116A
Fire protection: authorize a uniform or common levy for fire protection (Revenue Committee)	176
Hospital districts: change provisions relating to powers, duties and taxation (Cudaback, Schellpeper, Wickersham)	28

LB
Imprest funds: provide for counties (Vrtiska).......................... 34
Liability insurance: change provisions relating to procurement (Schimek).. 376
Regional superintendents of public instruction and regional superintendent of public instruction districts: provide (Bohlke, Hillman, McKenzie, Vrtiska, Warner, Wickersham, Preister, Will, Brashear)........ 789
Register of deeds: eliminate a requirement to maintain printouts of computer records (Vrtiska, Cudaback)................................ 33
Sheriffs and deputy sheriffs: provide a rebuttable presumption in certain cases of death or disability (Dw. Pedersen).................... 528
Tax levy: authorize for road, street and bridge construction and improvement (Vrtiska, Cudaback).. 115
Veterans Homes, Division of: create within the Dept. of Health and Human Services (Dierks, C. Peterson, Schimek, at the request of the Governor)... 396
Veterans Homes, Division of: create within the Dept. of Health and Human Services (Dierks) Appropriation bill........................... 396A

COUNTY HORSERACING FACILITY BOND ACT
Change provisions (Will).. 101

COUNTY INITIATIVE AND REFERENDUM ACT
County Initiative and Referendum Act: adopt (Cudaback, Vrtiska)......... 574

COUNTY PURCHASING ACT
Change provisions (Wickersham).. 743

COUNTY REVENUE ASSISTANCE ACT
Eliminate provisions (Wickersham)....................................... 818

COUNTY SUPERINTENDENT
Eliminate provisions (Bohlke, Hillman, McKenzie, Vrtiska, Warner, Wickersham, Preister, Will, Brashear)................................ 789
State intent and eliminate provisions (Stuhr, Bromm, Coordsen, Jensen, Maurstad, Robinson, Vrtiska, Witek)................................. 808

COUNTY TREASURER
Class III school districts: change duties relating to county treasurers (McKenzie).. 615
County treasurers: eliminate collection fees for property tax, homestead reimbursement revenue and certain special assessments (Landis, Coordsen, Kristensen, Warner, Wickersham)............................ 179
Duties: change provisions (Schellpeper)................................. 85
Fees: eliminate certain fees (Robak).................................... 223
Sales and use tax: change a collection fee for county treasurers (Lynch)... 435

COURT ADMINISTRATOR, STATE
Duties: provide (Landis).. 729
Duties: provide (Landis) Appropriation bill............................. 729A

COURT APPOINTED SPECIAL ADVOCATE ACT
Adopt (Withem, Brown, Hillman, Janssen, Dw. Pedersen, C. Peterson, Suttle)... 301

COURT OF APPEALS
Chief Judge: provide for selection by the judges of the court (Kristensen)... 246
Opinions: change provisions (Chambers).................................. 68

COURTS (See also specific court; Civil Procedure; Criminal Procedure)
Adoption decrees: change provisions for providing copies of decrees by the clerk of the county court (Schimek, Beutler, Matzke)............... 80
Appellate court: change a reference (Kristensen, Warner)............. 24CA
Arbitration Act, Uniform: reenact provisions which were found unconstitutional (Landis, Jensen, Matzke)................................ 151

LB

Arrests without warrants and violations of bail, recognizance or a conditioned release: change provisions (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Preister, Stuhr, Suttle).............................. 756

Ballot question: redefine relating to groups who intend to oppose the retention of a judge (Withem)... 839

Capital punishment cases: change provisions for appeals and postconviction proceedings (Jensen, Bromm)............................ 390

Capital punishment: change provisions relating to aggravating circumstances in applying the death penalty (Witek, Bruning, Jensen, Jones, Robinson, Schmitt, Schrock, Stuhr)....................................... 774

Capital punishment: eliminate provisions and provide for life imprisonment without possibility of parole (Chambers)................. 331

Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen, Bohlke, Schimek)...... 310

Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen) Appropriation bill... 310A

Child custody: change provisions for moving the residence of a child to another state (Janssen, Robinson).................................... 253

Child victims of sexual assault or child abuse: provide restrictions on the release or use of videotapes and provide penalties (Abboud)......... 643

City attorneys in primary class cities: allow to appeal from preliminary rulings and seek pretrial diversion from city council (Hudkins)... 355

Civil procedure: revisor bill to strike references to a statute that was repealed in 1983 (Executive Board)................................. 1

Clerk magistrate of the county court and clerk of the district court: eliminate and create the position of clerk of the court (Beutler)....... 507

County court judges: change provisions for the number (Beutler)......... 706

County court jurisdiction: change provisions for the operative date of LB 1296, 1996 (Wickersham).. 780

County court: change filing deadlines for pleadings (Brashear).......... 363

County court: change provisions for jurisdiction (Brashear)............ 559

County court: change provisions for the number of judges (Dw. Pedersen, Witek, Will).. 404

County court: change provisions for the number of judges (Dw. Pedersen) Appropriation bill... 404A

County court: change provisions for the number of judges (Beutler)...... 505

County court: change provisions relating to jurisdiction (Cudaback)..... 573

County courts and county court judges: eliminate certain references (Kristensen, Warner).. 24CA

County judges in certain districts: change provisions for the number (Abboud, Bruning, Hartnett, Hilgert, Dw. Pedersen).................... 642

Court automation fee: provide continuation (Wehrbein, Chambers)......... 216

Court of Appeals: change provisions for the number of judges (Beutler)... 706

Court of Appeals: change provisions relating to opinions (Chambers)..... 68

Court of Appeals: encourage the Supreme Court to recognize the precedential value of the opinions of the Court of Appeals (Beutler, Hilgert, D. Pederson, Abboud, Bruning, Bromm, Wickersham, Kristensen, Matzke, Will, Brashear)....................................... 88LR

Court of Appeals: provide for selection of the Chief Judge by the judges of the court (Kristensen).................................. 246

Court Appointed Special Advocate Act (Withem, Brown, Hillman, Janssen, Dw. Pedersen, C. Peterson, Suttle)................................. 301

District attorney and district public defender offices and districts: create (Wickersham)... 818

District court judges: change provisions for the number (Beutler)....... 706

District court judges: change provisions for the number (Beutler)....... 706

District court judges: change the number (Will, Brashear, Brown, Hilgert, Kiel, Preister, Suttle)................................... 370

District court: change provisions for the number of judges (Dw. Pedersen, Witek, Will)... 404

District court: change provisions for the number of judges (Dw. Pedersen) Appropriation bill...................................... 404A

District court: change provisions for the number of judges (Beutler).... 505

	LB
District court: change the status of clerks and employees and eliminate provisions relating to election (Wickersham)	817
District court: change the status of clerks and employees and eliminate provisions relating to election (Wickersham)	817
Divorce decree dissolution: change provisions (Crosby)	434
Domestic relations matters: change provisions for court filings and jurisdiction (Beutler)	677
Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle)	393
Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman) Appropriation bill	393A
Drug Dealer Liability Act: adopt (Hudkins, Abboud, Jones, Robak, Stuhr, Vrtiska, Witek, Dw. Pedersen)	268
Erroneous arrest: provide for an expungement procedure of a person's criminal history record (Abboud)	856
Evidence Rules, Nebraska: provide for a learned treatise exception to the rule against hearsay (Hilgert, Bromm, Will)	244
Fire, health and safety officials: authorize issuance of citations in lieu of arrest (Brown, Hilgert, Kiel)	109
Garnishment: authorize a fee for executing an order (Dierks)	196
Garnishments: change provisions relating to payment and liens (Brashear)	771
Hearing impaired persons: change provisions relating to interpreters (Crosby, Coordsen, Dw. Pedersen, Schimek, Robak)	810
Homestead exemptions: change provisions (Landis)	730
Homicide cases: change the definition of "aggravating circumstances" (Matzke, Bromm, Bruning, at the request of the Governor)	422
Indeterminate sentences: change and provide provisions (Chambers)	405
Indigent defense: change provisions relating to funding and cost of defense (Kristensen)	108
Inmate dispositions and testimony: change provisions (Crosby)	94
Inmate dispositions and testimony: change provisions (Crosby) Appropriation bill	94A
Insurance acts, fraudulent: require restitution and change provisions for the statute of limitations (Beutler)	676
Insurance settlement payments: change provisions relating to certain advance payments (Landis)	741
Joinder: change provisions (Brashear)	234
Judges Retirement Act: change provisions for retirement age and annuities (Bromm, Brashear, Janssen)	796
Judges: provide for disciplinary actions (Beutler)	59CA
Judicial retention: provide for rotation of the question (Schmitt, Hudkins, Jones)	145
Judicial vacancies: change provisions relating to determination (Wickersham)	229
Judicial vacancies: change provisions relating to determination (Wickersham) Appropriation bill	229A
Jury duty: provide an exemption for full-time college students (Stuhr)	73
Juvenile crime: change provisions for court jurisdiction and eliminate certain fingerprinting provisions (Witek, Jensen, Jones, Tyson, Vrtiska)	289
Juveniles: provide for mediation as a juvenile code prosecution and disposition alternative (Wesely)	236
Leased trucks: change provisions relating to liability for damages (Dw. Pedersen)	527
Legal services for the indigent: provide an additional docket fee and create a fund (Landis)	729
Legal services for the indigent: provide an additional docket fee and create a fund (Landis) Appropriation bill	729A
Limitation of action issues: change provisions for trial procedure (Robak)	165
Marijuana: change penalty provisions for possession and provide for certain fees to be charged as court costs (Suttle, Preister)	845
Marijuana: provide penalties for minors in possession (Tyson)	391

LB

Medical expenses of a minor child in a divorce or legal separation: provide both parents are liable (Kristensen).......................... 785
Notice of appeal: change provisions and clarify the time for filing (Abboud)... 398
Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins, Crosby, Lynch, Schrock, Stuhr, Vrtiska).. 485
Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins) Appropriation bill........ 485A
Postconviction proceedings: establish limits on filing petitions (Bromm, Jensen, Jones)... 462
Practice notes: eliminate a duty of the Revisor of Statutes to publish (Brashear).. 560
Preliminary hearings: change provisions (Brashear)...................... 562
Prisoners: change provisions for actions brought by prisoners and informally name the Nebr. Prison Litigation Reform Act of 1997 (Bromm, Engel, Hudkins, Jensen, Maurstad, D. Pederson, Schrock, Witek).......... 508
Probation Administration Act, Nebr.: provide for the payment of supervision fees as prescribed as a condition of probation (Hilgert).... 879
Proceedings in forma pauperis: define terms (Robak)..................... 227
Product liability: change provisions for commencement (Will)........... 458
Product liability: change provisions relating to strict liability (Abboud, Hilgert).. 442
Restitution: change provisions and authorize for certain criminalistics procedures (Dw. Pedersen, Preister)................................. 628
Sex offenders: eliminate a duty for sheriffs (Abboud, Jones, Dw. Pedersen, Robak).. 203
Sex offenders: provide for community notification of certain records (Abboud, Jones, Dw. Pedersen, Robak)................................ 204
Sex Offender Registration Act: change provisions relating to access to information (Beutler).. 644
Sex Offender Registration Act: provide public access to certain information (Witek).. 480
Small Claims Court: require law enforcement personnel to give information to aid in collection of a judgment (Coordsen).............. 8
Small Claims Court: revisor bill to state the jurisdictional limit set by the Supreme Court (Executive Board)............................... 3
Solid waste: authorize combined billing of charges, provide for transportation permits and change Small Claims Court procedures (Tyson)... 749
State law violations: require the state to pay costs (Wickersham)....... 816
Supreme Court judges: change provisions relating to salaries (Kiel)..... 362
Supreme Court judges: change provisions relating to salaries (Brashear) Appropriation bill.. 362A
Supreme Court: encourage the Supreme Court to recognize the precedential value of the opinions of the Court of Appeals (Beutler, Hilgert, D. Pederson, Abboud, Bruning, Bromm, Wickersham, Kristensen, Matzke, Will, Brashear)... 88LR
Work camps, incarceration: create (Engel, Crosby, Dierks, Jones, Kiel, D. Pederson, Robinson, Schrock, Vrtiska, Wehrbein, Witek, Preister, Abboud, at the request of the Governor)....................................... 882
Work camps, incarceration: create (Engel) Appropriation bill.......... 882A

CREDIT CARDS (See also Banks and Banking)
Payment of fees, licenses, taxes or penalties: authorize political subdivisions to accept (Cudaback, Robinson, Schrock, Vrtiska).......... 70
Payment of fees, licenses, taxes or penalties: authorize political subdivisions to accept (Vrtiska, Schimek)............................ 414

CREDIT UNIONS (See also Corporations)
Change provisions (Dw. Pedersen)... 89
State chartered credit unions: allow equal powers as federal credit unions (Witek)... 152

CRIME VICTIMS (See Victims of Crime)

CRIMES AND PUNISHMENTS (See also Criminal Code, Nebraska)

LB

Animal offenses: provide for reimbursement for costs and disposition (Dierks, Schimek) 551
Assault on educational employees: provide for criminal penalties (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen) 648
Burglary: change provisions and provide a penalty (Hilgert, Bruning) 240
Capital punishment: eliminate provisions and provide for life imprisonment without possibility of parole (Chambers) 331
Child abuse: provide a child's caretaker with notification of and access to reports (Janssen, Schimek) 119
Child protection case central registry: provide for attorney's fees in certain cases (Stuhr) 490
Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek) 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill 465A
Conservation and deputy conservation officers: provide powers and duties (Beutler) 701
Controlled substances, schedule of: change provisions (Kristensen) 373
Controlled substances: change provisions for registration fees and provide for biennial registration (Dierks) 550
Controlled substances: restrict the dispensing of certain substances (Dw. Pedersen) 472
Counterfeiting Prevention and Trademark Protection Act: adopt (Brashear, Abboud, Beutler, Bromm, Bruning, Hilgert, Kristensen, Matzke, D. Pederson, Wickersham, Will) 302
Criminal attempt: provide penalties (Brashear) 561
Domestic violence: create the offense (Brashear, Bohlke, Brown, Crosby, Hartnett, Hilgert, Hillman, Hudkins, Kiel, Lynch, Robak, Schimek, Schrock, Stuhr, Suttle, Dw. Pedersen) 509
Driver's license suspension: provide clarifying language relating to sentencing provisions (Brashear) 772
Driving under the influence: change provisions (Bruning) 26
Driving under the influence: change provisions for penalties, driver's license suspension, revocation or vehicle impoundment (Transportation Committee, Crosby) 309
DNA Detection of Sexual and Violent Offenders Act: adopt (Abboud, Hudkins, Jones, Dw. Pedersen, Robak, Witek) 278
DNA Detection of Sexual and Violent Offenders Act: adopt (Abboud) Appropriation bill 278A
Entry upon property by representatives of political subdivisions: provide and provide for damages (Elmer) 417
Felonies: change provisions for being an accessory (Abboud, Hudkins, Janssen, Stuhr) 440
Felonies: change provisions relating to being an accessory (Brashear, Kiel) 511
Firearms, unlawful storage of: create the offense (Brown) 110
Gang-related crime: change provisions for certain penalties (Witek) 291
Hate crimes: enhance penalties (Robak, Schimek, Brown, Kiel, Jensen, Crosby, Lynch, Preister, Hartnett) 90
Hate crimes: enhance penalties (Robak) Appropriation bill 90A
Indecency with a child: create the offense and provide penalties (Hillman, Brown, Kiel) 601
Inhaling or drinking certain compounds: change provisions (Robak) 605
Insurance acts, fraudulent: require restitution and change provisions for the statute of limitations (Beutler) 676
Insurance fraud: change provisions and provide penalties (Landis) 272
Littering and solid waste: change provisions relating to penalties (Beutler) 679
Lotteries and gambling: change provisions (Robak) 534
Marijuana: change penalty provisions for possession and provide for certain fees to be charged as court costs (Suttle, Preister) 845
Marijuana: provide penalties for minors in possession (Tyson) 391

LB

Motor vehicles: prohibit acts relating to stolen vehicles and major component parts (Brown, Cudaback, Jensen, Lynch, Maurstad, Dw. Pedersen) 265
Partial-birth abortions: define terms and provide penalties (Hilgert, Bruning, Engel, Jensen, Schrock, Vrtiska, Dw. Pedersen) 217
Partial-birth abortions: prohibit (Maurstad, Bruning, Vrtiska, Hartnett, Jones, Preister, Schrock, Robak, Tyson, Dw. Pedersen, Jensen, Stuhr, Hilgert, Witek, Brashear, Bromm, Hudkins, Robinson, D. Pederson, Crosby, Schmitt, Elmer, Wehrbein, Dierks, C. Peterson, Engel, Coordsen, McKenzie) 23
Partial-birth abortions: prohibit (Witek, Crosby, Dierks, Jensen, Maurstad, Preister, Bruning, Jones) 167
Peace officers: provide a penalty for failure to obey (Vrtiska) 36
Penalties: change provisions for classifications (Beutler) 537
Physician Aid-In-Dying Act: adopt (Chambers) 406
Police chases: change penalty provisions for operating a motor vehicle to avoid arrest (Maurstad, Brown) 218
Propelled vehicles: change a penalty for unauthorized use (Witek) 290
Resisting arrest: change provisions (Robak) 293
Revolver, unlawful possession of: eliminate the offense and create the offense of illegal possession of a firearm (Beutler) 751
Same sex marriages and recognition of marriages contracted outside Nebraska: provide (Chambers) 407
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek) 814
Sexual assault in the third degree: change provisions for penalties (Wesely) 324
Sexual Predator Act: adopt (Wesely, Beutler, Bromm, Brown, Crosby, Cudaback, Engel, Hilgert, Hudkins, Jensen, Jones, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schmitt, Schrock, Suttle, Will) 323
Sports Wagering Act: adopt (Will) 359
Stalking and the Protection from Domestic Abuse Act: change provisions (Hillman, Brown, Kiel) 600
Street Gang Recision Act: adopt and provide penalties (Lynch) 439
Theft: change provisions (Bruning) 26
Theft: change provisions (Brashear) 233
Tobacco licenses: provide for suspension (Suttle, Kiel, Preister) 484
Tobacco products: change provisions for licenses, products, minors, require posting of signs and provide penalties (Hilgert, Crosby, Elmer, Hudkins, Janssen, Jones, Robinson, Robak, Engel) 467
Tobacco products: prohibit automated dispensing (Preister, Jensen) 158

CRIMINAL CODE, NEBRASKA (See also Crimes and Punishments)
Animal offenses: provide for reimbursement for costs and disposition (Dierks, Schimek) 551
Assault on educational employees: provide for criminal penalties (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen) 648
Burglary: change provisions and provide a penalty (Hilgert, Bruning) 240
Capital punishment: eliminate provisions and provide for life imprisonment without possibility of parole (Chambers) 331
Child abuse: provide a child's caretaker with notification of and access to reports (Janssen, Schimek) 119
Child protection case central registry: provide for attorney's fees in certain cases (Stuhr) 490
Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek) 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill 465A
Conservation and deputy conservation officers: provide powers and duties (Beutler) 701
Controlled substances, schedule of: change provisions (Kristensen) 373

LB

Controlled substances: change provisions for registration fees and provide for biennial registration (Dierks) 550

Controlled substances: restrict the dispensing of certain substances (Dw. Pedersen) 472

Counterfeiting Prevention and Trademark Protection Act: adopt (Brashear, Abboud, Beutler, Bromm, Bruning, Hilgert, Kristensen, Matzke, D. Pederson, Wickersham, Will) 302

Criminal attempt: provide penalties (Brashear) 561

Domestic violence: create the offense (Brashear, Bohlke, Brown, Crosby, Hartnett, Hilgert, Hillman, Hudkins, Kiel, Lynch, Robak, Schimek, Schrock, Stuhr, Suttle, Dw. Pedersen) 509

Driver's license suspension: provide clarifying language relating to sentencing provisions (Brashear) 772

Driving under the influence: change provisions (Bruning) 26

Driving under the influence: change provisions for penalties, driver's license suspension, revocation or vehicle impoundment (Transportation Committee, Crosby) 309

DNA Detection of Sexual and Violent Offenders Act: adopt (Abboud, Hudkins, Jones, Dw. Pedersen, Robak, Witek) 278

DNA Detection of Sexual and Violent Offenders Act: adopt (Abboud) Appropriation bill 278A

Entry upon property by representatives of political subdivisions: provide and provide for damages (Elmer) 417

Felonies: change provisions for being an accessory (Abboud, Hudkins, Janssen, Stuhr) 440

Felonies: change provisions relating to being an accessory (Brashear, Kiel) 511

Firearms, unlawful storage of: create the offense (Brown) 110

Gang-related crime: change provisions for certain penalties (Witek) 291

Hate crimes: enhance penalties (Robak, Schimek, Brown, Kiel, Jensen, Crosby, Lynch, Preister, Hartnett) 90

Hate crimes: enhance penalties (Robak) Appropriation bill 90A

Indecency with a child: create the offense and provide penalties (Hillman, Brown, Kiel) 601

Inhaling or drinking certain compounds: change provisions (Robak) 605

Insurance acts, fraudulent: require restitution and change provisions for the statute of limitations (Beutler) 676

Insurance fraud: change provisions and provide penalties (Landis) 272

Littering and solid waste: change provisions relating to penalties (Beutler) 679

Lotteries and gambling: change provisions (Robak) 534

Marijuana: change penalty provisions for possession and provide for certain fees to be charged as court costs (Suttle, Preister) 845

Marijuana: provide penalties for minors in possession (Tyson) 391

Motor vehicles: prohibit acts relating to stolen vehicles and major component parts (Brown, Cudaback, Jensen, Lynch, Maurstad, Dw. Pedersen) 265

Partial-birth abortions: define terms and provide penalties (Hilgert, Bruning, Engel, Jensen, Schrock, Vrtiska, Dw. Pedersen) 217

Partial-birth abortions: prohibit (Maurstad, Bruning, Vrtiska, Hartnett, Jones, Preister, Schrock, Robak, Tyson, Dw. Pedersen, Jensen, Stuhr, Hilgert, Witek, Brashear, Bromm, Hudkins, Robinson, D. Pederson, Crosby, Schmitt, Elmer, Wehrbein, Dierks, C. Peterson, Engel, Coordsen, McKenzie) 23

Partial-birth abortions: prohibit (Witek, Crosby, Dierks, Jensen, Maurstad, Preister, Bruning, Jones) 167

Peace officers: provide a penalty for failure to obey (Vrtiska) 36

Penalties: change provisions for classifications (Beutler) 537

Physician Aid-In-Dying Act: adopt (Chambers) 406

Police chases: change penalty provisions for operating a motor vehicle to avoid arrest (Maurstad, Brown) 218

Propelled vehicles: change a penalty for unauthorized use (Witek) 290

Resisting arrest: change provisions (Robak) 293

Revolver, unlawful possession of: eliminate the offense and create the offense of illegal possession of a firearm (Beutler) 751

Same sex marriages and recognition of marriages contracted outside Nebraska: provide (Chambers) 407

	LB
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek)	814
Sexual assault in the third degree: change provisions for penalties (Wesely)	324
Sexual Predator Act: adopt (Wesely, Beutler, Bromm, Brown, Crosby, Cudaback, Engel, Hilgert, Hudkins, Jensen, Jones, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schmitt, Schrock, Suttle, Will)	323
Sports Wagering Act: adopt (Will)	359
Stalking and the Protection from Domestic Abuse Act: change provisions (Hillman, Brown, Kiel)	600
Street Gang Recision Act: adopt and provide penalties (Lynch)	439
Theft: change provisions (Bruning)	26
Theft: change provisions (Brashear)	233
Tobacco licenses: provide for suspension (Suttle, Kiel, Preister)	484
Tobacco products: change provisions for licenses, products, minors, require posting of signs and provide penalties (Hilgert, Crosby, Elmer, Hudkins, Janssen, Jones, Robinson, Robak, Engel)	467

CRIMINAL PROCEDURE (See also District Court; Courts)

Arrests without warrants and violations of bail, recognizance or a conditioned release: change provisions (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Preister, Stuhr, Suttle)	756
Capital punishment cases: change provisions for appeals and postconviction proceedings (Jensen, Bromm)	390
Capital punishment: change provisions relating to aggravating circumstances in applying the death penalty (Witek, Bruning, Jensen, Jones, Robinson, Schmitt, Schrock, Stuhr)	774
Capital punishment: eliminate provisions and provide for life imprisonment without possibility of parole (Chambers)	331
Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen, Bohlke, Schimek)	310
Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen) Appropriation bill	310A
Child victims of sexual assault or child abuse: provide restrictions on the release or use of videotapes and provide penalties (Abboud)	643
City attorneys in primary class cities: allow to appeal from preliminary rulings and seek pretrial diversion from city council (Hudkins)	355
District court judges: change provisions for the number (Beutler)	706
Driving under the influence: change provisions (Bruning)	26
Erroneous arrest: provide for an expungement procedure of a person's criminal history record (Abboud)	856
Fire, health and safety officials: authorize issuance of citations in lieu of arrest (Brown, Hilgert, Kiel)	109
Homicide cases: change the definition of "aggravating circumstances" (Matzke, Bromm, Bruning, at the request of the Governor)	422
Indeterminate sentences: change and provide provisions (Chambers)	405
Indigent defense: change provisions relating to funding and cost of defense (Kristensen)	108
Inmates, parolees and probationers: authorize to be undercover agents (Stuhr, Bromm, Hudkins, Witek)	48
Insurance acts, fraudulent: require restitution and change provisions for the statute of limitations (Beutler)	676
Juvenile crime: change provisions for court jurisdiction and eliminate certain fingerprinting provisions (Witek, Jensen, Jones, Tyson, Vrtiska)	289
Legal services for the indigent: provide an additional docket fee and create a fund (Landis)	729
Legal services for the indigent: provide an additional docket fee and create a fund (Landis) Appropriation bill	729A
Peace officers: provide a penalty for failure to obey (Vrtiska)	36
Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins, Crosby, Lynch, Schrock, Stuhr, Vrtiska)	485

LB

Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins) Appropriation bill........ 485A
Postconviction proceedings: establish limits on filing petitions (Bromm, Jensen, Jones)........ 462
Preliminary hearings: change provisions (Brashear)........ 562
Prisoners: change provisions relating to custody and maintenance (Cudaback)........ 695
Probation Administration Act, Nebr.: provide for the payment of supervision fees as prescribed as a condition of probation (Hilgert).... 879
Restitution: change provisions and authorize for certain criminalistics procedures (Dw. Pedersen, Preister)........ 628
Sex offenders: eliminate a duty for sheriffs (Abboud, Jones, Dw. Pedersen, Robak)........ 203
Sex offenders: provide for community notification of certain records (Abboud, Jones, Dw. Pedersen, Robak)........ 204
Sex Offender Registration Act: change provisions relating to access to information (Beutler)........ 644
Sex Offender Registration Act: provide public access to certain information (Witek)........ 480
State law violations: require the state to pay costs (Wickersham)....... 816
Theft: change provisions (Bruning)........ 26
Tobacco products: prohibit automated dispensing (Preister, Jensen)...... 158

CRITICAL INCIDENT STRESS DEBRIEFING ACT
Rename the Critical Incident Stress Management Act (Wesely)........ 184

CUSTODIAL TRUST ACT, NEBRASKA UNIFORM
Adopt (Landis)........ 51

DEATH
Workers' compensation: change provisions for burial compensation (Will, Hilgert, Abboud)........ 853

DEATH PENALTY (See Capital Punishment)

DECEDENTS' ESTATES (See also Estates; Wills)
Guardians and conservators: change provisions for appointment, powers and duties (Bromm, Matzke, D. Pederson)........ 466
Inheritance tax: eliminate a requirement for lineal descendants (Landis)........ 16
Inventory of the estate: require the personal representative to file a duplicate original (Brashear)........ 770
Prudent Investor Act, Nebraska Uniform: adopt (Landis)........ 54

DEVELOPMENTAL DISABILITIES SERVICES ACT
Developmental Disabilities Services Act: require criminal history record information checks of certain employees (Crosby, Dierks, Lynch, Tyson, Vrtiska, Wehrbein, Robak, Warner, Maurstad, Engel, Jensen)....... 852
Developmental Disabilities Services Act: require criminal history record information checks of certain employees (Crosby) Appropriation bill........ 852A

DIGITAL SIGNATURE ACT
Acts (Kristensen)........ 286

DISABLED PERSONS (See also Handicapped Persons)
Assistive Technology Regulation Act: adopt (Lynch, Stuhr)........ 802
Blind and Visually Impaired Act, Commission for the: adopt (Crosby, Lynch, Dw. Pedersen, Will, Witek)........ 341
Centers for Independent Living Act: adopt (Wesely)........ 259
Centers for Independent Living Act: adopt (Wesely) Appropriation bill........ 259A
Community-Based Neurobehavioral Rehabilitation Act: adopt (Lynch, Coordsen, Crosby, Hartnett, Stuhr)........ 803
Deaf, Nebr. School for: provide Dept. of Educ. prepare a plan to combine programs with the School for the Visually Handicapped (Appropriations Committee)........ 889

LB

Developmental disabilities services: provide for contracts to review the quality of life and services (Wesely)........ 451
Developmental disabilities: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad, Hilgert, Engel, Stuhr, Brown, Lynch, Crosby, Hudkins, Jones, Dierks, Chambers)........ 27
Developmental Disabilities Services Act: require criminal history information checks of certain employees (Crosby) Appropriation bill... 852A
Developmental Disabilities Services Act: require criminal history record information checks of certain employees (Crosby, Dierks, Lynch, Tyson, Vrtiska, Wehrbein, Robak, Warner, Maurstad, Engel, Jensen)....... 852
Fishing permits: authorize special permits for developmentally disabled persons and provide a fee (Robak)........ 735
Fishing permits: authorize special permits for severely physically disabled persons (Landis)........ 19
Handicapped parking permits: change provisions for renewal for permanent permits (Schimek)........ 836
Handicapped parking permits: change provisions relating to placement (Lynch)........ 298
Handicapped parking permits: provide for agreements between a state agency and political subdivision for enforcement (Lynch)........ 299
Hearing impaired persons: change provisions relating to interpreters (Crosby, Coordsen, Dw. Pedersen, Schimek, Robak)........ 810
Hearing Impaired, Commission for the: change the name, membership and duties of the commission (Crosby, Dw. Pedersen)........ 851
Hearing Impaired, Commission for the: change the name, membership and duties of the commission (Crosby) Appropriation bill........ 851A
License plates: change provisions relating to issuance (Lynch)........ 300
License plates: change provisions relating to license plates issued to handicapped or disabled persons (Cudaback, Lynch, Schrock)........ 72
Personal Care Assistance Services Act: adopt (Wesely)........ 259
Personal Care Assistance Services Act: adopt (Wesely) Appropriation bill........ 259A
Physically disabled persons: provide for service dogs (Robak, Stuhr).... 254
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek)........ 814
Special education costs: provide funding (Cudaback, Schrock, Vrtiska)........ 468
Special education: change provisions (Education Committee, Brashear, Engel, Hartnett, Hillman, Maurstad, Robinson, Schimek)........ 865
Special education: provide for, change and eliminate provisions (McKenzie) Appropriation bill........ 865A
Special Education Act: change provisions for appropriations and provide for reimbursement for support services (McKenzie)........ 797
Visually handicapped children: provide for braille instruction (Schimek, Crosby, Dw. Pedersen, Witek)........ 81
Visually handicapped or legally blind persons: provide transportation services be performed free or at a reduced rate (Crosby)........ 801
Visually Handicapped, Nebr. School for: provide the Dept. of Education prepare plan to combine programs with School for the Deaf (Appropriations Committee)........ 889
Vocational rehabilitation: appropriate funds to the Dept. of Education (Maurstad)........ 213

DISCRIMINATION

Combine and eliminate provisions (Legislative Program Evaluation Committee)........ 548
Combine and eliminate provisions (Hillman) Appropriation bill........ 548A
Combine and eliminate sections (Landis, Warner)........ 171
Employment discrimination based on sexual orientation: change provisions (Chambers)........ 869
Hate crimes: enhance penalties (Robak, Schimek, Brown, Kiel, Jensen, Crosby, Lynch, Preister, Hartnett)........ 90
Hate crimes: enhance penalties (Robak) Appropriation bill........ 90A
Hearing impaired persons: change provisions relating to interpreters (Crosby, Coordsen, Dw. Pedersen, Schimek, Robak)........ 810

LB

Physically disabled persons: provide for service dogs (Robak, Stuhr).... 254
Physician Aid-In-Dying Act: adopt (Chambers)........................... 406

DISPUTE RESOLUTION, OFFICE OF

Duties: provide (Wesely)... 236

DISTRICT COURT (See also Courts; Criminal Procedure)

Arbitration Act, Uniform: reenact provisions which were found unconstitutional (Landis, Jensen, Matzke)............................. 151
Arrests without warrants and violations of bail, recognizance or a conditioned release: change provisions (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Preister, Stuhr, Suttle)............................. 756
Capital punishment cases: change provisions for appeals and postconviction proceedings (Jensen, Bromm)............................ 390
Capital punishment: change provisions relating to aggravating circumstances in applying the death penalty (Witek, Bruning, Jensen, Jones, Robinson, Schmitt, Schrock, Stuhr).................................. 774
Capital punishment: eliminate provisions and provide for life imprisonment without possibility of parole (Chambers).................. 331
Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen, Bohlke, Schimek)...... 310
Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen) Appropriation bill.. 310A
Child custody: change provisions for moving the residence of a child to another state (Janssen, Robinson).................................... 253
Child support: change delinquency, withholding of earnings and assignment of income provisions (Landis)............................. 18
Child support: provide for termination of support upon certain events and for procedures (Landis)... 58
Child support: provide specific account and use provisions (Coordsen).. 7
Child victims of sexual assault or child abuse: provide restrictions on the release or use of videotapes and provide penalties (Abboud)......... 643
City attorneys in primary class cities: allow to appeal from preliminary rulings and seek pretrial diversion from city council (Hudkins)... 355
Clerk magistrate of the county court and clerk of the district court: eliminate and create the position of clerk of the court (Beutler)....... 507
Clerks and employees: change provisions relating to status and election (Wickersham).. 817
District attorney and district public defender offices and districts: create (Wickersham)... 818
Divorce decree dissolution: change provisions (Crosby)................. 434
Domestic relations matters: change provisions for court filings and jurisdiction (Beutler)... 677
Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle)... 393
Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman) Appropriation bill........................ 393A
Driving under the influence: change provisions (Bruning)............... 26
Drug Dealer Liability Act: adopt (Hudkins, Abboud, Jones, Robak, Stuhr, Vrtiska, Witek, Dw. Pedersen)...................................... 268
Erroneous arrest: provide for an expungement procedure of a person's criminal history record (Abboud)...................................... 856
Fire, health and safety officials: authorize issuance of citations in lieu of arrest (Brown, Hilgert, Kiel)................................ 109
Garnishment: authorize a fee for executing an order (Dierks)........... 196
Garnishments: change provisions relating to payment and liens (Brashear).. 771
Hearing impaired persons: change provisions relating to interpreters (Crosby, Coordsen, Dw. Pedersen, Schimek, Robak)....................... 810
Homestead exemptions: change provisions (Landis)....................... 730
Homicide cases: change the definition of "aggravating circumstances" (Matzke, Bromm, Bruning, at the request of the Governor)............... 422
Indeterminate sentences: change and provide provisions (Chambers)....... 405

LB

Indigent defense: change provisions relating to funding and cost of defense (Kristensen) 108
Inmate dispositions and testimony: change provisions (Crosby) 94
Inmate dispositions and testimony: change provisions (Crosby) Appropriation bill 94A
Insurance acts, fraudulent: require restitution and change provisions for the statute of limitations (Beutler) 676
Insurance settlement payments: change provisions relating to certain advance payments (Landis) 741
Joinder: change provisions (Brashear) 234
Judges: change provisions for the number (Dw. Pedersen, Witek, Will) 404
Judges: change provisions for the number (Dw. Pedersen) Appropriation bill 404A
Judges: change provisions for the number (Beutler) 505
Judges: change provisions for the number (Beutler) 706
Judges: change the number (Will, Brashear, Brown, Hilgert, Kiel, Preister, Suttle) 370
Juvenile crime: change provisions for court jurisdiction and eliminate certain fingerprinting provisions (Witek, Jensen, Jones, Tyson, Vrtiska) 289
Juveniles: provide for mediation as a juvenile code prosecution and disposition alternative (Wesely) 236
Leased trucks: change provisions relating to liability for damages (Dw. Pedersen) 527
Legal services for the indigent: provide an additional docket fee and create a fund (Landis) 729
Legal services for the indigent: provide an additional docket fee and create a fund (Landis) Appropriation bill 729A
Limitation of action issues: change provisions for trial procedure (Robak) 165
Marijuana: change penalty provisions for possession and provide for certain fees to be charged as court costs (Suttle, Preister) 845
Marijuana: provide penalties for minors in possession (Tyson) 391
Notice of appeal: change provisions and clarify the time for filing (Abboud) 398
Peace officers: provide a penalty for failure to obey (Vrtiska) 36
Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins, Crosby, Lynch, Schrock, Stuhr, Vrtiska) 485
Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins) Appropriation bill 485A
Postconviction proceedings: establish limits on filing petitions (Bromm, Jensen, Jones) 462
Practice notes: eliminate a duty of the Revisor of Statutes to publish (Brashear) 560
Preliminary hearings: change provisions (Brashear) 562
Prisoners: change provisions for actions brought by prisoners and informally name the Nebr. Prison Litigation Reform Act of 1997 (Bromm, Engel, Hudkins, Jensen, Maurstad, D. Pederson, Schrock, Witek) 508
Probation Administration Act, Nebr.: provide for the payment of supervision fees as prescribed as a condition of probation (Hilgert) 879
Proceedings in forma pauperis: define terms (Robak) 227
Product liability: change provisions for commencement (Will) 458
Product liability: change provisions relating to strict liability (Abboud, Hilgert) 442
Restitution: change provisions and authorize for certain criminalistics procedures (Dw. Pedersen, Preister) 628
Revenue and taxation: authorize certain appeals to the Tax Equalization and Review Commission and the district court (Kristensen, Hartnett, Landis, Schellpeper, Warner, Coordsen) 397
Sex offenders: eliminate a duty for sheriffs (Abboud, Jones, Dw. Pedersen, Robak) 203
Sex offenders: provide for community notification of certain records (Abboud, Jones, Dw. Pedersen, Robak) 204
Sex Offender Registration Act: change provisions relating to access to information (Beutler) 644

LB

Sex Offender Registration Act: provide public access to certain information (Witek) 480

Solid waste: authorize combined billing of charges, provide for transportation permits and change Small Claims Court procedures (Tyson) 749

State law violations: require the state to pay costs (Wickersham) 816

Theft: change provisions (Bruning) 26

Water wells: provide a statute of limitations for actions to collect civil penalties (Beutler) 30

Work camps, incarceration: create (Engel, Crosby, Dierks, Jones, Kiel, D. Pederson, Robinson, Schrock, Vrtiska, Wehrbein, Witek, Preister, Abboud, at the request of the Governor) 882

Work camps, incarceration: create (Engel) Appropriation bill 882A

DIVORCE (See also Children; Child Support; Husband and Wife)

Child custody: change provisions for determination (Crosby) 884

Child custody: change provisions for moving the residence of a child to another state (Janssen, Robinson) 253

Child support collection: create a task force to study and make recommendations (Brown) 437

Child support guidelines: provide the Director of Research of the Legislature formulate and recommend to the Legislature (Crosby) 885

Child support: adopt the License Suspension Act (Beutler, Brown, at the request of the Governor) 752

Child support: adopt the License Suspension Act (Beutler) Appropriation bill 752A

Child support: change delinquency, withholding of earnings and assignment of income provisions (Landis) 18

Child support: provide for retroactive modification (Landis) 423

Child support: provide for termination of support upon certain events and for procedures (Landis) 58

Child support: provide specific account and use provisions (Coordsen) 7

Decree appeals: change provisions (Brashear) 77

Decree dissolution: change provisions (Crosby) 434

Domestic relations matters: change provisions for court filings and jurisdiction (Beutler) 677

Domestic violence: create the offense (Brashear, Bohlke, Brown, Crosby, Hartnett, Hilgert, Hillman, Hudkins, Kiel, Lynch, Robak, Schimek, Schrock, Stuhr, Suttle, Dw. Pedersen) 509

Domestic violence: provide for creation of an incident report form by the Nebr. Comm. on Law Enforcement & Criminal Justice (Schimek, Crosby, Hillman) 448

Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle) 393

Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman) Appropriation bill 393A

Family Support Act, Uniform Interstate: change provisions for recognition and enforcement of child support orders (Landis) 727

Medical expenses of a minor child in a divorce or legal separation: provide both parents are liable (Kristensen) 785

Parenting education courses: provide (Jensen, Brown, Hudkins, Kiel, Dw. Pedersen, Schimek, Stuhr) 777

Stalking and the Protection from Domestic Abuse Act: change provisions (Hillman, Brown, Kiel) 600

DNA DETECTION OF SEXUAL AND VIOLENT OFFENDERS ACT

Adopt (Abboud, Hudkins, Jones, Dw. Pedersen, Robak, Witek) 278

Adopt (Abboud) Appropriation bill 278A

DOMESTIC ABUSE ACT, PROTECTION FROM

Change provisions (Hillman, Brown, Kiel) 600

DOMESTIC VIOLENCE (See Abuse; Husband and Wife)

DRAINAGE (See also Irrigation)

Drainage districts: limit tax levy authority and require merger with natural resources districts (Beutler)................................ 682

DRUG DEALER LIABILITY ACT
Adopt (Hudkins, Abboud, Jones, Robak, Stuhr, Vrtiska, Witek, Dw. Pedersen).. 268

DRUGS AND NARCOTICS (See also Controlled Substances)
AIDS, HIV or cancer: require insurance coverage for certain drugs used in treatment (Suttle, Schimek)....................................... 849
Controlled substances, schedule of: change provisions (Kristensen)...... 373
Controlled substances: change provisions for registration fees and provide for biennial registration (Dierks)............................ 550
Controlled substances: restrict the dispensing of certain substances (Dw. Pedersen).. 472
Driver's license suspension: provide clarifying language relating to sentencing provisions (Brashear)..................................... 772
Driving or boating under the influence of alcohol or a controlled substance: provide for blood specimen certificates (Kristensen, Crosby, Vrtiska).. 210
Drug Dealer Liability Act: adopt (Hudkins, Abboud, Jones, Robak, Stuhr, Vrtiska, Witek, Dw. Pedersen).. 268
Marijuana: change penalty provisions for possession and provide for certain fees to be charged as court costs (Suttle, Preister)........... 845
Marijuana: provide penalties for minors in possession (Tyson)........... 391
Medication Aide Act: adopt (Wesely)..................................... 783

ECONOMIC DEVELOPMENT
Aliens, unauthorized: provide restrictions on employment for purposes of tax incentive programs (Wesely).................................... 455
Blighted and substandard areas: change provisions for designation under the Nebr. Redevelopment Act (Withem, Brashear, Brown, Warner).......... 344
Employment and Investment Growth Act: redefine "number of new employees" (Wesely)... 456
Employment Expansion and Investment Incentive Act: change provisions (Warner, at the request of the Governor).............................. 886
Employment Expansion and Investment Incentive Act: change provisions relating to enterprise zones (Hartnett, Hillman, McKenzie, Preister, Tyson, Wickersham, at the request of the Governor).......................... 745
Employment Expansion and Investment Incentive Act: provide for a conversion of unused credits (Hartnett)................................ 696
Incentives: urge Congress to support HR1842 which recognizes problems created in competition between states (Kristensen)................... 37LR
Industrial Competitiveness Alliance, Nebr.: create (Withem, Robak)...... 659
Microenterprise Development Act: adopt (Hilgert, McKenzie, C. Peterson, Preister, Will, at the request of the Governor)....................... 327
Microenterprise Development Act: adopt (Hilgert) Appropriation bill.. 327A
Quality Jobs Act: change provisions for wage benefit credits, the board and application procedures (Wesely).................................. 457

ECONOMIC DEVELOPMENT, DEPARTMENT OF
Existing Business Assistance Division: change provisions relating to contract authorization (Jensen, Chambers)............................ 861
Existing Business Assistance Division: change provisions relating to contract authorization (Chambers) Appropriation bill................. 861A
Industrial Competitiveness Alliance, Nebr.: create (Withem, Robak)...... 659

EDUCATION (See also Schools)
Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke).. 132
Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke) Appropriation bill...................... 132A
Alternative educational programs under the Student Discipline Act: change provisions (Bromm, Coordsen, Engel, Hudkins, Janssen, Jones, Robinson, Stuhr, Vrtiska).. 232

LB

Assault on educational employees: provide for criminal penalties (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen) 648
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt) 583
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham) Appropriation bill 583A
Certificated school employees: change provisions relating to contracts (Bromm, Engel, Jones, D. Pederson, Stuhr) 791
Certificated school employees: change provisions relating to tenure (Jones) 604
Change provisions (Bohlke, McKenzie) 347
Change provisions (Bohlke) 711
Class III school districts: change duties relating to county treasurers (McKenzie) 615
Class III school districts: change provisions relating to annexation (Robak) 535
Class III school districts: provide for nomination of board members by district or ward and election at large (Robinson) 595
Classification: change provisions for school districts (Crosby) 629
County superintendent of schools: state intent (Schellpeper) 663
County superintendents: state intent and eliminate provisions (Stuhr, Bromm, Coordsen, Jensen, Maurstad, Robinson, Vrtiska, Witek) 808
Depopulated school districts: change and eliminate provisions (Withem) 592
Dissolution and contracting for instruction: change and eliminate provisions (Suttle, Brown) 850
Education Innovation Fund: change provisions for disbursements (Bromm, Jones, Robinson, Schellpeper, Vrtiska, Wehrbein, Stuhr) 461
Education Innovation Fund: change provisions relating to pilot projects and model programs (Hartnett, Dierks, Hilgert, Dw. Pedersen, Preister, Schellpeper, Robak) 572
Education Innovation Fund: provide for minigrants (Janssen, Robinson, Schellpeper) 118
Education Innovation Fund: provide for minigrants (Janssen) Appropriation bill 118A
Education, State Board of: require the Legislature to prescribe qualifications for members (Robinson, Bohlke) 6CA
Educational service units: change and eliminate provisions relating to funding (Schrock, Coordsen, Schellpeper, Vrtiska) 719
Educational service units: change provisions for a maximum tax levy and provide for reorganization (Hartnett, Bohlke) 418
Educational service units: provide for reorganization (Hartnett, Bohlke, Stuhr) 419
Educational Lands and Funds, Board of: change provisions relating to appraisals, leases and board duties (Legislative Program Evaluation Committee) 843
Elementary and Secondary School Finance Authority Act, Nebr.: adopt (Landis, Brashear) 809
Enrollment option program: change provisions for applicability of the program (Bromm, Hartnett, Jones, Robinson) 403
Enrollment option program: provide for termination of and ineligibility for option enrollment (Hartnett, Bruning) 444
First Chance Vocational Education Act: adopt (Stuhr) 807
Freeholder petitions: change provisions (Bohlke) 716
Funds: provide and define and redefine terms (Bohlke, McKenzie) 345
Income tax credit for educational expenses: provide (Will, Hartnett, Hilgert, Preister) 492
Income tax, local: authorize for school districts and affiliation of school districts (Maurstad) 25
Insurance Program, Nebr. State: provide coverage for certificated employees of school districts and educational service units (Bromm, Cudaback, Jones, Robinson, Schrock, Witek, Tyson) 793
Kindergarten entrance age: change provisions (Wehrbein) 174
Kindergarten entrance: change provisions (Schimek) 50

LB

Levies: change provisions for exceeding levy limitations (Robinson, Janssen, Stuhr)........ 599

Levy limitation: change provisions for the calculation (Suttle, Brown, Coordsen, Hartnett)........ 570

Levy limitations: change provisions (Robinson, Brown, Janssen, Stuhr, Witek, Dw. Pedersen)........ 597

Levy limitations: change provisions (Robinson, Brown, Janssen)........ 598

Levy limitations: provide authorization to exceed (Will)........ 737

Local income for school districts: authorize (Cudaback, Schrock, Vrtiska)........ 646

Local Schools Sales Tax Option Act: adopt (Withem)........ 759

Option enrollment program: change provisions relating to acceptance of siblings of option students (Dw. Pedersen)........ 322

Postsecondary Education Expense Act: adopt (Kristensen)........ 475

Propane Education and Research Act: adopt (Natural Resources Committee)........ 699

Public, private, denominational and parochial schools: eliminate a reference (Warner, Kristensen, Withem)........ 42CA

Quality Work Force Academic Grant Program Act: adopt (Kiel, Brown, Bruning, Coordsen, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Lynch, McKenzie, D. Pederson, C. Peterson, Preister, Robinson, Schimek, Schrock, Stuhr, Suttle, Tyson, at the request of the Governor)........ 813

Redefine terms (Bohlke, McKenzie)........ 346

Regional superintendents of public instruction and regional superintendent of public instruction districts: provide (Bohlke, Hillman, McKenzie, Vrtiska, Warner, Wickersham, Preister, Will, Brashear)........ 789

Reorganization of school districts: require (Bohlke, Janssen, Robinson)........ 775

Reorganization: change provisions relating to the merger of Class I and Class VI districts (Wickersham, Jones)........ 742

Reorganization: provide (Withem, Wesely)........ 863

Resident Health Education Tuition Assistance Grant Program Act: adopt (McKenzie)........ 773

Resident Tuition Assistance Grant Program Act: adopt (Robinson, Abboud, Crosby, Hartnett, Hilgert, Janssen, Jensen, Lynch, Dw. Pedersen, Stuhr, Will)........ 639

Retirement: authorize purchase of service credit for certain employees (Crosby, Lynch)........ 840

Retirement: change provisions relating to annuity and age and exempt certain retirement expenditures from levy limits (Robinson, Brown, Crosby, Janssen, Lynch, Stuhr)........ 822

School bond state aid: provide (Maurstad)........ 832

School buses: require seatbelts (Robak)........ 366

School district mergers: require (Cudaback, Schrock, Vrtiska)........ 468

School district reorganization: change and eliminate provisions for the petition and election methods (Janssen, Withem)........ 563

School district reorganization: require a plan (Wehrbein, Beutler, Dw. Pedersen)........ 292

School employees: change provisions relating to hearing officers (McKenzie)........ 578

School finance: change provisions (Bohlke)........ 710

School finance: change provisions for calculation of adjusted tiered cost per student (Beutler)........ 542

School finance: change provisions relating to income tax allocation (Withem)........ 815

School finance: change provisions relating to legislative findings, intent, and reports (Withem)........ 524

School finance: change provisions relating to terminology (Warner, Bohlke)........ 342

School finance: provide for adjustment of district formula resources (Wickersham, McKenzie, Stuhr)........ 784

School lands: provide a duty for the Board of Educational Lands and Funds and change provisions for administrative costs (Legislative Program Evaluation Committee)........ 547

School Aid Trust Fund: create (Coordsen)........ 824

Science laboratory safety: provide (Brown)........ 126

LB

Seamless Delivery System Pilot Project: provide (Hillman, Brashear, Crosby, D. Pederson, Tyson, Wickersham, Bohlke)........................ 835

Seamless Delivery System Pilot Project: provide (Hillman) Appropriation bill.. 835A

Special education costs: change provisions for funding (Schellpeper).... 662

Special education costs: provide funding (Cudaback, Schrock, Vrtiska).. 468

Special education: change provisions (Education Committee, Brashear, Engel, Hartnett, Hillman, Maurstad, Robinson, Schimek)................. 865

Special education: provide for distribution of state funds through the equalization aid formula (Withem)...................................... 652

Special education: provide for distribution of state funds through the equalization aid formula (Withem)...................................... 652

Special education: provide for, change and eliminate provisions (McKenzie) Appropriation bill....................................... 865A

Special Education Act: change provisions for appropriations and provide for reimbursement for support services (McKenzie)...................... 797

Star-Spangled Banner: provide for singing of in schools (Tyson)......... 446

State aid to public school districts: appropriate funds (Bohlke, at the request of the Governor)... 349

State aid to schools: change and eliminate provisions relating to calculation and disbursement (Warner)................................ 672

State aid to schools: change provisions (Cudaback, Schrock, Vrtiska).... 468

State aid to schools: change provisions for calculation of aid (Beutler)... 680

State aid: change and eliminate provisions for calculation and disbursement (Education Committee)................................... 806

State aid: change and eliminate provisions for calculation and disbursement (Bohlke, Abboud, Beutler, Chambers, Crosby, Cudaback, Elmer, Hilgert, Hudkins, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schrock, Suttle, Wehrbein, Wesely, Withem) Appropriation bill......... 806A

State aid: change provisions for distribution (Bohlke)................. 714

State aid: change provisions relating to income tax allocation (McKenzie, Bromm, Wickersham).. 811

State aid: change provisions relating to reports and certification (Bohlke)... 713

Student Freedom of Expression Act: adopt (Beutler).................... 539

Students: change provisions relating to discipline (Suttle, Beutler, McKenzie, C. Peterson)... 838

Tax levy limits: change provisions for the manner in which school districts may exceed levy limits (Beutler)............................ 538

Teachers' certificates: change provisions relating to fees (Bohlke, Withem).. 206

Temporary school fund: change provisions for distribution of money in the fund (Schimek, Withem)... 647

Testing program for certain grade levels of students: require (Bohlke)... 712

Truancy: change provisions and provide for denial of eligibility for driver's licenses and permits (Brown)................................ 438

Tuition credit: provide for family members of deceased public safety personnel (Hilgert, Bruning, Will).................................. 267

Uniform taxation districts: state intent (Withem, Wesely).............. 863

Visually handicapped children: provide for braille instruction (Schimek, Crosby, Dw. Pedersen, Witek)............................... 81

Visually Handicapped, Nebr. School for: provide the Dept. of Education prepare plan to combine programs with School for the Deaf (Appropriations Committee)... 889

Vocational rehabilitation: appropriate funds to the Dept. of Education (Maurstad).. 213

EDUCATION, DEPARTMENT OF (See also Schools)

Community-Based Neurobehavioral Rehabilitation Act: adopt (Lynch, Coordsen, Crosby, Hartnett, Stuhr)..................................... 803

Deaf, Nebr. School for: provide Dept. of Educ. prepare a plan to combine programs with the School for the Visually Handicapped (Appropriations Committee).. 889

Duties: provide (Crosby, Coordsen, Dw. Pedersen, Schimek, Robak)........ 810

LB

Human Genetic Technologies, Nebr. Commission on.: create (Brown) Appropriation bill 111A
Human Genetic Technologies, Nebr. Commission on: create (Brown, Schimek) 111
Local Option Property Tax Relief Committee: create (Janssen, at the request of the Governor) 804
Seamless Delivery System Pilot Project: provide (Hillman, Brashear, Crosby, D. Pederson, Tyson, Wickersham, Bohlke) 835
Seamless Delivery System Pilot Project: provide (Hillman) Appropriation bill 835A
Transition Commission: create relating to special education (Education Committee, Brashear, Engel, Hartnett, Hillman, Maurstad, Robinson, Schimek) 865
Transition Commission: create relating to special education (McKenzie) Appropriation bill 865A
Visually Handicapped, Nebr. School for: provide the Dept. of Education prepare plan to combine programs with School for the Deaf (Appropriations Committee) 889
Vocational rehabilitation: appropriate funds (Maurstad) 213

EDUCATION, STATE BOARD OF
Members: require the Legislature to prescribe qualifications (Robinson, Bohlke) 6CA

EDUCATIONAL FINANCE AUTHORITY AT, NEBRASKA
Redefine a term (Hartnett, Brown, Jensen) 303

EDUCATIONAL LANDS AND FUNDS, BOARD OF
Appraisals, leases and duties: change provisions (Legislative Program Evaluation Committee) 843
School lands: provide a duty for the Board of Educational Lands and Funds and change provisions for administrative costs (Legislative Program Evaluation Committee) 547

EDUCATIONAL SERVICE UNITS
Funding: change and eliminate provisions (Schrock, Coordsen, Schellpeper, Vrtiska) 719
Insurance Program, Nebr. State: provide coverage for certificated employees of school districts and educational service units (Bromm, Cudaback, Jones, Robinson, Schrock, Witek, Tyson) 793
Maximum tax levy: change provisions and provide for reorganization (Hartnett, Bohlke) 418
Reorganization: provide (Hartnett, Bohlke, Stuhr) 419

EFFECTIVENESS ACT, STATE GOVERNMENT
Public Counsel: change provisions relating to duties (Landis) 15

ELECTIONS (See also Voters and Voting)
Attorney General: provide for nonpartisan election (Chambers) 738
Ballots: eliminate provisions relating to explanatory statements (Warner) 12
Campaign contributions and expenditures: provide limits (Kristensen) 287
Campaign contributions: prohibit acceptance of certain contributions (Brashear, Wickersham) 420
Campaign contributions: prohibit during legislative sessions (Bromm, Crosby, Schimek) 131
Campaign funds: authorize expenditures for conference fees (Schimek) 49
Campaign materials: provide restrictions on publishing and broadcasting (Beutler) 620
Campaign statements: change provisions for filing (Chambers) 632
Campaign Finance Limitation Act: change provisions for distribution of public funds and reporting (Beutler) 621
Campaign Finance Limitation Act: provide for enforcement and for civil and criminal penalties (Beutler) 678
Campaigns: prohibit the use of public property and personnel for campaigning (Brashear) 360

LB

Campaigns: provide filing requirements for major out-of-state contributors (Withem, Coordsen, Dierks, Robinson, Schellpeper, Schimek, Warner) 591

Candidates: prohibit certain officeholders and candidates from filing for or holding more than one office (Schimek, Crosby, Robinson) 221

Candidates: require certain candidates for public office to resign their current public position (Brashear) 40CA

Change and eliminate provisions (Robinson, Matzke, Maurstad, Schimek, Withem) 764

Cities of the first class: change provisions for terms of office and filling of vacancies (Robinson) 734

Class III school districts: provide for nomination of board members by district or ward and election at large (Robinson) 595

Conflicts of interest and dissolution of committees: change provisions (Brashear) 767

Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem) 12CA

County Initiative and Referendum Act: adopt (Cudaback, Vrtiska) 574

County-municipal service districts and unified local governments: authorize creation (Revenue Committee) 177

Independent committees: require reports of late expenditures by a committee and provide a penalty (Schimek, Beutler, Brashear) 321

Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem) 38CA

Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner) 7CA

Initiative and referendum measures: identify the powers of and remove obsolete language (Withem, Kristensen, Warner) 55CA

Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem) 39CA

Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler) 56CA

Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek) 32CA

Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem) 41CA

Initiative and referendum petitions: provide a penalty for destroying a petition (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem) 228

Initiative and referendum: change provisions for petitions, petition signers and circulators, and procedures (Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem) 460

Initiative and referendum: change provisions relating to petition circulators (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem) 378

Initiative petitions: change and provide filing requirements (Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem) 379

Judicial retention: provide for rotation of the question (Schmitt, Hudkins, Jones) 145

Local Option Revenue Act: change a provision authorizing a ballot issue (Cudaback) 575

Multiple office holding and filing for more than one office: prohibit (Crosby) 339

Multiple office holding: prohibit and change provisions for filing petitions for nomination (Will) 382

Municipal electric utility: provide for the election of the board of directors in primary class cities (Coordsen, Schellpeper) 637

Natural resources districts: change provisions for the election of directors and creation of subdistricts (Beutler) 540

Payment of costs of certain elections: change provisions (Robinson, Cudaback, Vrtiska) 64

Political Accountability and Disclosure Act: change contribution restrictions on campaign committees (Brashear, Landis, Maurstad) 768

LB

Political Accountability and Disclosure Act: change provisions for a civil penalty (Brashear).. 361
Presidential electors: change provisions for selection (Kristensen, Maurstad, Wehrbein).. 103
Sanitary and improvement districts: change provisions for election of members (Urban Affairs Committee)................................ 873
Sanitary and improvement districts: provide procedures for recall of members of the board of trustees (Urban Affairs Committee).............. 874
School district reorganization: change and eliminate provisions for the petition and election methods (Janssen, Withem)........................ 563
Secretary of State: provide powers and duties relating to the use of new voting or counting systems (Dw. Pedersen)......................... 526
Special election regarding tax levy authority of political subdivisions: permit election officials to establish a uniform date (Warner)......... 343
Term limits on Congress: apply to Congress to convene a constitutional convention for purposes of proposing an amendment (Witek)............ 35LR
Term limits: apply to Congress to convene a Constitutional Convention as a result of Initiative 409 (Withem).............................. 1LR

ELECTRICITY (See also Public Utilities)
Electric utilities: state intent and provide requirements for reorganization, consolidation or merger (Beutler)...................... 744
Legislature: provide appropriations to the Legislative Council for a study of the consumer-owned electric industry in Nebraska (Beutler)..... 681
Municipally owned electric utilities: provide for merger (Coordsen, Schellpeper)... 654
Net billing for certain electricity generators: require (Schimek, Kiel, Preister).. 501
Renewable energy sources: state intent and provide requirements for utility companies (Preister, Beutler, Hartnett)....................... 867

ELEMENTARY AND SECONDARY SCHOOL FINANCE AUTHORITY ACT, NEBR.
Adopt (Landis, Brashear).. 809

ELEVATORS
Elevators: provide an exemption of certain standards (Brown, Bromm, Bruning, Engel, Hartnett, Hudkins, Jensen, Jones, Kiel, Lynch, Maurstad, Dw. Pedersen, Robak, Robinson, Schmitt, Stuhr, Vrtiska, Wehrbein, Will).. 125
Elevators: provide an exemption of certain standards (Brown) Appropriation bill... 125A

EMBALMERS AND EMBALMING (See also Funeral Directors and Funerals)

EMERGENCIES (See also Ambulances)
Ambulance and fire service: change provisions for contracts with counties, cities and villages (Will, Bruning, Hilgert, Robak)........... 447
Emergency management: grant authority to law enforcement personnel (Janssen, Robinson, Schmitt)....................................... 546
Emergency medical technician-A/D services: change provisions (Janssen, Schmitt, Vrtiska)... 166
Emergency Medical Services Act: adopt (Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely)............................. 138
Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister, Beutler, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Janssen, Landis, Robinson, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wickersham)... 374
Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister).. 670
Hazardous substances: define terms and provide liability for cleanup costs as a result of a hazardous substance emergency (Tyson)........... 748
Medical alarm equipment: exempt from sales and use taxation (Withem, Bruning, Hartnett).. 105
Radiation Control Act: change provisions for fees associated with nuclear power plant emergency response (Beutler)....................... 658

LB

Rural and suburban fire protection districts: change provisions for levies (Hartnett, Bromm, Janssen, Dw. Pedersen, Lynch, Bruning, Suttle)........ 612
Statewide Trauma System Act: adopt (Wesely, Matzke, Wickersham)........ 626
Statewide Trauma System Act: adopt (Wesely) Appropriation bill........ 626A
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Abboud)........ 855
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Urban Affairs Committee)........ 872
911 emergency service: eliminate a restriction on an additional amount of service surcharge (Abboud, Jensen, Lynch, Dw. Pedersen, Suttle)........ 104
911 emergency telephone services: change provisions (Vrtiska)........ 37

EMERGENCY MEDICAL SERVICES ACT
Adopt (Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely)........ 138

EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC ACT
Repeal Provisions (Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely)........ 138

EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT, NEBR.
Adopt (Preister, Beutler, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Janssen, Landis, Robinson, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wickersham)........ 374
Adopt (Preister)........ 670

EMINENT DOMAIN (See also Condemnation)
Natural resources districts: change provisions for procedures (Robinson, Janssen)........ 596

EMPLOYEES (See also Public Employees)
Alcoholic liquor: change provisions for employment of minors as servers and sellers (Dw. Pedersen)........ 613
Applicants who have applied for employment by any public body: exclude application materials from public record requirements (Bohlke)........ 400
Discrimination based on sexual orientation: change provisions (Chambers)........ 869
Employee benefit plans: change payment requirements by certain employees and exempt certain officials from retirement plans (Kiel, Brown, McKenzie, Schrock)........ 812
Employment information: provide immunity to current and former employers (Kristensen)........ 149
Employment security law terms: change provisions (Abboud, Dierks, Preister, Schimek, Schrock)........ 129
Employment security: change a provision relating to combined tax (Tyson)........ 834
Employment security: change provisions for the weekly benefit amount (Hilgert, Lynch, Preister, Suttle)........ 225
Employment security: change provisions relating to benefit conditions (Coordsen)........ 282
Employment security: change provisions relating to the combined tax rate computation (Brashear)........ 765
Employment security: change the definition of "employment" (Abboud, Dierks, Preister, Schimek, Schrock)........ 130
Employment security: provide an exemption from employment security laws for AmeriCorp participants (Schimek)........ 79
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen, Lynch, Robinson, Schellpeper)........ 116
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen) Appropriation bill........ 116A
Job references: provide immunity in actions relating to job references (Bromm, Bruning, Hudkins, Jensen, Jones, Maurstad)........ 790
Labor organizations: require certain employees to pay for collective bargaining (Lynch, Hartnett, Hilgert, Preister, Schimek)........ 124
Lawful products, use of by employees: prohibit certain actions by employers (Kiel)........ 470

LB

Minimum wage: provide increase (Wesely, Beutler, Chambers, Hartnett, Hilgert, Landis, Lynch, Preister, Schimek, Will, Withem) 569
New Hire Reporting Act: adopt (Beutler, Brown, at the request of the Governor) 752
New Hire Reporting Act: adopt (Beutler) Appropriation bill 752A
Newspaper carriers: include as employees for purposes of workers' compensation (Will, Chambers) 100
Small Employer Health Insurance Availability Act: change provisions (Banking, at the request of the Governor) 862
Workers' compensation: change provisions for burial compensation (Will, Hilgert, Abboud) 853
Workers' compensation: change provisions for burial compensation (Will) Appropriation bill 853A
Workers' compensation: change provisions for dependents, independent medical examiners, court records and procedure (Business and Labor Committee) 128
Workers' compensation: eliminate the Second Injury Fund (Abboud) 854
Workers' compensation: eliminate the Second Injury Fund (Abboud) Appropriation bill 854A
Workers' compensation: harmonize a reference (Vrtiska) 38
Workers' compensation: provide compensation for employment involving leased commercial motor vehicles (Vrtiska, Brashear, Bromm, Bruning, Coordsen, Crosby, Cudaback, Hudkins, Jensen, Jones, Kristensen, Landis, Matzke, Maurstad, Dw. Pedersen, Robinson, Schmitt, Schrock, Stuhr, Warner, Wehrbein, Wesely, Witek, Tyson, Abboud) 474
Workers' compensation: provide employment duties for employers of injured employees (Hilgert, Will) 245
Workers' compensation: provide record confidentiality (Vrtiska) 215
Workers' compensation: redefine " occupational disease" to include cumulative trauma (Will) 127

EMPLOYEES OF ELECTED CONST. OFFICES SUPP. RETIREMENT PLAN
Adopt (Chambers) 459

EMPLOYERS
Alcoholic liquor: change provisions for employment of minors as servers and sellers (Dw. Pedersen) 613
Applicants who have applied for employment by any public body: exclude application materials from public record requirements (Bohlke) 400
Discrimination based on sexual orientation: change provisions (Chambers) 869
Employee benefit plans: change payment requirements by certain employees and exempt certain officials from retirement plans (Kiel, Brown, McKenzie, Schrock) 812
Employment information: provide immunity to current and former employers (Kristensen) 149
Employment security law terms: change provisions (Abboud, Dierks, Preister, Schimek, Schrock) 129
Employment security: change a provision relating to combined tax (Tyson) 834
Employment security: change provisions for the weekly benefit amount (Hilgert, Lynch, Preister, Suttle) 225
Employment security: change provisions relating to benefit conditions (Coordsen) 282
Employment security: change provisions relating to experience accounts (Vrtiska) 32
Employment security: change provisions relating to the combined tax rate computation (Brashear) 765
Employment security: change the definition of "employment" (Abboud, Dierks, Preister, Schimek, Schrock) 130
Employment security: provide an exemption from employment security laws for AmeriCorp participants (Schimek) 79
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen, Lynch, Robinson, Schellpeper) 116
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen) Appropriation bill 116A

LB

Job references: provide immunity in actions relating to job references (Bromm, Bruning, Hudkins, Jensen, Jones, Maurstad) 790
Labor organizations: require certain employees to pay for collective bargaining (Lynch, Hartnett, Hilgert, Preister, Schimek) 124
Lawful products, use of by employees: prohibit certain actions by employers (Kiel) 470
Minimum wage: provide increase (Wesely, Beutler, Chambers, Hartnett, Hilgert, Landis, Lynch, Preister, Schimek, Will, Withem) 569
New Hire Reporting Act: adopt (Beutler, Brown, at the request of the Governor) 752
New Hire Reporting Act: adopt (Beutler) Appropriation bill 752A
Newspaper carriers: include as employees for purposes of workers' compensation (Will, Chambers) 100
Small Employer Health Insurance Availability Act: change provisions (Banking, at the request of the Governor) 862
Workers' compensation: change provisions for burial compensation (Will, Hilgert, Abboud) 853
Workers' compensation: change provisions for burial compensation (Will) Appropriation bill 853A
Workers' compensation: change provisions for dependents, independent medical examiners, court records and procedure (Business and Labor Committee) 128
Workers' compensation: eliminate the Second Injury Fund (Abboud) 854
Workers' compensation: eliminate the Second Injury Fund (Abboud) Appropriation bill 854A
Workers' compensation: harmonize a reference (Vrtiska) 38
Workers' compensation: provide compensation for employment involving leased commercial motor vehicles (Vrtiska, Brashear, Bromm, Bruning, Coordsen, Crosby, Cudaback, Hudkins, Jensen, Jones, Kristensen, Landis, Matzke, Maurstad, Dw. Pedersen, Robinson, Schmitt, Schrock, Stuhr, Warner, Wehrbein, Wesely, Witek, Tyson, Abboud) 474
Workers' compensation: provide employment duties for employers of injured employees (Hilgert, Will) 245
Workers' compensation: provide record confidentiality (Vrtiska) 215
Workers' compensation: redefine " occupational disease" to include cumulative trauma (Will) 127

EMPLOYMENT

Alcoholic liquor: change provisions for employment of minors as servers and sellers (Dw. Pedersen) 613
Applicants who have applied for employment by any public body: exclude application materials from public record requirements (Bohlke) 400
Discrimination based on sexual orientation: change provisions (Chambers) 869
Employee benefit plans: change payment requirements by certain employees and exempt certain officials from retirement plans (Kiel, Brown, McKenzie, Schrock) 812
Employment information: provide immunity to current and former employers (Kristensen) 149
Employment security law terms: change provisions (Abboud, Dierks, Preister, Schimek, Schrock) 129
Employment security: change a provision relating to combined tax (Tyson) 834
Employment security: change provisions for the weekly benefit amount (Hilgert, Lynch, Preister, Suttle) 225
Employment security: change provisions relating to benefit conditions (Coordsen) 282
Employment security: change provisions relating to experience accounts (Vrtiska) 32
Employment security: change provisions relating to the combined tax rate computation (Brashear) 765
Employment security: change the definition of "employment" (Abboud, Dierks, Preister, Schimek, Schrock) 130
Employment security: provide an exemption from employment security laws for AmeriCorp participants (Schimek) 79
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen, Lynch, Robinson, Schellpeper) 116

LB

Fingerprinting of certain job applicants: allow municipal governments to require (Janssen) Appropriation bill.............................. 116A
Job references: provide immunity in actions relating to job references (Bromm, Bruning, Hudkins, Jensen, Jones, Maurstad).................... 790
Labor organizations: require certain employees to pay for collective bargaining (Lynch, Hartnett, Hilgert, Preister, Schimek)............... 124
Lawful products, use of by employees: prohibit certain actions by employers (Kiel)... 470
Minimum wage: provide increase (Wesely, Beutler, Chambers, Hartnett, Hilgert, Landis, Lynch, Preister, Schimek, Will, Withem)............... 569
New Hire Reporting Act: adopt (Beutler, Brown, at the request of the Governor).. 752
New Hire Reporting Act: adopt (Beutler) Appropriation bill............ 752A
Newspaper carriers: include as employees for purposes of workers' compensation (Will, Chambers).. 100
Small Employer Health Insurance Availability Act: change provisions (Banking, at the request of the Governor)............................ 862
Workers' compensation: change provisions for burial compensation (Will, Hilgert, Abboud)... 853
Workers' compensation: change provisions for burial compensation (Will) Appropriation bill.. 853A
Workers' compensation: change provisions for dependents, independent medical examiners, court records and procedure (Business and Labor Committee)... 128
Workers' compensation: eliminate the Second Injury Fund (Abboud)....... 854
Workers' compensation: eliminate the Second Injury Fund (Abboud) Appropriation bill.. 854A
Workers' compensation: harmonize a reference (Vrtiska)................. 38
Workers' compensation: provide compensation for employment involving leased commercial motor vehicles (Vrtiska, Brashear, Bromm, Bruning, Coordsen, Crosby, Cudaback, Hudkins, Jensen, Jones, Kristensen, Landis, Matzke, Maurstad, Dw. Pedersen, Robinson, Schmitt, Schrock, Stuhr, Warner, Wehrbein, Wesely, Witek, Tyson, Abboud)............................. 474
Workers' compensation: provide employment duties for employers of injured employees (Hilgert, Will).................................... 245
Workers' compensation: provide record confidentiality (Vrtiska)......... 215
Workers' compensation: redefine " occupational disease" to include cumulative trauma (Will).. 127

EMPLOYMENT AND INVESTMENT GROWTH ACT
"Number of new employees": redefine (Wesely).......................... 456
Income tax credits: limit use (Wesely)................................ 454

EMPLOYMENT EXPANSION AND INVESTMENT INCENTIVE ACT
Change provisions (Warner, at the request of the Governor).............. 886
Computation of credits: change a provision (Will, Coordsen, McKenzie, Schrock, Schellpeper, Bruning).. 443
Enterprise zones: change provisions (Hartnett, Hillman, McKenzie, Preister, Tyson, Wickersham, at the request of the Governor)........... 745
Unused credits: provide for a conversion (Hartnett).................... 696

EMPLOYMENT SECURITY
AmeriCorp participants: provide an exemption from employment security laws (Schimek)... 79
Benefit conditions: change provisions (Coordsen)....................... 282
Combined tax rate computation: change provisions (Brashear)............ 765
Combined tax: change provisions (Tyson)................................ 834
Employment: change the definition (Abboud, Dierks, Preister, Schimek, Schrock).. 130
Experience accounts: change provisions (Vrtiska)....................... 32
Terms: change provisions (Abboud, Dierks, Preister, Schimek, Schrock).. 129
Weekly benefit amount: change provisions (Hilgert, Lynch, Preister, Suttle).. 225

ENERGY (See also Minerals, Oil, and Natural Gas)
Biopower Steering Committee: create (McKenzie)......................... 428

LB

Public buildings: provide for energy financing contracts (Jensen, Maurstad)........ 776
Renewable energy sources: state intent and provide requirements for utility companies (Preister, Beutler, Hartnett)........ 867
Wind energy resources: provide for different rates, tolls, rent, or other charges (Hartnett, Dierks, Preister)........ 571

ENGINEERS AND ARCHITECTS REGULATION ACT
Adopt (Wesely)........ 260
Adopt (Wesely) Appropriation bill........ 260A

ENGINEERS AND ENGINEERING
Engineers and Architects Regulation Act: adopt (Wesely)........ 260
Engineers and Architects Regulation Act: adopt (Wesely) Appropriation bill........ 260A

ENVIRONMENTAL CONTROL AND PROTECTION
Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister, Beutler, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Janssen, Landis, Robinson, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wickersham)........ 374
Emission fee collected from air pollution sources: change provisions (Bohlke, Janssen, C. Peterson)........ 707
Environmental audits: define terms and provide for mitigation or waiver of penalties (Preister)........ 208
Environmental audits: provide (Beutler)........ 541
Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie)........ 579
Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie) Appropriation bill........ 579A
Environmental Trust Board, Nebr.: change provisions for duties of the board and establishing priorities for use of the trust (Elmer, Bromm, Bruning, McKenzie, Preister, Schrock)........ 616
Hydrogen sulfide gas: establish air quality standards (Beutler, Engel)........ 655
Waste reduction and recycling fee: change provisions (Schimek)........ 584

ENVIRONMENTAL LEAD HAZARD CONTROL ACT
Rename and define and redefine terms (McKenzie)........ 579
Rename and define and redefine terms (McKenzie) Appropriation bill..... 579A

ENVIRONMENTAL QUALITY, DEPARTMENT OF
Safe Drinking Water Act, Nebr.: transfer administration to the Dept. of Environmental Quality (Wesely, Beutler, at the request of the Governor)........ 888

ENVIRONMENTAL TRUST ACT, NEBRASKA
Environmental Trust Board, Nebr.: change provisions for duties of the board and establishing priorities for use of the trust (Elmer, Bromm, Bruning, McKenzie, Preister, Schrock)........ 616

ENVIRONMENTAL TRUST BOARD, NEBRASKA
Duties: change provisions (Elmer, Bromm, Bruning, McKenzie, Preister, Schrock)........ 616

EQUALIZATION, STATE BOARD OF
Powers and duties: transfer to the Tax Equalization and Review Commission (Kristensen, Hartnett, Landis, Schellpeper, Warner, Coordsen)........ 397

ESTATES (See also Decedents' Estates)
Guardians and conservators: change provisions for appointment, powers and duties (Bromm, Matzke, D. Pederson)........ 466
Inheritance tax: eliminate a requirement for lineal descendants (Landis)........ 16
Inventory of the estate: require the personal representative to file a duplicate original (Brashear)........ 770

LB
Prudent Investor Act, Nebraska Uniform: adopt (Landis)................ 54

ETHANOL (See also Motor Vehicle Fuels)

EVIDENCE
Evidence Rules, Nebraska: provide for a learned treatise exception to the rule against hearsay (Hilgert, Bromm, Will)........................ 244

EXCELLENCE IN HIGHER EDUCATION FUND ACT
Adopt (Wesely, Beutler, Crosby, Landis, Schimek)........................ 858

FAIRS AND EXPOSITIONS
Equine activities: provide an exemption from civil liability and for the posting of warning signs (Jones, Cudaback, Dierks, Elmer, Hudkins, Schellpeper, Schmitt, Schrock, Wickersham)............................ 153

FAMILY SUPPORT ACT, UNIFORM INTERSTATE
Child support orders: change provisions for recognition and enforcement (Landis).. 727

FARM MEDIATION ACT
Scope of mediation: expand to include disputes involving non-credit farm programs (Agriculture Committee)................................ 200

FARMS AND FARMING (See also Agriculture)
Agricultural or horticultural land located near federally designated scenic rivers: provide for special valuation (Dierks)................. 190
Agricultural Grain Marketing, Interstate Compact on: repeal (Coordsen)... 6
Agriculture: change provisions (Agriculture Committee)................. 199
Crop destruction: provide for the measure of damages for perennial crop destruction (Robak)... 294
Equine activities: provide an exemption from civil liability and for the posting of warning signs (Jones, Cudaback, Dierks, Elmer, Hudkins, Schellpeper, Schmitt, Schrock, Wickersham)............................ 153
Farm Mediation Act: expand the scope of mediation to include disputes involving non-credit farm programs (Agriculture Committee)............. 200
Farming or ranching activities: require reports of ownership of real estate (Dierks, Vrtiska).. 211
Grain sorghum: change provisions (Coordsen)........................... 11
Ground water conservation districts: change provisions relating to funds of districts and a termination date (Stuhr, Coordsen, McKenzie)... 78
Ground Water Management and Protection Act, Nebr.: change provisions relating to notice of controls (Bromm, Dierks, Hudkins, McKenzie, C. Peterson, Schrock, Elmer).. 188
Host Farm and Ranch Act, Nebraska: adopt (Dierks, Jones)................ 189
License plates: provide for brand license plates (Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham).. 640
Livestock: change in-herd brand identification provisions (Dierks)...... 193
Meat and poultry inspection: state intent (Dierks, at the request of the Governor)... 661
Mountain sheep: provide for permits to hunt and kill (Wickersham, Beutler)... 733
Noxious weed seeds: change provisions (Dierks)........................ 263
Pasteurized Milk Law, Nebraska: adopt federal provisions by reference (Agriculture Committee).. 201
Pesticide application: change provisions for filing reports claiming damages as a result of application (Dierks).......................... 262
Potato checkoff: change from quarterly to annual collection and change provisions for penalties for delinquent payment (Agriculture Committee)... 202
Tractors: change and eliminate provisions for the testing and sale of current tractor models (Dierks)...................................... 192

FEDERAL LAWS

LB

Motor carriers: provide for state adoption of federal Motor Carrier Safety Regulations & Hazardous Material Regulations (Transportation Committee)........ 722

Telecommunications Act of 1996, Federal: authorize and enforce (Kristensen, Dw. Pedersen, Coordsen, Robinson, Bruning, Matzke, Elmer, C. Peterson)........ 660

Telecommunications Act of 1996, Federal: authorize and enforce (Kristensen) Appropriation bill........ 660A

FEES AND SALARIES

Animal offenses: provide for reimbursement for costs and disposition (Dierks, Schimek)........ 551

Bicycles, sale of: provide a fee and credit to the Trail Development Assistance Fund (Beutler)........ 683

Campaign funds: authorize expenditures for conference fees (Schimek).... 49

Child protection case central registry: provide for attorney's fees in certain cases (Stuhr)........ 490

Cider: provide a gallonage tax on certain cider (Kristensen)........ 371

Compensation of members of Congress: propose an amendment to the U.S. Constitution delaying variances in compensation (Schimek, Beutler, Robak, Vrtiska)........ 53LR

Compensation Review Commission: create and change provisions for compensation for members of the Legislature and employees (Beutler)... 57CA

Controlled substances: change provisions for registration fees and provide for biennial registration (Dierks)........ 550

Cooperative extension educators: appropriate funds for salaries to the University of Nebraska (Wehrbein, Stuhr, Coordsen, Bromm, Jones, Hillman, Warner, Vrtiska, Hudkins)........ 164

County treasurers: eliminate certain fees (Robak)........ 223

County treasurers: eliminate collection fees for property tax, homestead reimbursement revenue and certain special assessments (Landis, Coordsen, Kristensen, Warner, Wickersham)........ 179

Court automation fee: provide continuation (Wehrbein, Chambers)........ 216

Credit cards, charge cards and debit cards: allow county government to accept cards as a method of payment of assessments (Cudaback, Robinson, Schrock, Vrtiska)........ 70

Credit cards: authorize political subdivisions to accept for payment of fees, licenses, taxes or penalties (Vrtiska, Schimek)........ 414

Damages caused by negligent conduct of another: provide a person's right to recover is not barred by restriction on use of fine (Will)... 22CA

Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle)........ 393

Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman) Appropriation bill........ 393A

Driver's licenses, state identification cards and fees: change provisions (Coordsen)........ 354

Emission fee collected from air pollution sources: change provisions (Bohlke, Janssen, C. Peterson)........ 707

Environmental Heritage License Plates, Nebr.: provide and provide for fees (Beutler, Preister)........ 494

Fishing and hunting permits: change provisions relating to fee exemption for veterans (Kristensen)........ 43

Fishing permits: authorize special permits for developmentally disabled persons and provide a fee (Robak)........ 735

Garnishment: authorize a fee for executing an order (Dierks)........ 196

Habitat stamps, lifetime: provide fees (Beutler)........ 705

Hazardous substances: define terms and provide liability for cleanup costs as a result of a hazardous substance emergency (Tyson)........ 748

Legal services for the indigent: provide an additional docket fee and create a fund (Landis)........ 729

Legal services for the indigent: provide an additional docket fee and create a fund (Landis) Appropriation bill........ 729A

Legislative Compensation, Commission on: create and provide for establishment of salary & expenses of members of the Legislature (Warner, Kristensen, Withem)........ 14CA

LB
Legislature: appropriate funds for payment of salaries (Speaker Withem, at the request of the Governor) 385
Legislature: change provisions relating to salaries (Withem) 23CA
Lobbyists who lobby regarding rules and regulations: require they register with the Secretary of State and provide fees (Robinson, Bromm, Brown, Cudaback, Dierks, Janssen, Jensen, Jones, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wesely, Witek) 638
Lottery Act, State: authorize salary stipends for incentive grant purposes (Withem) 525
Marijuana: change penalty provisions for possession and provide for certain fees to be charged as court costs (Suttle, Preister) 845
Mechanical Amusement Device Tax Act: change provisions for fees, licenses, and occupation taxes (Schellpeper, Hartnett, Landis, Wickersham) 317
Medical services for individuals who are arrested, detained or incarcerated: provide for responsibility for payment of costs (Crosby, Wesely) 841
Metabolic diseases: provide a fee for screening infants for metabolic diseases (Wesely) 610
Metabolic diseases: provide a fee for screening infants for metabolic diseases (Wesely) Appropriation bill 610A
Minimum wage: provide increase (Wesely, Beutler, Chambers, Hartnett, Hilgert, Landis, Lynch, Preister, Schimek, Will, Withem) 569
Motor vehicles: change provisions for certificates of title, odometers, proof of financial responsibility and registration (Transportation Committee) 720
Motor vehicles: change provisions for fees and renewal and transfer of license plates (Cudaback) 694
Motor vehicles: change provisions for registration fees and credit to the Recreation Trails Fund (Beutler) 516
Motor vehicles: eliminate provisions for valuation and taxation and provide fees (Warner, Coordsen, Hartnett, Kristensen, Schellpeper, Wickersham) 271
Motor vehicles: eliminate provisions for valuation and taxation and provide fees (Coordsen) Appropriation bill 271A
Motorboats: change provisions for certificates of title and registration (Transportation Committee) 720
Motorboats: change provisions for certificates of title and registration (Transportation Committee) 720
Natural gas regulation: redefine terms and change provisions for regulation of rates and enforcement of the regulation (Bromm, Preister) 318
Ordinance, violation of: provide increase in the fine a second class city or village may charge (Tyson) 521
Postsecondary education: change provisions for loan default cost fees (Bohlke) 715
Pretrial diversion programs: provide for persons charged with minor traffic offenses and provide for fees (Schmitt, Jensen) 565
Probation Administration Act, Nebr.: provide for the payment of supervision fees as prescribed as a condition of probation (Hilgert) 879
Public records: change provisions for dissemination of public information electronically and authorize fees (Withem, Brashear, Brown, Hillman, Kristensen, Robinson) 590
Public records: change provisions for dissemination of public information electronically and authorize fees (Withem) Appropriation bill 590A
Public records: provide access to state public records and authorize fees for access (Bromm, Coordsen, Cudaback, Engel, Janssen, Preister, Robinson, Schmitt, Stuhr, Witek) 792
Radiation Control Act: change provisions for fees associated with nuclear power plant emergency response (Beutler) 658
Rent control for certain persons: authorize (Schimek) 481
Rent, controlling of: prohibit (Hartnett, Preister) 487
Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad) 62CA
Sales and use tax: change a collection fee for county treasurers (Lynch) 435

LB

Sales and use tax: change provisions for collection of an administrative fee (Kiel, Brashear, Bruning, Hillman, Schimek, Schrock, Suttle) 488
Service of process: change provisions relating to fees (Dw. Pedersen, Bruning, Hartnett, Matzke, Schmitt, Withem, Tyson, Kiel, Stuhr) 281
Solid waste collection service: change provisions relating to rates and charges (Beutler) 135
State constitutional officers: change provisions relating to salaries (Warner, Withem) 14
State employees: appropriate funds for salary increases (Speaker Withem, at the request of the Governor) 387
State law violations: require the state to pay costs (Wickersham) 816
State officers: appropriate funds for payment of salaries and benefits (Speaker Withem, Wehrbein, at the request of the Governor) 384
Supreme Court judges: change provisions relating to salaries (Kiel) 362
Supreme Court judges: change provisions relating to salaries (Brashear) Appropriation bill 362A
Teachers' certificates: change provisions relating to fees (Bohlke, Withem) 206
Telecommunications service rates and regulation: change provisions (Kristensen) 685
Telemarketer Registration Act: adopt (Crosby, Jensen, Schimek) 445
Transcripts of certain municipal proceedings: change provisions relating to costs (Bromm) 319
Visually handicapped or legally blind persons: provide transportation services be performed free or at a reduced rate (Crosby) 801
Waste reduction and recycling fee: change provisions (Schimek) 584
Wind energy resources: provide for different rates, tolls, rent, or other charges (Hartnett, Dierks, Preister) 571
911 emergency service: eliminate a restriction on an additional amount of service surcharge (Abboud, Jensen, Lynch, Dw. Pedersen, Suttle) 104

FINANCIAL INSTITUTIONS (See also Banks and Banking)

Bank director qualifications: change provisions (Brashear, Chambers) 364
Bank executive officers, directors or principal shareholders: change provisions relating to loans (Brashear, Chambers) 364
Bank Holding Company Act of 1995, Nebr.: change provisions for acquisition of banks (Landis) 739
Banks and banking: change provisions (Landis) 137
Change provisions (Banking) 425
Credit unions: change provisions (Dw. Pedersen) 89
Detached branch banks in Class II counties: change provisions (Landis) 56
Installment loans: change provisions relating to charges and penalties (Landis) 555
Interstate Branching By Merger Act of 1997: adopt (Landis) 351
Medical savings accounts: authorize banks to act as a trustee or custodian of a medical savings account (Matzke) 753
Mobile branch banks: provide (Landis) 136
Mortgage loans: change provisions relating to escrow accounts (Landis) 554
Non-deposit-taking branch banks: provide a restriction on names (Schmitt, Jones) 868
Revisor bill to eliminate language not eliminated as part of the enrollment and review process in Laws 1996, LB 1053 (Executive Board) 2
Savings and loan associations: allow state chartered associations equal power as federal associations (Vrtiska) 35
Securities Act of Nebr.: define and redefine terms and change provisions (Landis) 335
State chartered credit unions: allow equal powers as federal credit unions (Witek) 152
Third-party guarantor on a loan: provide for notification (Elmer, Schrock) 142

FIRE

Fire and ambulance service: change provisions for contracts with counties, cities and villages (Will, Bruning, Hilgert, Robak) 447

LB

Fire protection systems: provide for certificates for contractors who work on water-based fire protection systems (Kristensen, Cudaback, Withem) 636
Fire protection: authorize a uniform or common levy for fire protection (Revenue Committee) 176
Rural and suburban fire protection districts: change provisions for levies (Hartnett, Bromm, Janssen, Dw. Pedersen, Lynch, Bruning, Suttle) 612
Volunteer fire and rescue organizations: provide a sales and use tax exemption for certain organizations (Suttle) 671

FIRE MARSHAL, STATE
Duties: provide (Kristensen, Cudaback, Withem) 636

FIREFIGHTERS
Fire, health and safety officials: authorize issuance of citations in lieu of arrest (Brown, Hilgert, Kiel) 109
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Abboud) 855
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Urban Affairs Committee) 872

FIRST CHANCE VOCATIONAL EDUCATION ACT
Adopt (Stuhr) 807

FIRST RESPONDERS EMERGENCY RESCUE ACT
Repeal provisions (Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely) 138

FISH (See Game and Parks)

FOOD
Disparagement of a perishable agricultural food product or commodity: provide a cause of action (Wehrbein) 175
Sales tax: provide (Schrock, Coordsen, Schellpeper, Vrtiska) 719
Sales tax: provide (Lynch) 821

FRAUD
Insurance: change provisions relating to fraud (Landis) 272

FUELS (See Motor Vehicle Fuels; Ethanol; Petroleum Products)

FUNDS (See also Appropriations)
Affordable Housing Trust Fund: provide revenue sources (Wesely, Chambers, Hillman, Landis, Schimek) 870
Animal damage control program: provide funding (Dierks) 649
Animal damage control program: provide funding (Dierks) Appropriation bill 649A
Biopower Development Cash Fund: create (McKenzie) 428
Boating Recreation and Safety Fund: create (Lynch) 668
Capital construction: appropriate (Speaker Withem, at the request of the Governor) 386
Capital construction: provide funding for the University of Nebr. and Nebraska State Colleges (Wesely, Crosby, Lynch) 857
Cash Reserve Fund: eliminate provisions relating to completed transfers (Wehrbein) 63
Claims against the state: appropriate funds for payment of certain claims (Business and Labor Committee) 890
Claims against the state: disapprove certain claims (Business and Labor Committee) 891
Community College Property Tax Relief Fund: create (Bohlke, Beutler, Brown, Coordsen, Crosby, Cudaback, Elmer, Engel, Hartnett, Hillman, Kiel, Kristensen, Lynch, Matzke, Maurstad, McKenzie, D. Pederson, Stuhr, Suttle, Tyson, Vrtiska, Warner, Wehrbein, Wickersham, Schimek) 408
Cooperative extension educators: appropriate funds for salaries to the University of Nebraska (Wehrbein, Stuhr, Coordsen, Bromm, Jones, Hillman, Warner, Vrtiska, Hudkins) 164

LB

Correctional Services, Dept. of: provide appropriations for acquisition of Rivendell Psychiatric Hospital (Wehrbein, at the request of the Governor)........ 844

Cultural Trust Fund: create (Crosby)........ 799

Cultural Trust Fund: create (Crosby) Appropriation bill........ 799A

Deficit appropriations: provide appropriations (Speaker Withem, at the request of the Governor)........ 388

Developmental disabilities: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad, Hilgert, Engel, Stuhr, Brown, Lynch, Crosby, Hudkins, Jones, Dierks, Chambers)........ 27

Education Innovation Fund: change provisions for disbursements (Bromm, Jones, Robinson, Schellpeper, Vrtiska, Wehrbein, Stuhr)........ 461

Education Innovation Fund: change provisions relating to pilot projects and model programs (Hartnett, Dierks, Hilgert, Dw. Pedersen, Preister, Schellpeper, Robak)........ 572

Education Innovation Fund: provide for minigrants (Janssen, Robinson, Schellpeper)........ 118

Education Innovation Fund: provide for minigrants (Janssen) Appropriation bill........ 118A

Emergency Planning and Community Right to Know Cash Fund, Nebr.: create (Preister)........ 670

Employees of Elected Constitutional Offices Supplemental Retirement Fund: create (Chambers)........ 459

Environmental Heritage Fund: create (Beutler, Preister)........ 494

Foster Grandparent Program: appropriate to the Dept. of Health and Human Services (Maurstad, Bohlke, Brown, Kiel, Dw. Pedersen, Preister, Suttle, C. Peterson, Lynch)........ 514

Game and Parks Commission: appropriate funds to design exhibits for the Prehistoric Prairies Discovery Center at Ft. Robinson (Wickersham)........ 819

Historical Society, Nebr. State: appropriate to provide operating support for the Gerald R. Ford Conservation Center (Warner)........ 673

Historical Society, Nebraska State: appropriate (Maurstad)........ 214

Imprest funds: provide for counties (Vrtiska)........ 34

Kids First Health Care Fund: create (Beutler)........ 675

Legal Aid and Services Fund: create (Landis)........ 729

Legal Aid and Services Fund: create (Landis) Appropriation bill........ 729A

Legislature: appropriate funds for payment of salaries (Speaker Withem, at the request of the Governor)........ 385

Legislature: appropriate to the Legislative Council for a study of the consumer-owned electric industry in Nebraska (Beutler)........ 681

Libraries: state intent relating to appropriations (Crosby)........ 95

Liquor Control Commission Rule and Regulation Cash Fund, Nebr.: create (Kristensen)........ 482

Local Educational Assistance Fund: create (Schrock, Coordsen, Schellpeper, Vrtiska)........ 719

Local Government Innovation and Restructuring Fund: provide funding for innovation and restructuring (Warner)........ 305

Local Schools Sales Tax Fund: create (Withem)........ 759

Low Level Radioactive Waste Compact: change a date for funds to be remitted to the Community Improvements Cash Fund (Beutler)........ 684

Medium-minimum security adult correction facility: authorize construction and appropriate funds (Maurstad)........ 150

Mental health programs: state findings and intent relating to funding (Wesely)........ 609

Municipal Equalization Fund: eliminate provisions (Will)........ 513

Niobrara Council: state intent and appropriate funds (Beutler)........ 656

Niobrara Council: state intent and appropriate funds (Beutler) Appropriation bill........ 656A

Oil and Gas Conservation Fund: change provisions relating to the maximum amount of a production charge (Matzke, Elmer, Hillman, Wickersham)........ 97

Parents of All Ages Program: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad)........ 833

Partnership for Health & Human Services Act, Nebr.: state intent that the policy secretary report changes needed to LB1044A, 1996 (Wehrbein, Brown, Crosby, Engel, Hillman, Kiel, Lynch, Maurstad, D. Pederson)........ 669

LB
Postsecondary Education Award Program: appropriate (Lynch, Crosby, Engel, Kiel)........ 645
Property Tax Relief Fund: create (Warner)........ 411
Property Tax Replacement Fund: create (Vrtiska)........ 169
Recreation Trails Fund: change provisions for motor vehicle registration fees and credit to the fund (Beutler)........ 516
Recreational Permit Issuance Fund: create (Natural Resources Committee)........ 172
School Aid Trust Fund: create (Coordsen)........ 824
Second Injury Fund: eliminate provisions (Abboud)........ 854
Second Injury Fund: eliminate provisions (Abboud) Appropriation bill........ 854A
Solid Waste Landfill Closure Assistance Fund: rename and change and eliminate grant procedures (Tyson)........ 750
State aid to public school districts: appropriate (Bohlke, at the request of the Governor)........ 349
State colleges: provide funds for capital improvements (Hillman, Engel, Schellpeper, Tyson, Wickersham)........ 394
State employees: appropriate for salary increases (Speaker Withem, at the request of the Governor)........ 387
State government expenses: appropriate (Wehrbein)........ 60
State government expenses: appropriate (Speaker Withem, at the request of the Governor)........ 389
State officers: appropriate funds for payment of salaries and benefits (Speaker Withem, Wehrbein, at the request of the Governor)........ 384
State College Facility Fee Fund: create (Hillman, Engel, Schellpeper, Tyson, Wickersham)........ 394
Tax Commissioner Revolving Fund: rename the Property Tax Division Revolving Fund (Revenue Committee)........ 270
Tax Commissioner Revolving Fund: rename the Property Tax Division Revolving Fund (Kristensen) Appropriation bill........ 270A
Tax Equalization and Review Commission Revolving Fund: create (Kristensen, Hartnett, Landis, Schellpeper, Warner, Coordsen)........ 397
Telecommunications Universal Service Fund, Nebr.: adopt (Kristensen, Dw. Pedersen, Coordsen, Robinson, Matzke, Elmer)........ 686
Temporary school fund: change provisions for distribution of money in the fund (Schimek, Withem)........ 647
Track Distribution Fund: eliminate provisions (Schellpeper)........ 582
Trail Development Assistance Fund: provide a fee on the sale of bicycles and credit to the fund (Beutler)........ 683
Unfunded mandates: require the Legislature to appropriate funds to political subdivisions (Coordsen)........ 2CA
Veteran Cemetery Maintenance Fund: create (Wickersham)........ 820
Vocational rehabilitation: appropriate to the Dept. of Education (Maurstad)........ 213
Waste Reduction and Recycling Incentive Fund: change provisions for disbursements and for loans (Robinson, Schimek, at the request of the Governor)........ 594
Water Resources, Department of: appropriate (Appropriations Committee)........ 887
Women in Military Service for America Memorial: appropriate (Hilgert)........ 693
Women In Military Service for America Memorial: appropriate to the Dept. of Veterans' Affairs (C. Peterson, Bruning, Dierks, Hudkins, Janssen, Kiel, McKenzie, Schmitt, Stuhr, Suttle, Vrtiska, Robak, Hilgert, Bromm)........ 755
Women In Military Service for America Memorial: appropriate to the Dept. of Veterans' Affairs (Bromm, Cudaback)........ 795

FUNERAL DIRECTORS AND EMBALMERS
Funeral and crematory services: provide sales and use tax (Beutler)..... 675

GAMBLING (See also Bingo; Lotteries; Pickle Cards)
Advertising: change provisions relating to lottery games (Jensen, Jones, Witek)........ 380
Alternative games of chance: provide game involving floating of games pieces in water (Kristensen)........ 148

LB
Bingo: change provisions (Hilgert) 627
Casino gambling: prohibit advertisement (Jensen, Jones, Schrock, Witek) 381
Change provisions (General Affairs Committee) 248
Change provisions (Schellpeper) Appropriation bill 248A
Change provisions (Robak) 534
Education Innovation Fund: change provisions relating to pilot projects and model programs (Hartnett, Dierks, Hilgert, Dw. Pedersen, Preister, Schellpeper, Robak) 572
Education Innovation Fund: provide for minigrants (Janssen, Robinson, Schellpeper) 118
Education Innovation Fund: provide for minigrants (Janssen) Appropriation bill 118A
Electronic pickle card dispensing devices: authorize use (Hilgert) 723
Horseracing: change provisions (Will) 101
Horseracing: change provisions for fingerprinting of job applicants by the State Racing Commission (Schellpeper) 581
Horseracing: change provisions relating to licensure qualification (Schellpeper) 582
Lottery proceeds: change provisions for distribution (Maurstad) 212
Lottery tickets, state: eliminate a sales and use tax exemption (Crosby) 168
Lottery Act, State: authorize salary stipends for incentive grant purposes (Withem) 525
Lottery Act, State: change provisions for distribution of proceeds (Witek, Abboud, Brashear, Bromm, Brown, Bruning, Chambers, Crosby, Cudaback, Dierks, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Kiel, Kristensen, Matzke, Dw. Pedersen, Preister, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein) 288
Pickle cards played in conjunction with the conduct of bingo: change provisions (Will) 732
Pickle cards: authorize use of electronic dispensing devices (Will, Hilgert) 98
Pickle cards: authorize use of electronic pickle card dispensing devices (Schellpeper) 522
Racing Commission, State: change provisions for fingerprinting of job applicants (Will) 848
Sales and use tax exemptions: change provisions (Will) 101
Sporting events, wagering on: change provisions (Will) 46CA
Sports Wagering Act: adopt (Will) 359
Taxation: change and eliminate provisions (Will, Hartnett, Hilgert, Lynch, Schellpeper) 99

GAME AND PARKS
Aquaculture: change and eliminate provisions (Natural Resources Committee) 313
Bicycles, sale of: provide a fee and credit to the Trail Development Assistance Fund (Beutler) 683
Birds and mammals: change provisions for the importation, exportation and release (Beutler) 703
Boat Act, State: authorize nonpublic lake associations to adopt and promulgate rules and regulations (Lynch) 667
Channel catfish: designate as the state fish (Hudkins, Dw. Pedersen, Stuhr) 106
Commercial exploitation or exportation of certain aquatic organisms: change provisions (Preister) 866
Conservation and deputy conservation officers: provide powers and duties (Beutler) 701
Controlled shooting areas: change and eliminate provisions (Natural Resources Committee) 313
Controlled shooting areas: change provisions (Hudkins) 664
Credentialing of certain federal officers as conservation officers of the Game and Parks Commission: provide (Beutler) 702
Dog training: change provisions (Natural Resources Committee) 313
Driving or boating under the influence of alcohol or a controlled substance: provide for blood specimen certificates (Kristensen, Crosby, Vrtiska) 210

LB
Driving under the influence: change provisions for penalties, driver's license suspension, revocation or vehicle impoundment (Transportation Committee, Crosby)........ 309
Driving under the influence: lower the prohibited concentration of alcohol for conviction (Crosby, Dierks, Hudkins, Jensen, Jones, Preister, Schrock, Vrtiska, Wehrbein)........ 239
Fishing permits: authorize special permits for developmentally disabled persons and provide a fee (Robak)........ 735
Fishing permits: authorize special permits for severely physically disabled persons (Landis)........ 19
Game and fur farming: change and eliminate provisions (Natural Resources Committee)........ 313
Game animals, game birds and game fish: change provisions relating to the purchase, sale or barter (Hudkins, Jones, D. Pederson, Preister).... 107
Game breeding operations: change provisions (Hudkins)........ 664
Game Law: define habitual offender and provide for revocation of licenses, permits, and stamps (Hillman, Hudkins, Jones, Schmitt, Schrock, Wickersham)........ 830
Habitat stamps, lifetime: provide fees (Beutler)........ 705
Hunting permits: change provisions for limited permits (Vrtiska, Wehrbein)........ 473
Importation and possession of certain animals: change provisions (Dierks, Lynch)........ 549
Licenses, permits, stamps and motorboat registration renewals: provide for electronic issuance (Natural Resources Committee)........ 172
Migratory game birds and hunting permits: change provisions (Natural Resources Committee)........ 173
Migratory game birds and hunting permits: change provisions (Beutler) Appropriation bill........ 173A
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen)....... 635
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen) Appropriation bill........ 635A
Motorboat operator education: require (Lynch)........ 668
Motorboats and personal watercrafts: prohibit operation of by persons under sixteen years of age (Matzke)........ 316
Motorboats: change provisions for certificates of title and registration (Transportation Committee)........ 720
Mountain sheep: provide for permits to hunt and kill (Wickersham, Beutler)........ 733
Permits issued by the Game and Parks Commission: change provisions for issuance (Beutler)........ 704
Posting of private property: change provisions (Kristensen)........ 43
Recreational trails: change provisions relating to responsibility for fences (Jones, Dierks)........ 154
Recreational Permit Issuance Fund: create (Natural Resources Committee)........ 172
Redefine terms (Jones, Schmitt)........ 155
Trail Development Assistance Act: eliminate a termination date (Beutler)........ 356

GAME AND PARKS COMMISSION
Aquaculture: change and eliminate provisions (Natural Resources Committee)........ 313
Birds and mammals: change provisions for the importation, exportation and release (Beutler)........ 703
Commercial exploitation or exportation of certain aquatic organisms: change provisions (Preister)........ 866
Conservation and deputy conservation officers: provide powers and duties (Beutler)........ 701
Controlled shooting areas: change and eliminate provisions (Natural Resources Committee)........ 313
Controlled shooting areas: change provisions (Hudkins)........ 664
Credentialing of certain federal officers as conservation officers of the Game and Parks Commission: provide (Beutler)........ 702
Dog training: change provisions (Natural Resources Committee)........ 313
Duties: provide (Beutler, Preister)........ 494

	LB
Fishing permits: authorize special permits for developmentally disabled persons and provide a fee (Robak)	735
Fort Robinson: appropriate funds to design exhibits for the Prehistoric Prairies Discovery Center (Wickersham)	819
Game and fur farming: change and eliminate provisions (Natural Resources Committee)	313
Game animals, game birds and game fish: change provisions relating to the purchase, sale or barter (Hudkins, Jones, D. Pederson, Preister)	107
Game breeding operations: change provisions (Hudkins)	664
Game Law: define habitual offender and provide for revocation of licenses, permits, and stamps (Hillman, Hudkins, Jones, Schmitt, Schrock, Wickersham)	830
Gift of land from the City of Peru to the Game and Parks Commission: provide approval by Legislature (Vrtiska)	286LR
Gift of land from the Friends of the White River Trail to the Game and Parks Commission: provide approval by the Legislature (Wickersham)	287LR
Gift of land from the SAC Museum Memorial Society, Inc. to the Game and Parks Commission: provide approval by the Legislature (Wehrbein)	50LR
Gift of land from the Todd Valley Wetland Foundation to the Game and Parks Commission: provide approval by the Legislature (Robak)	110LR
Habitat stamps, lifetime: provide fees (Beutler)	705
Hunting permits: change provisions for limited permits (Vrtiska, Wehrbein)	473
Licenses, permits, stamps and motorboat registration renewals: provide for electronic issuance (Natural Resources Committee)	172
Meetings and official actions: change provisions (Beutler)	141
Members and districts: change provisions for the numbers (Schimek, Vrtiska, Will, Hilgert)	585
Migratory game birds and hunting permits: change provisions (Natural Resources Committee)	173
Migratory game birds and hunting permits: change provisions (Beutler) Appropriation bill	173A
Motorboat operator education: require (Lynch)	668
Mountain sheep: provide for permits to hunt and kill (Wickersham, Beutler)	733
Permits: change provisions for issuance (Beutler)	704
Recreational trails: change provisions relating to responsibility for fences (Jones, Dierks)	154
Recreational Permit Issuance Fund: create (Natural Resources Committee)	172
GANGS	
Crimes: change provisions for certain penalties (Witek)	291
Street Gang Recision Act: adopt and provide penalties (Lynch)	439
GARBAGE (See Solid Waste; Waste)	
GASOHOL	
Fuel tax rate: provide a decrease (Schrock, Bromm, Cudaback, Elmer, Engel, McKenzie, Robinson, Schellpeper, Stuhr, Vrtiska)	617
GASOLINE (See Motor Vehicle Fuels)	
GEOLOGISTS AND GEOLOGY	
Geologists Regulation Act: adopt (Beutler)	700
GEOLOGISTS REGULATION ACT	
Adopt (Beutler)	700
GOVERNMENT EFFICIENCY COMMISSION	
Create (Warner, Schellpeper)	306
GOVERNOR	
Child support collection: create a task force to study and make recommendations (Brown)	437
Conflict of interest: change and eliminate provisions (Wickersham)	726

LB
Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers)........ 459
Gubernatorial appointments to vacated executive state offices: require legislative approval (Crosby)........ 58CA
Gubernatorial appointments: change provisions relating to legislative confirmation (Warner, Kristensen, Withem)........ 43CA
Local Option Property Tax Relief Committee: create (Janssen, at the request of the Governor)........ 804
Pardons, Board of: eliminate provisions and grant sole pardon authority to the Governor (Withem, Kristensen, Warner)........ 27CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)........ 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA
Salary: change provisions (Warner, Withem)........ 14

GRAIN (See also Agriculture)
Agricultural Grain Marketing, Interstate Compact on: repeal (Coordsen)........ 6
Crop destruction: provide for the measure of damages for perennial crop destruction (Robak)........ 294
Grain sorghum: change provisions (Coordsen)........ 11

GRANDPARENTS
Foster Grandparent Program: appropriate funds to the Dept. of Health and Human Services (Maurstad, Bohlke, Brown, Kiel, Dw. Pedersen, Preister, Suttle, C. Peterson, Lynch)........ 514
Visitation: redefine "grandparent" (Witek, Crosby, Dierks, Hilgert, Hudkins, Jones, Preister, Stuhr, Warner, Schimek)........ 207
Visitation: state intent and provide for mediation (Jensen, Engel)...... 358

GROUND WATER (See also Natural Resources; Water)
Ground water conservation districts: change provisions relating to funds of districts and a termination date (Stuhr, Coordsen, McKenzie)... 78
Ground Water Management and Protection Act, Nebr.: change provisions relating to notice of controls (Bromm, Dierks, Hudkins, McKenzie, C. Peterson, Schrock, Elmer)........ 188
Irrigation: change provisions for instream water appropriations (Preister, Hartnett, Kiel, Landis, Lynch, Schimek, Wesely)........ 718
Irrigation: change provisions for permits for appropriation of water (Beutler)........ 657
Irrigation: change provisions for registration of water wells (Elmer)........ 416
Irrigation: change provisions relating to instream appropriation permits (McKenzie, Brashear, Bromm, Coordsen, Cudaback, Dierks, Elmer, Engel, Hillman, Hudkins, Jones, Kiel, Dw. Pedersen, D. Pederson, C. Peterson, Schellpeper, Schmitt, Schrock, Stuhr, Tyson, Wehrbein, Wickersham, Jensen)........ 877
Wells: provide a statute of limitations for actions to collect civil penalties (Beutler)........ 30

GROUND WATER MANAGEMENT AND PROTECTION ACT, NEBRASKA
Ground Water Management and Protection Act, Nebr.: change provisions relating to notice of controls (Bromm, Dierks, Hudkins, McKenzie, C. Peterson, Schrock, Elmer)........ 188

GUARDIANS AND WARDS
Assisted-living facilities: provide for and eliminate provisions relating to residential care and domiciliary facilities (Wesely)........ 608
Guardians and conservators: change provisions for appointment, powers and duties (Bromm, Matzke, D. Pederson)........ 466

GUNS
Assault on educational employees: provide for criminal penalties (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen)........ 648

LB

Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek)........ 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill........ 465A
Firearm ranges: define terms and provide for owner liability and immunity (Robak, Bruning, Engel, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Preister, Schellpeper, Schmitt, Schrock, Tyson, Vrtiska, Witek)........ 350
Firearms, unlawful storage of: create the offense (Brown)........ 110
Handguns: change provisions relating to a certificate to purchase a handgun (Beutler)........ 751
Revolver, unlawful possession of: eliminate the offense and create the offense of illegal possession of a firearm (Beutler)........ 751

HANDICAPPED PERSONS (See also Disabled Persons)

Assistive Technology Regulation Act: adopt (Lynch, Stuhr)........ 802
Blind and Visually Impaired Act, Commission for the: adopt (Crosby, Lynch, Dw. Pedersen, Will, Witek)........ 341
Centers for Independent Living Act: adopt (Wesely)........ 259
Centers for Independent Living Act: adopt (Wesely) Appropriation bill........ 259A
Community-Based Neurobehavioral Rehabilitation Act: adopt (Lynch, Coordsen, Crosby, Hartnett, Stuhr)........ 803
Deaf, Nebr. School for: provide Dept. of Educ. prepare a plan to combine programs with the School for the Visually Handicapped (Appropriations Committee)........ 889
Developmental disabilities services: provide for contracts to review the quality of life and services (Wesely)........ 451
Developmental disabilities: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad, Hilgert, Engel, Stuhr, Brown, Lynch, Crosby, Hudkins, Jones, Dierks, Chambers)........ 27
Developmental Disabilities Services Act: require criminal history information checks of certain employees (Crosby) Appropriation bill... 852A
Developmental Disabilities Services Act: require criminal history record information checks of certain employees (Crosby, Dierks, Lynch, Tyson, Vrtiska, Wehrbein, Robak, Warner, Maurstad, Engel, Jensen)........ 852
Fishing permits: authorize special permits for developmentally disabled persons and provide a fee (Robak)........ 735
Fishing permits: authorize special permits for severely physically disabled persons (Landis)........ 19
Handicapped parking permits: change provisions for renewal for permanent permits (Schimek)........ 836
Handicapped parking permits: change provisions relating to placement (Lynch)........ 298
Handicapped parking permits: provide for agreements between a state agency and political subdivision for enforcement (Lynch)........ 299
Hearing impaired persons: change provisions relating to interpreters (Crosby, Coordsen, Dw. Pedersen, Schimek, Robak)........ 810
Hearing Impaired, Commission for the: change the name, membership and duties of the commission (Crosby, Dw. Pedersen)........ 851
Hearing Impaired, Commission for the: change the name, membership and duties of the commission (Crosby) Appropriation bill........ 851A
License plates: change provisions relating to issuance (Lynch)........ 300
License plates: change provisions relating to license plates issued to handicapped or disabled persons (Cudaback, Lynch, Schrock)........ 72
Personal Care Assistance Services Act: adopt (Wesely)........ 259
Personal Care Assistance Services Act: adopt (Wesely) Appropriation bill........ 259A
Physically disabled persons: provide for service dogs (Robak, Stuhr).... 254
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek)........ 814
Special education costs: provide funding (Cudaback, Schrock, Vrtiska)........ 468

LB

Special education: change provisions (Education Committee, Brashear, Engel, Hartnett, Hillman, Maurstad, Robinson, Schimek)................. 865
Special education: provide for, change and eliminate provisions (McKenzie) Appropriation bill.. 865A
Special Education Act: change provisions for appropriations and provide for reimbursement for support services (McKenzie)..................... 797
Visually handicapped children: provide for braille instruction (Schimek, Crosby, Dw. Pedersen, Witek)................................ 81
Visually handicapped or legally blind persons: provide transportation services be performed free or at a reduced rate (Crosby)............... 801
Visually Handicapped, Nebr. School for: provide the Dept. of Education prepare plan to combine programs with School for the Deaf (Appropriations Committee)... 889
Vocational rehabilitation: appropriate funds to the Dept. of Education (Maurstad).. 213

HAZARDOUS MATERIALS (See also Environmental Control and Protection; Nuclear Waste; Waste)

Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister, Beutler, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Janssen, Landis, Robinson, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wickersham).. 374
Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister).. 670
Hazardous substances: define terms and provide liability for cleanup costs as a result of a hazardous substance emergency (Tyson)........... 748
Low-Level Radioactive Waste Compact, Central Interstate: withdraw Nebraska from the compact (Dierks, Preister, Schellpeper).............. 552
Motor carriers: provide for state adoption of federal Motor Carrier Safety Regulations & Hazardous Material Regulations (Transportation Committee)... 722
Radiation Control Act: change provisions for fees associated with nuclear power plant emergency response (Beutler)...................... 658

HEALTH AND HUMAN SERVICES FINANCE AND SUPPORT, DEPT. OF

Developmental disabilities: appropriate funds (Maurstad, Hilgert, Engel, Stuhr, Brown, Lynch, Crosby, Hudkins, Jones, Dierks, Chambers)... 27
Kids First Health Care Act: adopt (Beutler)........................... 675
Parents of All Ages Program: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad)..................... 833

HEALTH AND HUMAN SERVICES REGULATION AND LICENSURE, DEPT. OF

Athletic trainers: change provisions relating to practices allowed (Dw. Pedersen).. 762
Health care credentialing: state findings and intent and provide for a study (Wesely).. 183
Human Genetic Technologies, Nebr. Commission on.: create (Brown) Appropriation bill.. 111A
Human Genetic Technologies, Nebr. Commission on: create (Brown, Schimek)... 111
HIV: provide for expert panels to review the status of infected health care workers (Dierks).. 195
Medication Aide Act: adopt (Wesely).................................. 783
Safe Drinking Water Act, Nebr.: transfer administration to the Dept. of Environmental Quality (Wesely, Beutler, at the request of the Governor).. 888
Statewide Trauma System Act: adopt (Wesely, Matzke, Wickersham)......... 626
Statewide Trauma System Act: adopt (Wesely) Appropriation bill........ 626A

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Aid to dependent children: eliminate provisions (Wesely, Chambers, at the request of the Governor)....................................... 864
Aid to dependent children: eliminate provisions (Wesely) Appropriation bill.. 864A
Assisted-living facilities: provide for and eliminate provisions relating to residential care and domiciliary facilities (Wesely)........ 608

LB

Child support collection: create a task force to study and make recommendations (Brown)........ 437
Child support: adopt the License Suspension Act (Beutler, Brown, at the request of the Governor)........ 752
Child support: adopt the License Suspension Act (Beutler) Appropriation bill........ 752A
Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek)........ 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill........ 465A
Duties: provide (Wesely, Beutler, Bromm, Brown, Crosby, Cudaback, Engel, Hilgert, Hudkins, Jensen, Jones, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schmitt, Schrock, Suttle, Will)........ 323
Duties: provide (Wesely)........ 325
Food stamp assistance: provide state-funded assistance for certain residents (Chambers)........ 633
Food stamp assistance: provide state-funded assistance for certain residents (Chambers) Appropriation bill........ 633A
Foster Grandparent Program: appropriate funds (Maurstad, Bohlke, Brown, Kiel, Dw. Pedersen, Preister, Suttle, C. Peterson, Lynch)........ 514
Human Genetic Technologies, Nebr. Commission on.: create (Brown) Appropriation bill........ 111A
Human Genetic Technologies, Nebr. Commission on: create (Brown, Schimek)........ 111
Industrial Hygienist Title Protection Act, Certified: adopt (Brashear)........ 558
Mentally ill persons: change provisions relating to a personal needs allowance (Crosby)........ 340
Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) Appropriation bill........ 340A
New Hire Reporting Act: adopt (Beutler, Brown, at the request of the Governor)........ 752
Veterans Homes, Division of: create within the Dept. of Health and Human Services (Dierks, C. Peterson, Schimek, at the request of the Governor)........ 396
Veterans Homes, Division of: create within the Dept. of Health and Human Services (Dierks) Appropriation bill........ 396A
Visually handicapped persons: change and eliminate provisions (Crosby, Lynch, Dw. Pedersen, Will, Witek)........ 341
Welfare reform waivers: eliminate provisions (Wesely, Chambers, at the request of the Governor)........ 864
Welfare reform waivers: eliminate provisions (Wesely) Appropriation bill........ 864A

HEALTH CARE

Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke)........ 132
Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke) Appropriation bill........ 132A
Assisted-living facilities: provide for and eliminate provisions relating to residential care and domiciliary facilities (Wesely)........ 608
Athletic trainers: change provisions relating to practices allowed (Dw. Pedersen)........ 762
AIDS, HIV or cancer: require insurance coverage for certain drugs used in treatment (Suttle, Schimek)........ 849
Blind and Visually Impaired Act, Commission for the: adopt (Crosby, Lynch, Dw. Pedersen, Will, Witek)........ 341
Board of health regulations, laboratory notifications and liability for certain examination: change provisions (Dierks)........ 197
Centers for Independent Living Act: adopt (Wesely)........ 259
Centers for Independent Living Act: adopt (Wesely) Appropriation bill........ 259A
Certificate of need: change provisions (Wesely)........ 450

LB

Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby, Witek)........ 798

Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby) Appropriation bill........ 798A

Certificate of Need Act, Nebraska Health Care: eliminate provisions (McKenzie, Witek)........ 186

Certificate of Need Act, Nebraska Health Care: eliminate provisions (Witek)........ 219

Change provisions (Health and Human Services Committee)........ 622

Change provisions (Wesely) Appropriation bill........ 622A

Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen, Bohlke, Schimek)........ 310

Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen) Appropriation bill........ 310A

City-county health departments: provide new procedures for establishing (Wesely)........ 185

Community-Based Neurobehavioral Rehabilitation Act: adopt (Lynch, Coordsen, Crosby, Hartnett, Stuhr)........ 803

Community-State Partnership Act: adopt (Wesely, Withem, at the request of the Governor)........ 587

Controlled substances: restrict the dispensing of certain substances (Dw. Pedersen)........ 472

Court ordered placement of children: change provisions relating to costs of treatment and health care (Brashear, at the request of the Governor)........ 769

Developmental disabilities services: provide for contracts to review the quality of life and services (Wesely)........ 451

Developmental disabilities: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad, Hilgert, Engel, Stuhr, Brown, Lynch, Crosby, Hudkins, Jones, Dierks, Chambers)........ 27

Diabetes-related equipment, supplies, medications and education: require insurance coverage (Schimek, Janssen, Preister, Stuhr, Suttle)........ 326

DNA analysis: provide for confidentiality and ownership of analysis results (Brown, Dw. Pedersen, Schimek)........ 266

Emergency medical technician-A/D services: change provisions (Janssen, Schmitt, Vrtiska)........ 166

Emergency Medical Services Act: adopt (Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely)........ 138

Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie)........ 579

Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie) Appropriation bill........ 579A

Experimental or nontraditional practice or therapy: prohibit disciplinary action based solely on practices (Schmitt, Dierks)........ 146

Fire, health and safety officials: authorize issuance of citations in lieu of arrest (Brown, Hilgert, Kiel)........ 109

Gas furnace inspections of certain residential and commercial structures by utilities or gas companies: provide (Janssen, Hartnett)........ 708

Health care credentialing: state findings and intent and provide for a study (Wesely)........ 183

Health carriers: prohibit certain acts by health carriers relating to health care providers and services (Matzke)........ 754

Health insurance: establish requirements for health coverages (Banking, at the request of the Governor)........ 862

Health insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad, Stuhr, Jensen, Brown, Engel, Bromm, Hudkins, Vrtiska, Jones, Coordsen, Witek)........ 24

Health insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad) Appropriation bill........ 24A

Health records: require health care providers and facilities to provide certain records without charge (Chambers)........ 69

LB

Hearing Impaired, Commission for the: change the name, membership and duties of the commission (Crosby, Dw. Pedersen) 851

Hearing Impaired, Commission for the: change the name, membership and duties of the commission (Crosby) Appropriation bill 851A

Housing Agency Act, Nebr.: adopt (Urban Affairs Committee) 876

HIV home collection kits: require certain labels (Dierks) 619

HIV: exempt home collection kits from informed consent requirements (Dierks) 194

HIV: provide for expert panels to review the status of infected health care workers (Dierks) 195

Industrial Hygienist Title Protection Act, Certified: adopt (Brashear) 558

Infertility treatment and procedures: require insurance coverage (Crosby, Will) 432

Inmates: change provisions relating to costs of treatment and health care (Brashear, at the request of the Governor) 769

Integrated Health Services Plan Act: adopt (Wesely, Withem, at the request of the Governor) 587

Joint disorders: require health insurance coverage for certain joint disorders (Crosby) 800

Kids First Health Care Act: adopt (Beutler) 675

Licensed practical nurses-certified: change provisions (Schrock, Cudaback, Dw. Pedersen, Schellpeper) 66

Limited service rural hospitals: provide (Wickersham, Coordsen, Dierks, Elmer, Jones, Matzke, Schellpeper, Bromm) 837

Managed care: provide for enrollment in and switching between plans for medicaid recipients (Wesely) 258

Managed Care Patient Protection Act: adopt (Wesely, Matzke, Schimek) 279

Medical alarm equipment: exempt from sales and use taxation (Withem, Bruning, Hartnett) 105

Medical assistance: change provisions relating to qualification for certain programs and services (Wesely) 782

Medical assistance: change provisions relating to qualification for certain programs and services (Wesely) Appropriation bill 782A

Medical care: provide qualified immunity for certain providers at free clinics (Crosby) 614

Medical expenses of a minor child in a divorce or legal separation: provide both parents are liable (Kristensen) 785

Medical records: require health care providers to furnish a patient's medical records to the patient (Coordsen) 544

Medical services for individuals who are arrested, detained or incarcerated: provide for responsibility for payment of costs (Crosby, Wesely) 841

Medication Aide Act: adopt (Wesely) 783

Mental health care: provide rights for patients (Robak) 243

Mental health commitment petitions and dispositions: provide notice to victims (Wesely) 325

Mental health programs: state findings and intent relating to funding (Wesely) 609

Mental health services: state intent and provide for psychiatric or psychosocial rehabilitation (Robak) 736

Mental illnesses: require insurance coverages for serious illnesses (Robak, Chambers, Hillman) 83

Mental Health Commitment Act, Nebr.: provide the act is applicable to juveniles (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr) 757

Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) 340

Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) Appropriation bill 340A

Metabolic diseases, inherited: require insurance coverage for necessary formulas and low-protein foods for treatment (Wesely, Crosby, Hilgert) 515

Metabolic diseases: provide a fee for screening infants for metabolic diseases (Wesely) 610

Metabolic diseases: provide a fee for screening infants for metabolic diseases (Wesely) Appropriation bill 610A

LB

Optometry: redefine the practice and authorize use of pharmaceutical agents by optometrists (Schrock, Coordsen, Dierks, Elmer, Engel, Hudkins, Jones, Preister, Schmitt, Stuhr, Wickersham, Hilgert, Wehrbein, Bruning) 369
Parents of All Ages Program: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad) 833
Partial-birth abortions: define terms and provide penalties (Hilgert, Bruning, Engel, Jensen, Schrock, Vrtiska, Dw. Pedersen) 217
Partial-birth abortions: prohibit (Witek, Crosby, Dierks, Jensen, Maurstad, Preister, Bruning, Jones) 167
Partnership for Health & Human Services Act, Nebr.: state intent that the policy secretary report changes needed to LB1044A, 1996 (Wehrbein, Brown, Crosby, Engel, Hillman, Kiel, Lynch, Maurstad, D. Pederson) 669
Partnership for Health and Human Services Act, Nebr.: change provisions (Wesely) 307
Partnership for Health and Human Services Act, Nebr.: change provisions (Wesely) Appropriation bill 307A
Partnership for Health and Human Services Act, Nebr.: provide legislative oversight for contracts (Hilgert) 692
Peer review committees for health clinics and health practitioner organizations and associations: authorize (Schimek) 222
Personal Care Assistance Services Act: adopt (Wesely) 259
Personal Care Assistance Services Act: adopt (Wesely) Appropriation bill 259A
Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins, Crosby, Lynch, Schrock, Stuhr, Vrtiska) 485
Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins) Appropriation bill 485A
Pharmacists: change a licensing provision for foreign applicants (Schrock, Elmer) 352
Pharmacy services: provide reimbursement to pharmacists by insurance companies (Coordsen) 413
Physician Aid-In-Dying Act: adopt (Chambers) 406
Psychologists: change provisions relating to clinical privileges (Schimek) 92
Resident Health Education Tuition Assistance Grant Program Act: adopt (McKenzie) 773
Rural Health Systems and Professional Incentive Act: change provisions relating to eligible professions under the act (Dierks) 577
Rural Health Systems and Professional Incentive Act: change provisions relating to eligible professions under the act (Dierks) Appropriation bill 577A
Safe Drinking Water Act, Nebr.: provide for loans to public water supply systems (Beutler, Preister, at the request of the Governor) 518
Safe Drinking Water Act, Nebr.: transfer administration to the Dept. of Environmental Quality (Wesely, Beutler, at the request of the Governor) 888
Services: transfer duties relating to providing services from counties to the state (Wesely) 871
Statewide Trauma System Act: adopt (Wesely, Matzke, Wickersham) 626
Statewide Trauma System Act: adopt (Wesely) Appropriation bill 626A
Stress management for hospital personnel and state employees: provide (Wesely) 184
Temporary state employees: authorize certain health insurance benefits (Wesely) 781
Uniform licensing law: change provisions for reinstatement of certain revoked licenses, certificates and registrations (Kristensen) 476
Uniform Licensing Law: redefine the practice of medicine and surgery (Wesely) 452
University of Nebraska Medical Center: require persons who contract for construction to provide health care coverage (Preister, Will, Lynch, Hilgert, Hartnett) 618
Veterinarians: create a veterinarian-client privilege (Dierks) 191
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Abboud) 855

LB

Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Urban Affairs Committee) 872
Workplace inspections by the Dept. of Labor: provide for reasonable notice or a search warrant (Brashear) 557

HEARING IMPAIRED, COMMISSION FOR THE
Duties: provide (Crosby, Coordsen, Dw. Pedersen, Schimek, Robak) 810
Name, membership and duties: change provisions (Crosby, Dw. Pedersen) 851
Name, membership and duties: change provisions (Crosby) Appropriation bill 851A

HIGHWAY BOND ACT, NEBRASKA
Loans to political subdivisions: provide (Hartnett) 697

HIGHWAY-RAIL GRADE CROSSING SAFETY & CONSOLIDATION ACT, NEBR
Adopt (Matzke, Coordsen, Elmer) 255
Adopt (Matzke) Appropriation bill 255A

HIGHWAYS (See also Roads)
Highway Bond Act, Nebr.: provide loans to political subdivisions (Hartnett) 697
Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke, Coordsen, Elmer) 255
Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke) Appropriation bill 255A
Littering and solid waste: change provisions relating to penalties (Beutler) 679
Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad) 62CA
State highway needs: provide for a reassessment (Hartnett) 698

HISTORICAL SOCIETY, NEBRASKA STATE
Appropriations: provide (Maurstad) 214
Funds: appropriate to provide operating support for the Gerald R. Ford Conservation Center (Warner) 673

HOMESTEAD EXEMPTIONS (See also Revenue and Taxation)
Application forms and deadlines: change provisions (Preister, Kiel, Lynch, C. Peterson, Suttle) 717
Calculations for closely related persons: change provisions (Wickersham) 431
Change provisions (Landis) 730
County treasurers: eliminate collection fees for property tax, homestead reimbursement revenue and certain special assessments (Landis, Coordsen, Kristensen, Warner, Wickersham) 179
Exempt amount: change and provide for adjustment (Bromm) 794
Homesteads: authorize a state refund for increased property taxes imposed on homesteads (Will, Jensen) 498
Income eligibility amounts and the exempt amount: change provisions (Hilgert, Abboud, Beutler, Crosby, Hartnett, Kiel, Lynch, Dw. Pedersen, Preister, Robak, Suttle, Wesely, Will, Witek, Jensen) 530
Income eligibility amounts: change provisions (Landis, Coordsen, Kristensen, Warner, Wickersham, Hartnett, Schellpeper, Will, Hilgert, Preister, Abboud, C. Peterson, Beutler, Wesely, Jensen, Lynch) 182
Income eligibility amounts: change provisions (Warner, Landis) Appropriation bill 182A
Income levels used to determine exempt amounts: change provisions (Preister, Abboud, Beutler, Chambers, Hartnett, Hilgert, Lynch, Schimek) 139

HOMESTEADS
Satisfaction of judgments obtained on debts secured by deeds of trust: provide (Kristensen, Landis) 372

HORSERACING
Change provisions (Will) 101

Licensure qualification: change provisions (Schellpeper) 582
Racing Commission, State: change provisions for fingerprinting of job applicants (Schellpeper) 581
Racing Commission, State: change provisions for fingerprinting of job applicants (Will) 848

HOSPITAL DISTRICT ACT, NEBRASKA LOCAL
Districts: change provisions relating to powers, duties and taxation (Cudaback, Schellpeper, Wickersham) 28

HOSPITAL-MEDICAL LIABILITY ACT, NEBRASKA
Amount recoverable under the act: change provisions (Brashear) 235

HOSPITALS
Certificate of need: change provisions (Wesely) 450
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby, Witek) 798
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby) Appropriation bill 798A
Certificate of Need Act, Nebraska Health Care: eliminate provisions (McKenzie, Witek) 186
Certificate of Need Act, Nebraska Health Care: eliminate provisions (Witek) 219
Health records: require health care providers and facilities to provide certain records without charge (Chambers) 69
Hospital districts: change provisions relating to powers, duties and taxation (Cudaback, Schellpeper, Wickersham) 28
Hospital-Medical Liability Act, Nebr.: change provisions for the amount recoverable under the act (Brashear) 235
HIV: provide for expert panels to review the status of infected health care workers (Dierks) 195
Licensed practical nurses-certified: change provisions (Schrock, Cudaback, Dw. Pedersen, Schellpeper) 66
Limited service rural hospitals: provide (Wickersham, Coordsen, Dierks, Elmer, Jones, Matzke, Schellpeper, Bromm) 837
Psychologists: change provisions relating to clinical privileges (Schimek) 92
Statewide Trauma System Act: adopt (Wesely, Matzke, Wickersham) 626
Statewide Trauma System Act: adopt (Wesely) Appropriation bill 626A
Stress management for hospital personnel and state employees: provide (Wesely) 184

HOST FARM AND RANCH ACT, NEBRASKA
Adopt (Dierks, Jones) 189

HOUSING
Affordable Housing Trust Fund: provide revenue sources (Wesely, Chambers, Hillman, Landis, Schimek) 870
Condominiums: adopt the Uniform Common Interest Ownership Act (Abboud) 134
Housing Agency Act, Nebr.: adopt (Urban Affairs Committee) 876
Mortgage loans: change provisions relating to escrow accounts (Landis) 554
Rent control for certain persons: authorize (Schimek) 481
Rent, controlling of: prohibit (Hartnett, Preister) 487
Rental agreements: provide for the termination of an agreement due to a serious and clear danger (Wesely) 779
Security deposits and actions for possession: change provisions under the Landlord and Tenant Act (Jensen) 504
Special detainer action for a material and irreparable breach of a rental agreement: provide (Withem) 533

HOUSING AGENCY ACT, NEBRASKA
Adopt (Urban Affairs Committee) 876

LB

HUMAN GENETIC TECHNOLOGIES, NEBR. COMMISSION ON
Create (Brown, Schimek)........ 111
Create (Brown) Appropriation bill........ 111A

HUNTERS AND HUNTING (See also Game and Parks)
Controlled shooting areas: change provisions (Hudkins)........ 664
Game and fur farming, dog training and controlled shooting areas: change and eliminate provisions (Natural Resources Committee)........ 313
Game animals, game birds and game fish: change provisions relating to the purchase, sale or barter (Hudkins, Jones, D. Pederson, Preister)........ 107
Game Law: define habitual offender and provide for revocation of licenses, permits, and stamps (Hillman, Hudkins, Jones, Schmitt, Schrock, Wickersham)........ 830
Licenses, permits, stamps and motorboat registration renewals: provide for electronic issuance (Natural Resources Committee)........ 172
Limited permits: change provisions (Vrtiska, Wehrbein)........ 473
Migratory game birds and hunting permits: change provisions (Natural Resources Committee)........ 173
Migratory game birds and hunting permits: change provisions (Beutler) Appropriation bill........ 173A
Mountain sheep: provide for permits to hunt and kill (Wickersham, Beutler)........ 733
Snowmobiles: exempt persons hunting coyotes from certain snowmobile safety provisions (Wickersham, Dierks, Jones)........ 332

HUSBAND AND WIFE (See also Children; Child Support; Divorce)
Adoption decrees: change provisions for providing copies of decrees by the clerk of the county court (Schimek, Beutler, Matzke)........ 80
Adoption: provide payment for medical expenses for certain adopted children (D. Pederson, Bromm, Bruning, Engel, Hillman, Matzke)........ 788
Child custody: change provisions for determination (Crosby)........ 884
Child custody: change provisions for moving the residence of a child to another state (Janssen, Robinson)........ 253
Child support collection: create a task force to study and make recommendations (Brown)........ 437
Child support guidelines: provide the Director of Research of the Legislature formulate and recommend to the Legislature (Crosby)........ 885
Child support: adopt the License Suspension Act (Beutler, Brown, at the request of the Governor)........ 752
Child support: adopt the License Suspension Act (Beutler) Appropriation bill........ 752A
Child support: change delinquency, withholding of earnings and assignment of income provisions (Landis)........ 18
Child support: provide for retroactive modification (Landis)........ 423
Child support: provide for termination of support upon certain events and for procedures (Landis)........ 58
Child support: provide specific account and use provisions (Coordsen)........ 7
Court ordered placement of children: change provisions relating to costs of treatment and health care (Brashear, at the request of the Governor)........ 769
Divorce decree appeals: change provisions (Brashear)........ 77
Divorce decree dissolution: change provisions (Crosby)........ 434
Domestic relations matters: change provisions for court filings and jurisdiction (Beutler)........ 677
Domestic violence: create the offense (Brashear, Bohlke, Brown, Crosby, Hartnett, Hilgert, Hillman, Hudkins, Kiel, Lynch, Robak, Schimek, Schrock, Stuhr, Suttle, Dw. Pedersen)........ 509
Domestic violence: provide for creation of an incident report form by the Nebr. Comm. on Law Enforcement & Criminal Justice (Schimek, Crosby, Hillman)........ 448
Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle)........ 393
Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman) Appropriation bill........ 393A

LB
Family Support Act, Uniform Interstate: change provisions for recognition and enforcement of child support orders (Landis)........... 727
Food stamp assistance: provide state-funded assistance for certain residents (Chambers)... 633
Food stamp assistance: provide state-funded assistance for certain residents (Chambers) Appropriation bill.............................. 633A
Medical expenses of a minor child in a divorce or legal separation: provide both parents are liable (Kristensen).......................... 785
Parenting education courses: provide (Jensen, Brown, Hudkins, Kiel, Dw. Pedersen, Schimek, Stuhr)... 777
Parenting Act: change provisions relating to custody and visitation (Beutler).. 674
Protection from Domestic Abuse Act: authorize full faith and credit be accorded valid foreign protection orders (Hillman, Brown, Kiel, Schimek).. 829
Protection from Domestic Abuse Act: authorize full faith and credit be accorded valid foreign protection orders (Hillman) Appropriation bill... 829A
Same sex marriages and recognition of marriages contracted outside Nebraska: provide (Chambers)...................................... 407
Same sex marriages: prohibit (Jensen, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hartnett, Hilgert, Hudkins, Janssen, Jones, Kristensen, Matzke, Maurstad, Dw. Pedersen, D. Pederson, C. Peterson, Robak, Schellpeper, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek, Preister, Brashear)............................... 280
Stalking and the Protection from Domestic Abuse Act: change provisions (Hillman, Brown, Kiel).. 600

INCOME TAX (See Sales and Income Tax; Revenue and Taxation)

INDIANS (See also Native Americans)

INDUSTRIAL COMPETITIVENESS ALLIANCE BOARD, NEBR.
Create (Withem, Robak).. 659

INDUSTRIAL HYGIENIST TITLE PROTECTION ACT, CERTIFIED
Adopt (Brashear).. 558

INDUSTRIAL RELATIONS, COMMISSION OF
Disputes involving wages, rates and conditions for municipal employees: provide analysis methods (Coordsen).................................. 519

INFORMATION
Applicants who have applied for employment by any public body: exclude application materials from public record requirements (Bohlke).......... 400
Digital signatures: provide procedures for use (Coordsen, Kristensen).. 42
DNA analysis: provide for confidentiality and ownership of analysis results (Brown, Dw. Pedersen, Schimek).............................. 266
Health records: require health care providers and facilities to provide certain records without charge (Chambers)............................ 69
Medical records: require health care providers to furnish a patient's medical records to the patient (Coordsen)............................ 544
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen)....... 635
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen) Appropriation bill... 635A
Public records: change provisions for dissemination of public information electronically and authorize fees (Withem, Brashear, Brown, Hillman, Kristensen, Robinson).. 590
Public records: change provisions for dissemination of public information electronically and authorize fees (Withem) Appropriation bill... 590A
Public records: provide access to state public records and authorize fees for access (Bromm, Coordsen, Cudaback, Engel, Janssen, Preister, Robinson, Schmitt, Stuhr, Witek)...................................... 792
Register of deeds: eliminate a requirement to maintain printouts of computer records (Vrtiska, Cudaback)................................. 33

LB

INHERITANCE TAX (See also Revenue and Taxation)

INITIATIVE AND REFERENDUM
County Initiative and Referendum Act: adopt (Cudaback, Vrtiska)......... 574
Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner)............... 7CA
Initiative and referendum: change provisions for petitions, petition signers and circulators, and procedures (Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem)................................. 460
Initiative petitions: change and provide filing requirements (Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem)............ 379
Measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem)......... 38CA
Measures: limit petitions to one subject (Kristensen, Warner, Withem)... 39CA
Measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler).................................. 56CA
Measures: require they contain or refer to only one subject or act of the Legislature (Schimek)... 32CA
Measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem)... 41CA
Petition circulators: change provisions (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem)..................... 378
Petitions: provide a penalty for destroying (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem).............. 228
Powers: identify and remove obsolete language (Withem, Kristensen, Warner)... 55CA
Term limits: apply to Congress to convene a Constitutional Convention as a result of Initiative 409 (Withem)............................. 1LR

INITIATIVE 300 (See also Agriculture)

INSURANCE
Annuities, life insurance and health insurance proceeds: change provisions exempting from claims of judgment creditors (Crosby)........ 47
AIDS, HIV or cancer: require insurance coverage for certain drugs used in treatment (Suttle, Schimek).................................... 849
Companies: change provisions (Landis).................................. 273
Comprehensive Health Insurance Pool: change offset tax liability provisions (Landis)... 55
Counties: change provisions relating to liability insurance procurement (Schimek).. 376
Diabetes-related equipment, supplies, medications and education: require insurance coverage (Schimek, Janssen, Preister, Stuhr, Suttle)... 326
Fraud: change provisions (Landis)...................................... 272
Health carriers: prohibit certain acts by health carriers relating to health care providers and services (Matzke)......................... 754
Health insurance: establish requirements for health coverages (Banking, at the request of the Governor).................................... 862
Health insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad, Stuhr, Jensen, Brown, Engel, Bromm, Hudkins, Vrtiska, Jones, Coordsen, Witek)................ 24
Health insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad) Appropriation bill.. 24A
Hospital-Medical Liability Act, Nebr.: change provisions for the amount recoverable under the act (Brashear)................................ 235
Infertility treatment and procedures: require insurance coverage (Crosby, Will)... 432
Insurance acts, fraudulent: require restitution and change provisions for the statute of limitations (Beutler)............................ 676
Insurance settlement payments: change provisions relating to certain advance payments (Landis)... 741

LB

Insurance Program, Nebr. State: provide coverage for certificated employees of school districts and educational service units (Bromm, Cudaback, Jones, Robinson, Schrock, Witek, Tyson)...................... 793
Insurer who discontinues or substantially reduces a line or subline of insurance: require notice (Wickersham)................................ 566
Insurers Demutualization Act: change provisions (Landis)................ 52
Joint disorders: require health insurance coverage for certain joint disorders (Crosby).. 800
Kids First Health Care Act: adopt (Beutler)............................. 675
Managed care: provide for enrollment in and switching between plans for medicaid recipients (Wesely).. 258
Managed Care Patient Protection Act: adopt (Wesely, Matzke, Schimek).... 279
Medical expenses of a minor child in a divorce or legal separation: provide both parents are liable (Kristensen)........................... 785
Mental illnesses: require insurance coverages for serious illnesses (Robak, Chambers, Hillman)... 83
Metabolic diseases, inherited: require insurance coverage for necessary formulas and low-protein foods for treatment (Wesely, Crosby, Hilgert)... 515
Motor vehicles: change nonresident proof of financial responsibility (Coordsen) Appropriation bill... 10A
Motor vehicles: change nonresident proof of financial responsibility requirements (Coordsen).. 10
Motor vehicles: change provisions for proof of financial responsibility (Transportation Committee).. 720
Motor vehicles: change provisions relating to rating systems for automobile liability policies (Preister, Chambers, Hilgert)............ 159
Mutual Insurance Holding Company Act: adopt (Landis).................... 740
Pharmacy services: provide reimbursement to pharmacists by insurance companies (Coordsen).. 413
Policies providing fire or weather-related coverage: require they pay governmental demolition liens & other obligations (Brown).............. 436
Revenue and taxation: change the allocation of insurance funds to incorporated municipalities and school districts (Will)................ 513
Risk management pools: authorize changes in a reporting and filing deadline (Vrtiska).. 170
Temporary state employees: authorize certain health insurance benefits (Wesely)... 781
Title insurance: change continuing education requirements (Kristensen)... 630
Title Insurance Agent Act: adopt (Landis)............................... 53
Title Insurers Act: adopt (Landis)...................................... 53
Unfair claims settlement practices: change provisions (Coordsen)........ 543
Uninsured and underinsured motorist insurance: change provisions relating to settlements (Landis)...................................... 336
University of Nebraska Medical Center: require persons who contract for construction to provide health care coverage (Preister, Will, Lynch, Hilgert, Hartnett)... 618

INSURANCE, DEPARTMENT OF
Fraud: change provisions and provide duties for the Director of Insurance (Landis).. 272
Human Genetic Technologies, Nebr. Commission on.: create (Brown) Appropriation bill.. 111A
Human Genetic Technologies, Nebr. Commission on: create (Brown, Schimek)... 111

INSURERS DEMUTUALIZATION ACT
Change provisions (Landis).. 52

INTEGRATED HEALTH SERVICES PLAN ACT
Adopt (Wesely, Withem, at the request of the Governor).................. 587

INTEGRATED SOLID WASTE MANAGEMENT ACT
Disbursements from the cash fund: provide (Beutler, at the request of the Governor).. 495

LB

Solid waste collection service: change provisions relating to rates and charges. (Beutler) 135

INTEREST

Delinquent taxes and special assessments owed to political subdivisions: change provisions for the interest rate (McKenzie) 187

INTERIOR DESIGN PROFESSION REGULATION ACT

Adopt (Crosby, Bromm, Elmer, Warner, Bohlke) 842

INTERLOCAL COOPERATION ACT

Jails: provide first & second class cities, villages and certain counties maintain jails under Interlocal Cooperation agreements (Hartnett) 825

INTERNATIONAL FUEL TAX AGREEMENT ACT

Local reciprocal exemption agreements: authorize (Engel, Hartnett) 496

INTERSTATE BRANCHING BY MERGER ACT OF 1997

Adopt (Landis) 351

INTERSTATE COMPACTS

Agricultural Grain Marketing, Interstate Compact on: repeal (Coordsen) 6

INTOXICATION (See also Alcoholic Beverages; Liquors)

Driver's license suspension: provide clarifying language relating to sentencing provisions (Brashear) 772

Driving or boating under the influence of alcohol or a controlled substance: provide for blood specimen certificates (Kristensen, Crosby, Vrtiska) 210

Driving under the influence: change provisions (Bruning) 26

Driving under the influence: change provisions for penalties, driver's license suspension, revocation or vehicle impoundment (Transportation Committee, Crosby) 309

Driving under the influence: define "refusal to take a chemical test" and change hearing procedures and penalties (Crosby, Kristensen, Schimek) 464

Driving under the influence: lower the prohibited concentration of alcohol for conviction (Crosby, Dierks, Hudkins, Jensen, Jones, Preister, Schrock, Vrtiska, Wehrbein) 239

Minors in possession of alcohol: change provisions for suspension of driver's licenses (Dw. Pedersen, Crosby) 603

Minors in possession of alcohol: change provisions for suspension of driver's licenses (Dw. Pedersen) Appropriation bill 603A

IRRIGATION (See also Drainage)

Ground water conservation districts: change provisions relating to funds of districts and a termination date (Stuhr, Coordsen, McKenzie) ... 78

Ground Water Management and Protection Act, Nebr.: change provisions relating to notice of controls (Bromm, Dierks, Hudkins, McKenzie, C. Peterson, Schrock, Elmer) 188

Instream appropriation permits: change provisions (McKenzie, Brashear, Bromm, Coordsen, Cudaback, Dierks, Elmer, Engel, Hillman, Hudkins, Jones, Kiel, Dw. Pedersen, D. Pederson, C. Peterson, Schellpeper, Schmitt, Schrock, Stuhr, Tyson, Wehrbein, Wickersham, Jensen) 877

Instream water appropriations: change provisions (Preister, Hartnett, Kiel, Landis, Lynch, Schimek, Wesely) 718

Permits for appropriation of water: change provisions (Beutler) 657

Water wells: change provisions for registration (Elmer) 416

Wells: provide a statute of limitations for actions to collect civil penalties (Beutler) 30

JAILS

First & second class cities, villages and certain counties: provide they maintain jails under Interlocal Cooperation agreements (Hartnett) 825

LB

Health care and treatment: change provisions relating to costs and disciplinary restrictions and procedures (Brashear, at the request of the Governor)........ 769
Indeterminate sentences: change and provide provisions (Chambers)....... 405
Inmate dispositions and testimony: change provisions (Crosby)........... 94
Inmate dispositions and testimony: change provisions (Crosby) Appropriation bill........ 94A
Inmates, parolees and probationers: authorize to be undercover agents (Stuhr, Bromm, Hudkins, Witek)........ 48
Inmates: change provisions relating to employment (Dw. Pedersen)........ 88
Inmates: change provisions relating to visitation (Dw. Pedersen)........ 87
Medical services for individuals who are arrested, detained or incarcerated: provide for responsibility for payment of costs (Crosby, Wesely)........ 841
Medium-minimum security adult correction facility: authorize construction and appropriate funds (Maurstad)........ 150
Mental health therapy: provide under the Nebr. Treatment and Corrections Act (Dw. Pedersen)........ 274
Mental health therapy: provide under the Nebr. Treatment and Corrections Act (Dw. Pedersen)........ 274
Prisoners: change provisions for actions brought by prisoners and informally name the Nebr. Prison Litigation Reform Act of 1997 (Bromm, Engel, Hudkins, Jensen, Maurstad, D. Pederson, Schrock, Witek).......... 508
Prisoners: change provisions relating to custody and maintenance (Cudaback)........ 695
Probation Administration Act, Nebr.: provide for the payment of supervision fees as prescribed as a condition of probation (Hilgert).... 879
Rules and regulations relating to rights, privileges and opportunities of the inmates: provide for adopting and promulgating (Dw. Pedersen)... 761
Sexual Predator Act: adopt (Wesely, Beutler, Bromm, Brown, Crosby, Cudaback, Engel, Hilgert, Hudkins, Jensen, Jones, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schmitt, Schrock, Suttle, Will)........ 323
State law violations: require the state to pay costs (Wickersham)....... 816
Work camps, incarceration: create (Engel, Crosby, Dierks, Jones, Kiel, D. Pederson, Robinson, Schrock, Vrtiska, Wehrbein, Witek, Preister, Abboud, at the request of the Governor)........ 882
Work camps, incarceration: create (Engel) Appropriation bill.......... 882A

JOBS AND WAGES, NEBRASKA COMMISSION ON
Create (Wesely)........ 860

JUDGES
Ballot question: redefine relating to groups who intend to oppose the retention of a judge (Withem)........ 839
County court judges: change provisions for the number (Beutler)......... 505
County court judges: change the number (Dw. Pedersen, Witek, Will)...... 404
County court judges: change the number (Dw. Pedersen) Appropriation bill........ 404A
County courts and county court judges: eliminate certain references (Kristensen, Warner)........ 24CA
County judges in certain districts: change provisions for the number (Abboud, Bruning, Hartnett, Hilgert, Dw. Pedersen)........ 642
Court of Appeals: change provisions for the number of judges (Beutler)........ 706
Court of Appeals: provide for selection of the Chief Judge by the judges of the court (Kristensen)........ 246
Disciplinary actions: provide (Beutler)........ 59CA
District court judges: change provisions for the number (Beutler)....... 505
District court judges: change provisions for the number (Beutler)....... 706
District court judges: change provisions for the number (Beutler)....... 706
District court judges: change the number (Dw. Pedersen, Witek, Will).... 404
District court judges: change the number (Dw. Pedersen) Appropriation bill........ 404A
District court: change the number (Will, Brashear, Brown, Hilgert, Kiel, Preister, Suttle)........ 370
Judges Retirement Act: change provisions for retirement age and annuities (Bromm, Brashear, Janssen)........ 796

LB
Judicial retention: provide for rotation of the question (Schmitt, Hudkins, Jones)........ 145
Judicial vacancies: change provisions relating to determination (Wickersham)........ 229
Judicial vacancies: change provisions relating to determination (Wickersham) Appropriation bill........ 229A
Supreme Court: change provisions relating to salaries (Kiel)........ 362
Supreme Court: change provisions relating to salaries (Brashear) Appropriation bill........ 362A

JUDGES RETIREMENT ACT
Retirement age and annuities: change provisions (Bromm, Brashear, Janssen)........ 796

JURORS AND JURY DUTY
Full-time college students: provide an exemption from jury duty (Stuhr)........ 73

JUVENILE SERVICES ACT
Change provisions (Landis)........ 424

JUVENILES (See also Children; Infants)
Care and treatment: change provisions relating to cost (Withem)........ 536
Child victims of sexual assault or child abuse: provide restrictions on the release or use of videotapes and provide penalties (Abboud)........ 643
Court ordered placement: change provisions relating to costs of treatment and health care and disciplinary restrictions (Brashear, at the request of the Governor)........ 769
Court Appointed Special Advocate Act (Withem, Brown, Hillman, Janssen, Dw. Pedersen, C. Peterson, Suttle)........ 301
Crime: change provisions for court jurisdiction and eliminate certain fingerprinting provisions (Witek, Jensen, Jones, Tyson, Vrtiska)........ 289
Gang-related crime: change provisions for certain penalties (Witek)........ 291
Indecency with a child: create the offense and provide penalties (Hillman, Brown, Kiel)........ 601
Juvenile Services Act: change provisions (Landis)........ 424
Mediation: provide as a juvenile code prosecution and disposition alternative (Wesely)........ 236
Medical expenses of a minor child in a divorce or legal separation: provide both parents are liable (Kristensen)........ 785
Mental health placement for juveniles: provide (Health and Human Services Committee)........ 622
Mental health placement for juveniles: provide (Wesely) Appropriation bill........ 622A
Mental Health Commitment Act, Nebr.: provide the act is applicable to juveniles (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr)........ 757
Metabolic diseases: provide a fee for screening infants for metabolic diseases (Wesely)........ 610
Metabolic diseases: provide a fee for screening infants for metabolic diseases (Wesely) Appropriation bill........ 610A
Parenting education courses: provide (Jensen, Brown, Hudkins, Kiel, Dw. Pedersen, Schimek, Stuhr)........ 777
Parenting Act: change provisions relating to custody and visitation (Beutler)........ 674
Placement and transportation costs: change provisions (Will, Dw. Pedersen)........ 512
Placement and transportation costs: change provisions (Will) Appropriation bill........ 512A
Sale of liquor to a minor: change provisions relating to prosecutions (Hilgert, Tyson, Will)........ 241
Secure youth facility: provide for oversight and control by the Dept. of Correctional Services (Dw. Pedersen, at the request of the Governor)........ 760
Temporary custody, detention or placement: change provisions (Hillman, Bromm, Engel, Robak, Suttle)........ 392

LB

KIDS FIRST HEALTH CARE ACT
Adopt (Beutler) 675

LABOR
Bids and public works contracts: change provisions for cities and villages (Maurstad, Hartnett) 238
Boiler Inspection Act: provide an exemption for hobby boilers (Warner) 653
Boiler Safety Act: provide for exemptions and change certain inspection requirements (Hilgert) 641
Boiler Safety Act: provide for exemptions and change certain inspection requirements (Hilgert) Appropriation bill 641A
Contractor Registration Act: provide for waiver of a proposed administrative penalty (Lynch) 883
Discrimination based on sexual orientation: change provisions (Chambers) 869
Discrimination: combine and eliminate provisions (Legislative Program Evaluation Committee) 548
Discrimination: combine and eliminate provisions (Hillman) Appropriation bill 548A
Discrimination: combine and eliminate sections (Landis, Warner) 171
Elevators: provide an exemption of certain standards (Brown, Bromm, Bruning, Engel, Hartnett, Hudkins, Jensen, Jones, Kiel, Lynch, Maurstad, Dw. Pedersen, Robak, Robinson, Schmitt, Stuhr, Vrtiska, Wehrbein, Will) 125
Elevators: provide an exemption of certain standards (Brown) Appropriation bill 125A
Employee benefit plans: change payment requirements by certain employees and exempt certain officials from retirement plans (Kiel, Brown, McKenzie, Schrock) 812
Employment information: provide immunity to current and former employers (Kristensen) 149
Employment security law terms: change provisions (Abboud, Dierks, Preister, Schimek, Schrock) 129
Employment security: change a provision relating to combined tax (Tyson) 834
Employment security: change provisions for the weekly benefit amount (Hilgert, Lynch, Preister, Suttle) 225
Employment security: change provisions relating to benefit conditions (Coordsen) 282
Employment security: change provisions relating to experience accounts (Vrtiska) 32
Employment security: change provisions relating to the combined tax rate computation (Brashear) 765
Employment security: change the definition of "employment" (Abboud, Dierks, Preister, Schimek, Schrock) 130
Employment security: provide an exemption from employment security laws for AmeriCorp participants (Schimek) 79
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen, Lynch, Robinson, Schellpeper) 116
Fingerprinting of certain job applicants: allow municipal governments to require (Janssen) Appropriation bill 116A
Industrial Relations, Comm. of: provide methods for disputes involving wages, rates and conditions for municipal employees (Coordsen) 519
Job references: provide immunity in actions relating to job references (Bromm, Bruning, Hudkins, Jensen, Jones, Maurstad) 790
Jobs and Wages, Nebr. Commission on: create (Wesely) 860
Joint Merit System: revisor bill to delete references (Executive Board) 5
Labor organizations: require certain employees to pay for collective bargaining (Lynch, Hartnett, Hilgert, Preister, Schimek) 124
Lawful products, use of by employees: prohibit certain actions by employers (Kiel) 470
Minimum wage: provide increase (Wesely, Beutler, Chambers, Hartnett, Hilgert, Landis, Lynch, Preister, Schimek, Will, Withem) 569
Newspaper carriers: include as employees for purposes of workers' compensation (Will, Chambers) 100

LB

Property tax work-off programs: authorize (Landis)........ 20
Workers' compensation: change provisions for burial compensation (Will, Hilgert, Abboud)........ 853
Workers' compensation: change provisions for burial compensation (Will) Appropriation bill........ 853A
Workers' compensation: change provisions for dependents, independent medical examiners, court records and procedure (Business and Labor Committee)........ 128
Workers' compensation: eliminate the Second Injury Fund (Abboud)........ 854
Workers' compensation: eliminate the Second Injury Fund (Abboud) Appropriation bill........ 854A
Workers' compensation: harmonize a reference (Vrtiska)........ 38
Workers' compensation: provide compensation for employment involving leased commercial motor vehicles (Vrtiska, Brashear, Bromm, Bruning, Coordsen, Crosby, Cudaback, Hudkins, Jensen, Jones, Kristensen, Landis, Matzke, Maurstad, Dw. Pedersen, Robinson, Schmitt, Schrock, Stuhr, Warner, Wehrbein, Wesely, Witek, Tyson, Abboud)........ 474
Workers' compensation: provide employment duties for employers of injured employees (Hilgert, Will)........ 245
Workers' compensation: provide record confidentiality (Vrtiska)........ 215
Workers' compensation: redefine " occupational disease" to include cumulative trauma (Will)........ 127
Workplace inspections by the Dept. of Labor: provide for reasonable notice or a search warrant (Brashear)........ 557

LABOR, COMMISSIONER OF

Contractor Registration Act: provide for waiver of a proposed administrative penalty (Lynch)........ 883

LABOR, DEPARTMENT OF

Human Genetic Technologies, Nebr. Commission on.: create (Brown) Appropriation bill........ 111A
Human Genetic Technologies, Nebr. Commission on: create (Brown, Schimek)........ 111
Workplace inspections: provide for reasonable notice or a search warrant (Brashear)........ 557

LAND (See Public Lands and Buildings; Real Property)

LANDFILLS

Solid Waste Landfill Closure Assistance Fund: rename and change and eliminate grant procedures (Tyson)........ 750

LANDLORD AND TENANT ACT

Rental agreements: provide for the termination of an agreement due to a serious and clear danger (Wesely)........ 779
Security deposits and actions for possession: change provisions (Jensen)........ 504
Special detainer action for a material and irreparable breach of a rental agreement: provide (Withem)........ 533

LAW

Accountability and Disclosure Commission: provide and change enforcement powers and provide for issuance of subpoenas (Brashear)........ 421
Ballot question: redefine relating to groups who intend to oppose the retention of a judge (Withem)........ 839
Campaign contributions: prohibit during legislative sessions (Bromm, Crosby, Schimek)........ 131
Campaign funds: authorize expenditures for conference fees (Schimek)........ 49
Campaign materials: provide restrictions on publishing and broadcasting (Beutler)........ 620
Campaign statements: change provisions for filing (Chambers)........ 632
Campaign Finance Limitation Act: change provisions for distribution of public funds and reporting (Beutler)........ 621
Campaigns: provide filing requirements for major out-of-state contributors (Withem, Coordsen, Dierks, Robinson, Schellpeper, Schimek, Warner)........ 591

LB

Elections: eliminate provisions relating to explanatory statements printed on ballots (Warner)........ 12
Internal Revenue Code: change provisions relating to references to the code (Wickersham)........ 46
Lobbyists who lobby regarding rules and regulations: require they register with the Secretary of State and provide fees (Robinson, Bromm, Brown, Cudaback, Dierks, Janssen, Jensen, Jones, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wesely, Witek)........ 638
Multiple office holding: prohibit and change provisions for filing petitions for nomination (Will)........ 382
Political Accountability & Disclosure Act: (Schimek, Beutler, Brashear)........ 321
Political Accountability and Disclosure Act: change and eliminate provisions relating to conflict of interest (Wickersham)........ 726
Political Accountability and Disclosure Act: change provisions for a civil penalty (Brashear)........ 361
Political Accountability and Disclosure Act: prohibit use of public property and personnel for campaigning (Brashear)........ 360

LAW ENFORCEMENT

Cameras: authorize the use of an automated traffic enforcement system for detection of moving traffic violations (Engel, Robinson, Dw. Pedersen)........ 881
Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek)........ 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill........ 465A
Duties: provide relating to domestic violence (Schimek, Crosby, Hillman)........ 448
Emergency management: grant authority to law enforcement personnel (Janssen, Robinson, Schmitt)........ 546
Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister, Beutler, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Janssen, Landis, Robinson, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wickersham)........ 374
Handguns: change provisions relating to a certificate to purchase a handgun (Beutler)........ 751
Inmates, parolees and probationers: authorize to be undercover agents (Stuhr, Bromm, Hudkins, Witek)........ 48
Medical services for individuals who are arrested, detained or incarcerated: provide for responsibility for payment of costs (Crosby, Wesely)........ 841
Peace officers: provide a penalty for failure to obey (Vrtiska)........ 36
Police authority: eliminate provisions relating to cities and villages (Hartnett)........ 826
Police chases: change penalty provisions for operating a motor vehicle to avoid arrest (Maurstad, Brown)........ 218
Sex offenders: eliminate a duty for sheriffs (Abboud, Jones, Dw. Pedersen, Robak)........ 203
Sex offenders: provide for community notification of certain records (Abboud, Jones, Dw. Pedersen, Robak)........ 204
Sheriffs and deputy sheriffs: provide a rebuttable presumption in certain cases of death or disability (Dw. Pedersen)........ 528
Small Claims Court: require law enforcement personnel to give information to aid in collection of a judgment (Coordsen)........ 8
State Patrol Retirement Act, Nebr.: provide a cost-of-living adjustment for certain retirees (Hartnett)........ 650
State Patrol: provide duties (Beutler)........ 644
State Patrol: redefine "surviving spouse" under the Nebr. State Patrol Retirement Act (Wickersham)........ 567
Ticket quota requirements: prohibit (Schmitt, Chambers)........ 162
Training costs for law enforcement officers: provide for reimbursement (Janssen, Bromm)........ 252
Training requirements: change provisions (Hudkins, Schmitt, Tyson)...... 161

LB

Tuition credit: provide for family members of deceased public safety personnel (Hilgert, Bruning, Will)........ 267

LAW ENFORCEMENT AND CRIMINAL JUSTICE, NEBR. COMM. ON

Duties: change provisions (Wickersham)........ 818
Duties: provide (Robak, Schimek, Brown, Kiel, Jensen, Crosby, Lynch, Preister, Hartnett)........ 90
Duties: provide (Robak) Appropriation bill........ 90A

LEGISLATIVE COMPENSATION, COMMISSION ON

Create (Warner, Kristensen, Withem)........ 14CA

LEGISLATURE

Arrest: eliminate the privilege from arrest granted to members (Kristensen, Warner, Withem)........ 16CA
Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek, C. Peterson)........ 3LR
Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad)........ 108LR
Bills and resolutions passed by the Legislature: provide the presiding officer shall sign (Kristensen, Warner, Withem)........ 25CA
Campaign contributions: prohibit during legislative sessions (Bromm, Crosby, Schimek)........ 131
Capitol building: change provisions for allocation of space (Coordsen, Bromm, Chambers, Engel, Kristensen, McKenzie, Dw. Pedersen, Vrtiska, Wehrbein, Withem)........ 102
Child support collection: create a task force to study and make recommendations to the Governor and the Legislature (Brown)........ 437
Child support guidelines: provide the Director of Research of the Legislature formulate and recommend to the Legislature (Crosby)........ 885
Compensation Review Commission: create and change provisions for compensation for members of the Legislature and employees (Beutler)... 57CA
Conflict of interest: change and eliminate provisions (Wickersham)...... 726
Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem)........ 12CA
Contempt powers: eliminate certain provisions (Withem, Kristensen, Warner)........ 36CA
Court of Appeals: encourage the Supreme Court to recognize the precedential value of the opinions of the Court of Appeals (Beutler, Hilgert, D. Pederson, Abboud, Bruning, Bromm, Wickersham, Kristensen, Matzke, Will, Brashear)........ 88LR
Deaf, Nebr. School for, and School for the Visually Handicapped: provide report to the Approp. Comm. to combine programs (Appropriations Committee)........ 889
Education, State Board of: require the Legislature to prescribe qualifications for members (Robinson, Bohlke)........ 6CA
Electric industry in Nebr.: provide appropriations to the Legislature Council for a study (Beutler)........ 681
Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers)........ 459
Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers)........ 459
Gift of land from the City of Peru to the Game and Parks Commission: provide approval by Legislature (Vrtiska)........ 286LR
Gift of land from the Friends of the White River Trail to the Game and Parks Commission: provide approval by the Legislature (Wickersham)... 287LR
Gift of land from the SAC Museum Memorial Society, Inc. to the Game and Parks Commission: provide approval by the Legislature (Wehrbein)..... 50LR
Gift of land from the Todd Valley Wetland Foundation to the Game and Parks Commission: provide approval by the Legislature (Robak)........ 110LR
Gubernatorial appointments to vacated executive state offices: require legislative approval (Crosby)........ 58CA

LB
Gubernatorial appointments: change provisions relating to legislative confirmation (Warner, Kristensen, Withem)........................... 43CA
Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem)................ 39CA
Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler).. 56CA
Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek)......... 32CA
Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem)................... 41CA
Legislative committees: require open meetings and recording and publishing of certain votes by members (Warner, Kristensen, Withem)... 10CA
Legislative powers: provide for and eliminate during enemy attack, terrorist attack or natural disaster (Warner, Kristensen, Withem)..... 13CA
Legislative Compensation, Commission on: create and provide for establishment of salary & expenses of members of the Legislature (Warner, Kristensen, Withem).. 14CA
Lieutenant Governor: eliminate references to the Lieutenant Governor as the presiding officer (Withem, Kristensen, Warner)................... 47CA
Local Option Property Tax Relief Committee: create (Janssen, at the request of the Governor).. 804
Mediation, arbitration agreements and dispute resolution: authorize the Legislature to provide for enforcement (Landis)...................... 61CA
Partnership for Health and Human Services Act, Nebr.: provide legislative oversight for contracts (Hilgert)............................. 692
Recall of members: provide (Kristensen)............................ 60CA
Redistricting: provide procedures for drawing legislative and congressional district boundaries (Bromm, Cudaback, Robinson).......... 607
Salaries: appropriate funds for payment (Speaker Withem, at the request of the Governor).. 385
Salaries: change provisions (Withem)................................ 23CA
Session laws: eliminate a provision relating to the form in which session laws are published (Kristensen, Warner, Withem).............. 17CA
Sessions: change provisions for the convening date, the length, and the date on which terms of members begin and end (Robinson, Bromm, Janssen, Jones, Vrtiska, Bruning, Stuhr)................................. 21CA
Sessions: change provisions relating to the convening date, the length and the date on which terms of members begin and end (Stuhr, Janssen, Robinson, Schrock, Vrtiska, Witek)................................ 5CA
Special legislation: prohibit and eliminate references to certain categories of special legislation (Kristensen, Warner, Withem)........ 18CA
State aid to schools: provide records to the Legislative Council relating to certification of distributions of state aid (Wickersham, Bohlke)... 205
Tax rates within and outside municipalities: authorize the Legislature to provide for differences (Maurstad, Brown)......................... 63CA
Taxation: permit the Legislature to classify property for purposes of taxation (Will).. 64CA
Unfunded mandates: require the Legislature to appropriate funds to political subdivisions (Coordsen)................................ 2CA

LEVIES
Blighted and substandard areas: change provisions relating to the tax levy (Urban Affairs Committee)....................................... 875
Blighted and substandard areas: change provisions relating to the tax levy (Hartnett) Appropriation bill.............................. 875A
Class VI school system tax levy: change provisions (Janssen, Bromm)..... 251
Community colleges: change provisions for funding and tax levies (Bohlke, Beutler, Brown, Coordsen, Crosby, Cudaback, Elmer, Engel, Hartnett, Hillman, Kiel, Kristensen, Lynch, Matzke, Maurstad, McKenzie, D. Pederson, Stuhr, Suttle, Tyson, Vrtiska, Warner, Wehrbein, Wickersham, Schimek).. 408
Drainage districts: limit tax levy authority and require merger with natural resources districts (Beutler)............................... 682

LB
Educational service units: change provisions for a maximum tax levy and provide for reorganization (Hartnett, Bohlke).......................... 418
Fire protection: authorize a uniform or common levy for fire protection (Revenue Committee)... 176
Municipalities: change provisions for levy limitations (Maurstad)....... 831
Offstreet parking districts: provide for alternate uses of levies and assessments in certain cities and villages (Tyson)..................... 746
Property tax levies: change procedures relating to preliminary levies (Vrtiska)... 691
Property tax levies: change provisions for determining and certifying (Revenue Committee)... 269
Property tax levies: change provisions for determining and certifying (Kristensen) Appropriation bill.................................... 269A
Property tax: provide value adjustments for property tax levy calculations (Lynch).. 821
Rural and suburban fire protection districts: change provisions for levies (Hartnett, Bromm, Janssen, Dw. Pedersen, Lynch, Bruning, Suttle)... 612
School districts: change provisions for exceeding levy limitations (Robinson, Brown, Janssen)... 598
School districts: change provisions for exceeding levy limitations (Robinson, Janssen, Stuhr)... 599
School districts: change provisions for levy limitations (Robinson, Brown, Janssen, Stuhr, Witek, Dw. Pedersen)............................ 597
School districts: change provisions for the manner in which school districts may exceed levy limits (Beutler)............................ 538
School districts: change the calculation of the levy limitation for school districts (Suttle, Brown, Coordsen, Hartnett).................. 570
School districts: prohibit from exceeding tax levy limits (Schrock, Coordsen, Cudaback, Dierks, Schellpeper, Vrtiska)...................... 277
School districts: provide authorization to exceed limitations (Will).... 737
School retirement: change provisions relating to annuity and age and exempt certain retirement expenditures from levy limits (Robinson, Brown, Crosby, Janssen, Lynch, Stuhr)... 822
Schools: change provisions for tax levies for environmental hazards, accessibility barriers, and building funds (Brown, Robinson)........... 333
Tax levy authority of political subdivisions: permit election officials to establish a uniform date for a special election (Warner)............ 343
Transit authorities: change provisions relating to tax levies (Will).... 348

LIABILITY (See also Negligence; Torts)
Counties: change provisions relating to liability insurance procurement (Schimek).. 376
Damages caused by negligent conduct of another: provide a person's right to recover is not barred by restriction on use of fine (Will)... 22CA
Drug Dealer Liability Act: adopt (Hudkins, Abboud, Jones, Robak, Stuhr, Vrtiska, Witek, Dw. Pedersen).. 268
Equine activities: provide an exemption from civil liability and for the posting of warning signs (Jones, Cudaback, Dierks, Elmer, Hudkins, Schellpeper, Schmitt, Schrock, Wickersham).......................... 153
Firearm ranges: define terms and provide for owner liability and immunity (Robak, Bruning, Engel, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Preister, Schellpeper, Schmitt, Schrock, Tyson, Vrtiska, Witek)... 350
Hazardous substances: define terms and provide liability for cleanup costs as a result of a hazardous substance emergency (Tyson)........... 748
Hospital-Medical Liability Act, Nebr.: change provisions for the amount recoverable under the act (Brashear)................................ 235
Job references: provide immunity in actions relating to job references (Bromm, Bruning, Hudkins, Jensen, Jones, Maurstad).................... 790
Leased trucks: change provisions relating to liability for damages (Dw. Pedersen)... 527
Medical care: provide qualified immunity for certain providers at free clinics (Crosby).. 614
Motor vehicle insurance: change provisions relating to rating systems for automobile liability policies (Preister, Chambers, Hilgert)......... 159

LB

Overloading of vehicles: change provisions and provide liability for the owner of the load (Robak)... 477
Product liability: change provisions for commencement (Will)... 458
Product liability: change provisions relating to strict liability (Abboud, Hilgert)... 442

LIBRARIES
Appropriations: state intent (Crosby)... 95
Boards: change provisions for membership on certain boards (Brown)... 112
Change provisions (General Affairs Committee)... 250

LICENSE SUSPENSION ACT
Adopt (Beutler, Brown, at the request of the Governor)... 752
Adopt (Beutler) Appropriation bill... 752A

LICENSED PRACTICAL NURSE-CERTIFIED ACT
Change provisions (Schrock, Cudaback, Dw. Pedersen, Schellpeper)... 66

LICENSES AND PERMITS
Assault on educational employees: provide for suspension of drivers' licenses (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen)... 648
Certificated school employees: change provisions relating to tenure (Jones)... 604
Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen, Bohlke, Schimek)... 310
Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen) Appropriation bill... 310A
Child support: adopt the License Suspension Act (Beutler, Brown, at the request of the Governor)... 752
Child support: adopt the License Suspension Act (Beutler) Appropriation bill... 752A
Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek)... 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill... 465A
Controlled shooting areas: change provisions (Hudkins)... 664
Credit cards: authorize political subdivisions to accept for payment of fees, licenses, taxes or penalties (Vrtiska, Schimek)... 414
Driver education and training courses: require for persons subject to license suspension, revocation or impoundment (Crosby)... 133
Driver's license revocation: change provisions and provide for an application with the Board of Pardons (Will)... 377
Driver's license suspension: provide clarifying language relating to sentencing provisions (Brashear)... 772
Driver's licenses, state identification cards and fees: change provisions (Coordsen)... 354
Driver's licenses: change provisions for renewal (Coordsen)... 328
Driver's licenses: change provisions for suspension and for minors in possession of alcohol (Dw. Pedersen, Crosby)... 603
Driver's licenses: change provisions for suspension and for minors in possession of alcohol (Dw. Pedersen) Appropriation bill... 603A
Driver's licenses: change provisions relating to renewal for military personnel (Cudaback, Schrock)... 22
Driver's licenses: change provisions relating to suspension and revocation (Coordsen)... 10
Driver's licenses: change provisions relating to suspension and revocation (Coordsen) Appropriation bill... 10A
Driver's licenses: change provisions relating to truancy and provide for denial of eligibility for licenses and permits (Brown)... 438
Environmental Heritage License Plates, Nebr.: provide (Beutler, Preister)... 494
Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie)... 579

LB
Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie) Appropriation bill ... 579A
Experimental or nontraditional practice or therapy: prohibit disciplinary action based solely on practices (Schmitt, Dierks) ... 146
Fire protection systems: provide for certificates for contractors who work on water-based fire protection systems (Kristensen, Cudaback, Withem) ... 636
Fishing permits: authorize special permits for developmentally disabled persons and provide a fee (Robak) ... 735
Fishing permits: authorize special permits for severely physically disabled persons (Landis) ... 19
Game and parks: provide for electronic issuance of licenses, permits, stamps and motorboat registration renewals (Natural Resources Committee) ... 172
Game and Parks Commission: change provisions for issuance of certain permits (Beutler) ... 704
Game breeding operations: change provisions (Hudkins) ... 664
Game Law: define habitual offender and provide for revocation of licenses, permits, and stamps (Hillman, Hudkins, Jones, Schmitt, Schrock, Wickersham) ... 830
Habitat stamps, lifetime: provide fees (Beutler) ... 705
Handguns: change provisions relating to a certificate to purchase a handgun (Beutler) ... 751
Handicapped or disabled persons: change provisions relating to issuance of license plates (Lynch) ... 300
Handicapped parking permits: change provisions for renewal for permanent permits (Schimek) ... 836
Handicapped parking permits: change provisions relating to placement (Lynch) ... 298
Handicapped parking permits: provide for agreements between a state agency and political subdivision for enforcement (Lynch) ... 299
Horseracing: change provisions relating to licensure qualification (Schellpeper) ... 582
Hunting permits: change provisions for limited permits (Vrtiska, Wehrbein) ... 473
Irrigation: change provisions for permits for appropriation of water (Beutler) ... 657
Irrigation: change provisions relating to instream appropriation permits (McKenzie, Brashear, Bromm, Coordsen, Cudaback, Dierks, Elmer, Engel, Hillman, Hudkins, Jones, Kiel, Dw. Pedersen, D. Pederson, C. Peterson, Schellpeper, Schmitt, Schrock, Stuhr, Tyson, Wehrbein, Wickersham, Jensen) ... 877
Learner's permits: change provisions and require a driver improvement course for minors (Bohlke, Crosby, Engel, Kristensen) ... 320
License plates: change provisions relating to license plates issued to handicapped or disabled persons (Cudaback, Lynch, Schrock) ... 72
License plates: provide for brand license plates (Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham) ... 640
License plates: provide for issuance every five years (Jones) ... 156
Liquor licenses and penalties: change provisions (Kristensen) ... 482
Liquor licenses: change provisions (General Affairs Committee) ... 249
Liquor licenses: change provisions (Schellpeper) Appropriation bill ... 249A
Liquor licenses: provide for license sanctions for certain violations occurring on a licensed premises (Will) ... 846
Mechanical Amusement Device Tax Act: change provisions for fees, licenses, and occupation taxes (Schellpeper, Hartnett, Landis, Wickersham) ... 317
Medication Aide Act: adopt (Wesely) ... 783
Migratory game birds and hunting permits: change provisions (Natural Resources Committee) ... 173
Migratory game birds and hunting permits: change provisions (Beutler) Appropriation bill ... 173A
Mopeds: provide for operator's permits (Robak) ... 220

LB

Motor vehicles: change provisions for certificates of title, odometers, proof of financial responsibility and registration (Transportation Committee) 720
Motor vehicles: change provisions for fees and renewal and transfer of license plates (Cudaback) 694
Motor vehicles: change provisions for special permits for vehicle which exceed size and weight restrictions (Schrock, Coordsen) 402
Motor vehicles: change provisions relating to the number and placement of license plates on certain vehicles (Coordsen) 9
Motor vehicles: provide for issuance of one license plate (Schmitt) 564
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen) 635
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen) Appropriation bill 635A
Motorboats and personal watercrafts: prohibit operation of by persons under sixteen years of age (Matzke) 316
Mountain sheep: provide for permits to hunt and kill (Wickersham, Beutler) 733
Nebraska Cornhusker Spirit Plates: change provisions (Brashear, Wehrbein) 74
Pharmacists: change a licensing provision for foreign applicants (Schrock, Elmer) 352
Plumbing License Law: adopt (Hudkins) 763
Provisional operator's permits: provide (Bohlke, Crosby, Engel, Kristensen) 320
Retail liquor license suspension: change provisions (Landis) 17
Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad) 62CA
Sales and use tax: authorize issuance and use of direct payment permits (Warner, Landis) 409
Solid waste: authorize combined billing of charges, provide for transportation permits and change Small Claims Court procedures (Tyson) 749
Special interest license plates: provide (Wickersham) 231
State identification cards: change provisions (Cudaback) 21
Tobacco licenses: provide for suspension (Suttle, Kiel, Preister) 484
Tobacco products: change provisions for licenses, products, minors, require posting of signs and provide penalties (Hilgert, Crosby, Elmer, Hudkins, Janssen, Jones, Robinson, Robak, Engel) 467
Undercover license plates and driver's licenses: provide (Kristensen) 256
Undercover license plates and driver's licenses: provide (Kristensen) Appropriation bill 256A
Uniform licensing law: change provisions for reinstatement of certain revoked licenses, certificates and registrations (Kristensen) 476
Uniform Licensing Law: redefine the practice of medicine and surgery (Wesely) 452
Unregistered motor vehicles: change provisions (Hilgert, Kiel) 529
Unregistered motor vehicles: change provisions relating to operating or parking an unregistered motor vehicle (Engel, Brashear, Hartnett, Hillman, Robinson, Schmitt) 880
Veterans license plates: change provisions (Wickersham) 231

LIENS (See also Banks and Banking; Secured Transactions)

Construction Lien Act, Nebr.: provide duties for prime contractors, primary lenders and mortgagees and provide penalties (Schimek) 449
Filing: change provisions (Landis) 731
Garnishments: change provisions relating to payment and liens (Brashear) 771
Insurance: require policies providing fire or weather-related coverage to pay governmental demolition liens & obligations (Brown) 436
Secured transactions: change provisions (Landis) 412

LIEUTENANT GOVERNOR

Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers) 459
Legislature: eliminate references to the Lieutenant Governor as the presiding officer (Withem, Kristensen, Warner) 47CA

LB

Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)........................... 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA
Salary: change provisions (Warner, Withem)............................ 14

LIMITED LIABILITY COMPANY ACT
Change provisions (Kristensen).. 631
Registration or filing of corporate or other business entity names: change provisions (Kristensen)....................................... 44

LINCOLN (See also Cities of the Primary Class)
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby, Witek).. 798
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby) Appropriation bill.. 798A
City attorneys in primary class cities: allow to appeal from preliminary rulings and seek pretrial diversion from city council (Hudkins)... 355
City-county health departments: provide new procedures for establishing (Wesely).. 185
Jails: provide first & second class cities, villages and certain counties maintain jails under Interlocal Cooperation agreements (Hartnett)... 825
Municipal electric utility: provide for the election of the board of directors (Coordsen, Schellpeper).................................... 637
Police authority: eliminate provisions relating to cities and villages (Hartnett)... 826
Railroads and railroad crossings: transfer powers and duties to the Dept. of Roads (Kristensen)... 257
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek).. 814
Sports Wagering Act: adopt (Will)..................................... 359
State law violations: require the state to pay costs (Wickersham)....... 816

LIQUOR CONTROL ACT, NEBRASKA
Cider: provide a gallonage tax on certain cider (Kristensen)........... 371
Farm wineries: change provisions (Schellpeper, Wehrbein)............... 479
Furnishing alcoholic liquor to a visibly intoxicated person: prohibit (Schellpeper).. 247
Hours to sell or dispense alcoholic liquor: change provisions (Hilgert, Robak).. 242
Licenses and penalties: change provisions (Kristensen)................. 482
Licenses: change provisions (General Affairs Committee)................ 249
Licenses: change provisions (Schellpeper) Appropriation bill.......... 249A
Licenses: provide for license sanctions for certain violations occurring on a licensed premises (Will)................................ 846
Minors: change provisions for employment of as servers and sellers of alcoholic liquor (Dw. Pedersen).................................... 613
Retail license suspension: change provisions (Landis).................. 17
Sale of liquor to a minor: change provisions relating to prosecutions (Hilgert, Tyson, Will)... 241

LIQUOR CONTROL COMMISSION
Liquor licenses and penalties: change provisions (Kristensen).......... 482
Retail license suspension: change provisions (Landis).................. 17
Retail liquor licenses: change provisions relating to the location of licensed premises (Robinson, Lynch)................................. 45

LIQUORS (See also Alcoholic Beverages; Intoxication)
Cider: provide a gallonage tax on certain cider (Kristensen)........... 371
Driver's license suspension: provide clarifying language relating to sentencing provisions (Brashear).................................... 772

LB

Driving or boating under the influence of alcohol or a controlled substance: provide for blood specimen certificates (Kristensen, Crosby, Vrtiska).. 210
Driving under the influence: change provisions (Bruning)................ 26
Driving under the influence: change provisions for penalties, driver's license suspension, revocation or vehicle impoundment (Transportation Committee, Crosby).. 309
Driving under the influence: define "refusal to take a chemical test" and change hearing procedures and penalties (Crosby, Kristensen, Schimek).. 464
Driving under the influence: lower the prohibited concentration of alcohol for conviction (Crosby, Dierks, Hudkins, Jensen, Jones, Preister, Schrock, Vrtiska, Wehrbein).. 239
Farm wineries: change provisions (Schellpeper, Wehrbein)................ 479
Furnishing alcoholic liquor to a visibly intoxicated person: prohibit (Schellpeper).. 247
Hours to sell or dispense alcoholic liquor: change provisions (Hilgert, Robak).. 242
Licenses and penalties: change provisions (Kristensen).................. 482
Licenses: change provisions (General Affairs Committee)................. 249
Licenses: change provisions (Schellpeper) Appropriation bill.......... 249A
Licenses: provide for license sanctions for certain violations occurring on a licensed premises (Will)................................ 846
Minors in possession of alcohol: change provisions for suspension of driver's licenses (Dw. Pedersen, Crosby)................................ 603
Minors in possession of alcohol: change provisions for suspension of driver's licenses (Dw. Pedersen) Appropriation bill.................. 603A
Minors: change provisions for employment of as servers and sellers of alcoholic liquor (Dw. Pedersen).. 613
Retail license suspension: change provisions (Landis).................. 17
Retail liquor licenses: change provisions relating to the location of licensed premises (Robinson, Lynch)................................ 45
Sale of liquor to a minor: change provisions relating to prosecutions (Hilgert, Tyson, Will).. 241
Sales: change provisions (Janssen, Schellpeper)........................ 120
Tax: change provisions (Warner).. 411

LITTER

Littering and solid waste: change provisions relating to penalties (Beutler).. 679

LIVESTOCK

In-herd brand identification: change provisions (Dierks)............... 193

LOANS

Bank executive officers, directors or principal shareholders: change provisions relating to loans (Brashear, Chambers)...................... 364
Highway Bond Act, Nebr.: provide loans to political subdivisions (Hartnett).. 697
Installment loans: change provisions relating to charges and penalties (Landis).. 555
Mortgage loans: change provisions relating to escrow accounts (Landis).. 554
Postsecondary education: change provisions for loan default cost fees (Bohlke).. 715
Third-party guarantor on a loan: provide for notification (Elmer, Schrock).. 142
Tires, scrap: change provisions for disbursements from the Waste Reduction and Recycling Incentive Fund and for loans (Robinson, Schimek, at the request of the Governor).. 594

LOBBYISTS AND LOBBYING (See also Political Accountability and Disclosure Act, NE.)

Campaign contributions: prohibit during legislative sessions (Bromm, Crosby, Schimek).. 131

LB

Lobbyists who lobby regarding rules and regulations: require they register with the Secretary of State and provide fees (Robinson, Bromm, Brown, Cudaback, Dierks, Janssen, Jensen, Jones, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wesely, Witek) 638

LOCAL OPTION REVENUE ACT

Ballot issue: change a provision for authorization (Cudaback) 575

Eliminate provisions (Cudaback, Schrock, Vrtiska) 468

LOCAL SCHOOLS SALES TAX OPTION ACT

Adopt (Withem) 759

LOTTERIES (See also Bingo; Gambling; Pickle cards)

Advertising: change provisions relating to lottery games (Jensen, Jones, Witek) 380

Alternative games of chance: provide game involving floating of games pieces in water (Kristensen) 148

Change provisions (Robak) 534

Education Innovation Fund: change provisions for disbursements (Bromm, Jones, Robinson, Schellpeper, Vrtiska, Wehrbein, Stuhr) 461

Education Innovation Fund: change provisions relating to pilot projects and model programs (Hartnett, Dierks, Hilgert, Dw. Pedersen, Preister, Schellpeper, Robak) 572

Education Innovation Fund: provide for minigrants (Janssen, Robinson, Schellpeper) 118

Education Innovation Fund: provide for minigrants (Janssen) Appropriation bill 118A

Electronic pickle card dispensing devices: authorize use (Hilgert) 723

Lottery tickets, state: eliminate a sales and use tax exemption (Crosby) 168

Lottery Act, State: authorize salary stipends for incentive grant purposes (Withem) 525

Lottery Act, State: change provisions for distribution of proceeds (Witek, Abboud, Brashear, Bromm, Brown, Bruning, Chambers, Crosby, Cudaback, Dierks, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Kiel, Kristensen, Matzke, Dw. Pedersen, Preister, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein) 288

Pickle cards: authorize use of electronic dispensing devices (Will, Hilgert) 98

Proceeds: change provisions for distribution (Maurstad) 212

Solid Waste Landfill Closure Assistance Fund: rename and change and eliminate grant procedures (Tyson) 750

LOTTERY ACT, STATE

Advertising: change provisions (Jensen, Jones, Witek) 380

Lottery proceeds: change provisions for distribution (Maurstad) 212

Proceeds: change provisions for distribution (Witek, Abboud, Brashear, Bromm, Brown, Bruning, Chambers, Crosby, Cudaback, Dierks, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Kiel, Kristensen, Matzke, Dw. Pedersen, Preister, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein) 288

Salary stipends for incentive grant purposes: authorize (Withem) 525

Solid Waste Landfill Closure Assistance Fund: rename and change and eliminate grant procedures (Tyson) 750

LOTTERY AND RAFFLE ACT, NEBRASKA

Alternative games of chance: provide game involving floating of games pieces in water (Kristensen) 148

LOW-LEVEL RADIOACTIVE WASTE COMPACT, CENTRAL INTERSTATE

Withdraw Nebraska from the compact (Dierks, Preister, Schellpeper) 552

MANAGED CARE PATIENT PROTECTION ACT

Adopt (Wesely, Matzke, Schimek) 279

MARIJUANA

Possession: change penalty provisions and provide for certain fees to be charged as court costs (Suttle, Preister) 845

LB

MARRIAGE (See also Husband and Wife)

Adoption: provide payment for medical expenses for certain adopted children (D. Pederson, Bromm, Bruning, Engel, Hillman, Matzke).......... 788

Child custody: change provisions for determination (Crosby)............. 884

Child support guidelines: provide the Director of Research of the Legislature formulate and recommend to the Legislature (Crosby)......... 885

Child support: adopt the License Suspension Act (Beutler, Brown, at the request of the Governor).. 752

Child support: adopt the License Suspension Act (Beutler) Appropriation bill... 752A

Divorce decree dissolution: change provisions (Crosby).................. 434

Domestic relations matters: change provisions for court filings and jurisdiction (Beutler)... 677

Domestic violence: create the offense (Brashear, Bohlke, Brown, Crosby, Hartnett, Hilgert, Hillman, Hudkins, Kiel, Lynch, Robak, Schimek, Schrock, Stuhr, Suttle, Dw. Pedersen).. 509

Domestic violence: provide for creation of an incident report form by the Nebr. Comm. on Law Enforcement & Criminal Justice (Schimek, Crosby, Hillman).. 448

Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle)... 393

Domestic Abuse Act, Protection from: eliminate certain court and enforcement fees (Hillman) Appropriation bill....................... 393A

Family Support Act, Uniform Interstate: change provisions for recognition and enforcement of child support orders (Landis)............ 727

Medical expenses of a minor child in a divorce or legal separation: provide both parents are liable (Kristensen).......................... 785

Parenting Act: change provisions relating to custody and visitation (Beutler)... 674

Protection from Domestic Abuse Act: authorize full faith and credit be accorded valid foreign protection orders (Hillman, Brown, Kiel, Schimek).. 829

Protection from Domestic Abuse Act: authorize full faith and credit be accorded valid foreign protection orders (Hillman) Appropriation bill... 829A

Same sex marriages and recognition of marriages contracted outside Nebraska: provide (Chambers).. 407

Same sex marriages: prohibit (Jensen, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hartnett, Hilgert, Hudkins, Janssen, Jones, Kristensen, Matzke, Maurstad, Dw. Pedersen, D. Pederson, C. Peterson, Robak, Schellpeper, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek, Preister, Brashear)............................... 280

Stalking and the Protection from Domestic Abuse Act: change provisions (Hillman, Brown, Kiel).. 600

MECHANICAL AMUSEMENT DEVICE TAX ACT

Fees, licenses, and occupation taxes: change provisions (Schellpeper, Hartnett, Landis, Wickersham)... 317

MEDIA (See also Communication; Telecommunications)

Newspaper carriers: include as employees for purposes of workers' compensation (Will, Chambers).. 100

Tobacco: prohibit certain advertising practices relating to billboards (Schrock, Crosby, Engel, Jensen, Suttle)................................ 65

MEDIATION

Farm Mediation Act: expand the scope of mediation to include disputes involving non-credit farm programs (Agriculture Committee)............. 200

Grandparent visitation: state intent and provide for mediation (Jensen, Engel)... 358

Juveniles: provide for mediation as a juvenile code prosecution and disposition alternative (Wesely)...................................... 236

Mediation, arbitration agreements and dispute resolution: authorize the Legislature to provide for enforcement (Landis).................... 61CA

LB

MEDICAL ASSISTANCE

Assisted-living facilities: provide for and eliminate provisions relating to residential care and domiciliary facilities (Wesely)........ 608
Community-State Partnership Act: adopt (Wesely, Withem, at the request of the Governor)........ 587
Integrated Health Services Plan Act: adopt (Wesely, Withem, at the request of the Governor)........ 587
Managed care: provide for enrollment in and switching between plans for medicaid recipients (Wesely)........ 258
Medical care: provide qualified immunity for certain providers at free clinics (Crosby)........ 614
Programs and services: change provisions for qualification (Wesely)..... 782
Programs and services: change provisions for qualification (Wesely) Appropriation bill........ 782A

MEDICATION AIDE ACT

Adopt (Wesely)........ 783

MEDICINE AND SURGERY (See also Health Care; Public Health and Welfare)

Certificate of need: change provisions (Wesely)........ 450
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby, Witek)........ 798
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby) Appropriation bill........ 798A
Certificate of Need Act, Nebraska Health Care: eliminate provisions (McKenzie, Witek)........ 186
Certificate of Need Act, Nebraska Health Care: eliminate provisions (Witek)........ 219
Emergency Medical Services Act: adopt (Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely)........ 138
Health care credentialing: state findings and intent and provide for a study (Wesely)........ 183
Hospital-Medical Liability Act, Nebr.: change provisions for the amount recoverable under the act (Brashear)........ 235
HIV: provide for expert panels to review the status of infected health care workers (Dierks)........ 195
Limited service rural hospitals: provide (Wickersham, Coordsen, Dierks, Elmer, Jones, Matzke, Schellpeper, Bromm)........ 837
Medical alarm equipment: exempt from sales and use taxation (Withem, Bruning, Hartnett)........ 105
Medical care: provide qualified immunity for certain providers at free clinics (Crosby)........ 614
Medical records: require health care providers to furnish a patient's medical records to the patient (Coordsen)........ 544
Peer review committees for health clinics and health practitioner organizations and associations: authorize (Schimek)........ 222
Physician Aid-In-Dying Act: adopt (Chambers)........ 406
Statewide Trauma System Act: adopt (Wesely, Matzke, Wickersham)........ 626
Statewide Trauma System Act: adopt (Wesely) Appropriation bill........ 626A
Stress management for hospital personnel and state employees: provide (Wesely)........ 184

MEETINGS

County board meetings: change provisions (Vrtiska)........ 40
Game and Parks Commission: change provisions relating to meetings and official actions (Beutler)........ 141
Planning commission meetings in certain cities and villages: change provisions (Cudaback)........ 426
Public meetings: redefine "meeting" (Brashear)........ 510

MENTAL HEALTH

Assisted-living facilities: provide for and eliminate provisions relating to residential care and domiciliary facilities (Wesely)........ 608
Boards: redefine "state agency" to include boards under the State Tort Claims Act (Vrtiska)........ 39

LB

Insurance coverage: require for serious mental illnesses (Robak, Chambers, Hillman) 83
Juveniles: provide for mental health placement (Health and Human Services Committee) 622
Juveniles: provide for mental health placement (Wesely) Appropriation bill 622A
Mental health commitment petitions and dispositions: provide notice to victims (Wesely) 325
Mental Health Commitment Act, Nebr.: provide the act is applicable to juveniles (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr) 757
Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) 340
Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) Appropriation bill 340A
Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins, Crosby, Lynch, Schrock, Stuhr, Vrtiska) 485
Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins) Appropriation bill 485A
Programs: state findings and intent relating to funding (Wesely) 609
Rights for patients: provide (Robak) 243
Services: state intent and provide for psychiatric or psychosocial rehabilitation (Robak) 736
Treatment and Corrections Act, Nebr.: provide mental health therapy (Dw. Pedersen) 274

MENTAL HEALTH COMMITMENT ACT, NEBRASKA

Juveniles: provide the act is applicable to juveniles (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr) 757

MICROENTERPRISE DEVELOPMENT ACT

Adopt (Hilgert, McKenzie, C. Peterson, Preister, Will, at the request of the Governor) 327
Adopt (Hilgert) Appropriation bill 327A

MILITARY

"Veteran": redefine (Hilgert, Brown, Kiel, Schrock) 441
Driver's licenses: change provisions relating to renewal for military personnel (Cudaback, Schrock) 22
Fishing and hunting permits: change provisions relating to fees (Kristensen) 43
Tuition credit for members of the Nebr. based unit of the Active Selective Reserve of the armed forces: change provisions (Schmitt) 709
Veteran cemetery system: provide for creation and create a fund (Wickersham) 820
Veterans license plates: change provisions (Wickersham) 231
Veterans Homes, Division of: create within the Dept. of Health and Human Services (Dierks, C. Peterson, Schimek, at the request of the Governor) 396
Veterans Homes, Division of: create within the Dept. of Health and Human Services (Dierks) Appropriation bill 396A
Women in Military Service for America Memorial: appropriate funds (Hilgert) 693
Women In Military Service for America Memorial: appropriate funds to the Dept. of Veterans' Affairs (C. Peterson, Bruning, Dierks, Hudkins, Janssen, Kiel, McKenzie, Schmitt, Stuhr, Suttle, Vrtiska, Robak, Hilgert, Bromm) 755
Women In Military Service for America Memorial: appropriate funds to the Dept. of Veterans' Affairs (Bromm, Cudaback) 795

MINERALS, OIL, AND NATURAL GAS (See also Petroleum Products; Energy)

Appraisals of oil and gas interests: authorize contracts (Matzke, Elmer, Wickersham) 334
Natural gas and telecommunications services: allow cooperating municipalities and public power districts to provide (Beutler, Bohlke, Bromm, Elmer, McKenzie, Preister, Schrock) 506

LB

Natural gas regulation: redefine terms and change provisions for regulation of rates and enforcement of the regulation (Bromm, Preister)........ 318
Oil and Gas Conservation Fund: change provisions relating to the maximum amount of a production charge (Matzke, Elmer, Hillman, Wickersham)........ 97
Petroleum regulation: change provisions for rules and regulations (Natural Resources Committee)........ 517
Petroleum regulation: change provisions for rules and regulations (Beutler) Appropriation bill........ 517A

MINORS (See Children; Infants)

MISSOURI-NEBRASKA BOUNDARY COMPACT OF 1971
Boundary line between Missouri and Nebraska: change provisions (Wehrbein)........ 59

MONEY AND FINANCING
Blighted and substandard areas: change provisions for designation under the Nebr. Redevelopment Act (Withem, Brashear, Brown, Warner)........ 344

MOTOR CARRIERS (See also Motor Vehicles)
Federal Motor Carrier Safety Regulations and Hazardous Material Regulations: provide for state adoption (Transportation Committee)........ 722

MOTOR VEHICLE FUELS (See also Petroleum Products; Ethanol)
Gasoline sold in Nebr.: establish a standard (Natural Resources Committee)........ 297
Tax rate: provide a decrease in the fuel tax rate for gasohol (Schrock, Bromm, Cudaback, Elmer, Engel, McKenzie, Robinson, Schellpeper, Stuhr, Vrtiska)........ 617

MOTOR VEHICLE OPERATOR'S LICENSE ACT
Driver education and training courses: require for persons subject to license suspension, revocation or impoundment (Crosby)........ 133
Driver's licenses: change provisions relating to renewal for military personnel (Cudaback, Schrock)........ 22
Learner's permits: change provisions and require a driver improvement course for minors (Bohlke, Crosby, Engel, Kristensen)........ 320
Mopeds: provide for operator's permits (Robak)........ 220
Provisional operator's permits: provide (Bohlke, Crosby, Engel, Kristensen)........ 320
State identification cards: change provisions (Cudaback)........ 21

MOTOR VEHICLE RECORDS DISCLOSURE ACT, UNIFORM
Adopt (Kristensen)........ 635
Adopt (Kristensen) Appropriation bill........ 635A

MOTOR VEHICLES
Assault on educational employees: provide for suspension of drivers' licenses (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen)........ 648
Cameras: authorize the use of an automated traffic enforcement system for detection of moving traffic violations (Engel, Robinson, Dw. Pedersen)........ 881
Cargo area or tailgate of certain vehicles: prohibit passengers and provide a penalty (Robak, Crosby, Dw. Pedersen)........ 143
Cellular telephones: restrict the use of while operating a motor vehicle (Crosby, Schmitt)........ 338
Certificates of title, odometers, proof of financial responsibility and registration: change provisions (Transportation Committee)........ 720
Cranes: change weight restrictions for rubber-tired cranes (Janssen, Hillman, Preister)........ 226
Credit cards, charge cards and debit cards: allow county government to accept cards as a method of payment of assessments (Cudaback, Robinson, Schrock, Vrtiska)........ 70

LB

Driver education and training courses: require for persons subject to license suspension, revocation or impoundment (Crosby) 133

Driver's license revocation: change provisions and provide for an application with the Board of Pardons (Will) 377

Driver's license suspension: provide clarifying language relating to sentencing provisions (Brashear) 772

Driver's licenses, state identification cards and fees: change provisions (Coordsen) 354

Driver's licenses: change provisions for renewal (Coordsen) 328

Driver's licenses: change provisions relating to renewal for military personnel (Cudaback, Schrock) 22

Driver's licenses: change provisions relating to suspension and revocation (Coordsen) 10

Driver's licenses: change provisions relating to suspension and revocation (Coordsen) Appropriation bill 10A

Driver's licenses: change provisions relating to truancy and provide for denial of eligibility for licenses and permits (Brown) 438

Driving or boating under the influence of alcohol or a controlled substance: provide for blood specimen certificates (Kristensen, Crosby, Vrtiska) 210

Driving under the influence: change provisions (Bruning) 26

Driving under the influence: change provisions for penalties, driver's license suspension, revocation or vehicle impoundment (Transportation Committee, Crosby) 309

Driving under the influence: define "refusal to take a chemical test" and change hearing procedures and penalties (Crosby, Kristensen, Schimek) 464

Driving under the influence: lower the prohibited concentration of alcohol for conviction (Crosby, Dierks, Hudkins, Jensen, Jones, Preister, Schrock, Vrtiska, Wehrbein) 239

Environmental Heritage License Plates, Nebr.: provide (Beutler, Preister) 494

Fees and renewal and transfer of license plates: change provisions (Cudaback) 694

Fees: provide and eliminate provisions for valuation and taxation (Warner, Coordsen, Hartnett, Kristensen, Schellpeper, Wickersham) 271

Fees: provide and eliminate provisions for valuation and taxation (Coordsen) Appropriation bill 271A

Felonies: change provisions for being an accessory (Abboud, Hudkins, Janssen, Stuhr) 440

Financial responsibility, proof of: change requirements for nonresidents (Coordsen) 10

Fuel: provide a decrease in the fuel tax rate for gasohol (Schrock, Bromm, Cudaback, Elmer, Engel, McKenzie, Robinson, Schellpeper, Stuhr, Vrtiska) 617

Handicapped or disabled persons: change provisions relating to issuance of license plates (Lynch) 300

Handicapped parking permits: change provisions for renewal for permanent permits (Schimek) 836

Identification inspection program: eliminate provisions (Coordsen) 463

Impeding traffic: change provisions (Brashear) 76

Insurance: change provisions relating to rating systems for automobile liability policies (Preister, Chambers, Hilgert) 159

Learner's permits: change provisions and require a driver improvement course for minors (Bohlke, Crosby, Engel, Kristensen) 320

Leased commercial motor vehicles: provide workers' compensation for employment involving vehicles (Vrtiska, Brashear, Bromm, Bruning, Coordsen, Crosby, Cudaback, Hudkins, Jensen, Jones, Kristensen, Landis, Matzke, Maurstad, Dw. Pedersen, Robinson, Schmitt, Schrock, Stuhr, Warner, Wehrbein, Wesely, Witek, Tyson, Abboud) 474

Leased trucks: change provisions relating to liability for damages (Dw. Pedersen) 527

Length: change provisions relating to overall vehicle length (Transportation Committee) 721

License plates: change provisions relating to license plates issued to handicapped or disabled persons (Cudaback, Lynch, Schrock) 72

LB

License plates: change provisions relating to the number and placement of on certain vehicles (Coordsen)........ 9

License plates: provide for brand license plates (Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham)........ 640

License plates: provide for issuance every five years (Jones)........ 156

License plates: provide for issuance of one license plate (Schmitt)........ 564

License Suspension Act: adopt (Beutler, Brown, at the request of the Governor)........ 752

License Suspension Act: adopt (Beutler) Appropriation bill........ 752A

Lights: change provisions (Robak)........ 368

Lights: change provisions relating to use (Brashear)........ 75

Minors in possession of alcohol: change provisions for suspension of driver's licenses (Dw. Pedersen, Crosby)........ 603

Minors in possession of alcohol: change provisions for suspension of driver's licenses (Dw. Pedersen) Appropriation bill........ 603A

Mopeds: provide for operator's permits (Robak)........ 220

Motor vehicles taxes: change provisions (Revenue Committee, Maurstad)........ 45CA

Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen)........ 635

Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen) Appropriation bill........ 635A

Motorboat registration renewals: provide for electronic issuance (Natural Resources Committee)........ 172

Municipalities: authorize to enact ordinances which apply the Nebraska Rules of the Road (Bohlke)........ 353

Nebraska Cornhusker Spirit Plates: change provisions (Brashear, Wehrbein)........ 74

Overloading of vehicles: change provisions and provide liability for the owner of the load (Robak)........ 477

Overweight vehicles: change provisions (Dierks)........ 261

Police chases: change penalty provisions for operating a motor vehicle to avoid arrest (Maurstad, Brown)........ 218

Pretrial diversion programs: provide for persons charged with minor traffic offenses and provide for fees (Schmitt, Jensen)........ 565

Propelled vehicles: change a penalty for unauthorized use (Witek)........ 290

Provisional operator's permits: provide (Bohlke, Crosby, Engel, Kristensen)........ 320

Purchases from the state or a political subdivision: eliminate a provision (Hilgert, Kiel)........ 529

Registration fees: change provisions and credit to the Recreation Trails Fund (Beutler)........ 516

Sales tax collection on vehicles purchased in another state: change provisions (Revenue Committee)........ 62

School buses: require seatbelts (Robak)........ 366

School crossing zones: provide penalties for speeding, failure to yield and overtaking and passing (Robak, Crosby, Maurstad, Schimek, Withem, Abboud)........ 91

Snowmobiles: exempt persons hunting coyotes from certain snowmobile safety provisions (Wickersham, Dierks, Jones)........ 332

Special interest license plates: provide (Wickersham)........ 231

Special permits for vehicles which exceed size and weight restrictions: change provisions (Schrock, Coordsen)........ 402

Splash aprons and flaps: provide for new motor vehicles (Robak)........ 295

State identification cards: change provisions (Cudaback)........ 21

Stolen motor vehicles and major component parts: prohibit acts (Brown, Cudaback, Jensen, Lynch, Maurstad, Dw. Pedersen)........ 265

Taxation: change provisions (Schellpeper, Preister)........ 86

Taxation: change provisions (Schellpeper) Appropriation bill........ 86A

Taxation: change provisions (McKenzie)........ 429

Tires, scrap: change provisions for disbursements from the Waste Reduction and Recycling Incentive Fund (Robinson, Schimek, at the request of the Governor)........ 594

Tractors: change and eliminate provisions for the testing and sale of current tractor models (Dierks)........ 192

Trucks: allow for use of longer trucks to transport sugar beets from collection points to refining plants (Matzke, Hillman, Wickersham)........ 122

LB

Undercover license plates and driver's licenses: provide (Kristensen)....... 256
Undercover license plates and driver's licenses: provide (Kristensen) Appropriation bill....... 256A
Uninsured and underinsured motorist insurance: change provisions relating to settlements (Landis)....... 336
Unregistered motor vehicles: change provisions (Hilgert, Kiel)....... 529
Unregistered motor vehicles: change provisions relating to operating or parking an unregistered motor vehicle (Engel, Brashear, Hartnett, Hillman, Robinson, Schmitt)....... 880
Veterans license plates: change provisions (Wickersham)....... 231
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Abboud)....... 855

MOTOR VEHICLES, DEPARTMENT OF
Change provisions (Transportation Committee)....... 720
Child support: adopt the License Suspension Act (Beutler, Brown, at the request of the Governor)....... 752
Child support: adopt the License Suspension Act (Beutler) Appropriation bill....... 752A
Driver education and training courses: require for persons subject to license suspension, revocation or impoundment (Crosby)....... 133
Driver's licenses: change provisions relating to suspension and revocation (Coordsen)....... 10
Driver's licenses: change provisions relating to suspension and revocation (Coordsen) Appropriation bill....... 10A
Duties: provide (Will)....... 377
Duties: provide (Beutler, Preister)....... 494
Duties: provide (Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham)....... 640
Nonresident proof of financial responsibility: change requirements (Coordsen)....... 10
Nonresident proof of financial responsibility: change requirements (Coordsen) Appropriation bill....... 10A
Special interest license plates: provide (Wickersham)....... 231

MUNICIPALITIES
Disputes involving wages, rates and conditions for municipal employees: provide analysis methods by Comm. on Industrial Relations (Coordsen)....... 519
Insurance funds: change the allocation to incorporated municipalities and school districts (Will)....... 513
Levy limitations: change provisions (Maurstad)....... 831
Ordinances which apply the Nebraska Rules of the Road: authorize (Bohlke)....... 353
Sales and use tax: provide for municipalities (Janssen)....... 312
State aid: change provisions (Warner)....... 304
Tax rates within and outside municipalities: authorize the Legislature to provide for differences (Maurstad, Brown)....... 63CA
Tax rates: change provisions (Revenue Committee, Maurstad)....... 45CA

MUTUAL INSURANCE HOLDING COMPANY ACT
Adopt (Landis)....... 740

NATURAL GAS (See Minerals, Oil, and Natural Gas)

NATURAL RESOURCES
Congress: propose an amendment to the U.S. Constitution relating to protection of natural resources (Preister)....... 54LR
Geologists Regulation Act: adopt (Beutler)....... 700
Niobrara Council: state intent and appropriate funds (Beutler)....... 656
Niobrara Council: state intent and appropriate funds (Beutler) Appropriation bill....... 656A

NATURAL RESOURCES COMMISSION
Duties: provide (Stuhr, Bohlke, Maurstad, McKenzie, Schrock)....... 308

NATURAL RESOURCES DISTRICTS

LB

Drainage districts: limit tax levy authority and require merger with natural resources districts (Beutler) ... 682
Duties: provide (Stuhr, Bohlke, Maurstad, McKenzie, Schrock) ... 308
Election of directors and creation of subdistricts: change provisions (Beutler) ... 540
Eminent domain procedures: change provisions (Robinson, Janssen) ... 596
New districts: provide for creation (Tyson, Wesely) ... 747

NEGLIGENCE (See also Liability; Torts)
Counties: change provisions relating to liability insurance procurement (Schimek) ... 376
Damages caused by negligent conduct of another: provide a person's right to recover is not barred by restriction on use of fine (Will) ... 22CA
Drug Dealer Liability Act: adopt (Hudkins, Abboud, Jones, Robak, Stuhr, Vrtiska, Witek, Dw. Pedersen) ... 268
Equine activities: provide an exemption from civil liability and for the posting of warning signs (Jones, Cudaback, Dierks, Elmer, Hudkins, Schellpeper, Schmitt, Schrock, Wickersham) ... 153
Firearm ranges: define terms and provide for owner liability and immunity (Robak, Bruning, Engel, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Preister, Schellpeper, Schmitt, Schrock, Tyson, Vrtiska, Witek) ... 350
Hazardous substances: define terms and provide liability for cleanup costs as a result of a hazardous substance emergency (Tyson) ... 748
Hospital-Medical Liability Act, Nebr.: change provisions for the amount recoverable under the act (Brashear) ... 235
Insurance: change provisions relating to unfair claims settlement practices (Coordsen) ... 543
Job references: provide immunity in actions relating to job references (Bromm, Bruning, Hudkins, Jensen, Jones, Maurstad) ... 790
Leased trucks: change provisions relating to liability for damages (Dw. Pedersen) ... 527
Medical care: provide qualified immunity for certain providers at free clinics (Crosby) ... 614
Motor vehicle insurance: change provisions relating to rating systems for automobile liability policies (Preister, Chambers, Hilgert) ... 159
Overloading of vehicles: change provisions and provide liability for the owner of the load (Robak) ... 477
Product liability: change provisions for commencement (Will) ... 458
Product liability: change provisions relating to strict liability (Abboud, Hilgert) ... 442

NEPOTISM
Change provisions (Wickersham) ... 726

NEW HIRE REPORTING ACT
Adopt (Beutler, Brown, at the request of the Governor) ... 752
Adopt (Beutler) Appropriation bill ... 752A

NEWSPAPERS
Carriers: include as employees for purposes of workers' compensation (Will, Chambers) ... 100

NONPROFIT CORPORATION ACT, NEBRASKA
Corporations created to carry out a federal mandate: exempt from the act (Kristensen) ... 285
Mergers: change provisions (Brashear, Kristensen) ... 121

NONPROFIT ORGANIZATIONS (See also Charitable and Fraternal Societies)

NOXIOUS WEED CONTROL ACT (See also Weed Control)

NOXIOUS WEEDS
Change provisions (Dierks) ... 263

NUCLEAR WASTE (See also Hazardous Materials)

LB

NURSE PRACTICE ACT
Change provisions (Schrock, Cudaback, Dw. Pedersen, Schellpeper)........ 66

NURSES AND NURSING
HIV: provide for expert panels to review the status of infected health care workers (Dierks).. 195
Licensed practical nurses-certified: change provisions (Schrock, Cudaback, Dw. Pedersen, Schellpeper).................................. 66

OBSOLETE STATUTES
Banking and finance: eliminate language not eliminated as part of the enrollment and review process in Laws 1996, LB 1053 (Executive Board)... 2
Civil procedure: revisor bill to strike references to a statute that was repealed in 1983 (Executive Board)................................ 1
Joint Merit System: revisor bill to delete references (Executive Board).. 5
Small Claims Court: revisor bill to state the jurisdictional limit set by the Supreme Court (Executive Board)............................... 3
State Funds Investment Act, Nebraska: revisor bill to repeal a defined term that is no longer needed (Executive Board)....................... 4

OCCUPATIONAL AND PROFESSIONAL LICENSES (See Licenses and Permits)

OIL AND GAS CONSERVATION COMMISSION, NEBRASKA
Appraisals of oil and gas interests: authorize contracts (Matzke, Elmer, Wickersham)... 334

OILS, FUELS, AND ENERGY
Gasoline sold in Nebr.: establish a standard (Natural Resources Committee).. 297
International Fuel Tax Agreement Act: authorize local reciprocal exemption agreements (Engel, Hartnett)................................ 496
Liquefied petroleum gas: change provisions for the tax rate (Cudaback)... 576
Motor vehicle fuel: provide a decrease in the fuel tax rate for gasohol (Schrock, Bromm, Cudaback, Elmer, Engel, McKenzie, Robinson, Schellpeper, Stuhr, Vrtiska).. 617
Propane Education and Research Act: adopt (Natural Resources Committee).. 699
Tax refund motor vehicle fuel: provide a refund for school districts of the amount of tax paid (Robak).................................... 144
Wind energy: provide for wind energy easements (Preister, Bromm, Hartnett)... 140

OMAHA (See also Cities of the Metropolitan Class)
Annexation: change provisions (Dw. Pedersen, Bruning, Hartnett, Hilgert, Lynch)... 611
County treasurers: eliminate collection fees for property tax, homestead reimbursement revenue and certain special assessments (Landis, Coordsen, Kristensen, Warner, Wickersham)............................ 179
Enterprise zones: revoke the enterprise zone designation of an area located within a metropolitan class city (Chambers).................... 634
Gas furnace inspections of certain residential and commercial structures by utilities or gas companies: provide (Janssen, Hartnett)............ 708
Metropolitan utilities districts: authorize donation of certain personal property to political subdivisions (Hartnett)................. 651
Police authority: eliminate provisions relating to cities and villages (Hartnett).. 826
Service dogs: create a penalty for crimes against service dogs (Kiel, Brashear, Bruning, Coordsen, Crosby, Engel, Hartnett, Hillman, Hudkins, Jensen, Lynch, McKenzie, Dw. Pedersen, Preister, Robinson, Schrock, Witek).. 814
Slaughterhouses: prohibit establishment near residential areas (Preister, Hartnett)... 502
Sports Wagering Act: adopt (Will)..................................... 359
Transcripts of certain municipal proceedings: change provisions relating to costs (Bromm).. 319

LB

ONE-CALL NOTIFICATION SYSTEM ACT
Location assistance provided by operators: change provisions (Hillman, Cudaback, Engel, Vrtiska) 827

OPTOMETRISTS AND OPTOMETRY
Optometry: redefine the practice and authorize use of pharmaceutical agents (Schrock, Coordsen, Dierks, Elmer, Engel, Hudkins, Jones, Preister, Schmitt, Stuhr, Wickersham, Hilgert, Wehrbein, Bruning) 369

PARDONS, BOARD OF
Driver's license revocation: change provisions and provide for an application with the Board of Pardons (Will) 377
Eliminate provisions (Withem, Kristensen, Warner) 27CA

PARENTING ACT
Custody and visitation: change provisions (Beutler) 674

PARKS (See Game and Parks)

PAROLE (See also Prisoners and Prisons)

PAROLE, BOARD OF
Constitutional provisions establishing the board: eliminate provisions (Withem, Kristensen, Warner) 27CA

PARTNERSHIP ACT, UNIFORM
Adopt (Landis) 523
Adopt (Landis) Appropriation bill 523A

PARTNERSHIP FOR HEALTH AND HUMAN SERVICES ACT, NEBRASKA
Change provisions (Wesely) 307
Change provisions (Wesely) Appropriation bill 307A
Contracts: provide for legislative oversight (Hilgert) 692
Intent: provide the policy secretary report changes needed to LB 1044A, 1996 (Wehrbein, Brown, Crosby, Engel, Hillman, Kiel, Lynch, Maurstad, D. Pederson) 669
Safe Drinking Water Act, Nebr.: transfer administration to the Dept. of Environmental Quality (Wesely, Beutler, at the request of the Governor) 888

PARTNERSHIPS
Partnership Act, Uniform: adopt (Landis) 523
Partnership Act, Uniform: adopt (Landis) Appropriation bill 523A

PAUPERS AND PUBLIC ASSISTANCE (See Public Assistance)

PENSIONS (See Retirement)

PERMITS (See Licenses and Permits)

PERSONAL CARE ASSISTANCE SERVICES ACT
Adopt (Wesely) 259
Adopt (Wesely) Appropriation bill 259A

PERSONAL PROPERTY
Pawnbrokers and junk dealers: change provisions (Withem, Jensen, D. Pederson) 283
Pawnbrokers, dealers in secondhand goods or jewelry, coin dealers or junk dealers: change provisions (Landis) 728
Real estate appraisers: change provisions relating to qualifications and continuing education requirements (Beutler) 29
Unclaimed Property Act, Uniform Disposition of: provide for payment of auditing expenses (Landis) 57

PERSONAL PROPERTY TAX (See Property Tax; Revenue and Taxation)

LB

PERSONNEL BOARD, STATE
Change provisions (Landis) ... 314
Change provisions (Landis) Appropriation bill ... 314A

PERSONNEL, DIRECTOR OF
Change provisions (Landis) ... 314
Change provisions (Landis) Appropriation bill ... 314A

PESTICIDES
Application: change provisions for filing reports claiming damages as a result of application (Dierks) ... 262

PETROLEUM PRODUCTS (See also Minerals, Oil, and Natural Gas)
Appraisals of oil and gas interests: authorize contracts (Matzke, Elmer, Wickersham) ... 334
Petroleum regulation: change provisions for rules and regulations (Natural Resources Committee) ... 517
Petroleum regulation: change provisions for rules and regulations (Beutler) Appropriation bill ... 517A

PHARMACISTS AND PHARMACY
Insurance: provide reimbursement of services to pharmacists (Coordsen) ... 413
Licensing: change a provision for foreign applicants (Schrock, Elmer) ... 352

PHYSICIAN AID-IN-DYING ACT
Adopt (Chambers) ... 406

PHYSICIANS AND SURGEONS (See also Medicine and Surgery; Health Care)
Certificate of need: change provisions (Wesely) ... 450
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby, Witek) ... 798
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby) Appropriation bill ... 798A
Certificate of Need Act, Nebraska Health Care: eliminate provisions (McKenzie, Witek) ... 186
Certificate of Need Act, Nebraska Health Care: eliminate provisions (Witek) ... 219
Health care credentialing: state findings and intent and provide for a study (Wesely) ... 183
Health records: require health care providers and facilities to provide certain records without charge (Chambers) ... 69
Hospital-Medical Liability Act, Nebr.: change provisions for the amount recoverable under the act (Brashear) ... 235
HIV: provide for expert panels to review the status of infected health care workers (Dierks) ... 195
Limited service rural hospitals: provide (Wickersham, Coordsen, Dierks, Elmer, Jones, Matzke, Schellpeper, Bromm) ... 837
Medical alarm equipment: exempt from sales and use taxation (Withem, Bruning, Hartnett) ... 105
Medical care: provide qualified immunity for certain providers at free clinics (Crosby) ... 614
Medical records: require health care providers to furnish a patient's medical records to the patient (Coordsen) ... 544
Peer review committees for health clinics and health practitioner organizations and associations: authorize (Schimek) ... 222
Physician Aid-In-Dying Act: adopt (Chambers) ... 406
Statewide Trauma System Act: adopt (Wesely, Matzke, Wickersham) ... 626
Statewide Trauma System Act: adopt (Wesely) Appropriation bill ... 626A
Stress management for hospital personnel and state employees: provide (Wesely) ... 184

PICKLE CARD AND LOTTERY ACT, NEBRASKA

LB

Electronic pickle card dispensing devices: authorize use (Schellpeper)........ 522

PICKLE CARD LOTTERY ACT, NEBRASKA

Electronic pickle card dispensing devices: authorize use (Hilgert)...... 723
Pickle cards played in conjunction with the conduct of bingo: change provisions (Will)........ 732
Pickle cards: authorize use of electronic dispensing devices (Will, Hilgert)........ 98

PICKLE CARDS (See also Bingo; Gambling; Lotteries)

Electronic pickle card dispensing devices: authorize (Will, Hilgert).... 98
Electronic pickle card dispensing devices: authorize use (Schellpeper)........ 522
Electronic pickle card dispensing devices: authorize use (Hilgert)...... 723
Pickle cards played in conjunction with the conduct of bingo: change provisions (Will)........ 732

PLANE COORDINATE SYSTEM ACT, NEBRASKA

Adopt (Hillman, Robinson)........ 483

PLUMBING

Plumbing boards: change a bond requirement for members (Lynch).......... 666
Plumbing License Law: adopt (Hudkins)........ 763

POLICE OFFICERS (See also Law Enforcement)

Cameras: authorize the use of an automated traffic enforcement system for detection of moving traffic violations (Engel, Robinson, Dw. Pedersen)........ 881
Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek)........ 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill........ 465A
Police authority: eliminate provisions relating to cities and villages (Hartnett)........ 826
Police chases: change penalty provisions for operating a motor vehicle to avoid arrest (Maurstad, Brown)........ 218
Small Claims Court: require law enforcement personnel to give information to aid in collection of a judgment (Coordsen).............. 8
Ticket quota requirements: prohibit (Schmitt, Chambers)................ 162
Training costs for law enforcement officers: provide for reimbursement (Janssen, Bromm)........ 252
Training requirements: change provisions (Hudkins, Schmitt, Tyson)...... 161
Tuition credit: provide for family members of deceased public safety personnel (Hilgert, Bruning, Will)........ 267

POLITICAL ACCOUNTABILITY AND DISCLOSURE ACT

Accountability and Disclosure Commission: provide and change enforcement powers and provide for issuance of subpoenas (Brashear)..... 421
Ballot question: redefine relating to groups who intend to oppose the retention of a judge (Withem)........ 839
Campaign committees: change provisions for restrictions on contributions (Brashear, Landis, Maurstad)........ 768
Campaign contributions and expenditures: provide limits (Kristensen).... 287
Campaign contributions: prohibit acceptance of certain contributions (Brashear, Wickersham)........ 420
Campaign contributions: prohibit during legislative sessions (Bromm, Crosby, Schimek)........ 131
Campaign materials: provide restrictions on publishing and broadcasting (Beutler)........ 620
Campaign statements: change provisions for filing (Chambers)........... 632
Campaigns: prohibit the use of public property and personnel for campaigning (Brashear)........ 360

LB

Campaigns: provide filing requirements for major out-of-state contributors (Withem, Coordsen, Dierks, Robinson, Schellpeper, Schimek, Warner) ... 591
Civil penalty: change provisions (Brashear) ... 361
Conflict of interest: change and eliminate provisions (Wickersham) ... 726
Duties: provide (Brashear) ... 767
Independent committees: require reports of late expenditures by a committee and provide a penalty (Schimek, Beutler, Brashear) ... 321
Lobbyists who lobby regarding rules and regulations: require they register with the Secretary of State and provide fees (Robinson, Bromm, Brown, Cudaback, Dierks, Janssen, Jensen, Jones, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wesely, Witek) ... 638
Multiple office holding: prohibit and change provisions for filing petitions for nomination (Will) ... 382

POLITICAL ACCOUNTABILITY AND DISCLOSURE COMMISSION
Ballot question: redefine relating to groups who intend to oppose the retention of a judge (Withem) ... 839
Campaign Finance Limitation Act: change provisions for distribution of public funds and reporting (Beutler) ... 621
Campaign Finance Limitation Act: provide for enforcement and for civil and criminal penalties (Beutler) ... 678
Conflict of interest: change and eliminate provisions (Wickersham) ... 726
Conflicts of interest and dissolution of committees: change provisions (Brashear) ... 767

POLITICAL SUBDIVISIONS
Age-related ordinances, resolutions and regulations: prohibit enactment or enforcement (Will) ... 847
Cameras: authorize the use of an automated traffic enforcement system for detection of moving traffic violations (Engel, Robinson, Dw. Pedersen) ... 881
Capital construction: require state approval of certain projects proposed by political subdivisions (Warner, Schellpeper) ... 306
Counties and municipalities: provide for consolidation and creation of classified local governments (Wickersham, Coordsen, Kristensen, Warner, Hartnett, Schellpeper, Will) ... 178
County-municipal service districts and unified local governments: authorize creation (Revenue Committee) ... 177
Credit cards, charge cards and debit cards: allow county government to accept cards as a method of payment of assessments (Cudaback, Robinson, Schrock, Vrtiska) ... 70
Credit cards: authorize political subdivisions to accept for payment of fees, licenses, tax or penalties (Vrtiska, Schimek) ... 414
Delinquent taxes and special assessments owed to political subdivisions: change provisions for the interest rate (McKenzie) ... 187
Elections: change and eliminate provisions (Robinson, Matzke, Maurstad, Schimek, Withem) ... 764
Employee benefit plans: change payment requirements by certain employees and exempt certain officials from retirement plans (Kiel, Brown, McKenzie, Schrock) ... 812
Employees: change and eliminate provisions relating to conflict of interest (Wickersham) ... 726
Entry upon property by representatives of political subdivisions: provide (Elmer) ... 417
Fire protection: authorize a uniform or common levy for fire protection (Revenue Committee) ... 176
Highway Bond Act, Nebr.: provide loans to political subdivisions (Hartnett) ... 697
Integrated Solid Waste Management Act: provide for disbursements from the cash fund (Beutler, at the request of the Governor) ... 495
Libraries: change provisions (General Affairs Committee) ... 250
Local Government Innovation and Restructuring Fund: provide funding for innovation and restructuring (Warner) ... 305
Metropolitan utilities districts: authorize donation of certain personal property to political subdivisions (Hartnett) ... 651

LB

Motor vehicle purchases from the state or a political subdivision: eliminate a provision (Hilgert, Kiel) ... 529

Payments in lieu of taxes for certain tax-exempt property: authorize local governments to levy (Wickersham, Coordsen, Landis, Warner, Will) ... 181

Property tax: provide financial assistance to political subdivisions that lose revenue due to the ceding of land to other states (Vrtiska) ... 169

Rent control for certain persons: authorize (Schimek) ... 481

Rent, controlling of: prohibit (Hartnett, Preister) ... 487

Sanitary and improvement districts: authorize contracts for intersection and traffic control improvements (Hartnett, Bruning, Jensen, Withem) ... 589

Service of summons: change provisions (Robak) ... 165

Special election regarding tax levy authority: permit election officials to establish a uniform date (Warner) ... 343

Telecommunications: authorize services by cities and villages (Kristensen) ... 688

Unfunded mandates: require the Legislature to appropriate funds to political subdivisions (Coordsen) ... 2CA

POLLUTION (See also Environmental Control and Protection)

Emission fee collected from air pollution sources: change provisions (Bohlke, Janssen, C. Peterson) ... 707

Hydrogen sulfide gas: establish air quality standards (Beutler, Engel) ... 655

Littering and solid waste: change provisions relating to penalties (Beutler) ... 679

POSTSECONDARY EDUCATION (See also Universities and Colleges)

Athlete Agent Registration and Accountability Act: adopt (Brashear, Will) ... 766

Athlete Agent Registration and Accountability Act: adopt (Brashear) Appropriation bill ... 766A

Capital construction projects: change provisions relating to approval (Wehrbein) ... 586

Community colleges: change and eliminate provisions relating to funding (Schrock, Coordsen, Schellpeper, Vrtiska) ... 719

Community colleges: change provisions for funding and tax levies (Bohlke, Beutler, Brown, Coordsen, Crosby, Cudaback, Elmer, Engel, Hartnett, Hillman, Kiel, Kristensen, Lynch, Matzke, Maurstad, McKenzie, D. Pederson, Stuhr, Suttle, Tyson, Vrtiska, Warner, Wehrbein, Wickersham, Schimek) ... 408

Community colleges: provide for placing under the governance of the Board of Trustees of the Nebr. State Colleges (Wickersham, Bromm, Coordsen, Cudaback, Elmer, Hartnett, Hillman, Hudkins, Janssen, Jones, McKenzie, Robinson, Schellpeper, Schmitt, Schrock, Vrtiska) ... 823

Educational Finance Authority Act, Nebr.: redefine a term (Hartnett, Brown, Jensen) ... 303

Full-time college students: provide an exemption from jury duty (Stuhr) ... 73

Loan default cost fees: change provisions (Bohlke) ... 715

Nebraska State Colleges: provide funding for capital construction projects (Wesely, Crosby, Lynch) ... 857

Postsecondary Education Award Program: appropriate funds (Lynch, Crosby, Engel, Kiel) ... 645

Postsecondary Education Expense Act: adopt (Kristensen) ... 475

Quality Work Force Academic Grant Program Act: adopt (Kiel, Brown, Bruning, Coordsen, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Lynch, McKenzie, D. Pederson, C. Peterson, Preister, Robinson, Schimek, Schrock, Stuhr, Suttle, Tyson, at the request of the Governor) ... 813

Resident Health Education Tuition Assistance Grant Program Act: adopt (McKenzie) ... 773

Resident Tuition Assistance Grant Program Act: adopt (Robinson, Abboud, Crosby, Hartnett, Hilgert, Janssen, Jensen, Lynch, Dw. Pedersen, Stuhr, Will) ... 639

State colleges: provide funds for capital improvements (Hillman, Engel, Schellpeper, Tyson, Wickersham) ... 394

LB

Tuition credit for members of the Nebr. based unit of the Active Selective Reserve of the armed forces: change provisions (Schmitt)..... 709
Tuition credit: provide for family members of deceased public safety personnel (Hilgert, Bruning, Will).................................. 267
University of Nebraska Institute of Agriculture and Natural Resources: change provisions relating to research lands (Warner).................. 13
University of Nebraska Medical Center: require persons who contract for construction to provide health care coverage (Preister, Will, Lynch, Hilgert, Hartnett).. 618
University of Nebraska: appropriate funds for salaries for cooperative extension educators and assistants (Wehrbein, Stuhr, Coordsen, Bromm, Jones, Hillman, Warner, Vrtiska, Hudkins)............................ 164
University of Nebraska: create the Center for Policy Studies (Wesely)... 859
University of Nebraska: create the Excellence in Higher Education Fund Act (Wesely, Beutler, Crosby, Landis, Schimek)......................... 858
University of Nebraska: provide funding for capital construction projects (Wesely, Crosby, Lynch)....................................... 857

POSTSECONDARY EDUCATION EXPENSE ACT
Adopt (Kristensen).. 475

POSTSECONDARY EDUCATION, COORDINATING COMMISSION FOR
Seamless Delivery System Pilot Project: provide (Hillman, Brashear, Crosby, D. Pederson, Tyson, Wickersham, Bohlke)........................ 835
Seamless Delivery System Pilot Project: provide (Hillman) Appropriation bill.. 835A

POWER (See Public Power)

PRISONERS AND PRISONS
Custody and maintenance: change provisions (Cudaback).................. 695
Health care and treatment: change provisions relating to costs and disciplinary restrictions and procedures (Brashear, at the request of the Governor)... 769
Indeterminate sentences: change and provide provisions (Chambers)....... 405
Inmate dispositions and testimony: change provisions (Crosby).......... 94
Inmate dispositions and testimony: change provisions (Crosby) Appropriation bill.. 94A
Inmates, parolees and probationers: authorize to be undercover agents (Stuhr, Bromm, Hudkins, Witek)...................................... 48
Inmates: change provisions relating to employment (Dw. Pedersen)........ 88
Inmates: change provisions relating to visitation (Dw. Pedersen)........ 87
Jails: provide first & second class cities, villages and certain counties maintain jails under Interlocal Cooperation agreements (Hartnett).. 825
Medical services for individuals who are arrested, detained or incarcerated: provide for responsibility for payment of costs (Crosby, Wesely).. 841
Medium-minimum security adult correction facility: authorize construction and appropriate funds (Maurstad)......................... 150
Mental health therapy: provide under the Nebr. Treatment and Corrections Act (Dw. Pedersen)...................................... 274
Prisoners: change provisions for actions brought by prisoners and informally name the Nebr. Prison Litigation Reform Act of 1997 (Bromm, Engel, Hudkins, Jensen, Maurstad, D. Pederson, Schrock, Witek).......... 508
Probation Administration Act, Nebr.: provide for the payment of supervision fees as prescribed as a condition of probation (Hilgert).... 879
Rules and regulations relating to rights, privileges and opportunities of the inmates: provide for adopting and promulgating (Dw. Pedersen)... 761
State law violations: require the state to pay costs (Wickersham)....... 816
Work camps, incarceration: create (Engel, Crosby, Dierks, Jones, Kiel, D. Pederson, Robinson, Schrock, Vrtiska, Wehrbein, Witek, Preister, Abboud, at the request of the Governor)...................................... 882
Work camps, incarceration: create (Engel) Appropriation bill.......... 882A

PROBATION

LB
Probation Administration Act, Nebr.: provide for the payment of supervision fees as prescribed as a condition of probation (Hilgert).... 879
Work camps, incarceration: create (Engel, Crosby, Dierks, Jones, Kiel, D. Pederson, Robinson, Schrock, Vrtiska, Wehrbein, Witek, Preister, Abboud, at the request of the Governor).. 882
Work camps, incarceration: create (Engel) Appropriation bill.......... 882A

PROBATION ADMINISTRATION ACT, NEBRASKA
Supervision fees: provide for payment as a condition of probation (Hilgert).. 879

PROPANE EDUCATION AND RESEARCH ACT
Adopt (Natural Resources Committee).................................. 699

PROPERTY (See Real Property; Personal Property)

PROPERTY TAX (See also Revenue and Taxation)
Agricultural or horticultural land located near federally designated scenic rivers: provide for special valuation (Dierks)................. 190
Change provisions (Revenue Committee).................................. 270
Change provisions (Kristensen) Appropriation bill..................... 270A
Change provisions (Cudaback, Schrock, Vrtiska)......................... 468
Community College Property Tax Relief Fund: create (Bohlke, Beutler, Brown, Coordsen, Crosby, Cudaback, Elmer, Engel, Hartnett, Hillman, Kiel, Kristensen, Lynch, Matzke, Maurstad, McKenzie, D. Pederson, Stuhr, Suttle, Tyson, Vrtiska, Warner, Wehrbein, Wickersham, Schimek).................. 408
County income tax: authorize and provide a property tax credit (Janssen, Vrtiska).. 311
County treasurers: eliminate collection fees for property tax, homestead reimbursement revenue and certain special assessments (Landis, Coordsen, Kristensen, Warner, Wickersham)............................. 179
Equalization, State Board of: transfer powers and duties to the Tax Equalization and Review Commission (Kristensen, Hartnett, Landis, Schellpeper, Warner, Coordsen)... 397
Financial assistance: provide to political subdivisions that lose revenue due to the ceding of land to other states (Vrtiska)............ 169
Homesteads: authorize a state refund for increased property taxes imposed on homesteads (Will, Jensen).................................. 498
Levies: change procedures relating to preliminary levies (Vrtiska)...... 691
Levies: change provisions for determining and certifying (Revenue Committee)... 269
Levies: change provisions for determining and certifying (Kristensen) Appropriation bill.. 269A
Local Option Property Tax Relief Committee: create (Janssen, at the request of the Governor).. 804
Personal property tax exemption: provide for investments in certain business property (Hudkins, Jones, Stuhr, Wehrbein).................... 224
Possessory interests: provide for property taxation (Coordsen, Kristensen, Landis, Warner, Wickersham).............................. 180
Property tax levy calculations: provide value adjustments (Lynch)....... 821
Property Tax Relief Fund: create (Warner).............................. 411
Property Tax Replacement Fund: create (Vrtiska)........................ 169
Replacement tangible personal property: provide for the manner of taxing (Schellpeper)... 84
Tax Commissioner Revolving Fund: rename the Property Tax Division Revolving Fund (Revenue Committee)..................................... 270
Tax Commissioner Revolving Fund: rename the Property Tax Division Revolving Fund (Kristensen) Appropriation bill......................... 270A
Work-off programs: authorize (Landis)................................... 20

PROPERTY TAX ADMINISTRATOR
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt).......................... 583
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham) Appropriation bill............ 583A
Duties: provide (Vrtiska)... 169

LB

Powers and duties: change provisions (Revenue Committee) 270
Powers and duties: change provisions (Kristensen) Appropriation bill 270A

PROTECTION FROM DOMESTIC ABUSE ACT

Court and enforcement fees: eliminate certain fees (Hillman, Brown, Kiel, McKenzie, C. Peterson, Suttle) 393
Court and enforcement fees: eliminate certain fees (Hillman) Appropriation bill 393A
Foreign protection orders: authorize full faith and credit be accorded valid orders (Hillman, Brown, Kiel, Schimek) 829
Foreign protection orders: authorize full faith and credit be accorded valid orders (Hillman) Appropriation bill 829A
Incident report form: provide for creation (Schimek, Crosby, Hillman) 448

PRUDENT INVESTOR ACT, NEBRASKA UNIFORM

Adopt (Landis) 54

PSYCHOLOGISTS AND PSYCHOLOGY (See also Mental Health)

Clinical privileges: change provisions (Schimek) 92

PUBLIC ACCOUNTANCY ACT OF 1957

Change provisions (Landis) 114
Change provisions (Landis) Appropriation bill 114A

PUBLIC ADVOCACY, NEBR. COMMISSION ON

Indigent defense: change provisions relating to funding and cost of defense (Kristensen) 108

PUBLIC ASSISTANCE

Aid to dependent children: eliminate provisions (Wesely, Chambers, at the request of the Governor) 864
Aid to dependent children: eliminate provisions (Wesely) Appropriation bill 864A
Assisted-living facilities: provide for and eliminate provisions relating to residential care and domiciliary facilities (Wesely) 608
Community-State Partnership Act: adopt (Wesely, Withem, at the request of the Governor) 587
Food stamp assistance: provide state-funded assistance for certain residents (Chambers) 633
Food stamp assistance: provide state-funded assistance for certain residents (Chambers) Appropriation bill 633A
Health care services: transfer duties relating to providing services from counties to the state (Wesely) 871
Integrated Health Services Plan Act: adopt (Wesely, Withem, at the request of the Governor) 587
Legal services for the indigent: provide fees and create a fund (Landis) 729
Legal services for the indigent: provide fees and create a fund (Landis) Appropriation bill 729A
Managed care: provide for enrollment in and switching between plans for medicaid recipients (Wesely) 258
Medical assistance: change provisions relating to qualification for certain programs and services (Wesely) 782
Medical assistance: change provisions relating to qualification for certain programs and services (Wesely) Appropriation bill 782A
Medical care: provide qualified immunity for certain providers at free clinics (Crosby) 614
Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) 340
Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) Appropriation bill 340A
Welfare reform waivers: eliminate provisions (Wesely, Chambers, at the request of the Governor) 864
Welfare reform waivers: eliminate provisions (Wesely) Appropriation bill 864A

LB

PUBLIC COUNSEL

Effectiveness Act, State Government: change provisions relating to duties (Landis).......... 15

PUBLIC EMPLOYEES (See also State Employees)

Deferred compensation: change provisions (Wickersham).......... 330
Employee buy-out programs: authorize (Brown, Maurstad).......... 878
Employee buy-out programs: authorize (Brown) Appropriation bill.......... 878A
Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers).......... 459
Employees Retirement Act, State: change provisions relating to investments and contributions (Crosby).......... 337
Health insurance benefits: authorize for certain benefits for temporary state employees (Wesely).......... 781
Personnel, Director of and the State Personnel Board: change provisions (Landis).......... 314
Personnel, Director of and the State Personnel Board: change provisions (Landis) Appropriation bill.......... 314A
Salaries: appropriate funds for salary increases (Speaker Withem, at the request of the Governor).......... 387
Smoking in state buildings and vehicles: prohibit (Preister, Dierks, Hartnett, Jensen, Matzke, Robinson).......... 375
State agencies: require performance evaluations of the administrative head of certain agencies (Wickersham, Warner).......... 500
Stress management for hospital personnel and state employees: provide (Wesely).......... 184
Termination benefits: change provisions under the State Employees Retirement Act (Crosby).......... 96

PUBLIC EMPLOYEES RETIREMENT BOARD (See Retirement Board, Public Employees)

PUBLIC FUNDS DEPOSIT SECURITY ACT

Change provisions (Jensen, Witek).......... 275

PUBLIC HEALTH AND WELFARE (See also Health, Department of; Social Services, Department of

Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke).......... 132
Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke) Appropriation bill.......... 132A
Assisted-living facilities: provide for and eliminate provisions relating to residential care and domiciliary facilities (Wesely).......... 608
Athletic trainers: change provisions relating to practices allowed (Dw. Pedersen).......... 762
AIDS, HIV or cancer: require insurance coverage for certain drugs used in treatment (Suttle, Schimek).......... 849
Blind and Visually Impaired Act, Commission for the: adopt (Crosby, Lynch, Dw. Pedersen, Will, Witek).......... 341
Board of health regulations, laboratory notifications and liability for certain examination: change provisions (Dierks).......... 197
Centers for Independent Living Act: adopt (Wesely).......... 259
Centers for Independent Living Act: adopt (Wesely) Appropriation bill.......... 259A
Certificate of need: change provisions (Wesely).......... 450
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby, Witek).......... 798
Certificate of need: provide an exemption for hospitals in primary class cities establishing a full service cardiology program (Crosby) Appropriation bill.......... 798A
Certificate of Need Act, Nebraska Health Care: eliminate provisions (McKenzie, Witek).......... 186
Certificate of Need Act, Nebraska Health Care: eliminate provisions (Witek).......... 219
Change provisions (Health and Human Services Committee).......... 622

LB
Change provisions (Wesely) Appropriation bill........................ 622A
Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen, Bohlke, Schimek)...... 310
Child care: provide for nonexpiring licenses and change provisions relating to inspections and enforcement (Janssen) Appropriation bill.. 310A
City-county health departments: provide new procedures for establishing (Wesely)... 185
Community-Based Neurobehavioral Rehabilitation Act: adopt (Lynch, Coordsen, Crosby, Hartnett, Stuhr).................................... 803
Community-State Partnership Act: adopt (Wesely, Withem, at the request of the Governor)... 587
Controlled substances: restrict the dispensing of certain substances (Dw. Pedersen).. 472
Court ordered placement of children: change provisions relating to costs of treatment and health care (Brashear, at the request of the Governor)... 769
Developmental disabilities services: provide for contracts to review the quality of life and services (Wesely)............................ 451
Diabetes-related equipment, supplies, medications and education: require insurance coverage (Schimek, Janssen, Preister, Stuhr, Suttle)... 326
DNA analysis: provide for confidentiality and ownership of analysis results (Brown, Dw. Pedersen, Schimek)................................ 266
Emergency medical technician-A/D services: change provisions (Janssen, Schmitt, Vrtiska)... 166
Emergency Medical Services Act: adopt (Wickersham, Engel, Hillman, Jones, Matzke, Schmitt, Vrtiska, Wesely)............................ 138
Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie)... 579
Environmental Lead Hazard Control Act: rename and define and redefine terms (McKenzie) Appropriation bill................................ 579A
Experimental or nontraditional practice or therapy: prohibit disciplinary action based solely on practices (Schmitt, Dierks)......... 146
Fire, health and safety officials: authorize issuance of citations in lieu of arrest (Brown, Hilgert, Kiel)................................ 109
Gas furnace inspections of certain residential and commercial structures by utilities or gas companies: provide (Janssen, Hartnett)............ 708
Health care credentialing: state findings and intent and provide for a study (Wesely)... 183
Health carriers: prohibit certain acts by health carriers relating to health care providers and services (Matzke).......................... 754
Health insurance: establish requirements for health coverages (Banking, at the request of the Governor)...................................... 862
Health records: require health care providers and facilities to provide certain records without charge (Chambers)............................ 69
Hearing Impaired, Commission for the: change the name, membership and duties of the commission (Crosby, Dw. Pedersen)....................... 851
Hearing Impaired, Commission for the: change the name, membership and duties of the commission (Crosby) Appropriation bill................. 851A
Housing Agency Act, Nebr.: adopt (Urban Affairs Committee)............. 876
HIV home collection kits: require certain labels (Dierks).............. 619
HIV: exempt home collection kits from informed consent requirements (Dierks)... 194
HIV: provide for expert panels to review the status of infected health care workers (Dierks).. 195
Industrial Hygienist Title Protection Act, Certified: adopt (Brashear)... 558
Infertility treatment and procedures: require insurance coverage (Crosby, Will)... 432
Inmates: change provisions relating to costs of treatment and health care (Brashear, at the request of the Governor)...................... 769
Integrated Health Services Plan Act: adopt (Wesely, Withem, at the request of the Governor).. 587
Joint disorders: require health insurance coverage for certain joint disorders (Crosby)... 800
Kids First Health Care Act: adopt (Beutler).......................... 675

LB

Licensed practical nurses-certified: change provisions (Schrock, Cudaback, Dw. Pedersen, Schellpeper)........ 66

Limited service rural hospitals: provide (Wickersham, Coordsen, Dierks, Elmer, Jones, Matzke, Schellpeper, Bromm)........ 837

Managed care: provide for enrollment in and switching between plans for medicaid recipients (Wesely)........ 258

Managed Care Patient Protection Act: adopt (Wesely, Matzke, Schimek).... 279

Medical alarm equipment: exempt from sales and use taxation (Withem, Bruning, Hartnett)........ 105

Medical assistance: change provisions relating to qualification for certain programs and services (Wesely)........ 782

Medical assistance: change provisions relating to qualification for certain programs and services (Wesely) Appropriation bill........ 782A

Medical care: provide qualified immunity for certain providers at free clinics (Crosby)........ 614

Medical expenses of a minor child in a divorce or legal separation: provide both parents are liable (Kristensen)........ 785

Medical records: require health care providers to furnish a patient's medical records to the patient (Coordsen)........ 544

Medical services for individuals who are arrested, detained or incarcerated: provide for responsibility for payment of costs (Crosby, Wesely)........ 841

Medication Aide Act: adopt (Wesely)........ 783

Mental health care: provide rights for patients (Robak)........ 243

Mental health commitment petitions and dispositions: provide notice to victims (Wesely)........ 325

Mental health programs: state findings and intent relating to funding (Wesely)........ 609

Mental health services: state intent and provide for psychiatric or psychosocial rehabilitation (Robak)........ 736

Mental illnesses: require insurance coverages for serious illnesses (Robak, Chambers, Hillman)........ 83

Mental Health Commitment Act, Nebr.: provide the act is applicable to juveniles (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr)........ 757

Mentally ill persons: change provisions relating to a personal needs allowance (Crosby)........ 340

Mentally ill persons: change provisions relating to a personal needs allowance (Crosby) Appropriation bill........ 340A

Metabolic diseases, inherited: require insurance coverage for necessary formulas and low-protein foods for treatment (Wesely, Crosby, Hilgert)........ 515

Metabolic diseases: provide a fee for screening infants for metabolic diseases (Wesely)........ 610

Metabolic diseases: provide a fee for screening infants for metabolic diseases (Wesely) Appropriation bill........ 610A

Optometry: redefine the practice and authorize use of pharmaceutical agents by optometrists (Schrock, Coordsen, Dierks, Elmer, Engel, Hudkins, Jones, Preister, Schmitt, Stuhr, Wickersham, Hilgert, Wehrbein, Bruning)........ 369

Parents of All Ages Program: appropriate funds to the Dept. of Health and Human Services Finance and Support (Maurstad)........ 833

Partial-birth abortions: define terms and provide penalties (Hilgert, Bruning, Engel, Jensen, Schrock, Vrtiska, Dw. Pedersen)........ 217

Partial-birth abortions: prohibit (Witek, Crosby, Dierks, Jensen, Maurstad, Preister, Bruning, Jones)........ 167

Partnership for Health & Human Services Act, Nebr.: state intent that the policy secretary report changes needed to LB1044A, 1996 (Wehrbein, Brown, Crosby, Engel, Hillman, Kiel, Lynch, Maurstad, D. Pederson)...... 669

Partnership for Health and Human Services Act, Nebr.: change provisions (Wesely)........ 307

Partnership for Health and Human Services Act, Nebr.: change provisions (Wesely) Appropriation bill........ 307A

Partnership for Health and Human Services Act, Nebr.: provide legislative oversight for contracts (Hilgert)........ 692

Peer review committees for health clinics and health practitioner organizations and associations: authorize (Schimek)........ 222

LB

Personal Care Assistance Services Act: adopt (Wesely).................. 259

Personal Care Assistance Services Act: adopt (Wesely) Appropriation bill.. 259A

Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins, Crosby, Lynch, Schrock, Stuhr, Vrtiska)... 485

Persons determined to be mentally incompetent: change provisions for examination and maintenance costs (Hudkins) Appropriation bill........ 485A

Pharmacists: change a licensing provision for foreign applicants (Schrock, Elmer)... 352

Pharmacy services: provide reimbursement to pharmacists by insurance companies (Coordsen)... 413

Physician Aid-In-Dying Act: adopt (Chambers)........................... 406

Psychologists: change provisions relating to clinical privileges (Schimek).. 92

Resident Health Education Tuition Assistance Grant Program Act: adopt (McKenzie)... 773

Rural Health Systems and Professional Incentive Act: change provisions relating to eligible professions under the act (Dierks)................ 577

Rural Health Systems and Professional Incentive Act: change provisions relating to eligible professions under the act (Dierks) Appropriation bill.. 577A

Safe Drinking Water Act, Nebr.: provide for loans to public water supply systems (Beutler, Preister, at the request of the Governor)...... 518

Safe Drinking Water Act, Nebr.: transfer administration to the Dept. of Environmental Quality (Wesely, Beutler, at the request of the Governor)... 888

Services: transfer duties relating to providing services from counties to the state (Wesely).. 871

Statewide Trauma System Act: adopt (Wesely, Matzke, Wickersham)......... 626

Statewide Trauma System Act: adopt (Wesely) Appropriation bill........ 626A

Stress management for hospital personnel and state employees: provide (Wesely)... 184

Temporary state employees: authorize certain health insurance benefits (Wesely)... 781

Uniform licensing law: change provisions for reinstatement of certain revoked licenses, certificates and registrations (Kristensen).......... 476

Uniform Licensing Law: redefine the practice of medicine and surgery (Wesely)... 452

Veterinarians: create a veterinarian-client privilege (Dierks).......... 191

Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Abboud).............................. 855

Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: adopt (Urban Affairs Committee).............. 872

Workplace inspections by the Dept. of Labor: provide for reasonable notice or a search warrant (Brashear)................................ 557

PUBLIC INSTITUTIONS (See State Institutions)

PUBLIC LANDS, BUILDINGS AND FUNDS

Educational Lands and Funds, Board of: change provisions relating to appraisals, leases and board duties (Legislative Program Evaluation Committee)... 843

Energy financing contracts: provide (Jensen, Maurstad).................. 776

School lands: provide a duty for the Board of Educational Lands and Funds and change provisions for administrative costs (Legislative Program Evaluation Committee).. 547

State agency purchases, vacant state buildings, building renewal and state personnel: change provisions (Landis).......................... 553

State funds, investment of: change provisions relating to the Nebr. Capital Expansion Act (Jensen, Witek)................................. 275

State funds, investment of: change provisions relating to the Public Funds Deposit Security Act (Jensen, Witek)........................... 275

State Funds Investment Act, Nebraska: revisor bill to repeal a defined term that is no longer needed (Executive Board)...................... 4

PUBLIC LETTINGS (See also Bids and Bidding)

LB

PUBLIC OFFICERS (See State Officers)

PUBLIC POWER (See also Public Power Districts)
Electric utilities: state intent and provide requirements for reorganization, consolidation or merger (Beutler) 744
Electricity: require net billing for certain electricity generators (Schimek, Kiel, Preister) 501
Legislature: provide appropriations to the Legislative Council for a study of the consumer-owned electric industry in Nebraska (Beutler) 681
Municipal electric utility: provide for the election of the board of directors in primary class cities (Coordsen, Schellpeper) 637
Municipally owned electric utilities: provide for merger (Coordsen, Schellpeper) 654
Natural gas and telecommunications services: allow cooperating municipalities and public power districts to provide (Beutler, Bohlke, Bromm, Elmer, McKenzie, Preister, Schrock) 506
Public power districts: change and eliminate provisions for the sale or lease of equipment and property of the districts (Tyson) 499
Renewable energy sources: state intent and provide requirements for utility companies (Preister, Beutler, Hartnett) 867
Rural areas: state findings and authorize loans (Schellpeper) 329
Service areas: eliminate provisions dealing with modification (Coordsen, Schellpeper) 471

PUBLIC POWER DISTRICTS (See also Public Power)
Communications services: eliminate a restriction (Kristensen) 689
Municipal power suppliers: change and eliminate provisions relating to service areas (Beutler, Bohlke, Landis, C. Peterson, Wesely) 602
Natural gas and telecommunications services: allow cooperating municipalities and public power districts to provide (Beutler, Bohlke, Bromm, Elmer, McKenzie, Preister, Schrock) 506
Powers of districts: change provisions (McKenzie) 580
Rural areas: state findings and authorize loans (Schellpeper) 329
Sale or lease of equipment and property of districts: change and eliminate provisions (Tyson) 499
Wind energy resources: provide for different rates, tolls, rent, or other charges (Hartnett, Dierks, Preister) 571

PUBLIC SERVICE COMMISSION
Certificates of convenience: change provisions (Kristensen) 687
Eliminate provisions (Warner) 44CA
Eliminate references (Brown, Engel, Warner) 31CA
Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke, Coordsen, Elmer) 255
Interactive computer services: exclude from regulation (Warner) 786
Members and composition of public service commissioner districts: change provisions (Legislative Program Evaluation Committee) 399
Motor carriers: provide for state adoption of federal Motor Carrier Safety Regulations & Hazardous Material Regulations (Transportation Committee) 722
Passenger carriers: change provisions for certification (Withem, Brown) 556
Railroads and railroad crossings: transfer powers and duties to the Dept. of Roads (Kristensen) 257
Salary: change provisions (Warner, Withem) 14
Telecommunications service rates and regulation: change provisions (Kristensen) 685
Telecommunications Universal Service Fund Act, Nebr.: adopt (Kristensen, Dw. Pedersen, Coordsen, Robinson, Matzke, Elmer) 686
Telecommunications: change provisions for service rates and regulation, local competition and universal service (Kristensen, Dw. Pedersen, Coordsen, Robinson, Bruning, Matzke, Elmer, C. Peterson) 660
Telecommunications: change provisions for service rates and regulation, local competition and universal service (Kristensen) Appropriation bill 660A
Telemarketer Registration Act: adopt (Crosby, Jensen, Schimek) 445

LB

Visually handicapped or legally blind persons: provide for certain services to be performed free or at a reduced rate (Crosby)............ 801

PURE FOOD ACT, NEBRASKA

Change and eliminate provisions (Agriculture Committee)................. 199

QUALITY JOBS ACT

Wage benefit credits, the board and application procedures: change provisions (Wesely).. 457

QUALITY WORK FORCE ACADEMIC GRANT PROGRAM ACT

Adopt (Kiel, Brown, Bruning, Coordsen, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Lynch, McKenzie, D. Pederson, C. Peterson, Preister, Robinson, Schimek, Schrock, Stuhr, Suttle, Tyson, at the request of the Governor)... 813

RACING COMMISSION, STATE

Change provisions (Will)... 101
Job applicants: change provisions for fingerprinting (Schellpeper)...... 581
Job applicants: change provisions for fingerprinting (Will)............ 848

RADIATION CONTROL ACT

Fees associated with nuclear power plant emergency response and environmental surveillance: change provisions (Beutler)............... 658

RADIOACTIVE WASTE

Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister, Beutler, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Janssen, Landis, Robinson, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wickersham).. 374
Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister).. 670
Hazardous substances: define terms and provide liability for cleanup costs as a result of a hazardous substance emergency (Tyson)........... 748
Low-Level Radioactive Waste Compact, Central Interstate: withdraw Nebraska from the compact (Dierks, Preister, Schellpeper).............. 552
Radiation Control Act: change provisions for fees associated with nuclear power plant emergency response (Beutler)...................... 658

RAILROADS

Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke, Coordsen, Elmer).. 255
Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke) Appropriation bill...................................... 255A
Railroads and railroad crossings: transfer powers and duties to the Dept. of Roads (Kristensen)..................................... 257

RAILWAY COMMISSION

Eliminate references (Brown, Engel, Warner).......................... 31CA

RANCHING (See also Farms and Farming)

Agricultural or horticultural land located near federally designated scenic rivers: provide for special valuation (Dierks)................. 190
Agricultural Grain Marketing, Interstate Compact on: repeal (Coordsen)... 6
Agriculture: change provisions (Agriculture Committee)................. 199
Crop destruction: provide for the measure of damages for perennial crop destruction (Robak)... 294
Equine activities: provide an exemption from civil liability and for the posting of warning signs (Jones, Cudaback, Dierks, Elmer, Hudkins, Schellpeper, Schmitt, Schrock, Wickersham)........................... 153
Farm Mediation Act: expand the scope of mediation to include disputes involving non-credit farm programs (Agriculture Committee)............. 200
Farming or ranching activities: require reports of ownership of real estate (Dierks, Vrtiska)... 211
Grain sorghum: change provisions (Coordsen)........................... 11

LB

Ground water conservation districts: change provisions relating to funds of districts and a termination date (Stuhr, Coordsen, McKenzie)... 78

Ground Water Management and Protection Act, Nebr.: change provisions relating to notice of controls (Bromm, Dierks, Hudkins, McKenzie, C. Peterson, Schrock, Elmer)........ 188

Host Farm and Ranch Act, Nebraska: adopt (Dierks, Jones)........ 189

License plates: provide for brand license plates (Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham)........ 640

Livestock: change in-herd brand identification provisions (Dierks)...... 193

Meat and poultry inspection: state intent (Dierks, at the request of the Governor)........ 661

Mountain sheep: provide for permits to hunt and kill (Wickersham, Beutler)........ 733

Noxious weed seeds: change provisions (Dierks)........ 263

Pasteurized Milk Law, Nebraska: adopt federal provisions by reference (Agriculture Committee)........ 201

Pesticide application: change provisions for filing reports claiming damages as a result of application (Dierks)........ 262

Potato checkoff: change from quarterly to annual collection and change provisions for penalties for delinquent payment (Agriculture Committee)........ 202

Sugar beets: allow for use of longer trucks to transport sugar beets from collection points to refining plants (Matzke, Hillman, Wickersham)........ 122

Tractors: change and eliminate provisions for the testing and sale of current tractor models (Dierks)........ 192

REAL ESTATE

Real estate appraisers: change provisions relating to qualifications and continuing education requirements (Beutler)........ 29

REAL ESTATE APPRAISER ACT

Appraisers: change provisions relating to qualifications and continuing education requirements (Beutler)........ 29

REAL PROPERTY

Common Interest Ownership Act, Uniform: adopt (Abboud)........ 134

One-Call Notification System Act: change provisions relating to location assistance provided by operators (Hillman, Cudaback, Engel, Vrtiska)........ 827

Real estate appraisers: change provisions relating to qualifications and continuing education requirements (Beutler)........ 29

Taxation: require property not exempt from taxation to be taxed either uniformly or based upon a three year average value (Warner, at the request of the Governor)........ 65CA

Trust deeds: change provisions relating to record filings (Beutler)..... 284

Unclaimed Property Act, Uniform Disposition of: provide for payment of auditing expenses (Landis)........ 57

RECORDS

Applicants who have applied for employment by any public body: exclude application materials from public record requirements (Bohlke)........ 400

Digital signatures: provide procedures for use (Coordsen, Kristensen)........ 42

DNA analysis: provide for confidentiality and ownership of analysis results (Brown, Dw. Pedersen, Schimek)........ 266

Health records: require health care providers and facilities to provide certain records without charge (Chambers)........ 69

Medical records: require health care providers to furnish a patient's medical records to the patient (Coordsen)........ 544

Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen)....... 635

Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen) Appropriation bill........ 635A

Public information: change provisions for dissemination of public information electronically and authorize fees (Withem, Brashear, Brown, Hillman, Kristensen, Robinson)........ 590

LB

Public information: change provisions for dissemination of public information electronically and authorize fees (Withem) Appropriation bill 590A
Public records: provide access to state public records and authorize fees for access (Bromm, Coordsen, Cudaback, Engel, Janssen, Preister, Robinson, Schmitt, Stuhr, Witek) 792
Register of deeds: eliminate a requirement to maintain printouts of computer records (Vrtiska, Cudaback) 33

RECORDS BOARD, STATE
Duties: provide relating to dissemination of public information electronically (Withem, Brashear, Brown, Hillman, Kristensen, Robinson) 590
Duties: provide relating to dissemination of public information electronically (Withem) Appropriation bill 590A

RECREATION (See also Game and Parks)
Bicycles, sale of: provide a fee and credit to the Trail Development Assistance Fund (Beutler) 683
Fort Robinson: appropriate funds to design exhibits for the Prehistoric Prairies Discovery Center (Wickersham) 819
Motor vehicles: change provisions for registration fees and credit to the Recreation Trails Fund (Beutler) 516
Recreational trails: change provisions relating to responsibility for fences (Jones, Dierks) 154
Recreational Permit Issuance Fund: create (Natural Resources Committee) 172
Snowmobiles: exempt persons hunting coyotes from certain snowmobile safety provisions (Wickersham, Dierks, Jones) 332
Trail Development Assistance Act: eliminate a termination date (Beutler) 356

RECYCLING (See also Environmental Control and Protection)
Tires, scrap: change provisions for disbursements from the Waste Reduction and Recycling Incentive Fund and for loans (Robinson, Schimek, at the request of the Governor) 594
Waste reduction and recycling fee: change provisions (Schimek) 584

REDEVELOPMENT ACT, NEBRASKA
Blighted and substandard areas: change provisions for designation (Withem, Brashear, Brown, Warner) 344

REDISTRICTING
Legislative and congressional district boundaries: provide procedures (Bromm, Cudaback, Robinson) 607

REGISTER OF DEEDS
Computer records: eliminate a requirement to maintain printouts (Vrtiska, Cudaback) 33

REGISTRATION (See also Licenses and Permits)
Athlete Agent Registration and Accountability Act: adopt (Brashear, Will) 766
Athlete Agent Registration and Accountability Act: adopt (Brashear) Appropriation bill 766A
Charitable Solicitation Registration Act: adopt (Schimek, Bohlke, Crosby) 383
Contractor Registration Act: provide for waiver of a proposed administrative penalty (Lynch) 883
Environmental Heritage License Plates, Nebr.: provide (Beutler, Preister) 494
Irrigation: change provisions for registration of water wells (Elmer) 416
License plates: change provisions relating to license plates issued to handicapped or disabled persons (Cudaback, Lynch, Schrock) 72

LB

License plates: provide for brand license plates (Coordsen, Cudaback, Engel, Hudkins, Jones, Matzke, D. Pederson, Schmitt, Schrock, Wehrbein, Wickersham) 640
License plates: provide for issuance every five years (Jones) 156
Motor vehicles: change provisions for certificates of title, odometers, proof of financial responsibility and registration (Transportation Committee) 720
Motor vehicles: change provisions for fees and renewal and transfer of license plates (Cudaback) 694
Motor vehicles: change provisions relating to the number and placement of license plates on certain vehicles (Coordsen) 9
Motor vehicles: provide for issuance of one license plate (Schmitt) 564
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen) 635
Motor Vehicle Records Disclosure Act, Uniform: adopt (Kristensen) Appropriation bill 635A
Motorboats: change provisions for certificates of title and registration (Transportation Committee) 720
Nebraska Cornhusker Spirit Plates: change provisions (Brashear, Wehrbein) 74
Special interest license plates: provide (Wickersham) 231
Telemarketer Registration Act: adopt (Crosby, Jensen, Schimek) 445
Undercover license plates and driver's licenses: provide (Kristensen) 256
Undercover license plates and driver's licenses: provide (Kristensen) Appropriation bill 256A
Unregistered motor vehicles: change provisions (Hilgert, Kiel) 529
Unregistered motor vehicles: change provisions relating to operating or parking an unregistered motor vehicle (Engel, Brashear, Hartnett, Hillman, Robinson, Schmitt) 880
Veterans license plates: change provisions (Wickersham) 231

RESIDENT HEALTH EDUCATION TUITION ASSISTANCE GRANT PR. ACT
Adopt (McKenzie) 773

RESIDENT TUITION ASSISTANCE GRANT PROGRAM ACT
Adopt (Robinson, Abboud, Crosby, Hartnett, Hilgert, Janssen, Jensen, Lynch, Dw. Pedersen, Stuhr, Will) 639

RETAILERS (See also Sales)
Alcohol: change provisions relating to sales (Janssen, Schellpeper) 120
Alcoholic liquor: change provisions for employment of minors as servers and sellers (Dw. Pedersen) 613
Assistive Technology Regulation Act: adopt (Lynch, Stuhr) 802
Bicycles, sale of: provide a fee and credit to the Trail Development Assistance Fund (Beutler) 683
Business services: provide a sales tax (Schellpeper) 662
Liquor licenses: provide for license sanctions for certain violations occurring on a licensed premises (Will) 846
Liquor: change provisions for the hours to sell or dispense alcoholic liquor (Hilgert, Robak) 242
Retail liquor license suspension: change provisions (Landis) 17
Retail liquor licenses: change provisions relating to the location of licensed premises (Robinson, Lynch) 45
Sales and use tax: authorize the Tax Commissioner to require certain reports (Revenue Committee) 113
Sales and use tax: authorize the Tax Commissioner to require certain reports (Warner) Appropriation bill 113A
Tobacco products: change provisions for licenses, products, minors, require posting of signs and provide penalties (Hilgert, Crosby, Elmer, Hudkins, Janssen, Jones, Robinson, Robak, Engel) 467
Tobacco products: prohibit automated dispensing (Preister, Jensen) 158
Tobacco products: provide for physical possession of products by a first owner before resale (Lynch, Hartnett) 123

RETIREMENT
Change provisions (Nebraska Retirement Systems Committee) 624

Class V school districts: change provisions for employee retirement and name an act (Will, Brown, Hartnett, Hilgert, Kiel, Dw. Pedersen, Preister, Suttle, Withem) 497
County employees: redefine "employees" (Robak) 367
Deferred compensation: change provisions (Wickersham) 330
Employee benefit plans: change payment requirements by certain employees and exempt certain officials from retirement plans (Kiel, Brown, McKenzie, Schrock) 812
Employee buy-out programs: authorize (Brown, Maurstad) 878
Employee buy-out programs: authorize (Brown) Appropriation bill 878A
Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers) 459
Employees Retirement Act, State: change provisions relating to investments and contributions (Crosby) 337
Federal governmental pensions: provide an income tax adjustment (Robak, Lynch, Schimek, Hartnett) 296
Judges Retirement Act: change provisions for retirement age and annuities (Bromm, Brashear, Janssen) 796
School employees: authorize purchase of service credit for certain employees (Crosby, Lynch) 840
School employees: authorize the purchase of service credit for service rendered in community colleges (Robak) 147
School employees: provide a supplemental benefit for certain school employee retirees (Robak, Crosby) 532
School employees: provide an increase in the state contribution to the school employees retirement plan (Wickersham) 725
School retirement: change provisions relating to annuity and age and exempt certain retirement expenditures from levy limits (Robinson, Brown, Crosby, Janssen, Lynch, Stuhr) 822
State Patrol Retirement Act, Nebr.: provide a cost-of-living adjustment for certain retirees (Hartnett) 650
State Patrol: provide a cost-of-living adjustment to retirees (Brashear) 365
State Patrol: redefine "surviving spouse" under the Nebr. State Patrol Retirement Act (Wickersham) 567
Teachers: authorize agreements for purchases of service credit (Wickersham) 724
Teachers: authorize agreements for purchases of service credit (Wickersham) Appropriation bill 724A
Technical provisions: change (Nebraska Retirement Systems Committee) 623
Termination benefits: change provisions under the State Employees Retirement Act (Crosby) 96

RETIREMENT ACT, STATE EMPLOYEES
Termination benefits: change provisions (Crosby) 96

RETIREMENT BOARD, PUBLIC EMPLOYEES
Change provisions (Nebraska Retirement Systems Committee) 624
Class V school districts: change provisions for employee retirement and name an act (Will, Brown, Hartnett, Hilgert, Kiel, Dw. Pedersen, Preister, Suttle, Withem) 497
Deferred compensation: change provisions (Wickersham) 330
Employee benefit plans: change payment requirements by certain employees and exempt certain officials from retirement plans (Kiel, Brown, McKenzie, Schrock) 812
Employee buy-out programs: authorize (Brown, Maurstad) 878
Employee buy-out programs: authorize (Brown) Appropriation bill 878A
Employees Retirement Act, State: change provisions relating to investments and contributions (Crosby) 337
Judges Retirement Act: change provisions for retirement age and annuities (Bromm, Brashear, Janssen) 796
Retirement Act, State Employees: change provisions relating to termination benefits (Crosby) 96
School employees: authorize the purchase of service credit for service rendered in community colleges (Robak) 147
School employees: provide a supplemental benefit for certain school employee retirees (Robak, Crosby) 532

LB

School employees: provide an increase in the state contribution to the school employees retirement plan (Wickersham) ... 725
School retirement: change provisions relating to annuity and age and exempt certain retirement expenditures from levy limits (Robinson, Brown, Crosby, Janssen, Lynch, Stuhr) ... 822
School Employees Retirement Act: authorize purchase of service credit for certain employees (Crosby, Lynch) ... 840
School Employees Retirement Act: authorize purchase of service credit for service rendered in community colleges (Robak) ... 147
State Patrol Retirement Act, Nebr.: provide a cost-of-living adjustment (Hartnett) ... 650
State Patrol Retirement Act, Nebr.: provide a cost-of-living adjustment to retirees (Brashear) ... 365
State Patrol Retirement Act, Nebr.: redefine "surviving spouse" (Wickersham) ... 567
Technical provisions: change (Nebraska Retirement Systems Committee) ... 623
Termination benefits: change provisions (Crosby) ... 96

REVENUE AND TAXATION
Affordable Housing Trust Fund: provide revenue sources (Wesely, Chambers, Hillman, Landis, Schimek) ... 870
Agricultural or horticultural land located near federally designated scenic rivers: provide for special valuation (Dierks) ... 190
Aliens, unauthorized: provide restrictions on employment for purposes of tax incentive programs (Wesely) ... 455
Blighted and substandard areas: change provisions (Urban Affairs Committee) ... 875
Blighted and substandard areas: change provisions (Hartnett) Appropriation bill ... 875A
Business services: provide a sales tax (Schellpeper) ... 662
Cider: provide a gallonage tax on certain cider (Kristensen) ... 371
Cigarette tax: change provisions (Warner) ... 411
Cigarette tax: change the distribution (Wesely, Crosby, Lynch) ... 857
Community colleges: change and eliminate provisions relating to funding (Schrock, Coordsen, Schellpeper, Vrtiska) ... 719
Community colleges: change provisions for funding and tax levies (Bohlke, Beutler, Brown, Coordsen, Crosby, Cudaback, Elmer, Engel, Hartnett, Hillman, Kiel, Kristensen, Lynch, Matzke, Maurstad, McKenzie, D. Pederson, Stuhr, Suttle, Tyson, Vrtiska, Warner, Wehrbein, Wickersham, Schimek) ... 408
Comprehensive Health Insurance Pool: change offset tax liability provisions (Landis) ... 55
Counties: authorize a tax levy for road, street and bridge construction and improvement (Vrtiska, Cudaback) ... 115
County income tax: authorize and provide a property tax credit (Janssen, Vrtiska) ... 311
County land reutilization authorities and commissions: change provisions (Hartnett, Bruning, Dw. Pedersen, Preister, Will, Withem) ... 489
County treasurers: eliminate collection fees for property tax, homestead reimbursement revenue and certain special assessments (Landis, Coordsen, Kristensen, Warner, Wickersham) ... 179
Credit cards, charge cards and debit cards: allow county government to accept cards as a method of payment of assessments (Cudaback, Robinson, Schrock, Vrtiska) ... 70
Delinquent taxes and special assessments owed to political subdivisions: change provisions for the interest rate (McKenzie) ... 187
Educational service units: change and eliminate provisions relating to funding (Schrock, Coordsen, Schellpeper, Vrtiska) ... 719
Educational service units: change provisions for a maximum tax levy and provide for reorganization (Hartnett, Bohlke) ... 418
Employment and Investment Growth Act: limit the use of income tax credits (Wesely) ... 454
Employment and Investment Growth Act: redefine "number of new employees" (Wesely) ... 456
Employment security law terms: change provisions (Abboud, Dierks, Preister, Schimek, Schrock) ... 129

LB

Employment Expansion and Investment Incentive Act: change a provision for computation of credits (Will, Coordsen, McKenzie, Schrock, Schellpeper, Bruning) ... 443

Employment Expansion and Investment Incentive Act: change provisions (Warner, at the request of the Governor) ... 886

Employment Expansion and Investment Incentive Act: change provisions relating to enterprise zones (Hartnett, Hillman, McKenzie, Preister, Tyson, Wickersham, at the request of the Governor) ... 745

Employment Expansion and Investment Incentive Act: provide for a conversion of unused credits (Hartnett) ... 696

Enterprise zones: revoke the enterprise zone designation of an area located within a metropolitan class city (Chambers) ... 634

Equalization, State Board of: transfer powers and duties to the Tax Equalization and Review Commission (Kristensen, Hartnett, Landis, Schellpeper, Warner, Coordsen) ... 397

Estates: require the personal representative to file a duplicate original of the inventory of the estate (Brashear) ... 770

Federal governmental pensions: provide an income tax adjustment (Robak, Lynch, Schimek, Hartnett) ... 296

Food: provide sales tax (Schrock, Coordsen, Schellpeper, Vrtiska) ... 719

Food: provide sales tax (Lynch) ... 821

Foreclosure proceedings: change provisions (Hartnett) ... 486

Gambling: change and eliminate provisions (Will, Hartnett, Hilgert, Lynch, Schellpeper) ... 99

Gambling: change provisions relating to sales and use tax exemptions (Will) ... 101

Governmental property taxation: change provisions (Revenue Committee, Maurstad) ... 45CA

Gross receipts: redefine (Janssen, Lynch, Robinson) ... 117

Health insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad, Stuhr, Jensen, Brown, Engel, Bromm, Hudkins, Vrtiska, Jones, Coordsen, Witek) ... 24

Health insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad) Appropriation bill ... 24A

Homestead credit: provide (Will, at the request of the Governor) ... 493

Homestead exemptions: change and provide for adjustment of the exempt amount (Bromm) ... 794

Homestead exemptions: change calculations for closely related persons (Wickersham) ... 431

Homestead exemptions: change income eligibility amounts (Landis, Coordsen, Kristensen, Warner, Wickersham, Hartnett, Schellpeper, Will, Hilgert, Preister, Abboud, C. Peterson, Beutler, Wesely, Jensen, Lynch) ... 182

Homestead exemptions: change income eligibility amounts (Warner, Landis) Appropriation bill ... 182A

Homestead exemptions: change income levels used to determine exempt amounts (Preister, Abboud, Beutler, Chambers, Hartnett, Hilgert, Lynch, Schimek) ... 139

Homestead exemptions: change provisions (Landis) ... 730

Homestead exemptions: change provisions for application forms and deadlines (Preister, Kiel, Lynch, C. Peterson, Suttle) ... 717

Homestead exemptions: change the exempt amount and income eligibility amounts (Hilgert, Abboud, Beutler, Crosby, Hartnett, Kiel, Lynch, Dw. Pedersen, Preister, Robak, Suttle, Wesely, Will, Witek, Jensen) ... 530

Homesteads: authorize a state refund for increased property taxes imposed on homesteads (Will, Jensen) ... 498

Hospital districts: change provisions relating to powers, duties and taxation (Cudaback, Schellpeper, Wickersham) ... 28

Income tax credit for earned income: provide (Landis, Hartnett, Preister, Will) ... 276

Income tax credit for educational expenses: provide (Will, Hartnett, Hilgert, Preister) ... 492

Income tax credit: provide (Schrock, Coordsen, Schellpeper, Vrtiska) ... 719

Income tax credit: provide (Warner) ... 787

Income tax credits: change provisions (Revenue Committee) ... 61

Income tax rate: change provisions (Warner, Coordsen) ... 198

LB

Income tax rate: change provisions (Warner) 410
Income tax receipts: provide a portion be credited to the School Aid Trust Fund (Coordsen) 824
Income tax: change provisions relating to amended income tax returns (Revenue Committee) 62
Inheritance tax: eliminate a requirement for lineal descendants (Landis) 16
Internal Revenue Code: change provisions relating to references to the code (Wickersham) 46
Kids First Health Care Act: adopt (Beutler) 675
Levy limitations for municipalities: change provisions (Maurstad) 831
Liquefied petroleum gas: change provisions for the tax rate (Cudaback) 576
Liquor tax: change provisions (Warner) 411
Local income for school districts: authorize (Cudaback, Schrock, Vrtiska) 646
Local income tax: authorize school districts to impose (Schrock, Coordsen, Cudaback, Dierks, Schellpeper, Vrtiska) 277
Local option sales tax: eliminate a restriction on voting (Hillman, Maurstad) 828
Local option sales tax: provide for distribution of tax collected in community redevelopment areas (Warner, Coordsen, Hartnett) 415
Local Government Innovation and Restructuring Fund: provide funding for innovation and restructuring (Warner) 305
Local Option Property Tax Relief Committee: create (Janssen, at the request of the Governor) 804
Local Option Revenue Act: change a provision authorizing a ballot issue (Cudaback) 575
Local Option Revenue Act: eliminate provisions (Cudaback, Schrock, Vrtiska) 468
Local Schools Sales Tax Option Act: adopt (Withem) 759
Lottery tickets, state: eliminate a sales and use tax exemption (Crosby) 168
Mechanical Amusement Device Tax Act: change provisions for fees, licenses, and occupation taxes (Schellpeper, Hartnett, Landis, Wickersham) 317
Medical alarm equipment: exempt from sales and use taxation (Withem, Bruning, Hartnett) 105
Motor vehicle fuel: provide a decrease in the fuel tax rate for gasohol (Schrock, Bromm, Cudaback, Elmer, Engel, McKenzie, Robinson, Schellpeper, Stuhr, Vrtiska) 617
Motor vehicles purchased in another state: change provisions relating to sales tax collection (Revenue Committee) 62
Motor vehicles taxes: change provisions (Revenue Committee, Maurstad) 45CA
Motor vehicles: change provisions for taxation (McKenzie) 429
Motor vehicles: change provisions relating to taxation (Schellpeper, Preister) 86
Motor vehicles: change provisions relating to taxation (Schellpeper) Appropriation bill 86A
Motor vehicles: eliminate provisions for valuation and taxation and provide fees (Warner, Coordsen, Hartnett, Kristensen, Schellpeper, Wickersham) 271
Motor vehicles: eliminate provisions for valuation and taxation and provide fees (Coordsen) Appropriation bill 271A
Municipal tax rates: change provisions (Revenue Committee, Maurstad) 45CA
Payments in lieu of taxes for certain tax-exempt property: authorize local governments to levy (Wickersham, Coordsen, Landis, Warner, Will) 181
Personal property tax exemption: provide for investments in certain business property (Hudkins, Jones, Stuhr, Wehrbein) 224
Possessory interests: provide for property taxation (Coordsen, Kristensen, Landis, Warner, Wickersham) 180
Postsecondary Education Expense Act: adopt (Kristensen) 475
Property tax levies: change procedures relating to preliminary levies (Vrtiska) 691

LB
Property tax levies: change provisions for determining and certifying (Revenue Committee).. 269
Property tax levies: change provisions for determining and certifying (Kristensen) Appropriation bill.. 269A
Property tax work-off programs: authorize (Landis).................... 20
Property tax: change provisions (Cudaback, Schrock, Vrtiska)........... 468
Property tax: change provisions for assessment (Revenue Committee)...... 270
Property tax: change provisions for assessment (Kristensen) Appropriation bill... 270A
Property tax: provide financial assistance to political subdivisions that lose revenue due to the ceding of land to other states (Vrtiska)... 169
Property Tax Relief Fund: create (Warner)............................. 411
Quality Jobs Act: change provisions for wage benefit credits, the board and application procedures (Wesely)................................ 457
Real property: require property not exempt from taxation to be taxed either uniformly or based upon a three year average value (Warner, at the request of the Governor).. 65CA
Replacement tangible personal property: provide for the manner of taxing (Schellpeper).. 84
Retailers: authorize the Tax Commissioner to require certain reports relating to sales and use tax (Revenue Committee)..................... 113
Retailers: authorize the Tax Commissioner to require certain reports relating to sales and use tax (Warner) Appropriation bill............ 113A
Revenue and taxation: change the allocation of insurance funds to incorporated municipalities and school districts (Will)................ 513
Rural and suburban fire protection districts: change provisions for levies (Hartnett, Bromm, Janssen, Dw. Pedersen, Lynch, Bruning, Suttle)... 612
Sales and income tax: change provisions (Cudaback, Schrock, Vrtiska).... 468
Sales and use tax rates: change provisions (Warner, Coordsen).......... 198
Sales and use tax receipts: provide a portion be credited to the School Aid Trust Fund (Coordsen).. 824
Sales and use tax: authorize issuance and use of direct payment permits (Warner, Landis).. 409
Sales and use tax: change a collection fee for county treasurers (Lynch)... 435
Sales and use tax: change provisions for collection of an administrative fee (Kiel, Brashear, Bruning, Hillman, Schimek, Schrock, Suttle)... 488
Sales and use tax: provide for municipalities (Janssen)................ 312
Sales and use taxes: change provisions (Cudaback, Schrock, Vrtiska)..... 468
Sales tax credit: provide (Lynch)...................................... 821
School districts and affiliation of school districts: authorize a local income tax (Maurstad).. 25
School districts: change provisions for exceeding levy limitations (Robinson, Brown, Janssen).. 598
School districts: change provisions for exceeding levy limitations (Robinson, Janssen, Stuhr).. 599
School districts: change provisions for levy limitations (Robinson, Brown, Janssen, Stuhr, Witek, Dw. Pedersen).......................... 597
School districts: change provisions for the manner in which school districts may exceed levy limits (Beutler)............................ 538
School districts: change the calculation of the levy limitation for school districts (Suttle, Brown, Coordsen, Hartnett).................. 570
School districts: prohibit from exceeding tax levy limits (Schrock, Coordsen, Cudaback, Dierks, Schellpeper, Vrtiska)..................... 277
School districts: provide authorization to exceed levy limitations (Will).. 737
School districts: state intent relating to uniform taxation districts (Withem, Wesely)... 863
School finance: change provisions relating to terminology (Warner, Bohlke).. 342
Schools: change provisions for tax levies for environmental hazards, accessibility barriers, and building funds (Brown, Robinson)........... 333

LB

Schools: change rate multipliers and percentage of income tax revenue allocated to school districts (Warner, Hilgert, Witek, Dw. Pedersen, Will, Maurstad, Wickersham, Jensen, Bruning, at the request of the Governor) 401
Services: provide a sales and use tax on certain services (Warner) 411
Services: provide a sales and use tax on certain services (Lynch) 821
State aid to municipalities: change provisions (Warner) 304
Tax incentive programs: redefine terms (Warner, Robinson) 264
Tax increment financing: change provisions (Urban Affairs Committee) 875
Tax increment financing: change provisions (Hartnett) Appropriation bill 875A
Tax levy authority of political subdivisions: permit election officials to establish a uniform date for a special election (Warner) 343
Tax rates within and outside municipalities: authorize the Legislature to provide for differences (Maurstad, Brown) 63CA
Tax refund motor vehicle fuel: provide a refund for school districts of the amount of tax paid (Robak) 144
Tax-exempt property: change application procedures and penalty provisions (Vrtiska) 690
Tax-exempt property: require payments in lieu of taxes for certain property (Lynch) 821
Taxation: permit the Legislature to classify property for purposes of taxation (Will) 64CA
Transit authorities: change provisions relating to tax levies (Will) 348
Vegetative filter strips: authorize an income tax credit (Stuhr, Bohlke, Maurstad, McKenzie, Schrock) 308
Volunteer fire and rescue organizations: provide a sales and use tax exemption for certain organizations (Suttle) 671
Withholding for income tax: change provisions (Revenue Committee) 62

REVENUE, DEPARTMENT OF
County income tax: authorize and provide a property tax credit (Janssen, Vrtiska) 311
Duties: provide (Maurstad) 25
Duties: provide (Cudaback, Schrock, Vrtiska) 646
Motor Fuel Tax Enforcement and Collection Division: provide duties (Robak) 144

REVISOR BILLS
Banking and finance: eliminate language not eliminated as part of the enrollment and review process in Laws 1996, LB 1053 (Executive Board) ... 2
Civil procedure: strike references to a statute that was repealed in 1983 (Executive Board) 1
Joint Merit System: delete references (Executive Board) 5
Small Claims Court: state the jurisdictional limit set by the Supreme Court (Executive Board) 3
State Funds Investment Act, Nebraska: revisor bill to repeal a defined term that is no longer needed (Executive Board) 4

REVISOR OF STATUTES
Practice notes: eliminate a duty of the Revisor of Statutes to publish (Brashear) 560

ROADS (See also Highways)
Counties: authorize a tax levy for road, street and bridge construction and improvement (Vrtiska, Cudaback) 115
Highway Bond Act, Nebr.: provide loans to political subdivisions (Hartnett) 697
Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke, Coordsen, Elmer) 255
Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke) Appropriation bill 255A
Littering and solid waste: change provisions relating to penalties (Beutler) 679
Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad) 62CA
State highway needs: provide for a reassessment (Hartnett) 698

ROADS, DEPARTMENT OF
Cameras: authorize the use of an automated traffic enforcement system for detection of moving traffic violations (Engel, Robinson, Dw. Pedersen) 881
Railroads and railroad crossings: transfer powers and duties to the Dept. of Roads (Kristensen) 257
State highway needs: provide for a reassessment (Hartnett) 698

RULES OF THE ROAD
Cameras: authorize the use of an automated traffic enforcement system for detection of moving traffic violations (Engel, Robinson, Dw. Pedersen) 881
Cargo area or tailgate of certain vehicles: prohibit passengers and provide a penalty (Robak, Crosby, Dw. Pedersen) 143
Cellular telephones: restrict the use of while operating a motor vehicle (Crosby, Schmitt) 338
Cranes: change weight restrictions for rubber-tired cranes (Janssen, Hillman, Preister) 226
Driver's license revocation: change provisions and provide for an application with the Board of Pardons (Will) 377
Felonies: change provisions for being an accessory (Abboud, Hudkins, Janssen, Stuhr) 440
Highway Bond Act, Nebr.: provide loans to political subdivisions (Hartnett) 697
Impeding traffic: change provisions (Brashear) 76
Lights: change provisions relating to use (Brashear) 75
Littering and solid waste: change provisions relating to penalties (Beutler) 679
Motor vehicle lights: change provisions (Robak) 368
Motor vehicles: change provisions for registration fees and credit to the Recreation Trails Fund (Beutler) 516
Motor vehicles: change provisions for special permits for vehicle which exceed size and weight restrictions (Schrock, Coordsen) 402
Municipalities: authorize to enact ordinances which apply the Nebraska Rules of the Road (Bohlke) 353
Overloading of vehicles: change provisions and provide liability for the owner of the load (Robak) 477
Overweight vehicles: change provisions (Dierks) 261
Pretrial diversion programs: provide for persons charged with minor traffic offenses and provide for fees (Schmitt, Jensen) 565
School crossing zones: provide penalties for speeding, failure to yield and overtaking and passing (Robak, Crosby, Maurstad, Schimek, Withem, Abboud) 91
Splash aprons and flaps: provide for new motor vehicles (Robak) 295
Trucks: allow for use of longer trucks to transport sugar beets from collection points to refining plants (Matzke, Hillman, Wickersham) 122
Vehicle length: change provisions (Transportation Committee) 721

RURAL HEALTH SYSTEMS AND PROFESSIONAL INCENTIVE ACT
Eligible professions: change provisions (Dierks) 577
Eligible professions: change provisions (Dierks) Appropriation bill 577A

SAFE DRINKING WATER ACT, NEBRASKA
Loans to public water supply systems: provide (Beutler, Preister, at the request of the Governor) 518

SAFETY
Ambulance and fire service: change provisions for contracts with counties, cities and villages (Will, Bruning, Hilgert, Robak) 447
Boiler Safety Act: provide for exemptions and change certain inspection requirements (Hilgert) 641
Boiler Safety Act: provide for exemptions and change certain inspection requirements (Hilgert) Appropriation bill 641A
Cargo area or tailgate of certain vehicles: prohibit passengers and provide a penalty (Robak, Crosby, Dw. Pedersen) 143

LB

Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister, Beutler, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Janssen, Landis, Robinson, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wickersham) 374
Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister) 670
Fire, health and safety officials: authorize issuance of citations in lieu of arrest (Brown, Hilgert, Kiel) 109
Firearms, unlawful storage of: create the offense (Brown) 110
Gas furnace inspections of certain residential and commercial structures by utilities or gas companies: provide (Janssen, Hartnett) 708
Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke, Coordsen, Elmer) 255
Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke) Appropriation bill 255A
Motor carriers: provide for state adoption of federal Motor Carrier Safety Regulations & Hazardous Material Regulations (Transportation Committee) 722
Motor vehicle lights: change provisions (Robak) 368
Motorboat operator education: require (Lynch) 668
Propane Education and Research Act: adopt (Natural Resources Committee) 699
School buses: require seatbelts (Robak) 366
Science laboratory safety: provide in schools (Brown) 126

SALARIES (See Fees and Salaries)

SALES
Alcohol: change provisions relating to sales (Janssen, Schellpeper) 120
Alcoholic liquor: change provisions for employment of minors as servers and sellers (Dw. Pedersen) 613
Assistive Technology Regulation Act: adopt (Lynch, Stuhr) 802
Bicycles, sale of: provide a fee and credit to the Trail Development Assistance Fund (Beutler) 683
Business services: provide a sales tax (Schellpeper) 662
Liquor licenses: provide for license sanctions for certain violations occurring on a licensed premises (Will) 846
Liquor: change provisions for the hours to sell or dispense alcoholic liquor (Hilgert, Robak) 242
Retail liquor license suspension: change provisions (Landis) 17
Retail liquor licenses: change provisions relating to the location of licensed premises (Robinson, Lynch) 45
Retailers: authorize the Tax Commissioner to require certain reports relating to sales and use tax (Revenue Committee) 113
Retailers: authorize the Tax Commissioner to require certain reports relating to sales and use tax (Warner) Appropriation bill 113A
Tobacco products: change provisions for licenses, products, minors, require posting of signs and provide penalties (Hilgert, Crosby, Elmer, Hudkins, Janssen, Jones, Robinson, Robak, Engel) 467
Tobacco products: prohibit automated dispensing (Preister, Jensen) 158
Tobacco products: provide for physical possession of products by a first owner before resale (Lynch, Hartnett) 123

SALES AND INCOME TAX (See also Revenue and Taxation)
Change provisions (Cudaback, Schrock, Vrtiska) 468
County income tax: authorize and provide a property tax credit (Janssen, Vrtiska) 311
Employment and Investment Growth Act: limit the use of income tax credits (Wesely) 454
Federal governmental pensions: provide an income tax adjustment (Robak, Lynch, Schimek, Hartnett) 296
Health insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad, Stuhr, Jensen, Brown, Engel, Bromm, Hudkins, Vrtiska, Jones, Coordsen, Witek) 24
Health insurance: provide an income tax adjustment for amounts paid for insurance by self-employed individuals (Maurstad) Appropriation bill 24A

LB

Homestead credit: provide (Will, at the request of the Governor)........ 493

Income tax credit for earned income: provide (Landis, Hartnett, Preister, Will).. 276

Income tax credit for educational expenses: provide (Will, Hartnett, Hilgert, Preister).. 492

Income tax credit: provide (Schrock, Coordsen, Schellpeper, Vrtiska).... 719

Income tax credit: provide (Warner)..................................... 787

Income tax credits: change provisions (Revenue Committee)............... 61

Income tax rate: change provisions (Warner, Coordsen).................. 198

Income tax rate: change provisions (Warner)............................ 410

Income tax: change provisions relating to amended income tax returns (Revenue Committee).. 62

Local income for school districts: authorize (Cudaback, Schrock, Vrtiska).. 646

Local income tax: authorize school districts to impose (Schrock, Coordsen, Cudaback, Dierks, Schellpeper, Vrtiska)...................... 277

Local option sales tax: provide for distribution of tax collected in community redevelopment areas (Warner, Coordsen, Hartnett).............. 415

Postsecondary Education Expense Act: adopt and provide an adjustment for income tax purposes (Kristensen).................................. 475

Receipts: provide a portion be credited to the School Aid Trust Fund (Coordsen).. 824

School districts and affiliation of school districts: authorize a local income tax (Maurstad)... 25

School finance: change provisions relating to income tax allocation (Withem).. 815

Schools: change rate multipliers and percentage of income tax revenue allocated to school districts (Warner, Hilgert, Witek, Dw. Pedersen, Will, Maurstad, Wickersham, Jensen, Bruning, at the request of the Governor).. 401

State aid to schools: change provisions relating to income tax allocation (McKenzie, Bromm, Wickersham).............................. 811

Vegetative filter strips: authorize an income tax credit (Stuhr, Bohlke, Maurstad, McKenzie, Schrock).................................. 308

Withholding for income tax: change provisions (Revenue Committee)....... 62

SALES AND USE TAX (See also Revenue and Taxation)

Administrative fee: change provisions for collection (Kiel, Brashear, Bruning, Hillman, Schimek, Schrock, Suttle)............................ 488

Business services: provide a sales tax (Schellpeper)................... 662

Change provisions (Cudaback, Schrock, Vrtiska)......................... 468

Collection fee for county treasurers: change provisions (Lynch)........ 435

Direct payment permits: authorize issuance and use (Warner, Landis)..... 409

Food: provide (Lynch).. 821

Food: provide sales tax (Schrock, Coordsen, Schellpeper, Vrtiska)....... 719

Funeral and crematory services: provide sales and use tax (Beutler)..... 675

Gambling: change provisions relating to exemptions (Will).............. 101

Gross receipts: redefine (Janssen, Lynch, Robinson).................... 117

Local Schools Sales Tax Option Act: adopt (Withem)..................... 759

Lottery tickets, state: eliminate a sales and use tax exemption (Crosby).. 168

Medical alarm equipment: exempt (Withem, Bruning, Hartnett)............ 105

Motor vehicles purchased in another state: change provisions relating to sales tax collection (Revenue Committee).............................. 62

Municipalities: provide (Janssen)...................................... 312

Rates: change provisions (Warner, Coordsen)............................ 198

Receipts: provide a portion be credited to the School Aid Trust Fund (Coordsen).. 824

Retailers: authorize the Tax Commissioner to require certain reports (Revenue Committee).. 113

Retailers: authorize the Tax Commissioner to require certain reports (Warner) Appropriation bill... 113A

Sales tax credit: provide (Lynch)...................................... 821

Services: provide a sales and use tax on certain services (Warner)...... 411

Services: provide a sales and use tax on certain services (Lynch)....... 821

Volunteer fire and rescue organizations: provide a sales and use tax exemption for certain organizations (Suttle)......................... 671

LB

SANITARY AND IMPROVEMENT DISTRICTS

Board of trustees: provide procedures for recall of members (Urban Affairs Committee) 874
Contracts: authorize between districts and cities or counties for intersection and traffic control improvements (Hartnett, Bruning, Jensen, Withem) 589
Costs of certain improvements: provide for payment (Withem) 531
Election of trustees: change provisions (Urban Affairs Committee) 873

SAVINGS AND LOAN ASSOCIATIONS (See Banks and Banking)

SCHOOL DISTRICTS (See also Education; Schools)

Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke) 132
Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke) Appropriation bill 132A
Alternative educational programs under the Student Discipline Act: change provisions (Bromm, Coordsen, Engel, Hudkins, Janssen, Jones, Robinson, Stuhr, Vrtiska) 232
Assault on educational employees: provide for criminal penalties (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen) 648
Audits: change provisions (Jones, Bromm, Hudkins, Schmitt, Schrock) 157
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt) 583
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham) Appropriation bill 583A
Certificated school employees: change provisions relating to contracts (Bromm, Engel, Jones, D. Pederson, Stuhr) 791
Certificated school employees: change provisions relating to tenure (Jones) 604
Change provisions (Bohlke, McKenzie) 347
Change provisions (Bohlke) 711
Class III school districts: change duties relating to county treasurers (McKenzie) 615
Class III school districts: change provisions relating to annexation (Robak) 535
Class III school districts: provide for nomination of board members by district or ward and election at large (Robinson) 595
Class V school districts: change provisions for employee retirement and name an act (Will, Brown, Hartnett, Hilgert, Kiel, Dw. Pedersen, Preister, Suttle, Withem) 497
Class VI school system tax levy: change provisions (Janssen, Bromm) 251
Classification: change provisions (Crosby) 629
County superintendent of schools: state intent (Schellpeper) 663
County superintendents: state intent and eliminate provisions (Stuhr, Bromm, Coordsen, Jensen, Maurstad, Robinson, Vrtiska, Witek) 808
County treasurers: eliminate certain fees (Robak) 223
Depopulated school districts: change and eliminate provisions (Withem) 592
Dissolution and contracting for instruction: change and eliminate provisions (Suttle, Brown) 850
Education Innovation Fund: change provisions for disbursements (Bromm, Jones, Robinson, Schellpeper, Vrtiska, Wehrbein, Stuhr) 461
Education Innovation Fund: change provisions relating to pilot projects and model programs (Hartnett, Dierks, Hilgert, Dw. Pedersen, Preister, Schellpeper, Robak) 572
Education Innovation Fund: provide for minigrants (Janssen, Robinson, Schellpeper) 118
Education Innovation Fund: provide for minigrants (Janssen) Appropriation bill 118A
Educational service units: change provisions for a maximum tax levy and provide for reorganization (Hartnett, Bohlke) 418
Educational service units: provide for reorganization (Hartnett, Bohlke, Stuhr) 419

LB

Educational Lands and Funds, Board of: change provisions relating to appraisals, leases and board duties (Legislative Program Evaluation Committee) 843
Elementary and Secondary School Finance Authority Act, Nebr.: adopt (Landis, Brashear) 809
Enrollment option program: change provisions for applicability of the program (Bromm, Hartnett, Jones, Robinson) 403
Enrollment option program: provide for termination of and ineligibility for option enrollment (Hartnett, Bruning) 444
First Chance Vocational Education Act: adopt (Stuhr) 807
Freeholder petitions: change provisions (Bohlke) 716
Funds: provide and define and redefine terms (Bohlke, McKenzie) 345
Income tax, local: authorize for school districts and affiliation of school districts (Maurstad) 25
Insurance funds: change the allocation to school districts and municipalities (Will) 513
Insurance Program, Nebr. State: provide coverage for certificated employees of school districts and educational service units (Bromm, Cudaback, Jones, Robinson, Schrock, Witek, Tyson) 793
Kindergarten entrance age: change provisions (Wehrbein) 174
Kindergarten entrance: change provisions (Schimek) 50
Levies: change provisions for exceeding levy limitations (Robinson, Janssen, Stuhr) 599
Levy limitation: change provisions for the calculation (Suttle, Brown, Coordsen, Hartnett) 570
Levy limitations: change provisions (Robinson, Brown, Janssen, Stuhr, Witek, Dw. Pedersen) 597
Levy limitations: change provisions (Robinson, Brown, Janssen) 598
Levy limitations: provide authorization to exceed (Will) 737
Local income for school districts: authorize (Cudaback, Schrock, Vrtiska) 646
Local income tax: authorize school districts to impose (Schrock, Coordsen, Cudaback, Dierks, Schellpeper, Vrtiska) 277
Local Schools Sales Tax Option Act: adopt (Withem) 759
Lottery proceeds: change provisions for distribution (Maurstad) 212
Mergers: require (Cudaback, Schrock, Vrtiska) 468
Option enrollment program: change provisions relating to acceptance of siblings of option students (Dw. Pedersen) 322
Public, private, denominational and parochial schools: eliminate a reference (Warner, Kristensen, Withem) 42CA
Rate multipliers and percentage of income tax revenue allocated to school districts: change provisions (Warner, Hilgert, Witek, Dw. Pedersen, Will, Maurstad, Wickersham, Jensen, Bruning, at the request of the Governor) 401
Redefine terms (Bohlke, McKenzie) 346
Regional superintendents of public instruction and regional superintendent of public instruction districts: provide (Bohlke, Hillman, McKenzie, Vrtiska, Warner, Wickersham, Preister, Will, Brashear) 789
Reorganization of school districts: require (Bohlke, Janssen, Robinson) 775
Reorganization: change provisions relating to the merger of Class I and Class VI districts (Wickersham, Jones) 742
Reorganization: provide (Withem, Wesely) 863
Reorganization: require a plan (Wehrbein, Beutler, Dw. Pedersen) 292
Retirement: authorize agreements for purchases of service credit (Wickersham) 724
Retirement: authorize agreements for purchases of service credit (Wickersham) Appropriation bill 724A
Retirement: authorize members to the school plan an election to pay the retirement system for up to ten years of service (Stuhr, Crosby, Lynch) 491
Retirement: authorize purchase of service credit for certain employees (Crosby, Lynch) 840
Retirement: authorize the purchase of service credit for service rendered in community colleges (Robak) 147

LB

Retirement: change provisions relating to annuity and age and exempt certain retirement expenditures from levy limits (Robinson, Brown, Crosby, Janssen, Lynch, Stuhr)........ 822

Retirement: provide a supplemental benefit for certain school employee retirees (Robak, Crosby)........ 532

Retirement: provide an increase in the state contribution to the school employees retirement plan (Wickersham)........ 725

School bond state aid: provide (Maurstad)........ 832

School buses: require seatbelts (Robak)........ 366

School crossing zones: provide penalties for speeding, failure to yield and overtaking and passing (Robak, Crosby, Maurstad, Schimek, Withem, Abboud)........ 91

School district reorganization: change and eliminate provisions for the petition and election methods (Janssen, Withem)........ 563

School employees: change provisions relating to hearing officers (McKenzie)........ 578

School finance: change provisions (Bohlke)........ 710

School finance: change provisions for calculation of adjusted tiered cost per student (Beutler)........ 542

School finance: change provisions for calculation of district formula need (Wesely)........ 503

School finance: change provisions relating to income tax allocation (Withem)........ 815

School finance: change provisions relating to legislative findings, intent, and reports (Withem)........ 524

School finance: change provisions relating to terminology (Warner, Bohlke)........ 342

School finance: provide for adjustment of district formula resources (Wickersham, McKenzie, Stuhr)........ 784

School funding: change provisions for "other actual receipts" under the Tax Equity and Educational Opportunities Support Act (Wehrbein)........ 163

School funding: change provisions for calculation of the local effort rate under the Tax Equity & Educational Opp. Support Act (Robak, Bromm, Cudaback, Schellpeper, Dierks)........ 93

School funding: change provisions relating to "other actual receipts" under the Tax Equity & Educational Opp. Support Act (Wickersham, Bohlke)........ 209

School lands: provide a duty for the Board of Educational Lands and Funds and change provisions for administrative costs (Legislative Program Evaluation Committee)........ 547

School Aid Trust Fund: create (Coordsen)........ 824

Science laboratory safety: provide (Brown)........ 126

Special education costs: change provisions for funding (Schellpeper)........ 662

Special education costs: provide funding (Cudaback, Schrock, Vrtiska)........ 468

Special education: change provisions (Education Committee, Brashear, Engel, Hartnett, Hillman, Maurstad, Robinson, Schimek)........ 865

Special education: provide for distribution of state funds through the equalization aid formula (Withem)........ 652

Special education: provide for, change and eliminate provisions (McKenzie) Appropriation bill........ 865A

Special Education Act: change provisions for appropriations and provide for reimbursement for support services (McKenzie)........ 797

Star-Spangled Banner: provide for singing of in schools (Tyson)........ 446

State aid to public school districts: appropriate funds (Bohlke, at the request of the Governor)........ 349

State aid to schools: change and eliminate provisions relating to calculation and disbursement (Warner)........ 672

State aid to schools: change provisions (Cudaback, Schrock, Vrtiska)........ 468

State aid to schools: change provisions for calculation of aid (Beutler)........ 680

State aid: change and eliminate provisions for calculation and disbursement (Education Committee)........ 806

State aid: change and eliminate provisions for calculation and disbursement (Bohlke, Abboud, Beutler, Chambers, Crosby, Cudaback, Elmer, Hilgert, Hudkins, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schrock, Suttle, Wehrbein, Wesely, Withem) Appropriation bill........ 806A

LB
State aid: change provisions for distribution (Bohlke)................. 714
State aid: change provisions relating to income tax allocation (McKenzie, Bromm, Wickersham).................................. 811
State aid: change provisions relating to reports and certification (Bohlke)... 713
State aid: provide records to the Legislative Council relating to the certification of distributions of state aid (Wickersham, Bohlke)........ 205
Student Freedom of Expression Act: adopt (Beutler).................... 539
Students: change provisions relating to discipline (Suttle, Beutler, McKenzie, C. Peterson).. 838
Tax levies: change provisions for environmental hazards, accessibility barriers and building funds for schools (Brown, Robinson).............. 333
Tax levy limits: change provisions for the manner in which school districts may exceed levy limits (Beutler)............................ 538
Tax levy limits: prohibit school districts from exceeding (Schrock, Coordsen, Cudaback, Dierks, Schellpeper, Vrtiska)...................... 277
Tax refund motor vehicle fuel: provide a refund for school districts of the amount of tax paid (Robak).................................... 144
Tax Equity and Educational Opportunities Support Act: provide and change provisions relating to legislative findings and intent (Crosby)... 433
Teachers' certificates: change provisions relating to fees (Bohlke, Withem)... 206
Temporary school fund: change provisions for distribution of money in the fund (Schimek, Withem)... 647
Testing program for certain grade levels of students: require (Bohlke)... 712
Truancy: change provisions and provide for denial of eligibility for driver's licenses and permits (Brown)................................ 438
Uniform taxation districts: state intent (Withem, Wesely).............. 863
Visually handicapped children: provide for braille instruction (Schimek, Crosby, Dw. Pedersen, Witek)............................... 81

SCHOOL EMPLOYEES RETIREMENT ACT
Members: authorize an election to pay the retirement system for up to ten years of service as a nonmember (Stuhr, Crosby, Lynch)............. 491
Purchase of service credit for service rendered in community colleges: authorize (Robak).. 147
Service credit: authorize agreements for purchase (Wickersham).......... 724
Service credit: authorize agreements for purchase (Wickersham) Appropriation bill.. 724A
Service credit: authorize purchase for certain employees (Crosby, Lynch)... 840

SCHOOLS (See also Education; School Districts)
Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke).. 132
Abortion: change and eliminate a duty for school districts to provide certain information (Bohlke) Appropriation bill...................... 132A
Alternative educational programs under the Student Discipline Act: change provisions (Bromm, Coordsen, Engel, Hudkins, Janssen, Jones, Robinson, Stuhr, Vrtiska).. 232
Assault on educational employees: provide for criminal penalties (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen).. 648
Audits: change provisions (Jones, Bromm, Hudkins, Schmitt, Schrock)..... 157
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham, Coordsen, Hartnett, Janssen, Jensen, Jones, Schellpeper, Schimek, Schmitt)......................... 583
Budgets: transfer duties from the Auditor of Public Accounts to the Property Tax Administrator (Wickersham) Appropriation bill............ 583A
Certificated school employees: change provisions relating to contracts (Bromm, Engel, Jones, D. Pederson, Stuhr)............................ 791
Certificated school employees: change provisions relating to tenure (Jones)... 604
Change provisions (Bohlke, McKenzie)................................... 347
Change provisions (Bohlke)... 711

LB

Class III school districts: change duties relating to county treasurers (McKenzie) 615
Class III school districts: change provisions relating to annexation (Robak) 535
Class III school districts: provide for nomination of board members by district or ward and election at large (Robinson) 595
Class V school districts: change provisions for employee retirement and name an act (Will, Brown, Hartnett, Hilgert, Kiel, Dw. Pedersen, Preister, Suttle, Withem) 497
Class VI school system tax levy: change provisions (Janssen, Bromm) 251
Classification: change provisions for school districts (Crosby) 629
County superintendent of schools: state intent (Schellpeper) 663
County superintendents: state intent and eliminate provisions (Stuhr, Bromm, Coordsen, Jensen, Maurstad, Robinson, Vrtiska, Witek) 808
County treasurers: eliminate certain fees (Robak) 223
Deaf, Nebr. School for: provide Dept. of Educ. prepare a plan to combine programs with the School for the Visually Handicapped (Appropriations Committee) 889
Depopulated school districts: change and eliminate provisions (Withem) 592
Dissolution and contracting for instruction: change and eliminate provisions (Suttle, Brown) 850
Education Innovation Fund: change provisions for disbursements (Bromm, Jones, Robinson, Schellpeper, Vrtiska, Wehrbein, Stuhr) 461
Education Innovation Fund: change provisions relating to pilot projects and model programs (Hartnett, Dierks, Hilgert, Dw. Pedersen, Preister, Schellpeper, Robak) 572
Education Innovation Fund: provide for minigrants (Janssen, Robinson, Schellpeper) 118
Education Innovation Fund: provide for minigrants (Janssen) Appropriation bill 118A
Educational service units: change provisions for a maximum tax levy and provide for reorganization (Hartnett, Bohlke) 418
Educational service units: provide for reorganization (Hartnett, Bohlke, Stuhr) 419
Educational Lands and Funds, Board of: change provisions relating to appraisals, leases and board duties (Legislative Program Evaluation Committee) 843
Elementary and Secondary School Finance Authority Act, Nebr.: adopt (Landis, Brashear) 809
Enrollment option program: change provisions for applicability of the program (Bromm, Hartnett, Jones, Robinson) 403
Enrollment option program: provide for termination of and ineligibility for option enrollment (Hartnett, Bruning) 444
First Chance Vocational Education Act: adopt (Stuhr) 807
Freeholder petitions: change provisions (Bohlke) 716
Funds: provide and define and redefine terms (Bohlke, McKenzie) 345
Income tax, local: authorize for school districts and affiliation of school districts (Maurstad) 25
Insurance funds: change the allocation to school districts and municipalities (Will) 513
Insurance Program, Nebr. State: provide coverage for certificated employees of school districts and educational service units (Bromm, Cudaback, Jones, Robinson, Schrock, Witek, Tyson) 793
Kindergarten entrance age: change provisions (Wehrbein) 174
Kindergarten entrance: change provisions (Schimek) 50
Levies: change provisions for exceeding levy limitations (Robinson, Janssen, Stuhr) 599
Levy limitation: change provisions for the calculation (Suttle, Brown, Coordsen, Hartnett) 570
Levy limitations: change provisions (Robinson, Brown, Janssen, Stuhr, Witek, Dw. Pedersen) 597
Levy limitations: change provisions (Robinson, Brown, Janssen) 598
Levy limitations: provide authorization to exceed (Will) 737
Local income for school districts: authorize (Cudaback, Schrock, Vrtiska) 646

LB
Local income tax: authorize school districts to impose (Schrock, Coordsen, Cudaback, Dierks, Schellpeper, Vrtiska)...................... 277
Local Schools Sales Tax Option Act: adopt (Withem)..................... 759
Lottery proceeds: change provisions for distribution (Maurstad)......... 212
Option enrollment program: change provisions relating to acceptance of siblings of option students (Dw. Pedersen)............................ 322
Public, private, denominational and parochial schools: eliminate a reference (Warner, Kristensen, Withem).............................. 42CA
Rate multipliers and percentage of income tax revenue allocated to school districts: change provisions (Warner, Hilgert, Witek, Dw. Pedersen, Will, Maurstad, Wickersham, Jensen, Bruning, at the request of the Governor)... 401
Redefine terms (Bohlke, McKenzie)...................................... 346
Regional superintendents of public instruction and regional superintendent of public instruction districts: provide (Bohlke, Hillman, McKenzie, Vrtiska, Warner, Wickersham, Preister, Will, Brashear)........ 789
Reorganization of school districts: require (Bohlke, Janssen, Robinson).. 775
Reorganization: change provisions relating to the merger of Class I and Class VI districts (Wickersham, Jones)................................ 742
Reorganization: provide (Withem, Wesely)............................... 863
Reorganization: require a plan (Wehrbein, Beutler, Dw. Pedersen)........ 292
Retirement: authorize agreements for purchases of service credit (Wickersham)... 724
Retirement: authorize agreements for purchases of service credit (Wickersham) Appropriation bill...................................... 724A
Retirement: authorize members to the school plan an election to pay the retirement system for up to ten years of service (Stuhr, Crosby, Lynch)... 491
Retirement: authorize purchase of service credit for certain employees (Crosby, Lynch)... 840
Retirement: authorize the purchase of service credit for service rendered in community colleges (Robak).............................. 147
Retirement: change provisions relating to annuity and age and exempt certain retirement expenditures from levy limits (Robinson, Brown, Crosby, Janssen, Lynch, Stuhr)... 822
Retirement: provide a supplemental benefit for certain school employee retirees (Robak, Crosby).. 532
Retirement: provide an increase in the state contribution to the school employees retirement plan (Wickersham)............................. 725
School bond state aid: provide (Maurstad).............................. 832
School buses: require seatbelts (Robak)................................ 366
School crossing zones: provide penalties for speeding, failure to yield and overtaking and passing (Robak, Crosby, Maurstad, Schimek, Withem, Abboud)... 91
School district mergers: require (Cudaback, Schrock, Vrtiska)........... 468
School district reorganization: change and eliminate provisions for the petition and election methods (Janssen, Withem)........................ 563
School employees: change provisions relating to hearing officers (McKenzie).. 578
School finance: change provisions (Bohlke)............................. 710
School finance: change provisions for calculation of adjusted tiered cost per student (Beutler).. 542
School finance: change provisions for calculation of district formula need (Wesely)... 503
School finance: change provisions relating to income tax allocation (Withem)... 815
School finance: change provisions relating to legislative findings, intent, and reports (Withem).. 524
School finance: change provisions relating to terminology (Warner, Bohlke)... 342
School finance: provide for adjustment of district formula resources (Wickersham, McKenzie, Stuhr)...................................... 784
School funding: change provisions for "other actual receipts" under the Tax Equity and Educational Opportunities Support Act (Wehrbein)......... 163

LB
School funding: change provisions for calculation of the local effort rate under the Tax Equity & Educational Opp. Support Act (Robak, Bromm, Cudaback, Schellpeper, Dierks) 93
School funding: change provisions relating to "other actual receipts"under the Tax Equity & Educational Opp. Support Act (Wickersham, Bohlke) 209
School lands: provide a duty for the Board of Educational Lands and Funds and change provisions for administrative costs (Legislative Program Evaluation Committee) 547
School Aid Trust Fund: create (Coordsen) 824
Science laboratory safety: provide (Brown) 126
Special education costs: change provisions for funding (Schellpeper) 662
Special education costs: provide funding (Cudaback, Schrock, Vrtiska) 468
Special education: change provisions (Education Committee, Brashear, Engel, Hartnett, Hillman, Maurstad, Robinson, Schimek) 865
Special education: provide for distribution of state funds through the equalization aid formula (Withem) 652
Special education: provide for, change and eliminate provisions (McKenzie) Appropriation bill 865A
Special Education Act: change provisions for appropriations and provide for reimbursement for support services (McKenzie) 797
Star-Spangled Banner: provide for singing of in schools (Tyson) 446
State aid to public school districts: appropriate funds (Bohlke, at the request of the Governor) 349
State aid to schools: change and eliminate provisions relating to calculation and disbursement (Warner) 672
State aid to schools: change provisions (Cudaback, Schrock, Vrtiska) 468
State aid to schools: change provisions for calculation of aid (Beutler) 680
State aid: change and eliminate provisions for calculation and disbursement (Education Committee) 806
State aid: change and eliminate provisions for calculation and disbursement (Bohlke, Abboud, Beutler, Chambers, Crosby, Cudaback, Elmer, Hilgert, Hudkins, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schrock, Suttle, Wehrbein, Wesely, Withem) Appropriation bill 806A
State aid: change provisions for distribution (Bohlke) 714
State aid: change provisions relating to income tax allocation (McKenzie, Bromm, Wickersham) 811
State aid: change provisions relating to reports and certification (Bohlke) 713
State aid: provide records to the Legislative Council relating to the certification of distributions of state aid (Wickersham, Bohlke) 205
Student Freedom of Expression Act: adopt (Beutler) 539
Students: change provisions relating to discipline (Suttle, Beutler, McKenzie, C. Peterson) 838
Tax levies: change provisions for environmental hazards, accessibility barriers and building funds for schools (Brown, Robinson) 333
Tax levy limits: change provisions for the manner in which school districts may exceed levy limits (Beutler) 538
Tax levy limits: prohibit school districts from exceeding (Schrock, Coordsen, Cudaback, Dierks, Schellpeper, Vrtiska) 277
Tax refund motor vehicle fuel: provide a refund for school districts of the amount of tax paid (Robak) 144
Tax Equity and Educational Opportunities Support Act: provide and change provisions relating to legislative findings and intent (Crosby) 433
Teachers' certificates: change provisions relating to fees (Bohlke, Withem) 206
Temporary school fund: change provisions for distribution of money in the fund (Schimek, Withem) 647
Testing program for certain grade levels of students: require (Bohlke) 712
Truancy: change provisions and provide for denial of eligibility for driver's licenses and permits (Brown) 438
Uniform taxation districts: state intent (Withem, Wesely) 863

LB

Visually handicapped children: provide for braille instruction (Schimek, Crosby, Dw. Pedersen, Witek)........ 81
Visually Handicapped, Nebr. School for: provide the Dept. of Education prepare plan to combine programs with School for the Deaf (Appropriations Committee)........ 889

SECRETARY OF STATE (See also State Officers)
Appointment or election: provide (Warner, Kristensen, Withem)........ 11CA
Attorney General: provide for nonpartisan election (Chambers)........ 738
Ballots: eliminate provisions relating to explanatory statements (Warner)........ 12
Campaign contributions: prohibit acceptance of certain contributions (Brashear, Wickersham)........ 420
Candidates: prohibit certain officeholders and candidates from filing for or holding more than one office (Schimek, Crosby, Robinson)........ 221
Candidates: require certain candidates for public office to resign their current public position (Brashear)........ 40CA
Charitable Solicitation Registration Act: adopt (Schimek, Bohlke, Crosby)........ 383
Cities of the first class: change provisions for terms of office and filling of vacancies (Robinson)........ 734
Class III school districts: provide for nomination of board members by district or ward and election at large (Robinson)........ 595
Constitution: repeal requirements that the Constitution be enrolled and deposited in the Secretary of State's office (Withem, Kristensen, Warner)........ 29CA
Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem)........ 12CA
Digital signatures: provide procedures for use (Coordsen, Kristensen)........ 42
Digital Signature Act: adopt (Kristensen)........ 286
Duties: provide (Landis)........ 731
Elections: change and eliminate provisions (Robinson, Matzke, Maurstad, Schimek, Withem)........ 764
Elections: change provisions relating to payment of costs of certain elections (Robinson, Cudaback, Vrtiska)........ 64
Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers)........ 459
Farming or ranching activities: require reports of ownership of real estate (Dierks, Vrtiska)........ 211
Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem)........ 38CA
Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner)........ 7CA
Initiative and referendum measures: identify the powers of and remove obsolete language (Withem, Kristensen, Warner)........ 55CA
Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem)........ 39CA
Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler)........ 56CA
Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek)........ 32CA
Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem)........ 41CA
Initiative and referendum petitions: provide a penalty for destroying a petition (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem)........ 228
Initiative and referendum: change provisions for petitions, petition signers and circulators, and procedures (Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem)........ 460
Initiative and referendum: change provisions relating to petition circulators (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem)........ 378

LB

Initiative petitions: change and provide filing requirements (Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem) 379
Judicial retention: provide for rotation of the question (Schmitt, Hudkins, Jones) 145
Lobbyists who lobby regarding rules and regulations: require they register with the Secretary of State and provide fees (Robinson, Bromm, Brown, Cudaback, Dierks, Janssen, Jensen, Jones, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wesely, Witek) 638
Multiple office holding and filing for more than one office: prohibit (Crosby) 339
Multiple office holding: prohibit and change provisions for filing petitions for nomination (Will) 382
Nebraska Register and the Nebraska Administrative Code: require publication (Coordsen) 665
New voting or counting systems, use of: provide powers and duties (Dw. Pedersen) 526
Presidential electors: change provisions for selection (Kristensen, Maurstad, Wehrbein) 103
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock) 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem) 9CA
Salary: change provisions (Warner, Withem) 14

SECURED TRANSACTIONS (See also Liens; Uniform Commercial Code)
Change provisions (Landis) 412
Filing: change provisions (Landis) 731

SECURITIES (See also Bonds; Stocks)
Securities Act of Nebr.: define and redefine terms and change provisions (Landis) 335

SECURITIES ACT OF NEBRASKA
Change provisions (Landis) 335

SECURITY INTERESTS (See Secured Transactions; Liens)

SEMITRAILERS (See Motor Vehicles)

SENIOR CITIZENS (See also Aged and Aging)

SERVICE OF PROCESS
Fees: change provisions (Dw. Pedersen, Bruning, Hartnett, Matzke, Schmitt, Withem, Tyson, Kiel, Stuhr) 281

SEWERS AND SEWER SYSTEMS
Second class cities and villages: change provision relating to sewerage system funds (Schrock, Cudaback, Elmer, Hudkins, Dw. Pedersen, Schellpeper) 67

SEX OFFENDER REGISTRATION ACT
Information: change provisions relating to access (Beutler) 644
Public access to certain information: provide (Witek) 480
Sex offenders: eliminate a duty for sheriffs (Abboud, Jones, Dw. Pedersen, Robak) 203
Sex offenders: provide for community notification of certain records (Abboud, Jones, Dw. Pedersen, Robak) 204

SEXUAL ABUSE (See Abuse)

SEXUAL PREDATOR ACT
Adopt (Wesely, Beutler, Bromm, Brown, Crosby, Cudaback, Engel, Hilgert, Hudkins, Jensen, Jones, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schmitt, Schrock, Suttle, Will) 323

SHERIFFS (See also Law Enforcement)

LB

Cameras: authorize the use of an automated traffic enforcement system for detection of moving traffic violations (Engel, Robinson, Dw. Pedersen).. 881
Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek).. 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill.. 465A
Death or disability: provide a rebuttable presumption in certain cases (Dw. Pedersen).. 528
Handguns: change provisions relating to a certificate to purchase a handgun (Beutler)... 751
Police chases: change penalty provisions for operating a motor vehicle to avoid arrest (Maurstad, Brown)................................... 218
Sex offenders: eliminate a duty for sheriffs (Abboud, Jones, Dw. Pedersen, Robak)... 203
Small Claims Court: require law enforcement personnel to give information to aid in collection of a judgment (Coordsen).............. 8
Ticket quota requirements: prohibit (Schmitt, Chambers)................ 162
Training costs for law enforcement officers: provide for reimbursement (Janssen, Bromm)... 252
Training requirements: change provisions (Hudkins, Schmitt, Tyson)...... 161
Tuition credit: provide for family members of deceased public safety personnel (Hilgert, Bruning, Will).................................. 267

SMALL CLAIMS COURT
Revisor bill to state the jurisdictional limit set by the Supreme Court (Executive Board).. 3
Small Claims Court: require law enforcement personnel to give information to aid in collection of a judgment (Coordsen).............. 8

SMALL EMPLOYER HEALTH INSURANCE AVAILABILITY ACT
Change provisions (Banking, at the request of the Governor)............. 862

SOIL CONSERVATION (See also Conservation; Environmental Control and Protection)

SOLID WASTE (See also Waste)
Combined billing of charges: authorize and provide for transportation permits and change Small Claims Court procedures (Tyson)............... 749
Integrated Solid Waste Management Act: provide for disbursements from the cash fund (Beutler, at the request of the Governor)................ 495
Littering and solid waste: change provisions relating to penalties (Beutler).. 679
Solid Waste Landfill Closure Assistance Fund: rename and change and eliminate grant procedures (Tyson)................................ 750
Tires, scrap: change provisions for disbursements from the Waste Reduction and Recycling Incentive Fund (Robinson, Schimek, at the request of the Governor).. 594
Waste reduction and recycling fee: change provisions (Schimek).......... 584

SPECIAL ACTS
Channel catfish: designate as the state fish (Hudkins, Dw. Pedersen, Stuhr).. 106
Corn plant: designate as the state crop (Hudkins, Dw. Pedersen, Stuhr).. 106
Platte River: designate as the official state river (Bohlke, Crosby).... 82

SPECIAL EDUCATION (See Disabled Persons; Schools)

SPECIAL EDUCATION ACT
Appropriations: change provisions and provide for reimbursement for support services (McKenzie).. 797

SPECIAL FUELS (See Motor Vehicle Fuels)

LB

SPORTS (See Athletics)

SPORTS WAGERING ACT
Adopt (Will)........ 359

STATE ADMINISTRATIVE DEPARTMENTS (See Administrative Departments, State)

STATE AGENCIES (See Administrative Departments, State)

STATE AID (See Public Assistance)

STATE EMPLOYEES (See also Public Employees)
Deferred compensation: change provisions (Wickersham)........ 330
Employee buy-out programs: authorize (Brown, Maurstad)........ 878
Employee buy-out programs: authorize (Brown) Appropriation bill........ 878A
Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers)........ 459
Employees Retirement Act, State: change provisions relating to investments and contributions (Crosby)........ 337
Health insurance benefits: authorize for certain benefits for temporary state employees (Wesely)........ 781
Personnel, Director of and the State Personnel Board: change provisions (Landis)........ 314
Personnel, Director of and the State Personnel Board: change provisions (Landis) Appropriation bill........ 314A
Salaries: appropriate funds for salary increases (Speaker Withem, at the request of the Governor)........ 387
Smoking in state buildings and vehicles: prohibit (Preister, Dierks, Hartnett, Jensen, Matzke, Robinson)........ 375
State agencies: require performance evaluations of the administrative head of certain agencies (Wickersham, Warner)........ 500
Stress management for hospital personnel and state employees: provide (Wesely)........ 184
Termination benefits: change provisions under the State Employees Retirement Act (Crosby)........ 96

STATE FUNDS INVESTMENT ACT, NEBRASKA
Revisor bill to repeal a defined term that is no longer needed (Executive Board)........ 4

STATE INSTITUTIONS
Blind and Visually Impaired Act, Commission for the: adopt (Crosby, Lynch, Dw. Pedersen, Will, Witek)........ 341
Correctional Services, Dept. of: change provisions relating to inmate employment (Dw. Pedersen)........ 88
Correctional Services, Dept. of: change provisions relating to visitation of inmates (Dw. Pedersen)........ 87
Criminal history record information checks: require of certain employees (Crosby, Dierks, Lynch, Tyson, Vrtiska, Wehrbein, Robak, Warner, Maurstad, Engel, Jensen)........ 852
Criminal history record information checks: require of certain employees (Crosby) Appropriation bill........ 852A
Developmental disabilities services: provide for contracts to review the quality of life and services (Wesely)........ 451
Health care and treatment: change provisions relating to costs and disciplinary restrictions and procedures (Brashear, at the request of the Governor)........ 769
Health care services: transfer duties relating to providing services from counties to the state (Wesely)........ 871
Indeterminate sentences: change and provide provisions (Chambers)........ 405
Medium-minimum security adult correction facility: authorize construction and appropriate funds (Maurstad)........ 150
Mental health commitment petitions and dispositions: provide notice to victims (Wesely)........ 325
Mental health services: state intent and provide for psychiatric or psychosocial rehabilitation (Robak)........ 736

LB

Mental health therapy: provide under the Nebr. Treatment and Corrections Act (Dw. Pedersen) 274

Mental Health Commitment Act, Nebr.: provide the act is applicable to juveniles (C. Peterson, Hilgert, Hudkins, Kiel, McKenzie, Dw. Pedersen, Preister, Stuhr) 757

Pardons, Board of: change provisions for driver's license revocation and provide for an application with the board (Will) 377

Prisoners: change provisions for actions brought by prisoners and informally name the Nebr. Prison Litigation Reform Act of 1997 (Bromm, Engel, Hudkins, Jensen, Maurstad, D. Pederson, Schrock, Witek) 508

Rules and regulations relating to rights, privileges and opportunities of the inmates: provide for adopting and promulgating (Dw. Pedersen) ... 761

Secure youth facility: provide for oversight and control by the Dept. of Correctional Services (Dw. Pedersen, at the request of the Governor) 760

State law violations: require the state to pay costs (Wickersham) 816

Work camps, incarceration: create (Engel, Crosby, Dierks, Jones, Kiel, D. Pederson, Robinson, Schrock, Vrtiska, Wehrbein, Witek, Preister, Abboud, at the request of the Governor) 882

Work camps, incarceration: create (Engel) Appropriation bill 882A

STATE OFFICERS (See also specific officer)

Administrative Procedure Act: change provisions relating to ex parte communications (Beutler) 31

Applicants who have applied for employment by any public body: exclude application materials from public record requirements (Bohlke) 400

Attorney General: change and eliminate powers and duties (Wickersham, Beutler) 430

Attorney General: provide duties (Withem) 758

Attorney General: provide duties relating to domestic violence (Schimek, Crosby, Hillman) 448

Auditor of Public Accounts: change provisions relating to audits of schools (Jones, Bromm, Hudkins, Schmitt, Schrock) 157

Auditor of Public Accounts: eliminate from the list of executive officers (Warner, Kristensen, Withem) 11CA

Cash Reserve Fund: eliminate provisions relating to completed transfers (Wehrbein) 63

Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers) 459

Health insurance benefits: authorize for certain benefits for temporary state employees (Wesely) 781

Insurance Program, Nebr. State: provide coverage for certificated employees of school districts and educational service units (Bromm, Cudaback, Jones, Robinson, Schrock, Witek, Tyson) 793

Public information: provide duties for the State Records Board relating to dissemination of public information electronically (Withem, Brashear, Brown, Hillman, Kristensen, Robinson) 590

Public information: provide duties for the State Records Board relating to dissemination of public information electronically (Withem) Appropriation bill 590A

Public records: provide access to state public records and authorize fees for access (Bromm, Coordsen, Cudaback, Engel, Janssen, Preister, Robinson, Schmitt, Stuhr, Witek) 792

Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock) 8CA

Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem) 9CA

Salaries and benefits: appropriate funds for payment (Speaker Withem, Wehrbein, at the request of the Governor) 384

Salary: change provisions (Warner, Withem) 14

Service of summons on the state: change provisions (Robak) 165

State Treasurer: eliminate from the list of executive officers (Warner, Kristensen, Withem) 11CA

STATE PATROL

LB

Cameras: authorize the use of an automated traffic enforcement system for detection of moving traffic violations (Engel, Robinson, Dw. Pedersen)........ 881
Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek)........ 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill........ 465A
Cost-of-living adjustment for certain retirees: provide (Hartnett)...... 650
Cost-of-living adjustment to retirees: provide (Brashear)........ 365
Duties: provide (Beutler)........ 644
DNA Detection of Sexual and Violent Offenders Act: adopt (Abboud, Hudkins, Jones, Dw. Pedersen, Robak, Witek)........ 278
DNA Detection of Sexual and Violent Offenders Act: adopt (Abboud) Appropriation bill........ 278A
Police chases: change penalty provisions for operating a motor vehicle to avoid arrest (Maurstad, Brown)........ 218
Retirement: redefine "surviving spouse" under the Nebr. State Patrol Retirement Act (Wickersham)........ 567
Sex offenders: provide for community notification of certain records (Abboud, Jones, Dw. Pedersen, Robak)........ 204
Ticket quota requirements: prohibit (Schmitt, Chambers)........ 162
Training costs for law enforcement officers: provide for reimbursement (Janssen, Bromm)........ 252
Training requirements: change provisions (Hudkins, Schmitt, Tyson)...... 161
Tuition credit: provide for family members of deceased public safety personnel (Hilgert, Bruning, Will)........ 267

STATE PATROL RETIREMENT ACT, NEBRASKA
"Surviving spouse": redefine (Wickersham)........ 567
Cost-of-living adjustment for certain retirees: provide (Hartnett)...... 650
Cost-of-living adjustment to retirees: provide (Brashear)........ 365

STATE TREASURER
Cash Reserve Fund: eliminate provisions relating to completed transfers (Wehrbein)........ 63
Employees of Elected Constitutional Offices Supplemental Retirement Plan Act: adopt (Chambers)........ 459
Executive officer: eliminate provisions (Warner, Kristensen, Withem)........ 11CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)........ 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA
Salary: change provisions (Warner, Withem)........ 14

STATEWIDE TRAUMA SYSTEM ACT
Adopt (Wesely, Matzke, Wickersham)........ 626
Adopt (Wesely) Appropriation bill........ 626A

STATUTE OF LIMITATIONS
Insurance acts, fraudulent: require restitution and change provisions (Beutler)........ 676

STOCKS (See also Securities; Bonds)

STREET GANG RECISION ACT
Adopt (Lynch)........ 439

STREETS
Counties: authorize a tax levy for road, street and bridge construction and improvement (Vrtiska, Cudaback)........ 115
Offstreet parking districts: provide for alternate uses of levies and assessments in certain cities and villages (Tyson)........ 746

STUDENT DISCIPLINE ACT

LB
Alternative educational programs: change provisions (Bromm, Coordsen, Engel, Hudkins, Janssen, Jones, Robinson, Stuhr, Vrtiska).............. 232

STUDENT FREEDOM OF EXPRESSION ACT
Adopt (Beutler).. 539

SUPREME COURT (See also Courts)
Court automation fee: provide continuation (Wehrbein, Chambers)......... 216
Judges: change provisions relating to salaries (Kiel).................. 362
Judges: change provisions relating to salaries (Brashear) Appropriation bill.. 362A

SURETIES (See Bonds)

TAX COMMISSIONER
Duties: provide (Stuhr, Bohlke, Maurstad, McKenzie, Schrock)........... 308
Local Option Property Tax Relief Committee: create (Janssen, at the request of the Governor)... 804
Retailers: authorize the Tax Commissioner to require certain reports relating to sales and use tax (Revenue Committee)..................... 113
Retailers: authorize the Tax Commissioner to require certain reports relating to sales and use tax (Warner) Appropriation bill............ 113A
Sales and use tax: change provisions for collection of an administrative fee (Kiel, Brashear, Bruning, Hillman, Schimek, Schrock, Suttle)... 488

TAX EQUALIZATION AND REVIEW COMMISSION
Powers and duties: provide (Kristensen, Hartnett, Landis, Schellpeper, Warner, Coordsen)... 397

TAX EQUITY AND EDUCATIONAL OPPORTUNITIES SUPPORT ACT
"Other actual receipts": change provisions (Wickersham, Bohlke)......... 209
Adjusted tiered cost per student: change provisions for calculation (Beutler).. 542
Calculation and disbursement of state aid to schools: change and eliminate provisions (Warner).. 672
Calculation and disbursement: change and eliminate provisions (Education Committee).. 806
Calculation and disbursement: change and eliminate provisions (Bohlke, Abboud, Beutler, Chambers, Crosby, Cudaback, Elmer, Hilgert, Hudkins, McKenzie, Dw. Pedersen, Preister, Robak, Schimek, Schrock, Suttle, Wehrbein, Wesely, Withem) Appropriation bill......................... 806A
Calculation of district formula need: change provisions (Wesely)........ 503
District formula resources: provide for adjustment (Wickersham, McKenzie, Stuhr).. 784
Income tax allocation: change provisions (McKenzie, Bromm, Wickersham)... 811
Income tax allocation: change provisions (Withem)...................... 815
Legislative findings and intent: provide and change provisions (Crosby)... 433
Legislative findings, intent and reports: change provisions (Withem).... 524
Other actual receipts: change provisions (Wehrbein)................... 163
Revenue: provide transfer of certain revenue (Schrock, Coordsen, Schellpeper, Vrtiska)... 719
School funding: change provisions for calculation of the local effort rate (Robak, Bromm, Cudaback, Schellpeper, Dierks)..................... 93
State aid: change provisions for distribution (Bohlke)................. 714
State aid: change provisions relating to reports and certification (Bohlke)... 713
State aid: provide records to the Legislative Council relating to the certification of distributions of state aid (Wickersham, Bohlke)........ 205

TAXATION (See Revenue and Taxation)

TEACHERS (See also Public Employees; Schools)

LB
Assault on educational employees: provide for criminal penalties (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen) 648
Certificated school employees: change provisions relating to tenure (Jones) 604
Certificates: change provisions relating to fees (Bohlke, Withem) 206
Class V school districts: change provisions for employee retirement and name an act (Will, Brown, Hartnett, Hilgert, Kiel, Dw. Pedersen, Preister, Suttle, Withem) 497
Retirement: authorize agreements for purchases of service credit (Wickersham) 724
Retirement: authorize agreements for purchases of service credit (Wickersham) Appropriation bill 724A
Retirement: authorize members to the school plan an election to pay the retirement system for up to ten years of service (Stuhr, Crosby, Lynch) 491
Retirement: authorize the purchase of service credit for service rendered in community colleges (Robak) 147
Retirement: change provisions relating to annuity and age and exempt certain retirement expenditures from levy limits (Robinson, Brown, Crosby, Janssen, Lynch, Stuhr) 822
Retirement: provide a supplemental benefit for certain school employee retirees (Robak, Crosby) 532
Retirement: provide an increase in the state contribution to the school employees retirement plan (Wickersham) 725
School employees: change provisions relating to hearing officers (McKenzie) 578
Student Freedom of Expression Act: adopt (Beutler) 539
Students: change provisions relating to discipline (Suttle, Beutler, McKenzie, C. Peterson) 838

TECHNICAL COMMUNITY COLLEGES (See also Universities and Colleges)

TELECOMMUNICATIONS (See also Communication)
Cellular telephones: restrict the use of while operating a motor vehicle (Crosby, Schmitt) 338
Certificates of convenience: change provisions (Kristensen) 687
Digital Signature Act: adopt (Kristensen) 286
Natural gas and telecommunications services: allow cooperating municipalities and public power districts to provide (Beutler, Bohlke, Bromm, Elmer, McKenzie, Preister, Schrock) 506
Newspaper carriers: include as employees for purposes of workers' compensation (Will, Chambers) 100
Public power districts: eliminate a restriction relating to communications services (Kristensen) 689
Service rates and regulation, local competition and universal service: change provisions (Kristensen, Dw. Pedersen, Coordsen, Robinson, Bruning, Matzke, Elmer, C. Peterson) 660
Service rates and regulation, local competition and universal service: change provisions (Kristensen) Appropriation bill 660A
Services by cities and villages: authorize (Kristensen) 688
Services rates and regulation: change provisions (Kristensen) 685
Telecommunications Relay System Act: provide vouchers for certain individuals (Bruning) 568
Telecommunications Universal Service Fund Act, Nebr.: adopt (Kristensen, Dw. Pedersen, Coordsen, Robinson, Matzke, Elmer) 686
Telemarketer Registration Act: adopt (Crosby, Jensen, Schimek) 445
911 emergency service: eliminate a restriction on an additional amount of service surcharge (Abboud, Jensen, Lynch, Dw. Pedersen, Suttle) 104
911 emergency telephone services: change provisions (Vrtiska) 37

TELECOMMUNICATIONS RELAY SYSTEM ACT
Vouchers: provide for certain individuals (Bruning) 568

TELECOMMUNICATIONS UNIVERSAL SERVICE FUND ACT, NEBR.
Adopt (Kristensen, Dw. Pedersen, Coordsen, Robinson, Matzke, Elmer) 686

TELEMARKETER REGISTRATION ACT
Adopt (Crosby, Jensen, Schimek).. 445

TELEPHONES
Cellular telephones: restrict the use of while operating a motor vehicle (Crosby, Schmitt).. 338
Service rates and regulation, local competition and universal service: change provisions (Kristensen, Dw. Pedersen, Coordsen, Robinson, Bruning, Matzke, Elmer, C. Peterson).. 660
Service rates and regulation, local competition and universal service: change provisions (Kristensen) Appropriation bill.................... 660A
Telemarketer Registration Act: adopt (Crosby, Jensen, Schimek).......... 445
911 emergency service: eliminate a restriction on an additional amount of service surcharge (Abboud, Jensen, Lynch, Dw. Pedersen, Suttle)...... 104
911 emergency telephone services: change provisions (Vrtiska)........... 37

TITLE INSURANCE ACT
Repeal (Landis).. 53

TITLE INSURANCE AGENT ACT
Adopt (Landis).. 53

TITLE INSURERS ACT
Adopt (Landis).. 53

TOBACCO (See also Cigarettes)
Billboards: prohibit certain advertising practices (Schrock, Crosby, Engel, Jensen, Suttle).. 65
Cigarette tax: change distribution and provide funding for capital construction for the Univ. of Nebr. and Nebr. State Colleges (Wesely, Crosby, Lynch).. 857
Cigarette tax: change provisions (Warner).. 411
Licenses, products and minors: change provisions, require posting of signs and provide penalties (Hilgert, Crosby, Elmer, Hudkins, Janssen, Jones, Robinson, Robak, Engel).. 467
Licenses: provide for suspension (Suttle, Kiel, Preister).............. 484
Products: provide for physical possession of products by a first owner before resale (Lynch, Hartnett).. 123
Smoking in state buildings and vehicles: prohibit (Preister, Dierks, Hartnett, Jensen, Matzke, Robinson).. 375
Tobacco products: prohibit automated dispensing (Preister, Jensen)...... 158

TOBACCO PRODUCTS TAX ACT
Products: provide for physical possession of products by a first owner before resale (Lynch, Hartnett).. 123

TORT CLAIMS ACT, STATE
Claims: limit recovery (Kristensen).. 41
State agency: redefine to include mental health boards (Vrtiska)........ 39

TORTS (See also Liability; Negligence)

TOWNSHIPS
Change provisions (Revenue Committee, Maurstad)....................... 45CA
County and township officers: eliminate provisions (Hillman, Brown, Engel, Maurstad, Robinson).. 52CA

TRACTORS
Testing and sale of current tractor models: change and eliminate provisions (Dierks).. 192

TRADE PRACTICES
Geologists Regulation Act: adopt (Beutler)............................. 700
Trade practices and trade names: change provisions (Wesely)............ 453

TRADEMARKS AND TRADENAMES

LB

Counterfeiting Prevention and Trademark Protection Act: adopt (Brashear, Abboud, Beutler, Bromm, Bruning, Hilgert, Kristensen, Matzke, D. Pederson, Wickersham, Will) 302

TRAIL DEVELOPMENT ASSISTANCE ACT

Termination date: eliminate (Beutler) 356

TRAILERS (See also Motor Vehicles)

TRANSITION COMMISSION

Create relating to special education (Education Committee, Brashear, Engel, Hartnett, Hillman, Maurstad, Robinson, Schimek) 865

Create relating to special education (McKenzie) Appropriation bill 865A

TRANSPORTATION (See also Motor Vehicles; Railroads)

Cameras: authorize the use of an automated traffic enforcement system for detection of moving traffic violations (Engel, Robinson, Dw. Pedersen) 881

Cellular telephones: restrict the use of while operating a motor vehicle (Crosby, Schmitt) 338

Driver education and training courses: require for persons subject to license suspension, revocation or impoundment (Crosby) 133

Driver's licenses: change provisions for renewal (Coordsen) 328

Driver's licenses: change provisions relating to renewal for military personnel (Cudaback, Schrock) 22

Driver's licenses: change provisions relating to suspension and revocation (Coordsen) 10

Driver's licenses: change provisions relating to suspension and revocation (Coordsen) Appropriation bill 10A

Driving under the influence: change provisions (Bruning) 26

Driving under the influence: lower the prohibited concentration of alcohol for conviction (Crosby, Dierks, Hudkins, Jensen, Jones, Preister, Schrock, Vrtiska, Wehrbein) 239

Financial responsibility, proof of: change requirements for nonresidents (Coordsen) 10

Financial responsibility, proof of: change requirements for nonresidents (Coordsen) Appropriation bill 10A

Handicapped parking permits: change provisions for renewal for permanent permits (Schimek) 836

Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke, Coordsen, Elmer) 255

Highway-Rail Grade Crossing Safety and Consolidation Act, Nebr.: adopt (Matzke) Appropriation bill 255A

Impeding traffic: change provisions (Brashear) 76

Juveniles: change provisions for placement and transportation costs (Will, Dw. Pedersen) 512

Juveniles: change provisions for placement and transportation costs (Will) Appropriation bill 512A

Learner's permits: change provisions and require a driver improvement course for minors (Bohlke, Crosby, Engel, Kristensen) 320

License plates: change provisions relating to license plates issued to handicapped or disabled persons (Cudaback, Lynch, Schrock) 72

Mopeds: provide for operator's permits (Robak) 220

Motor vehicle lights: change provisions (Robak) 368

Motor vehicles: change provisions relating to the number and placement of license plates on certain vehicles (Coordsen) 9

Motor vehicles: change provisions relating to use of lights (Brashear) 75

Motor vehicles: provide for issuance of one license plate (Schmitt) 564

Nebraska Cornhusker Spirit Plates: change provisions (Brashear, Wehrbein) 74

Propelled vehicles: change a penalty for unauthorized use (Witek) 290

Provisional operator's permits: provide (Bohlke, Crosby, Engel, Kristensen) 320

Railroads and railroad crossings: transfer powers and duties to the Dept. of Roads (Kristensen) 257

School buses: require seatbelts (Robak) 366

LB

School crossing zones: provide penalties for speeding, failure to yield and overtaking and passing (Robak, Crosby, Maurstad, Schimek, Withem, Abboud)........ 91
Special interest license plates: provide (Wickersham)........ 231
Splash aprons and flaps: provide for new motor vehicles (Robak)........ 295
State identification cards: change provisions (Cudaback)........ 21
Transit authorities: change provisions relating to tax levies (Will)........ 348
Trucks: allow for use of longer trucks to transport sugar beets from collection points to refining plants (Matzke, Hillman, Wickersham)........ 122
Undercover license plates and driver's licenses: provide (Kristensen)........ 256
Undercover license plates and driver's licenses: provide (Kristensen) Appropriation bill........ 256A
Veterans license plates: change provisions (Wickersham)........ 231

TREATMENT AND CORRECTIONS ACT, NEBRASKA
Mental health therapy: provide (Dw. Pedersen)........ 274

TRIALS (See Criminal Procedure)

TRUCKS (See Motor Vehicles)

TRUSTS AND TRUSTEES
Custodial Trust Act, Nebraska Uniform: adopt (Landis)........ 51
Prudent Investor Act, Nebraska Uniform: adopt (Landis)........ 54

UNCLAIMED PROPERTY ACT, UNIFORM DISPOSITION OF
Auditing expenses associated with receipt of abandoned property: provide for payment of expenses (Landis)........ 57

UNEMPLOYMENT (See Employment Security)

UNIFORM COMMERCIAL CODE
Liens: change provisions for filing (Landis)........ 731
Secured transactions: change provisions (Landis)........ 412
Secured transactions: change provisions for filing (Landis)........ 731

UNIFORM LICENSING LAW
Medicine and surgery: redefine the practice (Wesely)........ 452
Revoked licenses, certificates and registrations: change provisions for reinstatement (Kristensen)........ 476

UNIONS (See also Labor)

UNIVERSITIES AND COLLEGES (See also Postsecondary Education)
Athlete Agent Registration and Accountability Act: adopt (Brashear, Will)........ 766
Athlete Agent Registration and Accountability Act: adopt (Brashear) Appropriation bill........ 766A
Capital construction projects: change provisions relating to approval (Wehrbein)........ 586
Community colleges: change and eliminate provisions relating to funding (Schrock, Coordsen, Schellpeper, Vrtiska)........ 719
Community colleges: change provisions for funding and tax levies (Bohlke, Beutler, Brown, Coordsen, Crosby, Cudaback, Elmer, Engel, Hartnett, Hillman, Kiel, Kristensen, Lynch, Matzke, Maurstad, McKenzie, D. Pederson, Stuhr, Suttle, Tyson, Vrtiska, Warner, Wehrbein, Wickersham, Schimek)........ 408
Community colleges: provide for placing under the governance of the Board of Trustees of the Nebr. State Colleges (Wickersham, Bromm, Coordsen, Cudaback, Elmer, Hartnett, Hillman, Hudkins, Janssen, Jones, McKenzie, Robinson, Schellpeper, Schmitt, Schrock, Vrtiska)........ 823
Educational Finance Authority Act, Nebr.: redefine a term (Hartnett, Brown, Jensen)........ 303
Full-time college students: provide an exemption from jury duty (Stuhr)........ 73
Loan default cost fees: change provisions (Bohlke)........ 715

LB
Nebraska State Colleges: provide funding for capital construction projects (Wesely, Crosby, Lynch) 857
Postsecondary Education Award Program: appropriate funds (Lynch, Crosby, Engel, Kiel) 645
Postsecondary Education Expense Act: adopt (Kristensen) 475
Quality Work Force Academic Grant Program Act: adopt (Kiel, Brown, Bruning, Coordsen, Engel, Hilgert, Hillman, Hudkins, Jensen, Jones, Lynch, McKenzie, D. Pederson, C. Peterson, Preister, Robinson, Schimek, Schrock, Stuhr, Suttle, Tyson, at the request of the Governor) 813
Resident Health Education Tuition Assistance Grant Program Act: adopt (McKenzie) 773
Resident Tuition Assistance Grant Program Act: adopt (Robinson, Abboud, Crosby, Hartnett, Hilgert, Janssen, Jensen, Lynch, Dw. Pedersen, Stuhr, Will) 639
State colleges: provide funds for capital improvements (Hillman, Engel, Schellpeper, Tyson, Wickersham) 394
Tuition credit for members of the Nebr. based unit of the Active Selective Reserve of the armed forces: change provisions (Schmitt) 709
Tuition credit: provide for family members of deceased public safety personnel (Hilgert, Bruning, Will) 267
University of Nebraska Institute of Agriculture and Natural Resources: change provisions relating to research lands (Warner) 13
University of Nebraska Medical Center: require persons who contract for construction to provide health care coverage (Preister, Will, Lynch, Hilgert, Hartnett) 618
University of Nebraska: appropriate funds for salaries for cooperative extension educators and assistants (Wehrbein, Stuhr, Coordsen, Bromm, Jones, Hillman, Warner, Vrtiska, Hudkins) 164
University of Nebraska: create the Center for Policy Studies (Wesely) 859
University of Nebraska: create the Excellence in Higher Education Fund Act (Wesely, Beutler, Crosby, Landis, Schimek) 858
University of Nebraska: provide funding for capital construction projects (Wesely, Crosby, Lynch) 857

UNIVERSITY OF NEBRASKA (See Universities and Colleges)

VETERANS (See also Military)
"Veteran": redefine (Hilgert, Brown, Kiel, Schrock) 441
Driver's licenses: change provisions relating to renewal for military personnel (Cudaback, Schrock) 22
Fishing and hunting permits: change provisions relating to fees (Kristensen) 43
License plates: change provisions (Wickersham) 231
Tuition credit for members of the Nebr. based unit of the Active Selective Reserve of the armed forces: change provisions (Schmitt) 709
Veteran cemetery system: provide for creation and create a fund (Wickersham) 820
Veterans Homes, Division of: create within the Dept. of Health and Human Services (Dierks, C. Peterson, Schimek, at the request of the Governor) 396
Veterans Homes, Division of: create within the Dept. of Health and Human Services (Dierks) Appropriation bill 396A
Women in Military Service for America Memorial: appropriate funds (Hilgert) 693
Women In Military Service for America Memorial: appropriate funds to the Dept. of Veterans' Affairs (C. Peterson, Bruning, Dierks, Hudkins, Janssen, Kiel, McKenzie, Schmitt, Stuhr, Suttle, Vrtiska, Robak, Hilgert, Bromm) 755
Women In Military Service for America Memorial: appropriate funds to the Dept. of Veterans' Affairs (Bromm, Cudaback) 795

VETERANS' AFFAIRS, DEPARTMENT OF
"Veteran": redefine (Hilgert, Brown, Kiel, Schrock) 441
Veteran cemetery system: provide for creation and create a fund (Wickersham) 820

LB

Women In Military Service for America Memorial: appropriate funds (C. Peterson, Bruning, Dierks, Hudkins, Janssen, Kiel, McKenzie, Schmitt, Stuhr, Suttle, Vrtiska, Robak, Hilgert, Bromm)........................ 755
Women In Military Service for America Memorial: appropriate funds (Bromm, Cudaback)... 795

VETERINARY MEDICINE
Veterinarians: create a veterinarian-client privilege (Dierks)......... 191

VICTIMS OF CRIME
Mental health commitment petitions and dispositions: provide notice to victims (Wesely).. 325
Rights: provide and define terms (Bromm, Hudkins, Janssen, Jones, Matzke, Schellpeper, Vrtiska, Witek, Preister)........................ 606

VISUALLY HANDICAPPED (See Handicapped Persons; Disabled Persons)

VOLUNTEER FIREFIGHTERS & RESCUE SQUAD PERSONNEL RECRUIT. ACT
Adopt (Abboud)... 855
Adopt (Urban Affairs Committee).. 872

VOTERS AND VOTING (See also Elections)
Attorney General: provide for nonpartisan election (Chambers).......... 738
Ballots: eliminate provisions relating to explanatory statements (Warner).. 12
Campaign contributions and expenditures: provide limits (Kristensen).... 287
Campaign contributions: prohibit acceptance of certain contributions (Brashear, Wickersham).. 420
Campaign contributions: prohibit during legislative sessions (Bromm, Crosby, Schimek).. 131
Campaign funds: authorize expenditures for conference fees (Schimek).... 49
Campaign materials: provide restrictions on publishing and broadcasting (Beutler).. 620
Campaign statements: change provisions for filing (Chambers)........... 632
Campaign Finance Limitation Act: change provisions for distribution of public funds and reporting (Beutler)................................ 621
Campaign Finance Limitation Act: provide for enforcement and for civil and criminal penalties (Beutler).................................... 678
Campaigns: prohibit the use of public property and personnel for campaigning (Brashear).. 360
Campaigns: provide filing requirements for major out-of-state contributors (Withem, Coordsen, Dierks, Robinson, Schellpeper, Schimek, Warner).. 591
Candidates: prohibit certain officeholders and candidates from filing for or holding more than one office (Schimek, Crosby, Robinson)......... 221
Candidates: require certain candidates for public office to resign their current public position (Brashear).......................... 40CA
Cities of the first class: change provisions for terms of office and filling of vacancies (Robinson)..................................... 734
Class III school districts: provide for nomination of board members by district or ward and election at large (Robinson).................... 595
Conflicts of interest and dissolution of committees: change provisions (Brashear).. 767
Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem)......... 12CA
County Initiative and Referendum Act: adopt (Cudaback, Vrtiska)......... 574
Elections: change and eliminate provisions (Robinson, Matzke, Maurstad, Schimek, Withem).. 764
Elections: change provisions relating to payment of costs of certain elections (Robinson, Cudaback, Vrtiska)............................. 64
Independent committees: require reports of late expenditures by a committee and provide a penalty (Schimek, Beutler, Brashear)........... 321
Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem).. 38CA
Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner)............... 7CA

LB

Initiative and referendum measures: identify the powers of and remove obsolete language (Withem, Kristensen, Warner)........................ 55CA
Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem)................. 39CA
Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler).. 56CA
Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek)......... 32CA
Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem).................... 41CA
Initiative and referendum petitions: provide a penalty for destroying a petition (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem)... 228
Initiative and referendum: change provisions for petitions, petition signers and circulators, and procedures (Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem)................................ 460
Initiative and referendum: change provisions relating to petition circulators (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem)... 378
Initiative petitions: change and provide filing requirements (Robinson, Coordsen, Kristensen, Schellpeper, Schimek, Warner, Withem)............. 379
Judicial retention: provide for rotation of the question (Schmitt, Hudkins, Jones)... 145
Local Option Revenue Act: change a provision authorizing a ballot issue (Cudaback)... 575
Multiple office holding and filing for more than one office: prohibit (Crosby)... 339
Multiple office holding: prohibit and change provisions for filing petitions for nomination (Will).. 382
Municipal electric utility: provide for the election of the board of directors in primary class cities (Coordsen, Schellpeper).............. 637
Natural resources districts: change provisions for the election of directors and creation of subdistricts (Beutler)....................... 540
Political Accountability and Disclosure Act: change contribution restrictions on campaign committees (Brashear, Landis, Maurstad)........ 768
Political Accountability and Disclosure Act: change provisions for a civil penalty (Brashear).. 361
Presidential electors: change provisions for selection (Kristensen, Maurstad, Wehrbein)... 103
School district reorganization: change and eliminate provisions for the petition and election methods (Janssen, Withem)........................ 563
Secretary of State: provide powers and duties relating to the use of new voting or counting systems (Dw. Pedersen).......................... 526
Special election regarding tax levy authority of political subdivisions: permit election officials to establish a uniform date (Warner)......... 343
Term limits on Congress: apply to Congress to convene a constitutional convention for purposes of proposing an amendment (Witek)............. 35LR
Term limits: apply to Congress to convene a Constitutional Convention as a result of Initiative 409 (Withem)............................. 1LR

WAGES (See Fees and Salaries)

WASTE (See also Solid Waste)

Emergency Planning and Community Right to Know Act, Nebr.: adopt (Preister, Beutler, Bromm, Cudaback, Dierks, Hartnett, Hilgert, Janssen, Landis, Robinson, Schimek, Schmitt, Stuhr, Tyson, Vrtiska, Wickersham)... 374
Hazardous substances: define terms and provide liability for cleanup costs as a result of a hazardous substance emergency (Tyson)........... 748
Littering and solid waste: change provisions relating to penalties (Beutler)... 679
Solid waste: authorize combined billing of charges, provide for transportation permits and change Small Claims Court procedures (Tyson)... 749

LB
Solid Waste Landfill Closure Assistance Fund: rename and change and eliminate grant procedures (Tyson).................................. 750
Tires, scrap: change provisions for disbursements from the Waste Reduction and Recycling Incentive Fund (Robinson, Schimek, at the request of the Governor)... 594
Waste reduction and recycling fee: change provisions (Schimek).......... 584

WATER (See also Ground Water; Irrigation; Natural Resources)
Ground water conservation districts: change provisions relating to funds of districts and a termination date (Stuhr, Coordsen, McKenzie)... 78
Ground Water Management and Protection Act, Nebr.: change provisions relating to notice of controls (Bromm, Dierks, Hudkins, McKenzie, C. Peterson, Schrock, Elmer)... 188
Irrigation: change provisions for instream water appropriations (Preister, Hartnett, Kiel, Landis, Lynch, Schimek, Wesely)............. 718
Irrigation: change provisions for permits for appropriation of water (Beutler).. 657
Irrigation: change provisions for registration of water wells (Elmer)... 416
Irrigation: change provisions relating to instream appropriation permits (McKenzie, Brashear, Bromm, Coordsen, Cudaback, Dierks, Elmer, Engel, Hillman, Hudkins, Jones, Kiel, Dw. Pedersen, D. Pederson, C. Peterson, Schellpeper, Schmitt, Schrock, Stuhr, Tyson, Wehrbein, Wickersham, Jensen)... 877
Safe Drinking Water Act, Nebr.: provide for loans to public water supply systems (Beutler, Preister, at the request of the Governor)...... 518
Safe Drinking Water Act, Nebr.: transfer administration to the Dept. of Environmental Quality (Wesely, Beutler, at the request of the Governor).. 888
Wells: provide a statute of limitations for actions to collect civil penalties (Beutler).. 30

WATER RESOURCES, DEPARTMENT OF
Appropriate funds (Appropriations Committee).......................... 887

WEAPONS
Assault on educational employees: provide for criminal penalties (Kiel, Brashear, Brown, Hilgert, C. Peterson, Preister, Schrock, Suttle, Tyson, Dw. Pedersen)... 648
Concealed Handgun License Act: adopt (Schellpeper, Bromm, Bruning, Coordsen, Cudaback, Dierks, Elmer, Engel, Hudkins, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Robak, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Wehrbein, Wickersham, Witek).. 465
Concealed Handgun License Act: adopt (Schellpeper) Appropriation bill... 465A
Firearm ranges: define terms and provide for owner liability and immunity (Robak, Bruning, Engel, Janssen, Jensen, Jones, Dw. Pedersen, D. Pederson, Preister, Schellpeper, Schmitt, Schrock, Tyson, Vrtiska, Witek)... 350
Firearms, unlawful storage of: create the offense (Brown).............. 110
Handguns: change provisions relating to a certificate to purchase a handgun (Beutler)... 751
Revolver, unlawful possession of: eliminate the offense and create the offense of illegal possession of a firearm (Beutler).................. 751

WELLS (See also Ground Water; Irrigation; Water)
Statute of limitations for actions to collect civil penalties: provide (Beutler).. 30

WINE
Farm wineries: change provisions (Schellpeper, Wehrbein)............... 479

WITNESSES OF CRIME (See Victims of Crime)

WORKERS' COMPENSATION
Burial compensation: change provisions (Will, Hilgert, Abboud).......... 853
Burial compensation: change provisions (Will) Appropriation bill...... 853A

LB

Dependents, independent medical examiners, court records and procedure: change provisions (Business and Labor Committee)........................ 128
Employers of injured employees: provide employment duties (Hilgert, Will).. 245
Employment involving leased commercial motor vehicles: provide compensation (Vrtiska, Brashear, Bromm, Bruning, Coordsen, Crosby, Cudaback, Hudkins, Jensen, Jones, Kristensen, Landis, Matzke, Maurstad, Dw. Pedersen, Robinson, Schmitt, Schrock, Stuhr, Warner, Wehrbein, Wesely, Witek, Tyson, Abboud)... 474
Harmonize a reference (Vrtiska).. 38
Newspaper carriers: include as employees for purposes of workers' compensation (Will, Chambers)... 100
Occupational disease: redefine to include cumulative trauma (Will)...... 127
Records: provide for confidentiality (Vrtiska).......................... 215
Second Injury Fund: eliminate provisions (Abboud)....................... 854
Second Injury Fund: eliminate provisions (Abboud) Appropriation bill.. 854A

SECTION INDEX

NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

This section index herein compiled contains all existing sections of the Nebraska Statutes which would be either amended or repealed by legislative bills introduced during the Ninety-Fifth Legislature, First Session, 1997. An "A" indicates amendment and an "R" indicates repeal.

INTRODUCED SECTION INDEX
BILLS AND CONSTITUTIONAL AMENDMENT RESOLUTIONS
NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

SECTION	REPEAL OR AMEND	BILL
1-105.01 to 1-108.01	A	114
1-109	A	114
1-110	A	114
1-111	A	114
1-112	A	114
1-113	A	114
1-114	A	114
1-116 to 1-125	A	114
1-122	R	6
1-126	A	114
1-130	R	114
1-131	R	114
1-132	R	114
1-133	A	114
1-134	A	114
1-135	A	114
1-136	A	114
1-136.01	A	114
1-136.02	A	114
1-136.04	A	114
1-137 to 1-139	A	114
1-140	A	114
1-142 to 1-145	A	114
1-148	A	114
1-150	A	114
1-151	A	114
1-152	A	114
1-153	A	114
1-154	A	114
1-155	A	114
1-156	A	114
1-157	A	114
1-158	A	114
1-159	A	114
1-160 to 1-162.01	A	114
1-163 to 1-164.01	A	114
1-164.02	A	114
1-164.03 to 1-167	A	114
1-169	A	114
1-170	A	114
1-171	A	114
2-201	R	469
2-202	A	469
2-203	R	469
2-203.01	A	469
2-203.02 to 2-203.05	R	469
2-203.06	A	469
2-204	A	469
2-205	R	469
2-206	A	469
2-207	A	469
2-208	R	469
2-209	A	469
2-210	A	469
2-211 to 2-218	R	469
2-219	A	101
2-219	A	359
2-219	R	469
2-220.01	A	469
2-220.02	A	469
2-220.04	A	469
2-233	A	764
2-238 to 2-249	A	469
2-958	A	269
2-10,113	A	478
2-10,115	A	478
2-1201 to 2-1202	R	101
2-1203 to 2-1203.02	R	101
2-1203	A	848
2-1203.02	A	581
2-1203.02	A	848
2-1204 to 2-1206	R	101
2-1204	A	469
2-1204	A	582
2-1205	A	582
2-1207 to 2-1208.01	R	101
2-1208.02	R	101
2-1208.03	R	101
2-1208.03	A	582
2-1208.04	R	101
2-1208.04	R	582
2-1209	R	101
2-1211	R	101
2-1213	R	101
2-1213.01 to 2-1215	R	101
2-1216	R	101
2-1217 to 2-1220	R	101
2-1221	R	101
2-1222	R	101
2-1223 to 2-1225	R	101
2-1226 to 2-1246	R	101
2-1226	A	848
2-1228	A	582
2-1228	A	848
2-1807	A	202
2-2645	A	262
2-2701	R	192
2-2701.01	A	192
2-2701.02	R	192
2-2702	A	192
2-2703	A	192
2-2703.01	R	192

SECTION	REPEAL OR AMEND	BILL
2-2705	A	192
2-2705.01	R	192
2-2706	R	192
2-2707 to 2-2709	A	192
2-2710	R	192
2-2711	R	192
2-3202	A	747
2-3203	A	747
2-3213	A	540
2-3213	A	747
2-3214	A	540
2-3234	A	596
2-3254	A	888
2-3256	A	260
2-3508	A	199
2-3801	A	189
2-3803	A	189
2-3808	A	189
2-3901	A	201
2-3902	A	201
2-3902.01	R	201
2-3903	A	201
2-3910	A	201
2-3912	R	201
2-3917	A	201
2-4002	A	11
2-4012	A	11
2-4013	A	11
2-4802	A	200
2-4804	A	200
2-4808	A	200
2-4809	A	200
2-4811 to 2-4814	A	200
2-4816	A	200
2-5005	A	313
3-403	A	237
3-406	A	237
3-504	A	269
3-504.02	A	269
3-613	A	269
8-101	A	137
8-101	A	142
8-101	A	425
8-112	A	137
8-113	A	142
8-113	A	425
8-114	A	142
8-114	A	425
8-115	A	142
8-115	A	425
8-116	A	425
8-121	A	142
8-121	A	425
8-122	A	425
8-124	A	142
8-124	A	425
8-126	A	142
8-126	A	364
8-126	A	425
8-128	A	142
8-128	A	425
8-129	A	425
8-132	A	142
8-132	A	425
8-143.01	A	364
8-143.01	A	425
8-147	A	2
8-149	A	137
8-157	A	56
8-157	A	136
8-157	A	137
8-157	A	351
8-157	A	868
8-166	A	137
8-169	A	142
8-169	A	425
8-185	A	142
8-185	A	425
8-187	A	142
8-187	A	425
8-190	A	142
8-190	A	425
8-193	A	142
8-193	A	425
8-197	A	142
8-197	A	425
8-198	A	142
8-198	A	425
8-1,102	A	142
8-1,102	A	425
8-1,103	A	142
8-1,103	A	425
8-1,104	A	142
8-1,104	A	425
8-1,116	A	142
8-1,116	A	425
8-1,119	A	142
8-1,119	A	425
8-1,120	A	142
8-1,120	A	425
8-1,131	A	753
8-1,134	A	137
8-206	A	142
8-206	A	425
8-222	A	137
8-224	A	364
8-319	A	555
8-355	A	35
8-909	A	142
8-909	A	425
8-910	A	142
8-910	A	425
8-911	A	739
8-1101	A	335
8-1103	A	335
8-1104	A	335
8-1108	A	335
8-1108.01	A	335
8-1110	A	335
8-1111	A	335
8-1114	A	335
8-1123	A	335
8-1602	A	142
8-1602	A	425
8-1603	A	142
8-1603	A	425
9-1,101	A	101
9-1,102	R	381
9-1,103	A	101
9-1,104	A	101
9-1,104	A	248
9-204	A	101

SECTION	REPEAL OR AMEND	BILL
9-204	A	732
9-226	A	101
9-226	A	248
9-227	A	101
9-232.02	A	248
9-236	R	99
9-237	R	99
9-239	A	99
9-241.03	A	248
9-241.03	A	627
9-241.08	A	248
9-255.04	A	99
9-255.06	A	101
9-255.07	A	101
9-255.07	A	248
9-255.09	A	101
9-255.09	A	248
9-262	A	248
9-312	A	101
9-312	A	732
9-313	A	98
9-313	A	522
9-315	A	98
9-315	A	101
9-315	A	522
9-315	A	732
9-317	A	98
9-317	A	522
9-322	A	101
9-322	A	248
9-323	A	101
9-329.03	A	248
9-329.04	R	248
9-330 to 9-332	A	248
9-331	A	101
9-333	A	248
9-335	A	101
9-337	A	98
9-337	A	522
9-337	A	723
9-338	A	732
9-342	A	248
9-343	A	248
9-345	A	248
9-345.01	A	522
9-345.03	A	98
9-345.03	A	522
9-346	A	98
9-346	A	248
9-346	A	522
9-346	A	723
9-346	A	732
9-350	A	248
9-352	A	248
9-401	A	148
9-402	A	101
9-404	A	99
9-404	A	148
9-407	A	148
9-411	A	101
9-411	A	148
9-413	A	148
9-415	A	101
9-415	A	148
9-418	A	101
9-418	A	248
9-419	A	101
9-422	A	101
9-429	A	99
9-430	A	148
9-430	A	248
9-433	R	99
9-434	A	248
9-502	A	101
9-507	A	101
9-509	A	101
9-512	A	101
9-601	R	101
9-601	A	522
9-602 to 9-606	R	101
9-606.01	R	101
9-607	R	101
9-607	A	522
9-607	A	534
9-613	R	101
9-614	R	101
9-615	R	101
9-616	R	101
9-617 to 9-619	R	101
9-620	R	101
9-621	R	101
9-622	R	101
9-623	R	101
9-624	R	101
9-625	A	99
9-625	R	101
9-626 to 9-628	R	101
9-629	R	101
9-629.01	R	101
9-630 to 9-632	R	101
9-630	A	248
9-631.01	A	248
9-633 to 9-635	R	101
9-636	R	101
9-637	R	101
9-638	R	101
9-638	A	248
9-639	R	101
9-640	R	101
9-641	R	101
9-642 to 9-643	R	101
9-643	R	99
9-644	R	99
9-644	R	101
9-645	R	101
9-646	R	101
9-646	A	248
9-646.01	R	101
9-646.01	A	248
9-646.01	A	522
9-647	R	101
9-647	A	522
9-648	A	99
9-648	R	101
9-648	A	522
9-649	R	101
9-650	R	101

SECTION	REPEAL OR AMEND	BILL
9-651	R	101
9-651	A	522
9-652	R	101
9-652	A	248
9-653	R	101
9-701	A	101
9-801	A	380
9-803	A	380
9-810	A	307
9-812	A	118
9-812	A	212
9-812	A	288
9-812	A	347
9-812	A	461
9-812	A	525
9-812	A	572
9-812	A	750
9-812	A	865
9-826	A	101
9-836.01	A	212
9-836.01	A	750
10-127	A	177
10-127	A	823
10-131	A	177
10-133	A	177
10-142	A	177
10-142	A	823
10-409	A	825
10-703.01	A	64
11-119	A	507
11-119	A	789
11-119	A	817
11-125	A	507
11-125	A	789
11-125	A	817
11-126	A	507
11-126	A	789
11-126	A	817
11-201	A	101
12-913	A	71
13-303	A	447
13-318	A	176
13-319	A	468
13-319 to 13-321	A	719
13-320	R	269
13-320	A	348
13-321	R	269
13-322	A	176
13-322	A	269
13-323	A	269
13-326	A	176
13-326	A	468
13-501	A	250
13-501	A	397
13-501	A	583
13-501	A	719
13-503	A	101
13-503	A	177
13-503	A	250
13-503	A	583
13-503	A	719
13-503	A	823
13-504	A	397
13-504	A	583
13-506	A	160
13-508	A	269
13-508	A	583
13-509	A	397
13-511	A	583
13-513	R	397
13-517	A	719
13-518	A	269
13-518	A	719
13-518	A	823
13-519	A	625
13-520	A	625
13-522	A	583
13-608	A	826
13-804	A	176
13-807	A	176
13-916	A	823
13-1102	A	171
13-1102	A	548
13-1102	A	869
13-1414	A	743
13-1612	A	719
13-1612	A	823
13-1801	A	138
13-1801	A	826
13-2001	A	749
13-2020	A	135
13-2020	A	749
13-2042	A	495
13-2101	A	826
13-2101.01 to 13-2104	A	634
13-2202	A	177
13-2202	A	250
13-2202	A	823
13-2305	A	305
13-2307	A	305
14-101	A	826
14-102	A	359
14-102	A	814
14-102	A	826
14-102.02	A	826
14-117	A	611
14-213	A	826
14-221	A	826
14-554	A	179
14-554	A	223
14-601 to 14-609	R	826
14-709	A	826
14-813	A	319
14-815	A	826
14-818	A	502
14-1805	A	269
14-1821	A	269
14-2101	A	708
14-2116	A	708
14-2122	A	708
14-2150	A	651
15-209	A	257
15-220	A	814
15-258	A	359
15-261	A	257
15-263	A	825
15-264	A	816
15-264	A	825
15-266	A	637
15-314	A	826
15-326	R	826

SECTION	REPEAL OR AMEND	BILL
15-406	A	826
15-730	A	257
16-122	A	826
16-202	A	230
16-206	A	814
16-211	A	257
16-212	A	257
16-225	A	825
16-225	R	826
16-226	A	359
16-239	A	825
16-246	A	825
16-252	A	816
16-252	A	825
16-309	A	734
16-318	A	179
16-321	A	238
16-323	A	825
16-323	R	826
16-6,100	A	825
16-901	A	602
17-107	A	826
17-112	A	826
17-118	A	825
17-118	R	826
17-120	A	359
17-121	A	826
17-124	R	826
17-127	A	825
17-143	A	257
17-144	A	257
17-207	A	359
17-207	A	521
17-208	A	826
17-213	R	826
17-222	A	825
17-225	A	257
17-405.04	A	826
17-503	A	230
17-505	A	521
17-505	A	825
17-526	A	814
17-551	A	257
17-552	A	257
17-566	A	816
17-566	A	825
17-568.01	A	238
17-925.01	A	67
17-1001	A	602
18-412.07	A	499
18-412.08	A	499
18-418	A	571
18-1201	A	826
18-1702	R	826
18-1703	R	826
18-1704	R	826
18-1706	A	826
18-1736	A	298
18-1736	A	564
18-1737	A	564
18-1738	A	836
18-1738.01	A	836
18-1740	A	836
18-1741.01	A	299
18-1901	A	666
18-2101	A	415
18-2101	A	875
18-2102	A	875
18-2102.01	A	427
18-2103	A	875
18-2105	A	875
18-2107	A	269
18-2107	A	875
18-2109	A	875
18-2115	A	875
18-2118	A	875
18-2123	R	875
18-2142	R	875
18-2147	A	415
18-2147	A	875
18-2149	A	875
18-2150	A	875
18-2401	A	506
18-2403	A	506
18-2414	A	506
18-2458	A	499
18-2459	A	499
18-2528	A	831
18-2708	A	468
18-2713	A	468
18-2805	A	583
19-413	A	826
19-414	A	826
19-415	A	826
19-927	A	426
19-1302	A	825
19-1831	A	116
19-2202	A	764
19-2424	A	319
19-3015	A	764
19-3032	A	764
19-3301	A	746
19-3315	A	269
19-4601	A	708
19-4602	A	318
19-4603	A	318
19-4603.01	A	318
19-4604	A	318
19-4605	A	318
19-4622	A	318
20-113	A	171
20-113	A	548
20-113	A	869
20-127	A	254
20-128	A	254
20-131	A	869
20-131.02	A	254
20-131.04	A	254
20-139 to 20-141	A	171
20-139 to 20-141	A	548
20-139	A	869
20-150 to 20-154	A	810
20-151	A	851
20-155	R	810
20-156	A	810
20-156	A	851
20-157	A	810
20-158	R	810
20-159	A	810
21-1738	A	137
21-1739	A	137

SECTION	REPEAL OR AMEND	BILL
21-1740	A	137
21-1741	A	89
21-1743	A	89
21-17,102	A	89
21-17,106	A	89
21-17,109	A	89
21-17,112	A	137
21-17,115	A	152
21-1914	A	285
21-1931	A	44
21-1931	A	453
21-1933	A	44
21-19,119	A	121
21-19,121	A	121
21-19,151	A	44
21-19,151	A	453
21-2028	A	44
21-2028	A	142
21-2028	A	425
21-2028	A	453
21-20,173	A	44
21-20,173	A	453
21-2205	A	260
21-2601	A	44
21-2603 to 21-2606	A	631
21-2608	A	631
21-2610	A	631
21-2612	A	631
21-2615 to 21-2622	A	631
21-2628	A	631
21-2631	A	631
21-2633	A	631
21-2640	A	631
21-2647 to 21-2649	A	631
21-2651 to 21-2653	A	631
22-164	A	59
22-174	A	59
22-402	A	269
22-402.03	A	269
22-402.04	A	269
22-405	A	269
22-405.01	A	269
22-416	A	269
22-417	A	269
22-417	A	507
22-417	A	817
23-102	A	507
23-102	A	817
23-107.01	A	396
23-109	A	34
23-120	A	507
23-120	A	789
23-120	A	817
23-121	A	507
23-121	A	789
23-121	A	817
23-153	A	40
23-153	R	269
23-175	A	376
23-175	A	743
23-186	A	271
23-186	A	463
23-222	A	764
23-272	A	40
23-278	A	40
23-342	A	743
23-355	A	743
23-366	A	743
23-389 to 23-392	R	101
23-390	A	582
23-501	A	764
23-905	A	583
23-908	A	545
23-1114.03 to 23-1114.06	A	507
23-1114.03 to 23-1114.06	A	817
23-1201	A	758
23-1201	A	818
23-1202	A	818
23-1206	A	818
23-1206.01	A	818
23-1212	A	818
23-1216 to 23-1220	A	818
23-1222	A	818
23-1223	A	818
23-1402	A	179
23-1517.02	A	33
23-1601	A	70
23-1601	A	85
23-1601	A	615
23-1703	A	825
23-1901	A	260
23-2301	A	367
23-2301	A	624
23-2306	A	177
23-2306	A	250
23-2306	A	624
23-2310	A	624
23-2310.01	A	623
23-2310.02	A	623
23-2315.01	A	623
23-2319	A	624
23-2320	A	624
23-2323.03	A	177
23-2323.03	A	250
23-2323.03	A	624
23-2331	A	177
23-2331	A	250
23-2331	A	623
23-2331	A	624
23-2504	A	507
23-2504	A	817
23-2518	A	507
23-2518	A	817
23-2525	A	869
23-2531	A	869
23-2541	A	869
23-3102	A	743
23-3104	A	743
23-3106 to 23-3108	A	743
23-3110 to 23-3113	A	743
23-3301	R	789
23-3302	R	789
23-3303	R	789
23-3304	R	789

SECTION	REPEAL OR AMEND	BILL
23-3305	R	789
23-3306	R	789
23-3307	R	789
23-3308	R	789
23-3310	R	789
23-3311	R	789
23-3401	R	818
23-3402 to 23-3408	R	818
23-3406	A	331
23-3547	A	28
23-3552	A	28
23-3615	A	743
24-201.01	A	362
24-301.02	A	370
24-301.02	A	404
24-301.02	A	505
24-301.02	A	706
24-312	A	706
24-345	A	507
24-345	A	817
24-503	A	404
24-503	A	505
24-503	A	642
24-503	A	706
24-516	A	706
24-517	A	559
24-517	A	573
24-517	A	677
24-701	A	624
24-701.01	A	624
24-703	A	796
24-703.01	A	623
24-703.02	A	623
24-706	A	624
24-707	A	624
24-708	A	624
24-708	A	796
24-709.02	A	623
24-710	A	624
24-713	A	623
24-815	A	145
24-1101	A	246
24-1101	A	706
24-1104	A	68
24-1105	R	331
24-1106	A	331
24-1204	A	229
24-1206	A	505
25-213	A	508
25-221	A	165
25-224	A	458
25-312	A	1
25-315	A	743
25-320	A	234
25-543	R	560
25-702	A	234
25-1056	A	196
25-1056	A	771
25-1140	A	706
25-1140.09	A	331
25-1140.09	A	706
25-1222.01	A	741
25-1233	A	94
25-1542	A	706
25-1552	A	730
25-1556	A	730
25-1557	A	730
25-1601	A	73
25-1625	A	507
25-1625	A	817
25-1901	A	706
25-1904	A	706
25-1907	A	706
25-1908	A	706
25-1911 to 25-1916	A	706
25-1912	A	398
25-1920	A	706
25-1923	A	706
25-1925	A	706
25-1935 to 25-1937	A	706
25-2001	A	1
25-21,180	A	234
25-21,181	A	442
25-21,203	A	165
25-21,239	A	527
25-2301 to 25-2307	A	227
25-2308	R	227
25-2308	A	508
25-2309	A	227
25-2310	A	227
25-2401 to 25-2405	A	810
25-2601	A	151
25-2603	A	151
25-2618	A	151
25-2704	A	363
25-2706	A	573
25-2728	A	706
25-2729	R	706
25-2730	R	706
25-2731 to 25-2734	A	706
25-2735 to 25-2738	R	706
25-2739	A	677
25-2739	A	706
25-2802	A	3
25-2803	A	749
25-2806	A	8
25-2807	A	706
25-2901	A	236
25-2908	A	236
25-2911	A	236
25-2913	A	236
25-2916	A	236
25-2921	A	236
27-609	A	331
27-803	A	244
27-803	A	331
28-101	A	90
28-101	A	110
28-101	A	265
28-101	A	439
28-101	A	509
28-101	A	601
28-101	A	751
28-101	A	814
28-104	A	331
28-105	A	291
28-105	A	323

SECTION	REPEAL OR AMEND	BILL
28-105	A	331
28-105	A	509
28-105	A	537
28-105.01	R	331
28-106	A	309
28-106	A	509
28-106	A	537
28-109	A	291
28-109	A	701
28-201	A	331
28-201	A	561
28-202	A	331
28-204	A	440
28-204	A	511
28-303	A	331
28-307	A	406
28-311.02	A	600
28-311.03	A	600
28-317	A	323
28-318	A	323
28-318	A	601
28-320	A	324
28-325	A	23
28-325	A	167
28-325	A	217
28-326	A	23
28-326	A	167
28-326	A	217
28-340	A	23
28-340	A	167
28-340	A	217
28-343	A	307
28-401	A	307
28-405	A	373
28-406 to 28-408	A	307
28-406	A	550
28-407	A	550
28-410	A	307
28-410	A	472
28-410	A	550
28-414	A	307
28-416	A	391
28-416	A	845
28-419	A	605
28-428	A	307
28-430	A	307
28-431	A	307
28-431	A	309
28-434	A	307
28-507	A	240
28-516	A	290
28-518	A	26
28-518	A	233
28-522	A	417
28-523	A	679
28-601	A	302
28-631	A	272
28-631	A	676
28-701	A	407
28-711	A	119
28-713	A	119
28-713	A	307
28-713.01	A	119
28-723	A	490
28-726	A	119
28-904	A	293
28-905	A	218
28-913	A	769
28-929 to 28-931.01	A	648
28-1006	A	551
28-1008	A	701
28-1011	A	551
28-1012	A	551
28-1101	A	101
28-1101	A	359
28-1101	A	534
28-1105	A	101
28-1105	A	359
28-1113	A	101
28-1113	A	359
28-1202	A	465
28-1204	R	751
28-1204.01	A	751
28-1204.02	A	751
28-1204.03	A	648
28-1204.04	A	648
28-1204.04	A	751
28-1206	A	751
28-1418	A	467
28-1419	A	158
28-1419	A	467
28-1421	A	158
28-1421 to 28-1423	A	467
28-1424	A	484
28-1425	A	158
28-1425	A	467
28-1425	A	484
28-1426	A	467
28-1427	R	467
28-1428	R	467
28-1429.01	A	158
28-1429.02	A	158
28-1430	R	622
28-1431	R	622
28-1432	R	622
28-1433	R	622
28-1467 to 28-1469	A	772
29-104	A	355
29-110	A	676
29-119	A	818
29-215	A	701
29-404.02	A	756
29-422	A	109
29-424	A	109
29-428	A	109
29-433	A	391
29-504	A	562
29-611	A	706
29-742	A	331
29-744	A	331
29-827	A	355
29-908	A	756
29-1002	A	695
29-1002	A	816
29-1004	A	695
29-1004	R	816
29-1005	R	816
29-1822	A	331
29-1823	A	485
29-1926	A	643

SECTION	REPEAL OR AMEND	BILL
29-2005	A	331
29-2006	A	331
29-2020	A	331
29-2204	A	289
29-2204	A	307
29-2204	A	405
29-2222	A	26
29-2262	A	882
29-2262.01	R	48
29-2264	A	310
29-2269	A	879
29-2280	A	628
29-2281	A	26
29-2281	A	628
29-2282	A	331
29-2286	A	628
29-2302	A	706
29-2306	A	706
29-2308	A	706
29-2317	A	355
29-2317	A	706
29-2319	A	355
29-2319	A	706
29-2407	A	331
29-2519 to 29-2525	R	331
29-2523	A	422
29-2523	A	774
29-2525	A	706
29-2527	R	331
29-2528	R	331
29-2528	A	390
29-2532 to 29-2546	R	331
29-2801	A	331
29-2811	R	331
29-3001	A	390
29-3001	A	462
29-3002	A	390
29-3003	A	390
29-3004	A	390
29-3205	A	331
29-3523	A	856
29-3602	A	355
29-3809	A	816
29-3903	A	818
29-3904	A	818
29-3909 to 29-3917	R	818
29-3918	A	818
29-3919 to 29-3931	R	818
29-3920	A	331
29-3921	A	108
29-3928	A	331
29-3929	A	331
29-3930	A	331
29-3931	A	108
29-4004	A	644
29-4007	A	203
29-4009	A	204
29-4009	A	480
29-4009	A	644
29-4013	A	204
30-1601	A	466
30-1601	A	706
30-2201	A	466
30-2220	A	466
30-2467	A	770
30-2469	A	770
30-2487	A	307
30-2601	A	466
30-2619	A	466
30-2620	A	466
30-2625 to 30-2629	A	466
30-2627	A	396
30-2627	A	608
30-2630.01	A	466
30-2633	A	466
30-2634	A	466
30-2637	A	466
30-2639	A	466
30-2639	A	608
30-2646	A	54
30-2813	A	54
30-2819	A	54
30-3201	A	54
31-118	A	743
31-120	A	743
31-301.01	A	682
31-329	A	706
31-355	A	743
31-401.01	A	682
31-410.01	A	682
31-411.02	R	682
31-424.01	A	682
31-447	A	682
31-512	A	743
31-601	A	843
31-602	A	843
31-735	A	134
31-735	A	873
31-740	A	589
31-741	A	743
31-744	A	531
31-744	A	589
31-748	A	743
31-912	A	743
32-101	A	177
32-101	A	637
32-101	A	764
32-103	A	764
32-107	A	764
32-115	A	764
32-204	A	764
32-208	A	764
32-210	A	764
32-211	A	764
32-214	A	764
32-215	A	764
32-221	A	764
32-222	A	764
32-228	A	764
32-230	A	764
32-235 to 32-238	A	764
32-240 to 32-242	A	764
32-305	A	764
32-306	A	764
32-308	A	764
32-310	A	764
32-312	A	764

SECTION	REPEAL OR AMEND	BILL
32-314 to 32-316	A	764
32-319	A	764
32-321 to 32-325	A	764
32-327	A	307
32-329	A	764
32-330	A	764
32-404	A	64
32-404	A	764
32-507	A	738
32-509	A	399
32-514	R	823
32-523	R	818
32-524	R	507
32-524	R	817
32-527	R	789
32-530	A	764
32-542	A	775
32-543	A	595
32-543	A	764
32-552	A	764
32-553 to 32-555	A	595
32-554	A	764
32-560	A	221
32-560	A	339
32-560	A	382
32-560	A	764
32-565	A	764
32-567	A	177
32-567	A	818
32-567	A	823
32-568	A	734
32-568	A	764
32-569	A	734
32-570	A	789
32-603	A	221
32-603	A	339
32-604	A	221
32-604	A	339
32-604	A	382
32-606	A	64
32-606	A	764
32-607	A	764
32-607	A	823
32-608	A	789
32-608	A	823
32-609	A	738
32-609	A	764
32-609	A	789
32-612 to 32-614	A	764
32-616	A	221
32-616	A	339
32-616	A	764
32-618 to 32-621	A	764
32-624	A	764
32-628 to 32-631	A	378
32-628 to 32-631	A	460
32-631	A	764
32-632	A	764
32-703	A	764
32-707	A	764
32-710	A	103
32-710	A	764
32-714	A	103
32-715	A	764
32-716	A	460
32-801	A	764
32-803	A	764
32-808	A	764
32-810	A	64
32-811	A	64
32-813	A	738
32-814 to 32-816	A	64
32-814	A	145
32-903	A	764
32-904	A	764
32-910	A	764
32-913 to 32-916	A	764
32-929	A	764
32-933 to 32-935	A	764
32-941	A	64
32-943	A	764
32-945	A	64
32-946	A	764
32-950	A	764
32-1014	R	764
32-1016	A	764
32-1029	A	64
32-1032	A	764
32-1033	A	764
32-1038	A	103
32-1041	A	526
32-1044	A	764
32-1201	A	64
32-1203	A	64
32-1203	A	764
32-1203	A	823
32-1208	A	764
32-1301	A	823
32-1302	A	823
32-1302	A	874
32-1303	A	378
32-1304	A	378
32-1401 to 32-1404	A	460
32-1404	A	378
32-1407	A	379
32-1407	A	460
32-1409	A	378
32-1409 to 32-1411	A	460
32-1410	A	12
32-1411	A	12
32-1509	R	764
32-1516	A	764
32-1544	A	764
32-1546	A	228
32-1546	A	378
32-1546	A	460
32-1547	A	339
32-1548	A	758
32-1601	R	420
32-1601	A	678
32-1602	R	420
32-1603	A	420

SECTION	REPEAL OR AMEND	BILL
32-1603 to 32-1606	A	621
32-1604 to 32-1607	R	420
32-1607	A	678
32-1608	A	420
32-1608.01 to 32-1609	R	420
32-1610	R	420
32-1611	R	420
33-104	A	843
33-106	A	706
33-106.02	A	507
33-106.02	A	817
33-106.04	A	216
33-114	A	179
33-114	A	223
33-117	A	281
33-131	A	507
33-131	A	817
33-139.01	R	508
33-150	A	101
33-150	A	260
35-508	A	612
35-508	A	855
35-508	A	872
35-509	A	612
35-513	A	855
35-513	A	872
35-514.02	A	447
35-514.02	A	612
37-101	A	155
37-101	A	173
37-101	A	313
37-102	A	19
37-102	A	313
37-102	A	664
37-102	A	668
37-102	A	705
37-102	A	735
37-102	A	830
37-105	A	733
37-201	A	705
37-202	A	172
37-202	A	173
37-202.01	A	172
37-202.02	A	172
37-202.03	A	172
37-203	A	172
37-204	A	172
37-204.01 to 37-205	A	172
37-206	A	172
37-207	A	172
37-207	R	830
37-213	A	172
37-213.03	A	43
37-214.03	A	43
37-215	A	704
37-215	A	733
37-215.03	A	473
37-216.01	A	19
37-216.01	A	172
37-216.01	A	735
37-216.02	A	172
37-216.03	A	705
37-216.03	R	830
37-216.04	A	705
37-216.05 to 37-216.07	A	172
37-216.06 to 37-216.09	A	705
37-227	A	704
37-304.01	A	313
37-306	A	313
37-501	A	313
37-501.01	A	313
37-505	A	107
37-505	A	313
37-513	A	313
37-535 to 37-538	A	703
37-536	A	866
37-537	A	313
37-603	A	701
37-702	A	313
37-703	A	313
37-705 to 37-707	A	313
37-711	A	313
37-711.01	A	313
37-712 to 37-718	A	313
37-719	A	549
37-726	A	313
37-901	A	313
37-901 to 37-912	A	664
37-901.01	R	313
37-902 to 37-906	A	313
37-907	R	313
37-908 to 37-911	A	313
37-912 to 37-914	R	313
37-913	R	664
37-914	R	664
37-1101 to 37-1103	A	172
37-1103	A	271
37-1105	A	172
37-1107.01 to 37-1114	A	172
37-1214	A	172
37-1214	A	720
37-1216	A	720
37-1226	A	172
37-1228	A	172
37-1254.01	A	239
37-1254.02	A	239
37-1254.06	A	210
37-1254.06	A	309
37-1270	A	316
37-1276 to 37-1278.01	A	720
37-1278	A	635
37-1278.01	A	635
37-1286	A	720
37-1289	A	720
37-1291	A	316
37-1291	A	667
37-1501	A	356
37-1503	A	683

SECTION	REPEAL OR AMEND	BILL
37-1509	R	356
39-102	A	402
39-310	A	679
39-311	A	679
39-810	A	743
39-817	A	743
39-820	A	743
39-822	A	743
39-1002	A	764
39-1390	A	516
39-1407	A	743
39-1408	A	743
39-1503	A	743
39-1524	A	743
39-1603	A	260
39-1620	A	743
39-1644	A	743
39-1730	A	257
39-2201	A	697
39-2223	A	697
39-2306	A	260
39-2510	A	271
39-2519	A	271
39-2520	A	271
40-101	A	730
40-102	A	730
40-103	A	372
40-105	A	730
42-101	A	280
42-101	A	407
42-102	A	407
42-103	A	280
42-103	A	407
42-109	A	407
42-117	A	280
42-117	A	407
42-347	A	307
42-347	A	677
42-348	A	677
42-349	A	677
42-350	A	677
42-351	A	674
42-351	A	677
42-352	A	677
42-353	A	677
42-357	A	677
42-358	A	307
42-358.08	A	307
42-358.08	A	677
42-360	A	677
42-362	A	677
42-364	A	7
42-364	A	674
42-364	A	884
42-364	A	885
42-364.06	A	18
42-364.13	A	423
42-364.16	A	885
42-369	A	423
42-369	A	785
42-370	A	677
42-371	A	677
42-372	A	77
42-372.01	A	434
42-373	A	677
42-377	A	677
42-379	R	677
42-701	A	727
42-701	A	752
42-702	A	727
42-702	A	752
42-709	A	727
42-709	A	752
42-711	A	727
42-711	A	752
42-714	A	727
42-714	A	752
42-717 to 42-720	A	727
42-717 to 42-720	A	752
42-718	A	674
42-723	A	307
42-734	A	727
42-734	A	752
42-740	A	727
42-740	A	752
42-741	A	727
42-741	A	752
42-746	A	727
42-746	A	752
42-747	A	727
42-747	A	752
42-748	A	727
42-748	A	752
42-803 to 42-810	A	677
42-812	A	677
42-813	A	677
42-821	A	677
42-822	A	677
42-901	A	448
42-901	A	829
42-902	A	448
42-903	A	600
42-918	A	448
42-919	A	448
42-920	A	448
42-921	A	448
42-922	A	448
42-923	R	393
42-923	A	448
42-923	R	600
42-924	A	600
42-924	A	677
42-924	A	829
42-924.01	A	393
42-924.01	A	600
42-924.02	A	393
42-924.02	A	600
42-927	A	448
42-928	A	829
43-104.07	A	307
43-104.13	A	674
43-106.02	A	307
43-107	A	307
43-112	A	706
43-113	A	80
43-117	A	788
43-119	A	307
43-120	R	307
43-121	A	307
43-122	R	307

SECTION	REPEAL OR AMEND	BILL
43-124 to 43-127	A	307
43-130 to 43-135	A	307
43-137 to 43-146	A	307
43-146.02	A	307
43-146.04 to 43-146.16	A	307
43-158	A	674
43-245	A	307
43-245	A	392
43-245	A	622
43-247	A	289
43-247	A	307
43-247	A	622
43-248	A	622
43-250	A	307
43-250	A	392
43-250	A	622
43-251	A	392
43-251	A	622
43-252	R	289
43-253	A	307
43-253	A	392
43-254	A	307
43-254	A	769
43-255	A	392
43-256	A	392
43-258	A	307
43-272	A	301
43-272	A	818
43-272.01	A	622
43-273	A	818
43-274 to 43-276	A	236
43-278	A	622
43-279	A	289
43-279	A	307
43-281	A	307
43-284	A	512
43-284	A	622
43-286	A	236
43-286	A	307
43-286	A	512
43-287	A	236
43-287	R	307
43-287.05	A	706
43-290	A	512
43-290	A	536
43-290	A	769
43-290	A	785
43-2,101	A	512
43-2,106.01	A	706
43-2,113	A	674
43-2,113	A	677
43-2,129	A	622
43-504	A	864
43-504.01	A	864
43-512	A	633
43-512	A	864
43-512.02	A	307
43-512.03	A	307
43-512.03	A	677
43-512.03	A	752
43-512.04	A	677
43-512.05 to 43-512.07	A	307
43-512.12 to 43-512.15	A	307
43-512.12	A	885
43-512.15	A	885
43-512.17	A	307
43-536	A	307
43-701	A	307
43-702	A	307
43-705	A	307
43-707	A	307
43-708	A	307
43-801	A	648
43-1202	A	674
43-1209	A	674
43-1210	A	674
43-1301	A	307
43-1314.01	A	307
43-1408.01	A	307
43-1409	A	752
43-1414	A	752
43-1704	A	307
43-1706	A	307
43-1718	A	18
43-1718.01	A	18
43-1718.02	A	307
43-1718.02	A	752
43-1720	A	307
43-1723	A	752
43-1801	A	207
43-1801	A	358
43-1801	A	674
43-1802	A	358
43-1802	A	674
43-1803	A	358
43-1803	A	674
43-1803	A	677
43-2002	A	307
43-2003	A	307
43-2004 to 43-2006	A	307
43-2009	A	307
43-2012	A	307
43-2401	A	307
43-2403	A	424
43-2404	A	424
43-2405	A	424
43-2406	A	424
43-2407	A	424
43-2409	A	424
43-2410	A	424
43-2411	A	424
43-2412	A	424
43-2505	A	346
43-2508	A	307
43-2606	A	307
43-2606	A	310
43-2608 to 43-2613	A	307
43-2615 to 43-2617	A	307
43-2618	A	310
43-2620	A	307
43-2622	A	307
43-2624	A	307
43-2625	A	307

SECTION	REPEAL OR AMEND	BILL
43-2901	A	777
43-2903	A	674
43-2904	A	674
43-2904	A	752
43-2905 to 43-2917	A	674
43-2919	A	674
44-203	A	53
44-205	A	52
44-231	A	52
44-319.01	A	273
44-371	A	47
44-3,144	A	307
44-513	A	413
44-760	A	862
44-1089	A	47
44-1525	A	53
44-1540	A	543
44-1615	A	823
44-1703	A	555
44-1927 to 44-1977	R	53
44-2127	A	52
44-2221	A	862
44-2825	A	235
44-32,180	A	587
44-3904	A	630
44-4201	A	862
44-4203	A	862
44-4222	A	862
44-4228	A	862
44-4233	A	55
44-4310	A	170
44-4726	A	587
44-4802	A	53
44-5019	A	159
44-5103 to 44-5105	A	273
44-5110	A	273
44-5112	A	273
44-5115	A	273
44-5117	A	273
44-5118	A	273
44-5120	A	273
44-5122	A	273
44-5127 to 44-5129	A	273
44-5130	R	273
44-5131	A	273
44-5132	A	273
44-5133	R	273
44-5134	A	273
44-5136	R	273
44-5137	A	273
44-5138	A	273
44-5141	A	273
44-5142	R	273
44-5144	A	273
44-5146	R	273
44-5147	R	273
44-5148	R	273
44-5149	A	273
44-5151 to 44-5153	A	273
44-5223	A	862
44-5225	A	862
44-5233	A	862
44-5242	A	862
44-5244	A	862
44-5249	R	862
44-5253	A	862
44-5259	A	862
44-5260	A	862
44-5261	A	862
44-5408	A	279
44-6101	A	52
44-6107	A	52
44-6108	A	52
44-6109	A	52
44-6115	A	52
44-6117	A	52
44-6119	A	52
44-6120	A	52
44-6409	A	741
44-6412	A	336
44-6603 to 44-6606	A	272
45-101.02	A	137
45-101.04	A	335
45-101.05	A	554
45-104.01	A	187
45-114	A	555
45-116 to 45-120	A	555
45-123	A	555
45-126	A	555
45-128	A	555
45-129	A	555
45-130	A	137
45-132 to 45-134	A	555
45-137	A	555
45-138	A	555
45-139	A	555
45-145 to 45-147	A	555
45-150	A	555
45-155	A	555
45-197	A	555
45-1,110	A	555
45-1,116	A	555
45-351	A	137
45-707	A	137
45-921	A	137
46-133	A	397
46-136	A	179
46-209	A	657
46-233.01	A	657
46-235	A	657
46-235.04	A	416
46-2,107	A	718
46-2,108	A	877
46-2,109	A	718
46-2,111	A	718
46-2,114	A	877
46-2,115	A	877
46-602	A	416
46-633	A	78
46-634.01	A	78
46-637	A	416
46-656.19	A	188
46-656.21	A	188
46-656.28	A	307
46-656.51	A	307

SECTION	REPEAL OR AMEND	BILL
46-701	A	260
46-1011	A	888
46-1204.01	A	416
46-1207.01	A	416
46-1239	A	30
46-1240	A	30
47-110	A	816
47-111	A	816
47-112	A	816
47-115	A	825
47-119	R	695
47-119	R	816
47-120	A	695
47-120	A	816
47-121	A	695
47-121	A	816
47-202	A	825
47-206	A	825
47-207	A	825
47-208	A	825
47-302	A	825
47-303	A	825
47-305	A	825
47-307	A	816
47-501	A	825
47-603	A	323
47-603	A	825
47-617	A	825
48-103	A	474
48-115	A	38
48-115	A	100
48-115	A	474
48-118	A	854
48-122	A	853
48-124	A	128
48-128	A	854
48-134.01	A	128
48-144.04	A	854
48-145	A	474
48-146	A	474
48-147	A	474
48-149	A	752
48-151	A	127
48-157	A	128
48-161	A	752
48-162.01	A	128
48-177	A	128
48-190	A	165
48-1,110	A	128
48-1,110	A	215
48-1,110	A	245
48-1,110	A	474
48-224	A	622
48-226	A	5
48-227	A	5
48-228	R	5
48-302	A	789
48-418.02 to 48-418.04	A	125
48-418.06	A	125
48-418.07	A	125
48-418.10	A	125
48-418.11	A	125
48-418.12	A	125
48-418.14	A	125
48-446	A	557
48-524	A	171
48-524	A	548
48-601	A	765
48-604	A	20
48-604	A	79
48-604	A	129
48-604	A	130
48-621	A	719
48-621	A	823
48-622.03	A	823
48-624	A	225
48-628	A	282
48-647	A	307
48-647	A	864
48-648	A	834
48-649	A	765
48-652	A	32
48-669	A	225
48-719	A	653
48-720	A	641
48-720	A	653
48-726	A	641
48-731	A	653
48-801	A	519
48-801.01	A	519
48-811.02	A	823
48-816	A	519
48-818	A	519
48-824	A	519
48-838	A	519
48-1001 to 48-1010	R	171
48-1001 to 48-1010	R	548
48-1101	A	171
48-1101	A	548
48-1101 to 48-1107	A	869
48-1102	A	171
48-1102	A	548
48-1104 to 48-1107	A	171
48-1104 to 48-1107	A	548
48-1107.02	A	869
48-1108	A	171
48-1108	A	548
48-1108	A	869
48-1109 to 48-1126	A	869
48-1111	A	171
48-1111	A	548
48-1113 to 48-1119	A	171
48-1113 to 48-1119	A	548
48-1122 to 48-1126	A	171
48-1122 to 48-1126	A	548
48-1203	A	569
48-1203.01	A	569
48-1209.01	A	826
48-1219 to 48-1227.01	R	171
48-1219 to 48-1227.01	R	548
48-1401	A	623

SECTION	REPEAL OR AMEND	BILL
48-1501	A	238
48-1502	A	238
48-2114	A	883
49-202.01	R	12
49-209	A	12
49-209	A	764
49-506	A	823
49-801	A	701
49-801.01	A	46
49-1401	A	131
49-1401	A	287
49-1401	A	321
49-1401	A	420
49-1401	A	591
49-1401	A	620
49-1401	A	726
49-1401	A	839
49-1402	A	591
49-1403	A	420
49-1403	A	591
49-1405	A	287
49-1405	A	591
49-1405	A	839
49-1413	A	591
49-1416	A	591
49-1419	A	591
49-1428	A	620
49-1433	A	638
49-1446	A	420
49-1446.01	A	49
49-1453	A	767
49-1455	A	420
49-1459	A	621
49-1459	A	632
49-1463.01	A	321
49-1478	A	591
49-1479	A	768
49-1480	A	638
49-1480.01	A	638
49-1481	A	638
49-1482	A	638
49-1483	A	638
49-1483.03	A	638
49-1483.04	R	638
49-1484 to 49-1486	A	638
49-1488	A	638
49-1488.01	A	638
49-1492	A	638
49-1493	A	767
49-1499	A	726
49-1499.01	A	726
49-14,101	A	360
49-14,101	A	726
49-14,103.01	A	339
49-14,103.01	A	382
49-14,103.01	A	726
49-14,103.01	A	767
49-14,103.02	A	726
49-14,103.07	A	726
49-14,122	A	420
49-14,123	A	420
49-14,123	A	678
49-14,124	A	421
49-14,124	A	591
49-14,124 to 49-14,126	A	678
49-14,125	A	421
49-14,126	A	361
49-14,126	A	767
49-14,129	A	420
49-14,133	A	758
49-14,140	A	420
50-114.05	A	638
51-201	A	250
51-201	A	269
51-202	A	112
51-202	A	250
51-203 to 51-205	A	250
51-209 to 51-211	A	250
51-301 to 51-305	R	250
51-307 to 51-312	R	250
51-313	R	250
51-314	R	250
51-315	R	250
51-316	R	250
51-317 to 51-319	R	250
51-414	A	250
51-501	A	269
52-125	A	449
52-158	R	449
52-202	A	731
52-501	A	731
52-701	A	731
52-902	A	731
52-1001	A	731
52-1004	A	731
52-1102	A	731
52-1202	A	731
52-1307	A	731
52-1312	A	731
52-1313	A	731
52-1316	A	731
52-1601	A	731
52-1603	A	731
53-101	A	247
53-101	A	482
53-101	A	846
53-101.01	A	249
53-101.01	A	482
53-103	A	249
53-103	A	371
53-103	A	482
53-116	A	249
53-116	A	482
53-116.02	A	249
53-116.02	A	482
53-117	A	249
53-117	A	482
53-117.05	A	482
53-117.06	A	482
53-122	A	249
53-122	A	482
53-123.11	A	479
53-124	A	482
53-129	A	249
53-129	A	482
53-131	A	249
53-131	A	482

SECTION	REPEAL OR AMEND	BILL
53-132 to 53-134	A	249
53-132 to 53-134	A	482
53-134.02	R	482
53-134.03	A	249
53-134.03	R	482
53-134.04	A	482
53-135	A	482
53-135.01	A	482
53-138.01	A	345
53-160	A	371
53-160	A	411
53-168.06	A	613
53-177	A	45
53-178.01	A	120
53-179	A	242
53-180.04	A	603
53-180.05	A	603
53-180.07	A	241
53-1,104	A	17
53-1,115	A	249
53-1,115	A	482
53-1,116	A	249
53-1,116	A	482
54-133.01	A	193
54-201	A	731
54-208	A	731
54-602	A	814
54-614	A	814
54-854	A	263
54-1902	A	199
55-161.01	A	758
55-480	A	331
57-905	A	334
57-919	A	97
58-503	A	264
58-504	A	344
58-701	A	870
58-703	A	870
58-710	A	307
59-1715	A	335
60-104	A	720
60-105	A	463
60-106	A	271
60-106	A	463
60-106	A	635
60-108	A	564
60-111.01	A	463
60-111.01	A	635
60-117	A	564
60-118 to 60-127	R	463
60-129	A	463
60-133	A	720
60-301	A	231
60-301	A	564
60-302	A	70
60-302	A	271
60-302	A	516
60-302	A	720
60-302.01	A	271
60-302.03	A	880
60-303	A	271
60-305.01	A	564
60-305.04	A	271
60-305.04	A	564

SECTION	REPEAL OR AMEND	BILL
60-305.11	A	271
60-305.15	A	270
60-305.16	A	9
60-308	A	635
60-310	A	271
60-310	A	564
60-310	A	694
60-310	A	720
60-311	A	9
60-311	A	156
60-311	A	256
60-311	A	564
60-311.02	A	9
60-311.02	A	271
60-311.02 to 60-311.04	A	564
60-311.03	A	231
60-311.03	A	694
60-311.04	A	231
60-311.04	A	694
60-311.05	A	564
60-311.05	A	694
60-311.07	A	564
60-311.07	A	720
60-311.08	A	231
60-311.08	A	564
60-311.08	A	694
60-311.09	A	231
60-311.09	A	564
60-311.09	A	694
60-311.09	A	720
60-311.11	A	9
60-311.11	A	564
60-311.12	A	564
60-311.12	A	694
60-311.13	A	231
60-311.13	A	564
60-311.14	A	72
60-311.14	A	271
60-311.14	A	300
60-311.14	A	564
60-311.16	A	564
60-311.21	A	271
60-311.21	A	564
60-311.22	A	74
60-311.23	A	9
60-311.23	A	74
60-311.23	A	564
60-312	A	720
60-315	A	271
60-315	A	564
60-315.01	A	564
60-315.01	A	694
60-315.15	A	271
60-318	A	271
60-320	A	271
60-320	A	564
60-320	A	720
60-320.01	A	529
60-320.01	A	720
60-321	A	564
60-323	A	564
60-324	A	564
60-331	A	564
60-334	A	564
60-335	A	256
60-335	A	564

SECTION	REPEAL OR AMEND	BILL
60-337	A	138
60-344	A	271
60-347	A	564
60-383	A	564
60-462	A	133
60-462	A	210
60-462	A	220
60-462	A	256
60-462	A	309
60-462	A	320
60-462	A	328
60-462	A	438
60-462	A	648
60-479	A	210
60-479	A	256
60-479	A	328
60-479	A	438
60-479	A	648
60-480	A	220
60-480	A	320
60-483	A	635
60-483	A	720
60-484	A	635
60-488	A	328
60-489	A	701
60-490	A	354
60-4,100	A	10
60-4,105	A	752
60-4,108	A	772
60-4,109	A	772
60-4,110	A	309
60-4,112	A	133
60-4,112	A	220
60-4,112	A	320
60-4,114	A	328
60-4,115	A	354
60-4,115	A	438
60-4,118	A	309
60-4,118	A	320
60-4,120	A	354
60-4,121	A	22
60-4,122	A	328
60-4,123	A	320
60-4,125	A	320
60-4,129	A	752
60-4,130	A	752
60-4,131	A	309
60-4,144	A	635
60-4,146.01	A	354
60-4,148	A	354
60-4,149.01	A	328
60-4,181	A	21
60-4,181	A	354
60-4,181	A	635
60-4,182	A	239
60-501	A	564
60-507	A	10
60-531	A	10
60-601	A	91
60-601	A	143
60-601	A	338
60-601	A	366
60-601	A	464
60-601	A	565
60-601	A	603
60-601	A	881
60-605	A	91
60-646	A	701
60-682.01	A	91
60-690	A	440
60-698	A	772
60-6,108	A	353
60-6,192	A	881
60-6,193	A	76
60-6,196	A	26
60-6,196	A	239
60-6,196	A	309
60-6,197	A	26
60-6,197	A	309
60-6,197	A	464
60-6,202	A	210
60-6,202	A	309
60-6,205	A	464
60-6,205	A	603
60-6,206	A	309
60-6,206	A	464
60-6,209	R	309
60-6,209	A	377
60-6,211.01 to 60-6,211.03	A	464
60-6,211.01	A	603
60-6,211.02	A	603
60-6,211.03	R	603
60-6,211.04	A	603
60-6,219	A	75
60-6,222	A	75
60-6,227	A	368
60-6,233	A	855
60-6,234	A	855
60-6,235 to 60-6,237	A	75
60-6,243	A	75
60-6,265	A	366
60-6,266	A	366
60-6,270	A	366
60-6,283	A	295
60-6,285	A	855
60-6,288	A	226
60-6,290	A	721
60-6,296	A	477
60-6,298	A	122
60-6,298	A	261
60-6,298	A	402
60-6,310	A	220
60-6,322	A	70
60-6,335	A	75
60-6,342	A	332
60-6,357	A	75
60-1411.03	A	271
60-1803	A	271
60-1806	R	271
60-1807	A	271
60-1901	A	564
60-1902	A	564
60-1903	A	564
60-1908	A	564
60-2608	A	265
66-482	A	144
66-482	A	617
66-489	A	617
66-499	A	144
66-499	A	668
66-4,105	A	617
66-4,128	A	271

SECTION	REPEAL OR AMEND	BILL
66-4,140	A	668
66-4,147	A	668
66-528 to 66-530	A	345
66-697	A	576
66-699	A	576
66-6,107 to 66-6,109	A	576
66-901	A	140
66-902	A	140
66-910 to 66-914	A	140
66-1225	A	297
66-1404	A	496
66-1509	A	517
66-1518	A	517
67-234	A	44
67-248.02	A	523
67-294	A	523
67-301 to 67-346	R	523
67-345	A	44
68-104	R	871
68-114	A	871
68-126	A	307
68-126	A	871
68-131	A	871
68-132	A	871
68-133	A	871
68-134	A	871
68-135	R	871
68-136	R	871
68-137	A	871
68-138	A	871
68-139	A	871
68-140	A	871
68-141	A	871
68-142	A	871
68-143	R	871
68-145	R	871
68-146	A	871
68-147	A	871
68-148	A	871
68-149	A	871
68-150	R	871
68-151	R	871
68-152	A	871
68-153	A	871
68-154	A	871
68-155	A	871
68-156	R	871
68-621	A	789
68-716	A	307
68-717	A	307
68-1006.01	A	340
68-1006.01	A	608
68-1019 to 68-1019.05	A	307
68-1020	A	307
68-1020	A	782
68-1021	A	307
68-1021	A	587
68-1023	A	307
68-1026 to 68-1028	A	307
68-1030 to 68-1036.03	A	307
68-1030	A	587
68-1037	A	782
68-1037.03	A	307
68-1037.04	A	307
68-1038	A	608
68-1047	A	307
68-1048 to 68-1053	A	587
68-1056	A	587
68-1057	A	587
68-1058	R	587
68-1059	A	587
68-1060	R	587
68-1061 to 68-1063	A	587
68-1064	R	587
68-1065	R	587
68-1066	R	587
68-1101	A	587
68-1708	A	864
68-1713	A	864
68-1717	R	864
68-1718	A	864
68-1726	A	864
69-201	A	728
69-204	A	283
69-204	A	728
69-205	A	728
69-206	A	728
69-208	A	283
69-210	A	728
69-1317	A	57
69-2404	A	751
69-2409.01	A	307
70-101	A	307
70-301	A	506
70-601	A	506
70-604	A	506
70-604	A	744
70-604.02	A	506
70-611	A	764
70-624.04	R	339
70-624.04	R	382
70-624.04	R	764
70-625	A	329
70-625	A	580
70-625	A	689
70-626	A	506
70-628.01 to 70-628.04	A	506
70-628.02 to 70-628.04	A	499
70-631	A	506
70-632	A	506
70-636	A	506
70-637	A	499
70-637	A	506
70-641	A	499
70-642.03	R	764
70-646	R	499
70-646	A	506
70-651.05	A	271
70-655	A	506
70-655	A	571
70-657	R	499
70-657	A	506
70-667	A	506

SECTION	REPEAL OR AMEND	BILL
70-802	A	506
70-1005	A	471
70-1007	R	602
70-1008	A	471
70-1008 to 70-1010	A	602
70-1009	R	471
70-1010	R	471
70-1021	R	506
70-1022	R	506
70-1402	A	506
70-1404	A	506
70-1409	A	506
70-1413	A	506
70-1416	A	506
70-1417	A	506
71-101	A	587
71-110	A	476
71-121	A	307
71-121.01	A	307
71-141	A	307
71-147	A	146
71-147	A	622
71-148	A	146
71-151	A	307
71-157	A	307
71-158	A	307
71-161.10	A	307
71-162	A	622
71-168	A	138
71-168	A	222
71-168.02	A	138
71-172.01	A	307
71-174.01	A	307
71-1,102	A	452
71-1,103	A	452
71-1,132.30	A	259
71-1,133 to 71-1,135.02	A	369
71-1,135.04	A	369
71-1,136.01	A	307
71-1,142	A	307
71-1,143	A	472
71-1,145	A	352
71-1,147.01	A	472
71-1,147.03	A	352
71-1,147.08	A	307
71-1,147.41	A	307
71-1,153	A	191
71-1,154	A	307
71-1,198	A	138
71-1,234	A	307
71-1,235	A	622
71-1,237	A	307
71-1,238	A	762
71-1,239	A	762
71-1,243	A	307
71-1,283	A	307
71-1,288	A	307
71-1,314	A	622
71-1,334	A	307
71-1,339	A	138
71-201	A	622
71-203	A	622
71-208	A	622
71-208	A	789
71-211.01	A	622
71-212	A	622
71-212	A	789
71-217	A	622
71-219.01	A	622
71-219.02	A	622
71-219.04	A	622
71-220.01	A	622
71-223.01	A	622
71-225	A	622
71-227	A	622
71-232	A	622
71-245	A	622
71-390	A	307
71-501	A	197
71-502.04	A	197
71-503.01	A	197
71-504	A	197
71-507 to 71-510	A	138
71-507	A	608
71-514.02	A	138
71-516.02	A	608
71-516.03	A	608
71-520	A	610
71-523	A	610
71-531	A	194
71-604	A	307
71-604.05	A	307
71-605	A	307
71-606	A	307
71-608.01	A	307
71-612	A	307
71-614	A	307
71-615	A	677
71-616.04	A	307
71-616.05	A	307
71-617.02	A	307
71-617.06 to 71-617.15	A	307
71-626 to 71-630	A	307
71-636	A	307
71-639	A	307
71-640.02	A	307
71-641	A	307
71-642	A	307
71-649	A	307
71-901 to 71-905	R	622
71-1405	A	307
71-1501 to 71-1512	R	876
71-1518 to 71-1554	R	876
71-1536	A	307
71-1564	A	260
71-1623	A	871
71-1628	A	185
71-1628.01	A	185
71-1630	A	185
71-1631	A	185
71-1632	A	185
71-1634	A	185
71-1635	A	185
71-1637	A	269
71-1637	A	608
71-1638	A	269

SECTION	REPEAL OR AMEND	BILL
71-1766 to 71-1771	R	622
71-1774	A	66
71-1901	A	307
71-1903	A	307
71-1903	A	622
71-1906.02	A	307
71-1907	A	307
71-1909	A	307
71-1909 to 17-1911	A	310
71-1910	A	307
71-1911	A	783
71-1912	A	310
71-1913	A	307
71-1913	A	310
71-1913	A	622
71-1913.02	A	307
71-1914	A	310
71-1915	A	310
71-1916	A	310
71-1917	A	310
71-2003	A	307
71-2017	A	608
71-2017.01	A	450
71-2017.01	A	608
71-2017.01	A	622
71-2017.01	A	783
71-2017.01	A	837
71-2017.07	A	307
71-2017.07	A	608
71-2021.01	A	622
71-2023	A	783
71-2024	A	608
71-2024	A	783
71-2024	A	837
71-2048.01	A	92
71-2050 to 71-2055	R	783
71-2097 to 71-20,101	A	307
71-20,103	A	186
71-20,103	A	219
71-20,103	A	307
71-20,105	A	186
71-20,105	A	219
71-20,107	A	186
71-20,107	A	219
71-2206	R	307
71-2601	A	260
71-2610.01	A	307
71-3101	A	622
71-3102	A	622
71-3406	A	307
71-3505	A	658
71-3521	R	552
71-3708	A	307
71-3710	A	307
71-4629	A	622
71-4720	A	851
71-4721	A	851
71-4724 to 71-4726	A	851
71-4728	A	810
71-4728 to 71-4729	A	851
71-4728.01	A	810
71-4731 to 71-4733	A	851
71-5001 to 71-5003	A	587
71-5002	A	736
71-5004	A	587
71-5006	A	587
71-5007	A	587
71-5009	A	587
71-5010	R	871
71-5013 to 71-5016	A	587
71-5013	R	871
71-5020	R	587
71-5021	A	587
71-5022	A	587
71-5024 to 71-5026	R	587
71-5027	A	587
71-5027 to 71-5029	R	871
71-5032	A	587
71-5033	R	587
71-5034	R	587
71-5038	A	587
71-5040	A	587
71-5043	A	307
71-5044	A	307
71-5044	A	587
71-5048	A	307
71-5049	A	307
71-5101 to 71-5165	R	138
71-5108	A	166
71-5301	A	518
71-5301	A	888
71-5302	A	518
71-5303	A	888
71-5304.01	A	518
71-5304.01	A	888
71-5304.02	A	888
71-5305	A	260
71-5306	A	518
71-5306	A	888
71-5310	A	888
71-5310.01	A	888
71-5311	A	260
71-5311	A	888
71-5313	A	518
71-5501 to 71-5518	R	138
71-5509	A	307
71-5514	A	307
71-5515.01	A	307
71-5520 to 71-5521.01	R	138
71-5523	R	138
71-5654	A	577
71-5654	A	736
71-5662	A	577
71-5663	A	577
71-5665	A	577
71-5668	A	577
71-5801 to 71-5826	R	186
71-5801 to 71-5826	R	219

SECTION	REPEAL OR AMEND	BILL
71-5805.01	A	450
71-5805.01	A	608
71-5809.01	A	608
71-5810	A	608
71-5813	A	608
71-5814	A	450
71-5818.02	R	608
71-5828 to 71-5832.01	R	186
71-5828 to 71-5832.01	R	219
71-5828	A	608
71-5830	A	608
71-5831	A	798
71-5832.01	A	260
71-5833 to 71-5838	R	186
71-5833 to 71-5838	R	219
71-5840	R	186
71-5840	R	219
71-5841	R	186
71-5841	R	219
71-5846	R	186
71-5846	R	219
71-5848 to 71-5849	R	186
71-5848 to 71-5849	R	219
71-5851 to 71-5855	R	186
71-5851 to 71-5855	R	219
71-5857	R	186
71-5857	R	219
71-5859 to 71-5859.04	R	186
71-5859 to 71-5859.04	R	219
71-5865	R	186
71-5865	R	219
71-5866	R	186
71-5866	R	219
71-5868 to 71-5870	R	186
71-5868 to 71-5870	R	219
71-5870	A	450
71-6008	A	783
71-6009	R	783
71-6015	A	783
71-6038	A	783
71-6043	A	307
71-6048	A	307
71-6054	A	608
71-6059	A	307
71-6066	A	307
71-6316	A	708
71-6318 to 71-6333	A	579
71-6501	R	783
71-6605	A	783
71-6701 to 71-6717	R	783
71-6702	A	608
71-6801	A	622
71-6909	R	132

SECTION	REPEAL OR AMEND	BILL
71-7101 to 71-7112	A	184
71-7301 to 71-7318	R	138
71-7501 to 71-7504	A	587
71-7506	A	587
71-7514	A	587
71-7515 to 71-7517	R	587
71-7518.01	R	587
71-7518.02	A	587
71-7518.03	A	587
71-7518.04	A	186
71-7518.04	A	219
71-7518.04 to 71-7518.09	R	587
71-7520 to 71-7523	R	587
71-7520	A	587
71-7524 to 71-7528	A	587
71-7529	R	587
71-7804	A	307
71-7806	A	307
72-201	A	843
72-202	A	843
72-204 to 72-205.04	A	843
72-209	R	843
72-210	R	843
72-211	R	843
72-222.02	A	843
72-224.03	A	843
72-229	A	843
72-232	A	843
72-232.01	A	843
72-232.02	A	547
72-232.04	A	547
72-232.06	A	547
72-232.07	R	547
72-233	A	843
72-234	A	843
72-235 to 72-238	A	843
72-240.02	A	843
72-240.03	A	843
72-240.05	A	843
72-240.07	A	843
72-240.10	A	843
72-240.21 to 72-240.23	A	843
72-240.24	R	843
72-241	A	843
72-253	A	843
72-302 to 72-305	A	843
72-308	A	843
72-812	A	553
72-816	A	553
72-907	A	843
72-1237.01	R	4
72-1237.01	A	260
72-1237.01	A	341
72-1237.01	A	396
72-1239	A	4
72-1240	A	4

SECTION	REPEAL OR AMEND	BILL
72-1247	A	4
72-1255	A	4
72-1262	A	275
73-101	A	357
73-303	A	805
73-304	A	805
73-306	A	805
73-307	A	805
74-594	A	257
74-1305	A	177
74-1311	A	257
74-1313	A	257
74-1316	A	257
74-1318	A	257
74-1323	R	257
74-1325 to 74-1327	R	257
75-101.01	A	399
75-101.03	A	399
75-104	A	14
75-109	A	660
75-126	A	801
75-128	A	399
75-137	A	399
75-311	A	556
75-363	A	722
75-364	A	722
75-401 to 75-403	R	257
75-405	A	257
75-410 to 75-418	A	255
75-410 to 75-413	A	257
75-414	R	257
75-415	A	257
75-416	R	257
75-417 to 75-420	A	257
75-426 to 75-430	A	257
75-427	A	255
75-604	A	660
75-604	A	687
75-609.01	A	685
76-715	A	706
76-717	A	706
76-718	A	706
76-801 to 76-820.01	R	134
76-823 to 76-888	R	134
76-846	A	260
76-881	A	260
76-890	R	134
76-891.01 to 76-894	R	134
76-894	A	260
76-901	A	870
76-903	A	870
76-1004	A	284
76-1015	A	284
76-1401	A	533
76-1401	A	779
76-1410	A	779
76-1416	A	504
76-1431	A	533
76-1440	A	533
76-1446	A	504
76-2230	A	29
76-2231.01	A	29
76-2232	A	29
76-2236	A	29
76-2323	A	827
77-101	A	180
77-101	A	270
77-103	A	270
77-112	A	270
77-112	A	342
77-117	A	270
77-201	A	84
77-201	A	180
77-201	A	270
77-201 to 77-202.06	A	271
77-202	A	180
77-202	A	224
77-202	A	270
77-202	A	468
77-202.01	A	270
77-202.01	A	690
77-202.03	A	270
77-202.03	A	690
77-202.08	A	270
77-202.08	R	271
77-202.24	A	271
77-202.25	A	271
77-203	A	269
77-205	R	269
77-206	R	269
77-367	A	270
77-368	R	270
77-370	A	270
77-397	R	770
77-398	A	770
77-399	R	270
77-3,100	R	270
77-415	A	270
77-416	R	270
77-417	A	270
77-418	R	270
77-419	R	270
77-420	A	270
77-425	A	270
77-425	A	397
77-428	R	270
77-505	A	397
77-506	A	397
77-506	A	468
77-507.01	A	397
77-507.03 to 77-510	A	397
77-508.01	A	270
77-508.01	A	342
77-511	R	397
77-606	A	270
77-623	A	270
77-684	A	270
77-908	A	870
77-912	A	870
77-913	A	305
77-913	A	513
77-1201	A	270
77-1201	A	271

SECTION	REPEAL OR AMEND	BILL
77-1202	A	270
77-1202	A	271
77-1208	R	270
77-1211	A	270
77-1214	A	270
77-1215	R	270
77-1219	A	270
77-1229	A	270
77-1230	A	270
77-1233.04	A	270
77-1233.05	A	270
77-1234	A	397
77-1238	R	271
77-1239	A	86
77-1239 to 77-1239.02	R	271
77-1239	A	429
77-1239.05	R	271
77-1239.06	R	271
77-1240.01	R	271
77-1240.03	A	86
77-1240.03	A	270
77-1240.03	R	271
77-1240.04	R	271
77-1241.01	R	271
77-1242.01	R	271
77-1242.02	A	270
77-1242.02	R	271
77-1250	A	270
77-1301	A	270
77-1301.06	A	270
77-1301.14	A	270
77-1301.16	A	397
77-1303	A	270
77-1304	R	270
77-1311	A	397
77-1311.02	R	270
77-1311.02	A	397
77-1314	R	397
77-1315	A	270
77-1316	R	270
77-1316	A	843
77-1316.01	A	270
77-1317	A	270
77-1318	A	270
77-1318.01	A	270
77-1338	A	397
77-1342	A	270
77-1342	A	271
77-1344 to 77-1348	A	190
77-1344	A	270
77-1345	A	270
77-1359	A	270
77-1360	R	270
77-1360.01	A	270
77-1360.01	A	468
77-1361	A	270
77-1362	A	270
77-1364	R	270
77-1365	R	270
77-1365	A	342
77-1374	A	270
77-1375	A	270
77-1376	A	270
77-1380	A	397
77-1381	A	397
77-1384	A	397
77-1501	A	270
77-1502	A	270
77-1503.01	A	270
77-1504	A	270
77-1504.01	A	397
77-1507	A	270
77-1510	A	270
77-1510	A	397
77-1514	A	270
77-1601 to 77-1601.02	A	269
77-1601.01	A	691
77-1601.02	A	691
77-1601.02	A	806
77-1606 to 77-1610	A	269
77-1613	A	269
77-1613.01	A	269
77-1613.02	A	270
77-1616	A	269
77-1702	A	70
77-1704.01	A	270
77-1736.08	A	271
77-1775.01	A	397
77-1917	A	486
77-2004	A	16
77-2387	A	275
77-2391	A	275
77-2602	A	307
77-2602	A	411
77-2602	A	857
77-2701	A	25
77-2701	A	105
77-2701	A	277
77-2701	A	308
77-2701	A	312
77-2701	A	409
77-2701	A	468
77-2701	A	671
77-2701	A	719
77-2701	A	821
77-2701.01	A	198
77-2701.01	A	410
77-2701.01	A	824
77-2701.02	A	198
77-2701.02	A	312
77-2701.02	A	411
77-2701.02	A	759
77-2701.02	A	824
77-2702.07	A	117
77-2702.07	A	411
77-2702.07	A	468
77-2702.07	A	662
77-2702.07	A	675
77-2702.07	A	821
77-2702.13	A	411
77-2702.13	A	468
77-2702.13	A	662
77-2702.13	A	675
77-2702.13	A	821
77-2702.14	A	411
77-2702.14	A	468
77-2702.14	A	662
77-2702.14	A	675
77-2702.14	A	821
77-2702.17	A	411

SECTION	REPEAL OR AMEND	BILL
77-2702.17	A	468
77-2702.17	A	821
77-2703	A	62
77-2703	A	409
77-2703	A	411
77-2703	A	435
77-2703	A	468
77-2703	A	662
77-2703	A	675
77-2703	A	821
77-2704.07	R	821
77-2704.20	R	101
77-2704.22	R	821
77-2704.24	A	468
77-2704.24	A	719
77-2704.24	A	821
77-2704.31	A	468
77-2704.38	R	168
77-2705	A	113
77-2711	A	468
77-2715.01	A	824
77-2715.02	A	401
77-2715.07	A	276
77-2715.07	A	492
77-2715.07	A	493
77-2715.07	A	719
77-2715.07	A	787
77-2715.07	A	821
77-2716	A	24
77-2716	A	296
77-2716	A	475
77-2734.02	A	824
77-2734.03	A	61
77-2734.03	A	821
77-2756	A	62
77-2775	A	62
77-27,119	A	129
77-27,119	A	672
77-27,119	A	784
77-27,119	A	806
77-27,119.04	R	420
77-27,132	A	312
77-27,132	A	675
77-27,132	A	824
77-27,137	A	397
77-27,139.01 to 77-27,139.04	R	513
77-27,139.02	A	304
77-27,139.03	A	304
77-27,142	A	312
77-27,142 to 77-27,148	R	468
77-27,142	A	719
77-27,142.03	A	575
77-27,142.03	A	828
77-27,144	A	415
77-27,144	A	488
77-27,144	A	513
77-27,160	A	307
77-27,161	A	307
77-27,163.01 to 77-27,169	A	307
77-27,171 to 77-27,173	A	307
77-27,187	A	224
77-27,187	A	696
77-27,187	A	886

SECTION	REPEAL OR AMEND	BILL
77-27,188	A	634
77-27,188	A	745
77-27,188	A	886
77-27,188.02	A	886
77-27,189	A	745
77-27,190	A	886
77-27,192 to 77-27,195	A	886
77-27,193	A	443
77-27,196	A	224
77-27,197	A	129
77-27,199	A	129
77-27,208	A	307
77-3001 to 77-3004	A	317
77-3001	A	522
77-3004	A	522
77-3009	A	317
77-3009	A	522
77-3201	A	489
77-3203	A	489
77-3204	A	489
77-3205	A	489
77-3442	A	269
77-3442	A	333
77-3442	A	348
77-3442	A	408
77-3442	A	418
77-3442	A	570
77-3442	A	597
77-3442 to 77-3444	A	612
77-3442	A	719
77-3442	A	737
77-3442	A	821
77-3442	A	822
77-3442	A	823
77-3442	A	831
77-3443	A	269
77-3443	A	348
77-3443	A	719
77-3443	A	823
77-3444	A	269
77-3444	A	277
77-3444	A	343
77-3444	A	538
77-3444	A	598
77-3444	A	599
77-3445	A	719
77-3445	A	823
77-3501	A	431
77-3501.01	A	530
77-3501.01	A	794
77-3504	A	20
77-3506.02	A	794
77-3507	A	139
77-3507 to 77-3509	A	182
77-3507	A	431
77-3507 to 77-3509	A	530
77-3508	A	431
77-3509	A	431
77-3510	A	717
77-3512	A	717
77-3523	A	179
77-3523	A	223

SECTION	REPEAL OR AMEND	BILL
77-3523	A	397
77-3616	R	397
77-3617	R	397
77-3903	A	731
77-4001	A	123
77-4103	A	264
77-4103	A	455
77-4103	A	456
77-4104.01	A	455
77-4105	A	468
77-4106	A	468
77-4107	A	455
77-4108	A	454
77-4110	A	455
77-4501	A	271
77-4909	A	264
77-4928	A	457
77-4929	A	455
77-4931	A	455
77-5001	A	397
77-5004	A	397
77-5007	A	270
77-5007	A	397
77-5011	A	397
77-5012	A	397
77-5016	A	397
77-5018	A	397
77-5019	A	165
79-101	A	174
79-101	A	345
79-102	A	345
79-102	A	629
79-102	A	775
79-104	A	345
79-201	A	438
79-203	A	347
79-203	A	789
79-205	A	675
79-205	A	789
79-206	A	789
79-208 to 79-210	A	438
79-208	A	789
79-209	A	789
79-213	A	789
79-214	A	50
79-214	A	174
79-215	A	307
79-215	A	711
79-215	A	865
79-224 to 79-231	R	347
79-224 to 79-231	R	711
79-224	A	789
79-225 to 79-228	A	789
79-233	A	347
79-233	A	444
79-234	A	403
79-234	A	535
79-234	A	850
79-237	A	711
79-238	A	346
79-238	A	403
79-240	A	322
79-240	A	711

SECTION	REPEAL OR AMEND	BILL
79-241	A	346
79-244	A	346
79-245	A	346
79-245	A	347
79-247	R	347
79-254	A	648
79-255	A	838
79-258	A	648
79-262	A	838
79-266	A	232
79-266	A	648
79-267	A	838
79-283	A	838
79-285	A	838
79-295	R	648
79-2,105	A	648
79-2,108 to 79-2,113	R	347
79-2,123	A	869
79-301	A	347
79-401	A	468
79-401	A	775
79-402	A	468
79-402	R	775
79-403	A	775
79-404	R	775
79-406	A	345
79-406	R	775
79-407	A	345
79-407	A	535
79-411	A	345
79-411	A	347
79-413	A	563
79-413	A	711
79-413	A	775
79-413	A	789
79-414	A	789
79-415	A	563
79-415 to 79-417	A	775
79-418	A	563
79-418	A	789
79-419	A	563
79-419	A	742
79-419	A	775
79-420	A	345
79-421	A	789
79-423	A	345
79-424	A	347
79-424 to 79-430	R	775
79-424	A	789
79-428 to 79-430	R	347
79-428 to 79-430	R	563
79-429	A	789
79-431	A	347
79-431	A	468
79-431	A	563
79-431	A	592
79-431	A	775
79-431	A	789
79-431	A	850
79-432	A	563
79-434	A	775
79-437	A	563

SECTION	REPEAL OR AMEND	BILL
79-437	A	789
79-438	A	563
79-438	A	789
79-440	A	347
79-440	A	563
79-440	A	789
79-441 to 79-447	A	563
79-443	A	775
79-444	A	789
79-447	A	345
79-447	A	711
79-447	A	775
79-450 to 79-456	A	789
79-451	A	345
79-452	A	775
79-454	A	775
79-455	A	775
79-456	R	347
79-457	R	347
79-458	R	592
79-458	A	716
79-458	A	789
79-459	R	347
79-459	A	775
79-461 to 79-467	A	789
79-462	A	347
79-463	A	347
79-463	A	711
79-470	A	775
79-470	A	789
79-470	R	850
79-471	A	592
79-471	A	850
79-472	A	345
79-472	R	775
79-473	A	345
79-473	R	535
79-474	A	535
79-475	A	535
79-478 to 79-481	A	789
79-479	A	347
79-479	A	535
79-479	A	563
79-479	A	592
79-479	A	711
79-479	A	775
79-479	A	850
79-482	A	347
79-483 to 79-485	A	789
79-487	A	789
79-490	A	789
79-495	A	789
79-497 to 79-499	A	789
79-498	A	592
79-498	A	850
79-499	A	592
79-4,100	A	775
79-4,101	A	775
79-4,103	A	789
79-4,106	A	345
79-506 to 79-511	R	711
79-510	A	345
79-519	A	345
79-524	A	789
79-526	A	347
79-526	A	648
79-528	A	672
79-528	A	711
79-528	A	789
79-528	A	806
79-529	R	347
79-537	A	789
79-538	R	347
79-540	A	345
79-540	A	347
79-543	A	345
79-544	A	789
79-548	A	345
79-549	A	345
79-549	A	764
79-550	A	595
79-556	A	711
79-556	A	775
79-565	A	345
79-569	A	345
79-569	A	789
79-574	A	345
79-575	A	789
79-576	A	345
79-577 to 79-579	A	789
79-581	A	347
79-588	A	789
79-594	A	345
79-598	A	592
79-598	A	789
79-598	A	850
79-5,100	A	592
79-5,103	A	592
79-602	A	711
79-605	A	789
79-608	A	711
79-611	A	789
79-613	A	850
79-705	A	347
79-709	A	789
79-710	R	347
79-711	R	347
79-724	A	446
79-724	A	789
79-743	A	347
79-744	A	347
79-744	A	823
79-748	A	347
79-749	R	347
79-751 to 79-755	R	347
79-756	A	347
79-802	A	347
79-804	A	789
79-808	A	711
79-809	A	711
79-810	A	206
79-814	A	347
79-816	A	346
79-818	A	789

SECTION	REPEAL OR AMEND	BILL
79-819	A	789
79-823	R	347
79-824	A	604
79-825	A	604
79-831	A	791
79-840	A	578
79-840	A	791
79-841	A	578
79-848	A	850
79-850	A	347
79-850	A	535
79-879	R	347
79-8,102	R	347
to 79-8,105		
79-901	A	147
79-901	A	491
79-901	A	532
79-901	A	724
79-901	A	840
79-902	A	147
79-902	A	347
79-902	A	497
79-902	A	623
79-902	A	624
79-902	A	724
79-902	A	789
79-902	A	823
79-902	A	840
79-908	A	623
79-910	A	624
79-916	A	497
79-916	A	623
79-919	A	823
79-920	A	623
79-921	A	147
79-921	A	623
79-921	A	624
79-922	A	624
79-922	A	823
79-924	A	147
79-924	A	724
79-924	A	840
79-931	A	822
79-933.02	A	147
79-933.02	A	623
to 79-933.06		
79-933.02	A	724
79-933.02	A	840
79-933.03	A	147
79-933.05	A	147
79-934	A	822
79-936	A	623
79-937	A	623
79-939	A	623
79-940	A	497
79-942	A	497
79-944	A	497
79-947	A	497
79-951	A	623
79-953	A	623
79-955	A	624
79-957	A	624
79-958	A	623
79-958	A	725
79-960	A	789
79-962	A	347
79-966	A	725
79-973	A	532
79-978	A	347
79-978	A	497
to 79-981		
79-978	A	623
79-978	A	624
79-979	A	623
79-979	A	624
79-984	A	497
79-986	A	497
79-986	A	623
79-988	A	497
79-988	A	624
79-988.01	A	497
79-991	A	624
79-992	A	624
79-994	A	497
79-995	A	497
79-997	A	497
79-998	A	497
79-9,100	A	497
79-9,102	A	497
to 79-9,104		
79-9,102	A	623
79-9,104	A	623
79-9,107	A	497
79-9,111	A	624
79-9,113	A	497
79-9,113	A	623
79-9,115	A	497
79-1001	A	205
79-1001	A	503
to 79-1003		
79-1001	A	524
79-1001	A	592
79-1001	A	672
to 79-1003		
79-1001	A	680
79-1001	A	714
79-1001	A	775
79-1001	A	784
79-1001	A	806
to 79-1003		
79-1001	A	811
79-1001	A	815
79-1002	A	433
79-1002	A	524
79-1003	A	93
79-1003	A	347
79-1003	A	710
79-1003	A	713
79-1003	A	714
79-1003	A	784
79-1003	A	815
79-1003	A	865
79-1004	R	672
79-1004	R	806
79-1005	A	672
79-1005	A	710
79-1005	A	714
79-1005	A	775
79-1005	A	784
79-1005	A	806
79-1005	A	811
79-1005	A	815
79-1006	R	672
79-1006	R	806

SECTION	REPEAL OR AMEND	BILL
79-1007	A	542
79-1007 to 79-1011	A	672
79-1007	A	713
79-1007	A	775
79-1007 to 79-1011	A	806
79-1008	A	759
79-1008	A	775
79-1013	R	672
79-1013	R	806
79-1014 to 79-1018	A	672
79-1014 to 79-1018	A	806
79-1015	A	93
79-1015	A	347
79-1015	A	710
79-1015	A	714
79-1015	A	775
79-1016	A	270
79-1016	A	271
79-1016	A	342
79-1016	A	468
79-1016	A	713
79-1018	A	163
79-1018	A	209
79-1018	A	347
79-1018	A	397
79-1018	A	444
79-1018	A	646
79-1018	A	647
79-1018	A	710
79-1018	A	713
79-1018	A	759
79-1018	A	865
79-1021	A	212
79-1021	A	719
79-1022	A	583
79-1022	A	672
79-1022	A	713
79-1022	A	806
79-1024	A	583
79-1024	A	710
79-1024	A	789
79-1026	A	710
79-1028	A	397
79-1029	A	345
79-1031	A	401
79-1031	A	524
79-1031	A	672
79-1031	A	710
79-1031	A	806
79-1032	A	347
79-1032	A	444
79-1033	A	710
79-1033	A	789
79-1034	A	223
79-1035	A	345
79-1035 to 79-1037	A	647
79-1035	A	710
79-1035 to 79-1037	A	789
79-1036	R	647
79-1036	A	775
79-1039	A	647
79-1039	A	789
79-1043	A	497
79-1044 to 79-1048	A	789
79-1051 to 79-1053	A	789
79-1054 to 79-1061	R	347
79-1060	A	789
79-1065	A	710
79-1070	A	710
79-1073	R	806
79-1076 to 79-1078	A	789
79-1077	A	775
79-1078	A	251
79-1078	A	269
79-1078	A	775
79-1081	A	333
79-1083	A	789
79-1084	A	710
79-1085	A	468
79-1086	A	468
79-1089	A	157
79-1089	A	710
79-1089	A	789
79-1090	A	789
79-1094	A	789
79-1099	A	345
79-10,101	A	345
79-10,103	A	345
79-10,105	A	345
79-10,105	A	776
79-10,110	A	333
79-10,110	A	710
79-10,111 to 79-10,113	A	345
79-10,112	A	789
79-10,117	A	345
79-10,118	A	345
79-10,120	A	333
79-10,121	A	345
79-10,122	A	345
79-10,124	A	333
79-10,125	A	345
79-10,126	A	333
79-1103	A	346
79-1105 to 79-1107	A	347
79-1108	A	212
79-1109	R	347
79-1110	A	81
79-1110	A	346
79-1110	A	797
79-1110	A	865
79-1113	A	81
79-1113	A	865
79-1115	A	797
79-1117	A	346
79-1118	R	711
79-1120	A	346
79-1121	A	346
79-1124 to 79-1127	A	346
79-1127	A	865
79-1128	A	711

SECTION	REPEAL OR AMEND	BILL
79-1129 to 79-1138	A	346
79-1129	R	865
79-1130	R	865
79-1132	A	662
79-1137 to 79-1139	A	865
79-1140	A	346
79-1140	A	347
79-1140	A	444
79-1142 to 79-1144	A	346
79-1142	A	652
79-1142	A	662
79-1142	A	797
79-1142	A	824
79-1143 to 79-1145	A	865
79-1144	A	652
79-1144	A	662
79-1144	A	797
79-1145	A	652
79-1145	A	797
79-1145	A	824
79-1147	A	346
79-1148	A	346
79-1152	A	307
79-1152 to 79-1157	A	346
79-1155	A	797
79-1156	A	797
79-1158	A	797
79-1160 to 79-1163	A	346
79-1165	A	346
79-1167	A	346
79-1168	A	346
79-1170	A	346
79-1177	A	711
79-1178	A	307
79-1181	A	347
79-1182	A	347
79-1184	R	797
79-1184	A	865
79-1185	A	346
79-1187	A	346
79-1189 to 79-1195	R	347
79-1191	A	346
79-1197	R	347
79-1198	A	347
79-11,100	A	347
79-11,102	A	347
79-11,103	A	347
79-11,106	A	347
79-11,109 to 79-11,111	A	346
79-11,109	A	347
79-11,113	A	346
79-11,114	A	347
79-11,115	A	347
79-11,119	A	346
79-11,130	A	587
79-11,132	A	587
79-1202	A	418
79-1202 to 79-1204	A	419

SECTION	REPEAL OR AMEND	BILL
79-1203	A	418
79-1205	R	347
79-1205	A	719
79-1206	A	719
79-1207	A	345
79-1209	A	418
79-1209	A	419
79-1210	A	418
79-1210	A	419
79-1211	A	719
79-1212	A	719
79-1213	A	719
79-1215	A	719
79-1216	R	418
79-1216	R	419
79-1217	A	345
79-1217	A	347
79-1217	A	719
79-1222	A	347
79-1222	A	719
79-1223	A	711
79-1224	A	719
79-1225	A	468
79-1225	R	719
79-1226	A	719
79-1227	A	719
79-1231	A	346
79-1233	A	719
79-1234	A	604
79-1236	A	791
79-1301	A	347
79-1310	A	711
79-1313	A	347
79-1314 to 79-1316	A	347
79-1322 to 79-1323	A	347
79-1325	A	347
79-1401 to 79-1416	R	347
79-1403	A	789
79-1404	A	789
79-1405	A	345
79-1406	A	345
79-1407	A	789
79-1416	A	789
79-1605	A	789
80-111	R	396
80-202	A	269
80-301	A	396
80-301.02	A	396
80-302	A	396
80-304	A	396
80-304.01	A	396
80-305	A	396
80-306	A	396
80-307	A	396
80-308	A	396
80-309	A	396
80-311	A	396
80-312	A	396
80-313	A	396
80-401.02	A	396
80-401.03	A	441
80-403	A	441
80-407	A	269
80-605	A	307

SECTION	REPEAL OR AMEND	BILL
80-901	A	709
81-118.01	A	414
81-154	A	553
81-161.03	A	553
81-174	A	553
81-179	A	553
81-179	A	857
81-188	R	553
81-2,147.01 to 81-2,147.03	A	263
81-2,147.06	A	263
81-2,147.10	A	263
81-2,236	A	649
81-2,239	A	199
81-2,240	A	199
81-2,245	R	199
81-2,246	R	199
81-2,248	R	199
81-2,249	R	199
81-2,250	R	199
81-2,251.01	R	199
81-2,253	R	199
81-2,254	R	199
81-2,255	R	199
81-2,256	R	199
81-2,257	R	199
81-2,258	A	199
81-2,259	R	199
81-2,260	R	199
81-2,261	R	199
81-2,262	A	199
81-2,263	A	199
81-2,264	R	199
81-2,265	R	199
81-2,266	R	199
81-2,267	A	199
81-2,268	A	199
81-2,269	R	199
81-2,270	A	199
81-2,271	A	199
81-2,272	A	199
81-2,272.01	R	199
81-2,273	A	199
81-2,275	A	199
81-2,276	A	199
81-2,277	R	199
81-2,278	R	199
81-2,279	R	199
81-2,280	R	199
81-2,281	A	199
81-2,284	A	199
81-2,288	A	199
81-502	A	307
81-502.01	A	260
81-505.01	A	307
81-513	A	260
81-601.01	R	307
81-604.03	A	307
81-651	A	608
81-683	A	307
81-801	A	585
81-801.01	A	585
81-803.01	A	141
81-803.01	A	585
81-805	A	313
81-805	A	701
81-805.04	A	702
81-809	A	702
81-810	A	702
81-811	A	313
81-814.02	A	313
81-814.02	A	664
81-815.56	A	516
81-815.61	A	154
81-829.65	A	546
81-839 to 81-856	R	260
81-8,106	R	5
81-8,106	R	314
81-8,107	R	5
81-8,107	R	314
81-8,126	A	260
81-8,206	A	260
81-8,210	A	39
81-8,235	A	41
81-8,240	A	622
81-8,240	A	805
81-1108.21	A	102
81-1108.43	A	260
81-1113	A	305
81-1113	A	719
81-1117.02	A	767
81-1118	A	553
81-1118.02	A	719
81-1118.02	A	823
81-1201.08	A	260
81-1201.14	A	659
81-1201.21	A	719
81-1201.21	A	823
81-1276	A	861
81-1302	A	314
81-1307	A	314
81-1308	R	5
81-1308	R	314
81-1309	R	5
81-1309	R	314
81-1310	R	5
81-1310	R	314
81-1313	R	314
81-1315	A	314
81-1316	A	587
81-1317	A	553
81-1317.01	A	553
81-1318	A	314
81-1321	A	314
81-1322	A	314
81-1324	A	314
81-1327	R	314
81-1328.01	R	314
81-1328.01 to 81-1328.03	R	871
81-1328.02	R	314
81-1328.03	R	314
81-1329	A	5
81-1329	R	314
81-1330	R	314
81-1331	R	314
81-1332	R	314
81-1333	R	314
81-1334	R	314
81-1355	A	869
81-1356	A	869
81-1376	A	553
81-1391	A	314

SECTION	REPEAL OR AMEND	BILL
81-1401	A	701
81-1414	A	161
81-1504	A	260
81-1504	A	888
81-1505	A	655
81-1505.04	A	707
81-1516	A	719
81-1566.01	R	584
81-15,102	A	307
81-15,113.01	A	684
81-15,119	A	517
81-15,155	A	260
81-15,158.01	A	594
81-15,159.01	A	594
81-15,159.02	A	594
81-15,160	A	594
81-15,161	A	594
81-15,161.01	A	594
81-15,162.02	A	594
81-15,162.03	R	594
to 81-15,162.06		
81-15,162.07	A	594
81-15,163	A	584
81-15,168	A	616
81-15,173	A	616
81-15,176	A	616
81-15,177	A	750
81-15,177.01	R	750
81-15,178	R	750
81-15,179	A	750
81-1609	A	260
81-1850	A	325
81-2004.02	A	463
81-2005	A	564
81-2008	A	36
81-2014	A	567
81-2014	A	624
81-2014.01	A	365
81-2014.01	A	624
81-2014.01	A	650
81-2016	A	624
81-2020	A	623
81-2025	A	623
81-2025	A	624
81-2026	A	623
81-2026	A	624
81-2027.01	A	623
81-2027.02	A	623
81-2030	A	623
81-2031	A	624
81-2033	A	624
81-2103	A	260
81-2201	A	871
81-2208	A	587
81-2213	A	587
81-2215	R	587
81-2217	R	587
81-2220	A	587
81-2224	R	871
81-2225	R	871
81-2228	R	871
81-2229	A	307
81-2232	A	587
81-2235	A	587
81-2243	A	608
81-2252	A	587
81-2265	A	307
81-2267	A	307
81-2268	A	307
81-2706	A	15
81-2707	A	15
81-3001	A	197
81-3003	A	587
81-3007	A	197
81-3009	A	587
81-3102	A	197
81-3201	A	587
81-3202	A	197
81-3302	A	197
82-315	A	799
83-101.06	A	736
83-101.14	A	851
83-107.01	A	307
83-107.01	A	396
83-108	A	307
83-108	A	396
83-109	A	325
83-124	A	396
83-125	A	307
83-125	A	736
83-126	A	307
83-159	A	587
83-161.02	R	587
83-162.04	A	381
83-162.05	R	307
83-163	A	587
83-164	A	587
83-175	A	307
83-175	A	396
83-181	A	769
83-183	A	88
83-183	A	508
83-186	A	87
83-1,116	A	508
83-1,119	A	307
83-1,119	A	396
83-1,124	A	307
83-1,124	A	396
83-1,127	A	377
83-1,129	A	377
83-1,132	R	331
83-1,135	A	274
83-1,135	A	405
83-1,135.01	A	274
83-1,143.06	A	587
83-210.01	A	341
to 83-210.03		
83-210.04	R	341
to 83-210.07		
83-211	A	341
to 83-211.02		
83-212	R	341
83-227.01	A	307
83-227.01	A	736
83-227.01	A	871
83-227.02	A	871
83-305.04	A	307
83-306	A	736
83-306	A	871
83-308	A	307
83-308	A	736
83-324	A	307
83-324	A	736
83-336	A	307

SECTION	REPEAL OR AMEND	BILL
83-336	A	736
83-339	A	307
83-339	A	736
83-340	A	307
83-340	A	736
83-363	A	871
83-364	A	871
83-367	A	871
83-370	A	871
83-371	A	871
83-375	A	871
83-376	R	871
83-377	A	871
83-378	A	871
83-379	A	871
83-380	R	871
83-380.01	A	871
83-423	A	816
83-424	A	816
83-465	R	307
83-467 to 83-471	R	307
83-472	A	289
83-472	A	307
83-473	A	307
83-473.01	R	307
83-474.01	R	307
83-487	R	307
83-4,100	R	307
83-4,101 to 83-4,104	A	307
83-4,114	A	769
83-4,114.01	A	769
83-4,121	A	769
83-4,122	A	769
83-901	A	307
83-905	A	307
83-905	A	760
83-925.01	A	307
83-925.02	A	307
83-925.03	R	307
83-925.04	R	307
83-925.05	A	307
83-925.05	A	760
83-925.06	A	307
83-925.06	A	760
83-925.07	A	307
83-925.07	A	760
83-925.08	R	307
83-925.09	R	307
83-925.10	A	307
83-925.11	A	307
83-925.12	A	307
83-1011	A	701
83-1014	A	757
83-1021	A	736
83-1022	A	757
83-1027	A	757
83-1028	A	757
83-1029	A	757
83-1036	A	757
83-1040	A	736
83-1044	A	757
83-1045	A	757
83-1045.02	A	757
83-1046	A	757
83-1064	A	757
83-1067	A	757
83-1068	A	307
83-1068	A	757
83-1201	A	451
83-1213	A	451
83-1214	A	307
83-1217	A	852
83-2201	A	871
84-101.01	A	14
84-201.01	A	14
84-202	A	430
84-203	A	430
84-205	A	430
84-205	A	674
84-205	A	758
84-207	A	430
84-208	R	430
84-304	A	157
84-304	A	250
84-612	A	63
84-710	A	101
84-712.01	A	33
84-712.05	A	205
84-712.05	A	400
84-713 to 84-713.05	R	590
84-713	A	792
84-713.02	A	792
84-713.05	R	792
84-721	A	14
84-906.03	A	638
84-907.03	A	638
84-914	A	31
84-917	A	165
84-1202	A	590
84-1204	A	590
84-1220	A	590
84-1301	A	624
84-1301	A	817
84-1307	A	624
84-1308	A	337
84-1309	A	623
84-1311	A	337
84-1311.01	A	623
84-1311.02	A	623
84-1313	A	624
84-1317	A	624
84-1321	A	96
84-1321	A	624
84-1322	A	624
84-1323.01	A	623
84-1331	A	337
84-1331	A	623
84-1331	A	624
84-1354.05	R	553
84-1409	A	186
84-1409	A	219
84-1409	A	510
84-1501	A	623
84-1503.01	A	623
84-1503.03	A	623
84-1504	A	330
84-1504	A	623
84-1505	A	623
84-1511	A	497
84-1511	A	624
84-1601	A	781

SECTION	REPEAL OR AMEND	BILL
84-1601	A	793
84-1604	A	793
84-1610	A	793
84-1612	A	793
85-121	A	823
85-121.03	A	719
85-121.03	A	823
85-121.05	R	823
85-179	A	346
85-1,106	A	13
85-1,113	A	857
85-1,114	A	857
85-301	A	823
85-304	A	823
85-306	A	823
85-307	A	823
85-308	A	823
85-308.01	A	823
85-310	A	823
85-312	R	823
85-314 to 85-316	A	823
85-317.01 to 85-319	A	823
85-326	A	857
85-327	A	857
85-401	A	586
85-606	A	623
85-606.01	A	823
85-917	A	823
85-933	A	719
85-933	A	823
85-943	A	823
85-949	A	823
85-966	A	823
85-966.01	A	823
85-9,139.02	A	715
85-9,167	A	823
85-9,175	A	869
85-1402	A	823
85-1404	A	823
85-1412	A	639
85-1412	A	773
85-1412 to 85-1414	A	823
85-1415	A	586
85-1416	A	719
85-1416	A	823
85-1418	A	719
85-1418	A	823
85-1501	A	408
85-1501	A	719
85-1501	R	823
85-1502	R	823

SECTION	REPEAL OR AMEND	BILL
85-1503	A	408
85-1503	A	719
85-1503	A	823
85-1504	A	823
85-1505 to 85-1512	R	823
85-1511	A	408
85-1511	A	719
85-1514 to 85-1540	R	823
85-1515	A	408
85-1515	A	719
85-1516	A	408
85-1517	A	408
85-1517	R	719
85-1518	R	719
85-1521	A	408
85-1521	A	719
85-1535	A	408
85-1535	A	719
85-1536	A	408
85-1536	A	719
85-1537	R	719
85-1538	R	719
85-1540	R	719
85-1541	A	823
85-1542	A	823
85-1707	A	303
86-404	A	743
86-801 to 86-803	A	660
86-801	A	786
86-802	A	685
86-803	A	685
86-806	A	685
86-808	A	786
86-809	A	685
86-811	A	685
86-1003	A	37
86-1003	A	104
86-1302	A	568
86-1304	A	568
86-1306	A	851
86-1307	A	851
87-112	A	700
87-123	A	453
87-208 to 87-218	A	453
87-209	A	700
87-220	A	453
90-511	A	307
90-511	A	388
90-522	A	307

1971 Legislative Bills Amended or Repealed
(First Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB59	1	A	1034

1995 Legislative Bills Amended or Repealed
(First Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB388	122,148	A	392
LB388	68,74,85,111	A	392
LB388	12,13	A	391

1996 Legislative Bills Amended or Repealed
(Second Session)

LB NUMBER	SECTIONS	REPEAL OR AMEND	BILL
LB388	47	R	1189
LB388	129	A	1189
LB388	115,124-127	A	1189
LB388	102,103,105	A	1189
LB388	83,89,90,99	A	1189
LB388	67-69,73,76	A	1189
LB388	37	A	1044A
LB677	29	A	1296
LB780	29	A	1296
LB844	47	R	1189

CONSTITUTIONAL AMENDMENTS

ARTICLE	SECTION	REPEAL OR AMEND	LR
I	13	A	61
I	20	A	26
I	26	A	19
I	27	A	42
I	3	A	20
I	8	A	30
III	1,5,7	A	55
III	10	A	21
III	10	A	5
III	10	A	36
III	10,14	A	47
III	11	A	10
III	14	A	25
III	15	R	16
III	17	A	60
III	18	A	18
III	2	A	56
III	2,3	A	7
III	2,3	A	39
III	2,3	A	32
III	2,3	A	38
III	2,3,	A	41
III	2,4	A	12
III	20	A	48
III	22	A	2

III	24	A	46
III	25	A	11
III	27	A	17
III	29	A	13
III	30NEW	A	57
III	7	A	23
III	7	A	14
III	7,19	A	57
IV	1	A	8
IV	1	A	9
IV	1,10,12	A	43
IV	1,6	A	11
IV	11	A	58
IV	13	A	27
IV	20	R	31
IV	20	R	44
IV	3	R	11
IV	9NEW	A	40
IX	4	A	52
V	1,28	A	24
V	25	A	55
V	30	A	59
VII	3	A	6
VII	5	A	22
VIII	1	A	63
VIII	1	A	64
VIII	1	A	45
VIII	1	A	65
VIII	14NEW	A	62
X	1-8	R	44
X	1,3	A	31
XV	18	A	63
XV	20NEW	A	15
XVI	1	A	12
XVI	3NEW	A	12
XVII	6	A	28
XVII	9	R	29

UNIFORM COMMERCIAL CODE

SECTION	REPEAL OR AMEND	BILL	SECTION	REPEAL OR AMEND	BILL
U9-105	A	412	U9-412	R	731
U9-401	A	731	U9-413	A	731
U9-402	A	731	U9-414	R	731
U9-403	A	731	U9-415	A	731
U9-404	A	731	U9-420	A	731

SUBJECT

INDEX

TO

RESOLUTIONS INTRODUCED

NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

This index includes all resolutions introduced during the Ninety-Fifth Legislature, First Session, 1997. The constitutional amendment resolutions are identified by a CA after the number.

SUBJECT INDEX
RESOLUTIONS
NINETY-FIFTH LEGISLATURE
FIRST SESSION
1997

LR

ABUSE
Child abuse: interim study of providing attorney's fees for persons who prevail in amending an inaccurate child abuse report (Stuhr)............ 150
Child Abuse Prevention Month: declare for the month of April (C. Peterson)............ 109
Domestic Abuse Act, Protection From: interim study of the act and other statutes that relate to victims of domestic abuse (Judiciary Committee)............ 227
Insurance discrimination against victims of abuse: interim study of possible legislation to provide for regulation (Landis)............ 207

ACCOUNTANTS
Public accountancy: interim study to examine changes in the profession (Landis)............ 213

ACTS
Admin. Procedure Act: interim study of policy considerations that are basis for promulgation relating to Dept. of Corr. Services (Judiciary Committee)............ 232
Common Interest Ownership Act, Uniform: interim study (Judiciary Committee)............ 229
Domestic Abuse Act, Protection From: interim study of the act and other statutes that relate to victims of domestic abuse (Judiciary Committee)............ 227
Host Farm and Ranch Act, Nebraska: interim study (Agriculture Committee)............ 162
Intergovernmental Risk Management Act: examine if health insurance, sickness and accident losses should be included (Maurstad)............ 154
Landlord Tenant Act and the landlord's ability to evict tenants: interim study (Wesely)............ 278
Partnership Act, Nebr. Uniform Limited: interim study (Landis)............ 210
Right to Farm Act, Neb.: interim study of relationship with proposed air quality standards which impact ag. production facilities (Agriculture Committee)............ 160
Safe Drinking Water Act, Federal: interim study to examine Nebraska's administration of the act (Beutler, Wesely, Preister)............ 224
Sexual Predator Act: interim study (Judiciary Committee)............ 274
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: interim study (Urban Affairs Committee)............ 197

ADMINISTRATIVE DEPARTMENTS, STATE
Information technology in state agencies: interim study of the management and associated costs (Coordsen, Kiel, Elmer)............ 152

ADMINISTRATIVE PROCEDURE ACT
Correctional Services, Dept. of: interim study of public policy considerations that are the basis for promulgation requirements (Judiciary Committee)............ 232

ADMINISTRATIVE SERVICES, DEPARTMENT OF
Information technology in state agencies: interim study of the management and associated costs (Coordsen, Kiel, Elmer)............ 152

ADOPTION
Adoption: interim study to review state's laws on access to records and information (Suttle, Bromm, Schimek, Wesely, Matzke, Coordsen)............ 136

AERONAUTICS
Private airstrips: interim study to examine placement of towers and structures and their possible interference (Hudkins)............ 134

AGED AND AGING

LR
Area agencies on aging in Nebraska: interim study (Wesely)............. 187

AGRICULTURE
Agricultural and horticultural land valuation boards and the Tax Equalization Review Comm.: interim study of the relationship (Stuhr)... 176
Brand law: interim study (Agriculture Committee and Jones)............. 161
Disputes between landowners: interim study to examine natural resources districts becoming involved in settling minor disputes (Janssen)........ 179
Easterly, Scott and Jane: recognize for receiving national and state recognition in the Outstanding Young Farmer program (Matzke)........... 112
Economic development programs which can be targeted toward activities which enhance farm income: interim study (Agriculture Committee)....... 159
Horseracing: interim study (General Affairs Committee)................. 127
Host Farm and Ranch Act, Nebraska: interim study (Agriculture Committee)... 162
Livestock: interim study relating to protecting sellers when the buyer's financial creditors foreclose before payment is made (Dierks, Schrock)... 195
Natural resources districts: interim study (Tyson, Beutler)............ 172
Right to Farm Act, Neb.: interim study of relationship with proposed air quality standards which impact ag. production facilities (Agriculture Committee)... 160
Tractor Testing Laboratory, Nebr.: interim study of the future viability (Agriculture Committee).................................... 158

AGRICULTURE, DEPARTMENT OF
Meat and poultry inspection program: interim study to examine whether resumption of the program is feasible (Agriculture Committee).......... 157

ALCOHOLIC BEVERAGES
Consumption of by persons under the legal age: interim study (General Affairs Committee).. 128
Liquor Control Commission: interim study (General Affairs Committee).... 291

AMEN, MS. RUTH M.
Receipt of the Pioneer Award: congratulate (Withem).................... 77

ANNIVERSARIES
Holdrege Bethel Lutheran Church on its 120th anniversary: congratulate (Schrock)... 124
Lincoln Symphony Orchestra on its seventieth anniversary: congratulate (Crosby).. 71

APPROPRIATIONS
State buildings: recognize the continuing deterioration and appropriate funds for completion of major construction projects (Lynch)............ 300
Unfunded mandates: require the Legislature to appropriate funds to political subdivisions (Coordsen)................................... 2CA

ATHLETICS
Becky Beachler for winning the Class A state shotput throwing title: congratulate (Janssen)... 290
Bellevue West girls' volleyball team for Class A state championship: congratulate (Hartnett).. 70
Bishop Neumann Central Catholic High School High School boys' track team for Class C state championship: congratulate (Bromm)..................... 297
Chadron High School boys' basketball team and Coach Jim English for Class B state championship: congratulate (Wickersham)................. 96
Columbus Scotus Central Catholic High School girls' basketball team for Class C-1 state championship: congratulate (Robak).................... 92
Columbus Scotus Central Catholic High School volleyball team for Class C-1 state championship: congratulate (Robak)......................... 33
David City Aquinas High School boys' basketball team and Coach Kevin Scheef for Class C-2 state championship: congratulate (Bromm).......... 105
Devaney, Bob: extend sympathy to family (Bruning)...................... 125

Devaney, Bob: extend sympathy to family (Wesely, Abboud, Beutler, Bohlke, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hartnett, Hilgert, Hillman, Hudkins, Janssen, Jensen, Jones, Kiel, Kristensen, Landis, Lynch, Matzke, Maurstad, McKenzie, Dw. Pedersen, D. Pederson, C. Peterson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Suttle, Tyson, Vrtiska, Wehrbein, Wickersham, Will, Witek, Withem)........ 130
Dodge High School girls' track team for Class D state championship: congratulate (Bromm)........ 296
East Butler High School girls' cross country team and coaches for Class D state championship: congratulate (Bromm)........ 87
East Butler High School wrestling team and coaches: congratulate on success (Bromm)........ 87
Erickson, Bob: recognize achievements and his induction into the NAIA Basketball Hall of Fame (Robinson, Coordsen)........ 102
Gering High School wrestling team and Coach Chuck Deter for Class A state championship: congratulate (Hillman)........ 81
Grand Island High School boys' basketball team and Coach Craig Jacobson for district championship: congratulate (C. Peterson)........ 89
Johnson-Brock High School boys' basketball team and Coach Dan Vahle for Class D-1 state championship: congratulate (Vrtiska)........ 100
Kearney High School boys' track team for Class A state championship: congratulate (Kristensen)........ 292
Lincoln Northeast High School boys' basketball team and Coach Rick Collura for Class A state championship: congratulate (Wesely, Landis)........ 99
Lincoln Southeast High School girls' basketball team and Coach John Larsen for Class A state championship: congratulate (Crosby, Schimek, Beutler)........ 91
Lincoln Stars hockey team and Coach Steve Johnson: congratulate on their successful season (Wesely, Landis, Beutler, Schimek, Crosby)...... 126
Litchfield High School girls' basketball team and Coach Joan Reznicek for Class D-2 state championship: congratulate (Cudaback)........ 97
Oakland-Craig High School wrestling team and coaches for Class C state championship: congratulate (Robinson)........ 84
Omaha North High School girls' swim team and coach Allison Terry for Class A state championship: congratulate (Lynch)........ 85
Seward High School wrestling team and coaches for the Class B state championship: congratulate (Stuhr)........ 83
Shickley High School boys' basketball team and Coach Dan Sorge for Class D-2 state championship: congratulate (Coordsen)........ 98
South Sioux City High School girls' basketball team and coach Kelly Flynn for Class B state championship: congratulate (Engel)........ 93
Tecumseh High School boys' basketball team and coach Chris Hutt for district championship: congratulate (Vrtiska)........ 94
Tecumseh High School boys' basketball team and Coach Chris Hutt for Class C-2 state championship: congratulate (Vrtiska)........ 101
Tiger Woods on his Masters win: congratulate (Bruning, Chambers, Lynch)........ 115
University of Nebraska at Omaha volleyball team: congratulate on success (Brown, Jensen, Preister, Lynch, Bruning, Hilgert, Suttle, Brashear)........ 69
University of Nebraska women's soccer team for their outstanding season: congratulate (Withem)........ 75
Wauneta-Palisade High School girls' basketball team and coach Roger Lauhead for Class D-1 state championship: congratulate (Elmer)........ 90
Wesleyan University men's basketball team and Coach Todd Raridon: commend on their performance in the NCAA Div. III tournament (Wesely, Schrock)........ 114
Zabka, Crystal: congratulate for winning the national championship at the Amer. Drug Free Powerlifting Assoc. Women's Nationals (Robak)....... 122

ATTORNEY GENERAL
Appointment: provide (Warner, Kristensen, Withem)........ 11CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)........ 8CA

LR

Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA
Schools: request the Attorney General review LB 806 and LB 710 to determine constitutionality of certain provisions (Coordsen, Dierks, Schellpeper, Bromm).. 295

ATTORNEYS
Child abuse: interim study of providing attorney's fees for persons who prevail in amending an inaccurate child abuse report (Stuhr)............ 150
Ethics In Law Week: recognize for the week of April 1-4, 1997 (Will, Abboud, Hilgert, Bromm)... 103
Juvenile offenders: interim study whether county attorneys should be given dispositional option of victim-offender mediation (Wesely)........ 280

AUDITOR OF PUBLIC ACCOUNTS
Executive officer: eliminate provisions (Warner, Kristensen, Withem).. 11CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)............................ 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA

BANKS AND BANKING
Interim study (Landis).. 211
Savings banks: interim study to review possible legislation to allow for a new kind of state-chartered financial institution (Landis)........ 208

BELLEVUE
Bellevue West girls' volleyball team for Class A state championship: congratulate (Hartnett).. 70

BIDS AND BIDDING
Public bodies: interim study of statutory bidding requirements for purchases (Jensen).. 140

BOARDS
Agricultural and horticultural land valuation boards and the Tax Equalization Review Comm.: interim study of the relationship (Stuhr)... 176
Education, State Board of: require the Legislature to prescribe qualifications for members (Robinson, Bohlke)........................ 6CA
Pardons, Board of: eliminate provisions (Withem, Kristensen, Warner).. 27CA
Parole, Board of: eliminate the constitutional provisions establishing (Withem, Kristensen, Warner)....................................... 27CA

BONNER, MARI
State Arbor Day Poster Contest: congratulate for winning (Tyson)........ 119

BONNER, STACI
Nebraska State Winner in the Zanner-Bloser National Handwriting Contest: congratulate (Tyson)... 120

BRADSHAW
Bradshaw Public School's Future Business Leaders of America for winning state awards: congratulate (Stuhr).................................. 116

BRAINARD
East Butler High School girls' cross country team and coaches for Class D state championship: congratulate (Bromm)........................... 87
East Butler High School wrestling team and coaches: congratulate on success (Bromm).. 87

BRANDS
Interim study (Agriculture Committee and Jones)......................... 161

BRIDGES

LR

Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad).......................... 62CA

BUDGETS

Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek, C. Peterson)... 3

Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad)... 108

BUSINESS AND COMMERCE

"Management Week": declare for the week of June 8, 1997 (Preister)...... 289

Partnership Act, Nebr. Uniform Limited: interim study (Landis).......... 210

Small business: interim study to examine impact of existing laws (Business and Labor Committee).. 131

Unemployment Trust Fund: interim study to examine reducing employer contributions to the fund (Business and Labor Committee, Brasheaer)..... 132

CAMPAIGNS

Candidates: require certain candidates for public office to resign their current public position (Brashear)............................ 40CA

Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem)......... 12CA

Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem).. 38CA

Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner)............... 7CA

Initiative and referendum measures: identify the powers of and remove obsolete language (Withem, Kristensen, Warner)...................... 55CA

Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem)................ 39CA

Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler)... 56CA

Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek)......... 32CA

Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem)................... 41CA

CANNEY, WALTER A

Retirement from LES and service to the State of Nebraska: recognize (Beutler, Crosby, Landis, Wesely, Schimek, Raikes).................... 293

CAPITAL CONSTRUCTION

State approval of certain projects: interim study (Coordsen, Bohlke, Schellpeper)... 177

State buildings: recognize the continuing deterioration and appropriate funds for completion of major construction projects (Lynch)............ 300

CAPITAL PUNISHMENT

Interim study (Judiciary Committee)..................................... 275

CHADRON

Chadron High School boys' basketball team and Coach Jim English for Class B state championship: congratulate (Wickersham)................. 96

CHILD CARE

Child care: interim study of method in which home providers receive reimbursement for meals under the Child & Adult Food Program (C. Peterson)... 168

CHILD SUPPORT

LR

Child support: interim study to determine if the Supreme Court is the appropriate agency to establish guidelines (Judiciary Committee)........ 230
Laws regarding the methods used to determine payments and procedures to collect payments: interim study (Will).............................. 182
Obligations of parents: interim study (Coordsen)...................... 151

CHILDREN
Adoption: interim study to review state's laws on access to records and information (Suttle, Bromm, Schimek, Wesely, Matzke, Coordsen).......... 136
Child abuse: interim study of providing attorney's fees for persons who prevail in amending an inaccurate child abuse report (Stuhr)........... 150
Child care: interim study of method in which home providers receive reimbursement for meals under the Child & Adult Food Program (C. Peterson).. 168
Child support: interim study of laws regarding the methods used to determine payments and procedures to collect payments (Will)........... 182
Child support: interim study to determine if the Supreme Court is the appropriate agency to establish guidelines (Judiciary Committee)........ 230
Child support: interim study to examine changes in child support obligations of parents (Coordsen).................................. 151
Child Abuse Prevention Month: declare for the month of April (C. Peterson).. 109
Health care availability for uninsured children: interim study (Wesely, Beutler).. 186
Metabolic and other disorders: interim study relating to the screening of newborn infants (Wesely).. 248

CIGARETTES
Tobacco products: interim study of the tobacco retail license system and sale of products (Preister, Jensen).............................. 271

CITIES AND VILLAGES; LAWS APPLICABLE TO ALL
Villages: interim study to investigate the level of interest in village dissolution, as a result of limiting property tax levies (Hartnett, Elmer).. 216

CITIES, COUNTIES, AND OTHER POLITICAL SUBDIVISIONS
Bidding requirements for purchases by state, local governments and other political subdivisions: interim study (Jensen)....................... 140
Counties: interim study to examine authorizing counties to sell tax certificates (C. Peterson).. 167
Economic development opportunities: interim study to examine how links can be established between various entities (Wesely)................... 255
Libraries: interim study of the impact of levy limits on providing public library services (General Affairs Committee).................... 164
State prisoners in county jails: interim study to examine reimbursement to counties by the state for feeding and boarding (Wehrbein)........... 171

COLUMBUS
Columbus Scotus Central Catholic High School girls' basketball team for Class C-1 state championship: congratulate (Robak).................... 92
Columbus Scotus Central Catholic High School volleyball team for Class C-1 state championship: congratulate (Robak)......................... 33
Wright, Stephen: congratulate for winning the Nebraska Spelling Bee (Robak).. 106

COMMISSIONS
Compensation Review Commission: create and change provisions for compensation for members of the Legislature and employees (Beutler)... 57CA
Coordinating Comm. for Postsecondary Ed.: interim study relating to procedures to reduce cohort default loan rates (Bohlke)................ 234
Game and Parks Commission: approve gift of land from the City of Peru to the Game and Parks Commission (Vrtiska)............................ 286
Game and Parks Commission: approve gift of land from the Friends of the White River Trail to the Game and Parks Commission (Wickersham)......... 287
Game and Parks Commission: approve gift of land from the Todd Valley Wetland Foundation (Robak).. 110

LR
Game and Parks Commission: interim study to examine legal authority (Natural Resources Committee) 222
Game and Parks Commission: interim study to review development of current sources of funding for recreational trails (Beutler, Preister) 223
Gift of land from the SAC Museum Memorial Society, Inc. to the Game and Parks Commission: provide approval by the Legislature (Wehrbein) 50
Legislative Compensation, Commission on: create and provide for establishment of salary & expenses of members of the Legislature (Warner, Kristensen, Withem) 14CA
Liquor Control Commission: interim study (General Affairs Committee) 291
Public Service Commission: eliminate provisions (Warner) 44CA
Public Service Commission: eliminate references (Brown, Engel, Warner) 31CA
Public Service Commission: interim study to review licensing and regulation of passenger carriers (Withem) 133
Railway Commission: eliminate references (Brown, Engel, Warner) 31CA
Tax Equalization and Review Commission: interim study to review operations of and statutory frame work (Kristensen) 153

COMMON INTEREST OWNERSHIP ACT, UNIFORM
Interim study (Judiciary Committee) 229

COMMUNICATION
Cox Communications: applaud support it has provided to Omaha Northwest High School (Suttle) 51
Digital signatures, use of: interim study (Kristensen) 262
Sales and use tax statutes which apply to sales and service involving wireless telecommunications: interim study (Hartnett, Withem, Lynch, Brown, Suttle, Coordsen, Abboud, Landis, Bruning, Brashear, Will) 117
Telecommunications technologies: interim study to examine effect of changes and services relating to state and local tax policy (Kristensen) 259
Telecommunications Act of 1996, Federal: interim study of Nebraska's implementation and administration (Kristensen) 260
Television: interim study relating to the ruling by the FCC that television franchises convert to digital television (Bohlke, Wehrbein) 143
911 telephone service: interim study (Kristensen) 261

COMPENSATION REVIEW COMMISSION
Create (Beutler) 57CA

COMPUTERS
Court automation: interim study to review plans, progress and costs (Hillman, Wehrbein, Brashear) 185
Gaming activities on the Internet: interim study (General Affairs Committee) 165
Information technology in state agencies: interim study of the management and associated costs (Coordsen, Kiel, Elmer) 152

CONGRESS
Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek, C. Peterson) ... 3
Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad) 108
Compensation of members of Congress: propose an amendment to the U.S. Constitution delaying variances in compensation (Schimek, Beutler, Robak, Vrtiska) 53
Economic incentives: urge Congress to support HR1842 which recognizes problems created in competition between states (Kristensen) 37
Natural resources: propose an amendment to the U.S. Constitution relating to protection of natural resources (Preister) 54

LR

Redistricting and congressional district boundaries: interim study (Robinson, Bromm) 251

Term limits on Congress: apply to Congress to convene a constitutional convention for purposes of proposing an amendment (Witek) 35

Term limits: apply to Congress to convene a Constitutional Convention as a result of Initiative 409 (Withem) 1

CONSTITUTION

Appellate court: change a reference (Kristensen, Warner) 24CA

Auditor of Public Accounts: eliminate from the list of executive officers (Warner, Kristensen, Withem) 11CA

Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek, C. Peterson) 3

Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad) 108

Candidates: require certain candidates for public office to resign their current public position (Brashear) 40CA

Compensation of members of Congress: propose an amendment to the U.S. Constitution delaying variances in compensation (Schimek, Beutler, Robak, Vrtiska) 53

Compensation Review Commission: create and change provisions for compensation for members of the Legislature and employees (Beutler) 57CA

Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem) 12CA

County and township officers: eliminate provisions (Hillman, Brown, Engel, Maurstad, Robinson) 52CA

County courts and county court judges: eliminate certain references (Kristensen, Warner) 24CA

Damages caused by negligent conduct of another: provide a person's right to recover is not barred by restriction on use of fine (Will) 22CA

Education, State Board of: require the Legislature to prescribe qualifications for members (Robinson, Bohlke) 6CA

Equal protection of the laws: provide no person shall be denied (Kristensen, Warner, Withem, Schimek) 20CA

Gambling: change provisions relating to parimutuel wagering and wagering on the results of sporting events (Will) 46CA

Gas and other minerals in and under state land: prohibit the alienation (Kristensen, Warner, Withem) 48CA

Gubernatorial appointments to vacated executive state offices: require legislative approval (Crosby) 58CA

Gubernatorial appointments: change provisions relating to legislative confirmation (Warner, Kristensen, Withem) 43CA

Imprisonment for debt: eliminate an exception to the prohibition (Withem, Kristensen, Warner) 26CA

Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem) 38CA

Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner) 7CA

Initiative and referendum measures: identify the powers of and remove obsolete language (Withem, Kristensen, Warner) 55CA

Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem) 39CA

Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler) 56CA

Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek) 32CA

Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem) 41CA

Judges: provide for disciplinary actions (Beutler) 59CA

LR

Legislative committees: require open meetings and recording and publishing of certain votes by members (Warner, Kristensen, Withem)... 10CA
Legislative powers: provide for and eliminate during enemy attack, terrorist attack or natural disaster (Warner, Kristensen, Withem)..... 13CA
Legislative session: change provisions for the convening date, the length and the date on which terms of members begin and end (Stuhr, Janssen, Robinson, Schrock, Vrtiska, Witek).......................... 5CA
Legislative session: change provisions for the convening date, the length, and the date on which terms of members begin and end (Robinson, Bromm, Janssen, Jones, Vrtiska, Bruning, Stuhr)..................... 21CA
Legislative Compensation, Commission on: create and provide for establishment of salary & expenses of members of the Legislature (Warner, Kristensen, Withem).. 14CA
Legislature: change provisions relating to salaries (Withem).......... 23CA
Legislature: eliminate certain provisions relating to contempt powers (Withem, Kristensen, Warner)....................................... 36CA
Legislature: eliminate references to the Lieutenant Governor as the presiding officer (Withem, Kristensen, Warner)....................... 47CA
Legislature: eliminate the privilege from arrest granted to members (Kristensen, Warner, Withem)....................................... 16CA
Legislature: prohibit special legislation and eliminate references to certain categories of special legislation (Kristensen, Warner, Withem)... 18CA
Legislature: provide for recall of members (Kristensen).............. 60CA
Legislature: provide the presiding officer shall sign bills and resolutions passed by the Legislature (Kristensen, Warner, Withem).... 25CA
Masculine gender in the Constitution: state that the use be construed to include the feminine gender (Kristensen, Warner, Withem, Schimek)... 15CA
Mediation, arbitration agreements and dispute resolution: authorize the Legislature to provide for enforcement (Landis)...................... 61CA
Motor vehicles taxes, municipal tax rates, governmental property taxation and townships: change provisions (Revenue Committee, Maurstad)... 45CA
Natural resources: propose an amendment to the U.S. Constitution relating to protection of natural resources (Preister)................. 54
Pardons, Board of: eliminate provisions (Withem, Kristensen, Warner)... 27CA
Parole, Board of: eliminate the constitutional provisions establishing (Withem, Kristensen, Warner)....................................... 27CA
Printed copies: repeal requirement that it be prefixed to books containing the laws of this state (Withem, Kristensen, Warner)........ 29CA
Prohibition on the suspension of the writ of habeas corpus: eliminate an exception (Withem, Kristensen, Warner)........................... 30CA
Provision from Article XVII entitled "Schedule": transfer to Article III, entitled "Legislative Power" (Withem, Kristensen, Warner)........ 28CA
Public Service Commission: eliminate provisions (Warner)............. 44CA
Public Service Commission: eliminate references (Brown, Engel, Warner)... 31CA
Railway Commission: eliminate references (Brown, Engel, Warner)....... 31CA
Real property: require property not exempt from taxation to be taxed either uniformly or based upon a three year average value (Warner, at the request of the Governor)... 65CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)........................... 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA
Rights granted by the Nebr. Constitution: provide rights are not construed as limited by interpretations of the U.S. Constitution (Kristensen, Warner, Withem)....................................... 19CA
Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad).......................... 62CA
Schools: eliminate a reference to public, private, denominational and parochial schools (Warner, Kristensen, Withem)........................ 42CA
Session laws: eliminate a provision relating to the form in which session laws are published (Kristensen, Warner, Withem).............. 17CA

LR

State Treasurer: eliminate from the list of executive officers (Warner, Kristensen, Withem).. 11CA
Tax rates within and outside municipalities: authorize the Legislature to provide for differences (Maurstad, Brown)........................ 63CA
Taxation: permit the Legislature to classify property for purposes of taxation (Will).. 64CA
Term limits on Congress: apply to Congress to convene a constitutional convention for purposes of proposing an amendment (Witek).............. 35
Term limits: apply to Congress to convene a Constitutional Convention as a result of Initiative 409 (Withem).................................. 1
Unfunded mandates: require the Legislature to appropriate funds to political subdivisions (Coordsen)................................. 2CA

CONTRACTS
Insurance agency contracts and appointments, cancellation of: interim study to enact possible legislation (Landis).......................... 212

CONTROLLED SUBSTANCES
DARE Program: interim study to examine alternatives to the program and potential federal funding (Hillman, Wehrbein, Brown, Brashear).......... 184

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION
Loans: interim study relating to procedures to reduce cohort default loan rates for loan programs (Bohlke)................................ 234

CORPORATIONS
Partnership Act, Nebr. Uniform Limited: interim study (Landis).......... 210

CORRECTIONAL SERVICES, DEPARTMENT OF
Administrative Procedure Act: interim study of the public policy considerations that are the basis for promulgation requirements (Judiciary Committee).. 232
Post-conviction petitions filed by prisoners: interim study (Judiciary Committee).. 272
Victim notification laws: interim study (Wesely)...................... 277

COUNTIES
County and township officers: eliminate provisions (Hillman, Brown, Engel, Maurstad, Robinson).. 52CA
County courts and county court judges: eliminate certain references (Kristensen, Warner)... 24CA
State prisoners in county jails: interim study to examine reimbursement to counties by the state for feeding and boarding (Wehrbein)............ 171
Traffic diversion programs: interim study to examine the general philosophy and policies (Schmitt).................................. 203

COUNTY ATTORNEY
Juvenile offenders: interim study whether county attorneys should be given dispositional option of victim-offender mediation (Wesely)........ 280

COUNTY GOVERNMENT AND OFFICERS
County and township officers: eliminate provisions (Hillman, Brown, Engel, Maurstad, Robinson).. 52CA
County courts and county court judges: eliminate certain references (Kristensen, Warner)... 24CA

COURTS
Appellate court: change a reference (Kristensen, Warner)............. 24CA
Capital punishment: interim study (Judiciary Committee)................ 275
County courts and county court judges: eliminate certain references (Kristensen, Warner)... 24CA
Court automation: interim study to review plans, progress and costs (Hillman, Wehrbein, Brashear)....................................... 185
Court of Appeals: encourage the Supreme Court to recognize the precedential value of the opinions of the Court of Appeals (Beutler, Hilgert, D. Pederson, Abboud, Bruning, Bromm, Wickersham, Kristensen, Matzke, Will, Brashear)... 88

LR

Judges Retirement System: interim study (Nebraska Retirement Systems Committee) 147
Judges: provide for disciplinary actions (Beutler) 59CA
Juvenile justice system: interim study (Suttle, Witek, Jensen, Wesely, C. Peterson, Matzke, Brashear, Dierks) 142
Post-conviction petitions filed by prisoners: interim study (Judiciary Committee) 272
Sex offenders: interim study whether Nebraska is actively reducing the recidivism rates (Wesely) 279
Sexual Predator Act: interim study (Judiciary Committee) 274
Supreme Court: encourage the Supreme Court to recognize the precedential value of the opinions of the Court of Appeals (Beutler, Hilgert, D. Pederson, Abboud, Bruning, Bromm, Wickersham, Kristensen, Matzke, Will, Brashear) 88
Traffic diversion programs: interim study to examine the general philosophy and policies (Schmitt) 203
Victim notification laws: interim study (Wesely) 277

CRIMES AND PUNISHMENTS
Auto theft: interim study to review laws (Lynch) 104
Capital punishment: interim study (Judiciary Committee) 275
Gang activity: interim study (Judiciary Committee) 228
Sex offenders: interim study whether Nebraska is actively reducing the recidivism rates (Wesely) 279
Sexual Predator Act: interim study (Judiciary Committee) 274

CRIMINAL CODE, NEBRASKA
Auto theft: interim study to review laws (Lynch) 104
Capital punishment: interim study (Judiciary Committee) 275
Gang activity: interim study (Judiciary Committee) 228
Sex offenders: interim study whether Nebraska is actively reducing the recidivism rates (Wesely) 279
Sexual Predator Act: interim study (Judiciary Committee) 274

DAVID CITY
David City Aquinas High School boys' basketball team and Coach Kevin Scheef for Class C-2 state championship: congratulate (Bromm) 105

DEATHS
Devaney, Bob: extend sympathy to family (Bruning) 125
Devaney, Bob: extend sympathy to family (Wesely, Abboud, Beutler, Bohlke, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hartnett, Hilgert, Hillman, Hudkins, Janssen, Jensen, Jones, Kiel, Kristensen, Landis, Lynch, Matzke, Maurstad, McKenzie, Dw. Pedersen, D. Pederson, C. Peterson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Suttle, Tyson, Vrtiska, Wehrbein, Wickersham, Will, Witek, Withem) 130
Dunn, Dr. Dale: extend sympathy to family (Kiel, Dw. Pedersen) 49
Foster, Stanley E.: extend sympathy to family (Stuhr) 66
Hall, Bernard: extend sympathy to family (Hilgert) 72
Scheller, Dr. William A,: extend sympathy to family (Beutler) 4
Smagacz, Frank: extend sympathy to family (Robinson, Janssen, Bromm, Kiel) 298
Syas, Senator George D.: extend sympathy to family (Lynch) 79

DEVANEY, BOB
Extend sympathy to family (Bruning) 125
Extend sympathy to family (Wesely, Abboud, Beutler, Bohlke, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hartnett, Hilgert, Hillman, Hudkins, Janssen, Jensen, Jones, Kiel, Kristensen, Landis, Lynch, Matzke, Maurstad, McKenzie, Dw. Pedersen, D. Pederson, C. Peterson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Suttle, Tyson, Vrtiska, Wehrbein, Wickersham, Will, Witek, Withem) 130

DISABLED PERSONS

LR

Handicapped parking statutes: interim study (Urban Affairs Committee)........ 198
Option enrollment program: interim study of issues regarding students with disabilities and special education students (Hartnett)........ 238
Special education: interim study to assist the Dept. of Education in adopting rules to define educational benefit (McKenzie)........ 285

DISCRIMINATION
Insurance discrimination against victims of abuse: interim study of possible legislation to provide for regulation (Landis)........ 207
Insurance: interim study to examine rating practices of the automobile insurance industry (Preister, Hilgert)........ 215
Insurance: interim study to examine rating practices of the automobile insurance industry (Hilgert, Preister)........ 250

DIVORCE
Child support: interim study of laws regarding the methods used to determine payments and procedures to collect payments (Will)........ 182
Child support: interim study to determine if the Supreme Court is the appropriate agency to establish guidelines (Judiciary Committee)........ 230
Child support: interim study to examine changes in child support obligations of parents (Coordsen)........ 151

DODGE
Dodge High School girls' track team for Class D state championship: congratulate (Bromm)........ 296

DOMESTIC ABUSE ACT, PROTECTION FROM
Interim study (Judiciary Committee)........ 227

DRUGS AND NARCOTICS
DARE Program: interim study to examine alternatives to the program and potential federal funding (Hillman, Wehrbein, Brown, Brashear)........ 184

DUNN, DR. DALE
Extend sympathy to family (Kiel, Dw. Pedersen)........ 49

EASTERLY, SCOTT AND JANE
Outstanding Young Farmer program: recognize for receiving national and state recognition (Matzke)........ 112

ECONOMIC DEVELOPMENT
Electronics, Nebr. Center for Excellence in: interim study to examine development of in the University of Nebr. Technology Park (Maurstad)........ 181
Farm income: interim study of economic development programs which can be targeted toward activities which enhance income (Agriculture Committee)........ 159
Incentives: urge Congress to support HR1842 which recognizes problems created in competition between states (Kristensen)........ 37
Opportunities: interim study to examine how links can be established between various entities (Wesely)........ 255
Small business: interim study to examine impact of existing laws (Business and Labor Committee)........ 131

ECONOMIC DEVELOPMENT, DEPARTMENT OF
Millenium Observance: encourage the Governor and Legislature to begin planning and funding for Nebraska's role (Stuhr)........ 113

EDUCATION
Core curriculum issues and quality education: interim study (Bohlke, Wickersham, Suttle, McKenzie, Bromm, Stuhr, Beutler)........ 264
Education, State Board of: require the Legislature to prescribe qualifications for members (Robinson, Bohlke)........ 6CA
High ability students: interim study of development and need for services and programs in public schools (McKenzie, Schimek, Bruning, Bohlke, Bromm, Suttle, Beutler, Brown)........ 267

LR

Omaha Northwest High School: applaud Cox Communications for support (Suttle) 51
Public, private, denominational and parochial schools: eliminate a reference (Warner, Kristensen, Withem) 42CA
Scheller, Dr. William A,: extend sympathy to family (Beutler) 4
Special education: interim study to assist the Dept. of Education in adopting rules to define educational benefit (McKenzie) 285
State aid: request the Attorney General review LB 806 and LB 710to determine constitutionality of certain provisions (Coordsen, Dierks, Schellpeper, Bromm) 295
Student dropout rate in Nebraska: interim study (Suttle, Bohlke) 137
Vocational education at the secondary level: interim study (Stuhr) 149

EDUCATION, DEPARTMENT OF

Special education: interim study to assist the Dept. of Education in adopting rules to define educational benefit (McKenzie) 285

EDUCATION, STATE BOARD OF

Members: require the Legislature to prescribe qualifications (Robinson, Bohlke) 6CA

ELECTIONS

Candidates: require certain candidates for public office to resign their current public position (Brashear) 40CA
Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem) 12CA
Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem) 38CA
Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner) 7CA
Initiative and referendum measures: identify the powers of and remove obsolete language (Withem, Kristensen, Warner) 55CA
Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem) 39CA
Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler) 56CA
Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek) 32CA
Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem) 41CA
Term limits on Congress: apply to Congress to convene a constitutional convention for purposes of proposing an amendment (Witek) 35
Term limits: apply to Congress to convene a Constitutional Convention as a result of Initiative 409 (Withem) 1

ELECTRICITY

Electric utility service areas: interim study (Beutler) 268

EMERGENCIES

Volunteer firefighters and rescue squad personnel: interim study to review use of sirens by municipalities to summon personnel (Hartnett, Dw. Pedersen, Abboud) 236
911 telephone service: interim study (Kristensen) 261

EMPLOYEES

Protecting a former and current employer from civil liability if such employer provides certain information: interim study (Judiciary Committee) 231
Sub-minimum wage: interim study of the issues surrounding recognition of the federal sub-minimum wage in Nebraska (Business and Labor Committee) 288
Wages: interim study to examine reasons behind Nebraska's low wages (Wesely) 281

LR

EMPLOYERS
Protecting a former and current employer from civil liability if such employer provides certain information: interim study (Judiciary Committee).......... 231
Sub-minimum wage: interim study of the issues surrounding recognition of the federal sub-minimum wage in Nebraska (Business and Labor Committee).......... 288
Unemployment Trust Fund: interim study to examine reducing employer contributions to the fund (Business and Labor Committee, Brasheaer)..... 132
Wages: interim study to examine reasons behind Nebraska's low wages (Wesely).......... 281

EMPLOYMENT
Sub-minimum wage: interim study of the issues surrounding recognition of the federal sub-minimum wage in Nebraska (Business and Labor Committee).......... 288
Wages: interim study to examine reasons behind Nebraska's low wages (Wesely).......... 281

ENERGY
Renewable energy: interim study (Beutler, Preister, Hartnett, McKenzie).......... 276

ENVIRONMENTAL CONTROL AND PROTECTION
Emission fee collected from major sources of air pollution: interim study (Beutler, Bohlke).......... 241
Hydrogen sulfide gas and other airborne sulfide compounds: interim study of health and environmental effects (Beutler, Preister).......... 270
Leaking Underground Storage Tank program: interim study (Beutler, Engel, Kiel, Preister, Bohlke, Bromm).......... 225
Livestock operations: interim study to examine ways to encourage development considering environmental concerns (Bohlke).......... 123
Low level radioactive waste repository proposed in Boyd County: interim study (Dierks, Schrock, Schellpeper, Preister, Bromm).......... 202
Natural resources districts: interim study (Tyson, Beutler).......... 172
Right to Farm Act, Neb.: interim study of relationship with proposed air quality standards which impact ag. production facilities (Agriculture Committee).......... 160

ERICKSON, BOB
NAIA Basketball Hall of Fame: congratulate on his induction and recognize achievements (Robinson, Coordsen).......... 102

ETHANOL
Interim study (Beutler, Preister).......... 226

EXON, SENATOR J. JAMES
Receipt of the Distinguished Nebraskalander Award: congratulate (Withem).......... 76

FARMS AND FARMING
Agricultural and horticultural land valuation boards and the Tax Equalization Review Comm.: interim study of the relationship (Stuhr)... 176
Brand law: interim study (Agriculture Committee and Jones).......... 161
Disputes between landowners: interim study to examine natural resources districts becoming involved in settling minor disputes (Janssen).......... 179
Easterly, Scott and Jane: recognize for receiving national and state recognition in the Outstanding Young Farmer program (Matzke).......... 112
Economic development programs which can be targeted toward activities which enhance farm income: interim study (Agriculture Committee).......... 159
Host Farm and Ranch Act, Nebraska: interim study (Agriculture Committee).......... 162
Livestock operations: interim study to examine ways to encourage development considering environmental concerns (Bohlke).......... 123
Livestock: interim study relating to protecting sellers when the buyer's financial creditors foreclose before payment is made (Dierks, Schrock).......... 195

LR
Natural resources districts: interim study (Tyson, Beutler)............ 172
Right to Farm Act, Neb.: interim study of relationship with proposed air quality standards which impact ag. production facilities (Agriculture Committee).. 160
Tractor Testing Laboratory, Nebr.: interim study of the future viability (Agriculture Committee).................................... 158

FEDERAL LAWS
Safe Drinking Water Act, Federal: interim study to examine Nebraska's administration of the act (Beutler, Wesely, Preister).................. 224
Sub-minimum wage: interim study of the issues surrounding recognition of the federal sub-minimum wage in Nebraska (Business and Labor Committee).. 288
Telecommunications Act of 1996, Federal: interim study of Nebraska's implementation and administration (Kristensen)........................ 260
Television: interim study relating to the ruling by the FCC that television franchises convert to digital television (Bohlke, Wehrbein).. 143

FEES AND SALARIES
Child abuse: interim study of providing attorney's fees for persons who prevail in amending an inaccurate child abuse report (Stuhr)........... 150
Compensation of members of Congress: propose an amendment to the U.S. Constitution delaying variances in compensation (Schimek, Beutler, Robak, Vrtiska).. 53
Compensation Review Commission: create and change provisions for compensation for members of the Legislature and employees (Beutler)... 57CA
Damages caused by negligent conduct of another: provide a person's right to recover is not barred by restriction on use of fine (Will)... 22CA
Emission fee collected from major sources of air pollution: interim study (Beutler, Bohlke).. 241
Legislative Compensation, Commission on: create and provide for establishment of salary & expenses of members of the Legislature (Warner, Kristensen, Withem)... 14CA
Legislature: change provisions relating to salaries (Withem).......... 23CA
Motor vehicles: interim study of the impact of LB 271, 1997, which provides tax and fee schedules (Kristensen)........................... 258
Natural gas rates, regulation of: interim study (Urban Affairs Committee).. 199
Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad).......................... 62CA
Sub-minimum wage: interim study of the issues surrounding recognition of the federal sub-minimum wage in Nebraska (Business and Labor Committee).. 288
Summonses, subpoenas and other orders: interim study to examine fees charged by sheriffs for serving (Robinson)........................... 145
Utility facility expansions: interim study of the differential fee system being implemented for financing (Hartnett, Preister, Lynch, Withem).. 265
Wages: interim study to examine reasons behind Nebraska's low wages (Wesely).. 281

FINANCIAL INSTITUTIONS
Interim study (Landis).. 211
Savings banks: interim study to review possible legislation to allow for a new kind of state-chartered financial institution (Landis)........ 208

FIREFIGHTERS
Rural and suburban fire protection districts: interim study relating to financing (Hartnett)... 217
Volunteer firefighters and rescue squad personnel: interim study to review use of sirens by municipalities to summon personnel (Hartnett, Dw. Pedersen, Abboud)... 236
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act: interim study (Urban Affairs Committee)....... 197

FOSTER, STANLEY E.

LR
Extend sympathy to family (Stuhr).. 66

FRANKLIN
Canoe Racing Capital of Nebraska: declare (Schrock).................... 118

FREMONT
Becky Beachler for winning the Class A state shotput throwing title: congratulate (Janssen).. 290

FUNDS
DARE Program: interim study to examine alternatives to the program and potential federal funding (Hillman, Wehrbein, Brown, Brashear).......... 184
Highway trust funds: interim study (Maurstad).......................... 180
State buildings: recognize the continuing deterioration and appropriate funds for completion of major construction projects (Lynch)............ 300
Unemployment Trust Fund: interim study to examine reducing employer contributions to the fund (Business and Labor Committee, Brasheaer)..... 132
Unfunded mandates: require the Legislature to appropriate funds to political subdivisions (Coordsen).................................. 2CA

GAMBLING
Gaming activities on the Internet: interim study (General Affairs Committee)... 165
Horseracing: interim study (General Affairs Committee)................. 127
Interim study (General Affairs Committee).............................. 129
Sporting events, wagering on: change provisions (Will)................ 46CA

GAME AND PARKS COMMISSION
Gift of land from the City of Peru to the Game and Parks Commission: provide approval by Legislature (Vrtiska)............................. 286
Gift of land from the Friends of the White River Trail to the Game and Parks Commission: provide approval by the Legislature (Wickersham)..... 287
Gift of land from the SAC Museum Memorial Society, Inc. to the Game and Parks Commission: provide approval by the Legislature (Wehrbein)....... 50
Gift of land from the Todd Valley Wetland Foundation to the Game and Parks Commission: provide approval by the Legislature (Robak).......... 110
Legal authority: interim study (Natural Resources Committee)........... 222
Recreational trails: interim study to review development of current sources of funding (Beutler, Preister)............................... 223

GANGS
Interim study (Judiciary Committee).................................... 228

GERING
Gering High School wrestling team and Coach Chuck Deter for Class A state championship: congratulate (Hillman)........................... 81

GOLD, NATHAN
Induction into the Nebraska Hall of Fame: congratulate (Withem, Landis, Maurstad, Beutler, Crosby, Schimek, Hudkins, Wesely).................. 121

GOVERNOR
Gubernatorial appointments to vacated executive state offices: require legislative approval (Crosby).. 58CA
Gubernatorial appointments: change provisions relating to legislative confirmation (Warner, Kristensen, Withem)........................... 43CA
Millenium Observance: encourage the Governor and Legislature to begin planning and funding for Nebraska's role (Stuhr)...................... 113
Pardons, Board of: eliminate provisions and grant sole pardon authority to the Governor (Withem, Kristensen, Warner)......................... 27CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)............................. 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA

GRAND ISLAND

LR

Grand Island High School boys' basketball team and Coach Craig Jacobson for district championship: congratulate (C. Peterson).................. 89

GROUND WATER

Water conflicts, interstate: interim study to examine methods of resolving (Beutler).. 240

Water issues in connection with the state's natural resources districts: interim study (Beutler, Elmer).. 243

HANDICAPPED PERSONS

Handicapped parking statutes: interim study (Urban Affairs Committee)... 198

Option enrollment program: interim study of issues regarding students with disabilities and special education students (Hartnett)............. 238

Special education: interim study to assist the Dept. of Education in adopting rules to define educational benefit (McKenzie)................ 285

HARTMAN, DALTON

Congratulate for winning the "You Know Contest" (Vrtiska)............... 82

HAZARDOUS MATERIALS

Leaking Underground Storage Tank program: interim study (Beutler, Engel, Kiel, Preister, Bohlke, Bromm)................................. 225

Low level radioactive waste repository proposed in Boyd County: interim study (Dierks, Schrock, Schellpeper, Preister, Bromm).................. 202

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Behavioral Mental Health Redesign: interim study (Health and Human Services Committee, Tyson, Bohlke, Schimek)............................ 219

Child abuse: interim study of providing attorney's fees for persons who prevail in amending an inaccurate child abuse report (Stuhr)........... 150

Plumbers: interim study of legislation which would license plumbers through the Dept. of Health and Human Services (Hudkins, Hartnett, Lynch, Withem).. 266

HEALTH CARE

Acupuncture: interim study (C. Peterson)............................. 166

Behavioral Mental Health Redesign: interim study (Health and Human Services Committee, Tyson, Bohlke, Schimek)............................ 219

Diabetes: interim study relating to ensuring persons have third-party reimbursement for equipment and medications (Schimek, Suttle, Wesely, Stuhr)... 192

Health and human services issues: interim study (Health and Human Services Committee).. 221

Health insurance, sickness and accident losses: interim study if losses should be included under Intergovernmental Risk Mgmt. Act (Maurstad).... 154

Hydrogen sulfide gas and other airborne sulfide compounds: interim study of health and environmental effects (Beutler, Preister)........... 270

Managed care arrangements: interim study of Nebraska's regulatory authority (Landis, Wesely, Elmer).................................. 205

Meat and poultry inspection program: interim study to examine whether resumption of the program is feasible (Agriculture Committee)........... 157

Medicaid: interim study to conduct an actuarial study of the program (Wickersham, Hillman)... 169

Medical and health risk bearing entities: interim study to examine possible legislation to provide for regulation (Landis, Elmer).......... 206

Mental health services: interim study to examine costs to the state and lack of coverage or lower coverage by insurance providers (Brown)....... 284

Mergers: interim study of the role of the state in oversight and regulation of hospital and health care related mergers (Wesely, Matzke, Elmer)... 188

Metabolic and other disorders: interim study relating to the screening of newborn infants (Wesely).. 248

Osteoporosis: interim study to review Nebraska's responsibility to reduce disabilities due to osteoporosis (Schimek, Suttle, Wesely)....... 193

Partnership Project, Nebraska: interim study (Health and Human Services Committee)... 220

LR

Schools: interim study relating to purchase of group medical insurance coverage for employees by school districts (Bromm, Robinson, Vrtiska, Dierks) 175
Schools: interim study to provide all students be ensured of access to school nurses delivering quality health services (Crosby) 183
Uninsured children: interim study to examine health care availability (Wesely, Beutler) 186

HIGHWAYS
Highway trust funds: interim study (Maurstad) 180
Lincoln: interim study to examine the city's plans for a south and east beltway from a state perspective (Wesely) 254
Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad) 62CA

HOLDREGE
Bethel Lutheran Church on its 120th anniversary: congratulate (Schrock) 124

HORSERACING
Interim study (General Affairs Committee) 127

HOSPITALS
Mergers: interim study of the role of the state in oversight and regulation of hospital and health care related mergers (Wesely, Matzke, Elmer) 188

HOST FARM AND RANCH ACT, NEBRASKA
Interim study (Agriculture Committee) 162

HOUSING
Housing authority statutes: interim study (Urban Affairs Committee) 200
Landlord Tenant Act and the landlord's ability to evict tenants: interim study (Wesely) 278

HUSBAND AND WIFE
Adoption: interim study to review state's laws on access to records and information (Suttle, Bromm, Schimek, Wesely, Matzke, Coordsen) 136
Child support: interim study to examine changes in child support obligations of parents (Coordsen) 151
Domestic Abuse Act, Protection From: interim study of the act and other statutes that relate to victims of domestic abuse (Judiciary Committee) 227

INFORMATION
Gaming activities on the Internet: interim study (General Affairs Committee) 165
Information technology in state agencies: interim study of the management and associated costs (Coordsen, Kiel, Elmer) 152

INITIATIVE AND REFERENDUM
Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner) 7CA
Measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem) 38CA
Measures: limit petitions to one subject (Kristensen, Warner, Withem) 39CA
Measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler) 56CA
Measures: require they contain or refer to only one subject or act of the Legislature (Schimek) 32CA
Measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem) 41CA
Powers: identify and remove obsolete language (Withem, Kristensen, Warner) 55CA

LR

Term limits: apply to Congress to convene a Constitutional Convention as a result of Initiative 409 (Withem)........ 1

INSURANCE

Automobiles: interim study to examine rating practices of the insurance industry (Preister, Hilgert)........ 215
Automobiles: interim study to examine rating practices of the insurance industry (Hilgert, Preister)........ 250
Diabetes: interim study relating to ensuring persons have third-party reimbursement for equipment and medications (Schimek, Suttle, Wesely, Stuhr)........ 192
Health care availability for uninsured children: interim study (Wesely, Beutler)........ 186
Health insurance, sickness and accident losses: interim study if losses should be included under Intergovernmental Risk Mgmt. Act (Maurstad).... 154
Insurance agency contracts and appointments, cancellation of: interim study to enact possible legislation (Landis)........ 212
Insurance discrimination against victims of abuse: interim study of possible legislation to provide for regulation (Landis)........ 207
Licensing, monitoring and regulating the insurance industry: interim study (Schellpeper)........ 189
Medical and health risk bearing entities: interim study to examine possible legislation to provide for regulation (Landis, Elmer)........ 206
Mental health services: interim study to examine costs to the state and lack of coverage or lower coverage by insurance providers (Brown)....... 284
Proof of financial responsibility: interim study of ways to encourage owners to maintain during the entire registration period (Landis)....... 214
Proof of financial responsibility: interim study relating to suspension of driver's licenses for failure to maintain (Maurstad)........ 155

INTERGOVERNMENTAL RISK MANAGEMENT ACT

Health insurance, sickness and accident losses: interim study if losses should be included under Intergovernmental Risk Mgmt. Act (Maurstad).... 154

INTERIM STUDIES

Acupuncture (C. Peterson)........ 166
Administrative Code, Nebraska, and the Nebraska Register: examine implementation by the Secretary of State (Coordsen)........ 156
Adoption: review state's laws on access to records and information (Suttle, Bromm, Schimek, Wesely, Matzke, Coordsen)........ 136
Aging, areas agencies on (Wesely)........ 187
Agricultural and horticultural land valuation boards and the Tax Equalization Review Comm.: examine the relationship (Stuhr)........ 176
Airstrips, private: examine placement of towers and structure and their possible interference (Hudkins)........ 134
Alcoholic beverages consumed by persons under the legal age (General Affairs Committee)........ 128
Auto theft: review laws (Lynch)........ 104
Automobiles: examine rating practices of the insurance industry (Preister, Hilgert)........ 215
Automobiles: examine rating practices of the insurance industry (Hilgert, Preister)........ 250
Banking and finance (Landis)........ 211
Behavioral Mental Health Redesign (Health and Human Services Committee, Tyson, Bohlke, Schimek)........ 219
Bidding requirements for purchases by state, local governments and other political subdivisions (Jensen)........ 140
Brand law (Agriculture Committee and Jones)........ 161
Capital construction: examine state approval of certain projects (Coordsen, Bohlke, Schellpeper)........ 177
Capital punishment (Judiciary Committee)........ 275
Child abuse: examine providing attorney's fees for persons who prevail in amending an inaccurate child abuse report (Stuhr)........ 150
Child care: examine method in which home providers receive reimbursement for meals under the Child & Adult Food Program (C. Peterson)........ 168

LR

Child support: determine if the Supreme Court is the appropriate agency to establish guidelines (Judiciary Committee)... 230

Child support: examine changes in child support obligations of parents (Coordsen)... 151

Child support: examine laws regarding the methods used to determine payments and procedures to collect payments (Will)... 182

Cloud seeding: examine possibility of sharing responsibility of seeding with natural resources districts and others (Schrock, Elmer, Beutler)... 247

Common Interest Ownership Act, Uniform (Judiciary Committee)... 229

Constitutional officers: examine cost projections for a supplemental retirement plan (Chambers)... 283

Correctional Services, Dept. of: examine policy considerations that are the basis for promulgation requirements of the APA (Judiciary Committee)... 232

Counties: examine authorizing counties to sell tax certificates (C. Peterson)... 167

Court automation: review plans, progress and costs (Hillman, Wehrbein, Brashear)... 185

Diabetes: examine ensuring persons have third-party reimbursement for equipment and medications (Schimek, Suttle, Wesely, Stuhr)... 192

Digital signatures, use of (Kristensen)... 262

Domestic Abuse Act, Protection From: examine the act and other statutes that relate to victims of domestic abuse (Judiciary Committee)... 227

DARE Program: examine alternatives to the program and potential federal funding (Hillman, Wehrbein, Brown, Brashear)... 184

Economic development opportunities: examine how links can be established between various entities (Wesely)... 255

Electric utility service areas (Beutler)... 268

Electronics, Nebr. Center for Excellence in: examine development of in the University of Nebr. Technology Park (Maurstad)... 181

Emission fee collected from major sources of air pollution (Beutler, Bohlke)... 241

Employers: examine legislation to protect employers from civil liability if employer provides certain information (Judiciary Committee)... 231

Ethanol (Beutler, Preister)... 226

Farm income: examine economic development programs which can be targeted toward activities which enhance income (Agriculture Committee)... 159

Fire protection districts, rural and suburban: examine financing (Hartnett)... 217

Game and Parks Commission: examine legal authority (Natural Resources Committee)... 222

Gaming (General Affairs Committee)... 129

Gaming activities on the Internet (General Affairs Committee)... 165

Gang activity (Judiciary Committee)... 228

Handicapped parking statutes (Urban Affairs Committee)... 198

Health and human services issues (Health and Human Services Committee)... 221

Health care availability for uninsured children (Wesely, Beutler)... 186

Health care related mergers: examine the role of the state in oversight and regulation (Wesely, Matzke, Elmer)... 188

Health insurance, sickness and accident losses: examine if losses should be included under Intergovernmental Risk Mgmt. Act (Maurstad).... 154

High ability students: examine development and need for services and programs in public schools (McKenzie, Schimek, Bruning, Bohlke, Bromm, Suttle, Beutler, Brown)... 267

Highway trust funds (Maurstad)... 180

Horseracing (General Affairs Committee)... 127

Host Farm and Ranch Act, Nebraska (Agriculture Committee)... 162

Housing authority statutes (Urban Affairs Committee)... 200

Hydrogen sulfide gas and other airborne sulfide compounds: examine public health and environmental effects (Beutler, Preister)... 270

Income tax, local option: examine permitting municipalities to impose (Schimek)... 191

Information technology in state agencies: examine the management and associated costs (Coordsen, Kiel, Elmer)... 152

LR

Insurance agency contracts and appointments, cancellation of: examine possible legislation (Landis) 212
Insurance discrimination against victims of abuse: examine possible legislation to provide for regulation (Landis) 207
Insurance industry: examine monitoring, licensing and regulation (Schellpeper) 189
Judges Retirement System (Nebraska Retirement Systems Committee) 147
Junk dealers and pawnbrokers: examine inconsistencies within the statutes (Judiciary Committee) 273
Juvenile justice system (Suttle, Witek, Jensen, Wesely, C. Peterson, Matzke, Brashear, Dierks) 142
Juvenile offenders: examine whether county attorneys should be given dispositional option of victim-offender mediation (Wesely) 280
Landlord Tenant Act and the landlord's ability to evict tenants (Wesely) 278
Law enforcement agencies: examine cooperative arrangements in responding to crime (Wesely) 256
Law enforcement costs (Urban Affairs Committee) 196
Law enforcement: examine process used in handling citizen complaints (Preister) 67
Leaking Underground Storage Tank program (Beutler, Engel, Kiel, Preister, Bohlke, Bromm) 225
Legislature: conduct a general examination of the rules (Will) 138
Legislature: examine cost projections for a supplemental retirement plan (Chambers) 283
Legislature: examine methods of structuring debate on legislative bills, amendments, resolutions and constitutional amendments (Will) 163
Legislature: examine redistricting process (Robinson, Bromm) 251
Legislature: examine the germaneness rule (Will) 139
Legislature: examine the process of legislative confirmation of gubernatorial appointments (Natural Resources Committee, Abboud, Brashear, Coordsen, Dierks, Hartnett, Kristensen, Robinson, Schellpeper, Wehrbein, Wickersham, Will, Withem) 301
Libraries: examine the impact of levy limits on providing public library services (General Affairs Committee) 164
License plates: examine issues relating to manufacture, issuance and administration (Kristensen) 263
Liens and security interests: review statutes regarding the filing system for the perfecting of liens and security interests (Landis) 209
Limited Partnership Act, Nebr. Uniform (Landis) 210
Lincoln: examine the city's plans for a south and east beltway from a state perspective (Wesely) 254
Lincoln: examine the potential state impact of the Antelope Creek Valley proposals (Wesely) 253
Liquor Control Commission (General Affairs Committee) 291
Livestock operations: examine ways to encourage development and growth considering environmental concerns (Bohlke) 123
Livestock: examine issue of protecting sellers when the buyer's financial creditors foreclose before payment is made (Dierks, Schrock) 195
Low level radioactive waste repository proposed in Boyd County (Dierks, Schrock, Schellpeper, Preister, Bromm) 202
Managed care arrangements: examine Nebraska's regulatory authority (Landis, Wesely, Elmer) 205
Meat and poultry inspection program: examine whether resumption of the program is feasible (Agriculture Committee) 157
Medicaid: conduct an actuarial study of the program to assist with planning for future costs (Wickersham, Hillman) 169
Medical and health risk bearing entities: examine possible legislation to provide for regulation (Landis, Elmer) 206
Mental health services: examine costs to the state and lack of coverage or lower coverage by insurance providers (Brown) 284
Metabolic and other disorders: study relating to the screening of newborn infants (Wesely) 248
Motor vehicles: examine the impact of LB 271, 1997, which provides tax and fee schedules (Kristensen) 258
Natural gas rates, regulation of (Urban Affairs Committee) 199

LR

Natural resources districts (Tyson, Beutler)........................... 172
Natural resources districts: examine districts becoming involved in settling minor disputes between landowners (Janssen)................... 179
Natural resources districts: examine water issues (Beutler, Elmer)...... 243
Niobrara National Scenic River and Miss./Niobrara/Verdigre Creek National Recreational Rivers: review progress of mgmt. plans (Beutler).. 269
Option enrollment program: examine issues regarding students with disabilities and special education students (Hartnett).................. 238
Osteoporosis: review Nebraska's responsibility to reduce disabilities due to osteoporosis (Schimek, Suttle, Wesely).......................... 193
Partnership Project, Nebraska (Health and Human Services Committee)...... 220
Passenger carriers, licensing and regulation of (Withem)................. 133
Pawnbrokers and junk dealers: examine inconsistencies within the statutes (Judiciary Committee)... 273
Plastic containers: examine policies relating to solid waste and recycling (Beutler, Preister)... 242
Plumbers: examine legislation which would license plumbers on a statewide basis through the Dept. of Health and Human Services (Hudkins, Hartnett, Lynch, Withem)... 266
Political subdivisions: determine how the Legislature can encourage cooperative efforts to provide necessary services (Withem).............. 201
Post-conviction petitions filed by prisoners (Judiciary Committee)....... 272
Postsecondary education: examine procedures to reduce cohort default loan rates for loan programs (Bohlke).................................. 234
Prepaid tuition program for postsecondary education: examine ways to develop and implement (Kristensen)..................................... 135
Proof of financial responsibility: examine suspension of driver's licenses for failure to maintain (Maurstad)........................... 155
Proof of financial responsibility: examine ways to encourage owners to maintain coverage during the entire registration period (Landis)........ 214
Propane consumers and propane industry personnel: analyze safety awareness (Beutler, Elmer)... 246
Property tax (Revenue Committee)... 173
Property tax (Revenue Committee)... 174
Property tax base: examine expansion and granting local governments other tax bases (Revenue Committee)................................... 144
Property tax reduction and merger and consolidation of public bodies (Hartnett).. 218
Property tax: examine issues of delinquent payment of taxes (McKenzie).. 257
Public accountancy: examine changes in the profession (Landis).......... 213
Recreational trails: review development of current sources of funding (Beutler, Preister).. 223
Redistricting process (Robinson, Bromm).................................. 251
Renewable energy (Beutler, Preister, Hartnett, McKenzie)................ 276
Retirement records kept by public entities and means by which the information is conveyed to the Retirement Board (Nebraska Retirement Systems Committee).. 146
Retirement: create a uniform set of criteria to be used in determination of benefit adequacy (Nebraska Retirement Systems Committee).. 148
Right to Farm Act, Neb.: examine the relationship with proposed air quality standards which impact ag. production facilities (Agriculture Committee).. 160
Safe Drinking Water Act, Federal: examine Nebraska's administration of the act (Beutler, Wesely, Preister).................................... 224
Savings banks: review possible legislation to allow for a new kind of state-chartered financial institution (Landis)......................... 208
School districts: examine legal issues requiring districts to admit pupils in the actual custody of a resident of the district (Hartnett)... 239
School Employees Retirement System: examine adopting the "Rule of Eighty-five" (Robinson)... 190
Schools: design and implement statewide assessment of school spending (Bohlke, Wickersham)... 233
Schools: examine core curriculum issues and quality education (Bohlke, Wickersham, Suttle, McKenzie, Bromm, Stuhr, Beutler).................. 264

LR
Schools: examine how local schools can be utilized for governmental and community services (Wesely).. 252
Schools: examine issues regarding disabled students and special education students under the option enrollment program (Hartnett)....... 238
Schools: examine liability for payment of preexisting bond debt of territory moving from one school district to another (Raikes)........... 170
Schools: examine process of purchasing group medical insurance coverage for employees by school districts (Bromm, Robinson, Vrtiska, Dierks).... 175
Schools: examine the budgeting process (Bohlke)........................ 235
Schools: interim study to provide all students be ensured of access to school nurses delivering quality health services (Crosby).............. 183
Sex offenders: examine whether Nebraska is actively reducing the recidivism rates (Wesely)... 279
Sexual Predator Act (Judiciary Committee).............................. 274
Small business: examine impact of existing laws (Business and Labor Committee).. 131
Special education: assist the Dept. of Education in adopting rules and regulations to define educational benefit (McKenzie)................... 285
State and political subdivision vehicles: review costs (Cudaback, Robinson, Coordsen).. 204
State prisoners in county jails: examine reimbursement to counties by the state for feeding and boarding (Wehrbein)......................... 171
State Patrol training and local law enforcement training at Grand Island: review management and associated costs for co-location (C. Peterson, Schmitt, Bohlke, Jones, McKenzie)........................... 73
State Patrol: examine providing cost of living adjustments for retirees (Hartnett, Brashear).. 194
Student dropout rate in Nebraska (Suttle, Bohlke)...................... 137
Sub-minimum wage: examine issues surrounding recognition of the federal sub-minimum wage in Nebraska (Business and Labor Committee)............ 288
Summonses, subpoenas and other orders: examine fees charged by sheriffs for serving (Robinson).. 145
Tax Equalization and Review Commission: review operations of and statutory frame work (Kristensen)..................................... 153
Telecommunications technologies: examine effect of changes and in services relating to state and local tax policy (Kristensen)............ 259
Telecommunications Act of 1996, Federal: examine Nebraska's implementation and administration (Kristensen)......................... 260
Telecommunications, wireless: review current sales and use tax statutes which apply to sales and service (Hartnett, Withem, Lynch, Brown, Suttle, Coordsen, Abboud, Landis, Bruning, Brashear, Will).................... 117
Television: analyze the impact of the ruling by the FCC that television franchises convert to digital television (Bohlke, Wehrbein)............ 143
Tires: consider uses for scrap tires (Beutler)......................... 245
Tobacco products: examine the tobacco retail license system and sale of products (Preister, Jensen)... 271
Tractor Testing Laboratory, Nebr.: examine the future viability (Agriculture Committee).. 158
Traffic diversion programs: examine the general philosophy and policies (Schmitt)... 203
Unemployment Trust Fund: examine reducing employer contributions to the fund (Business and Labor Committee, Brasheaer).......................... 132
University of Nebr.: examine the use of facilities, equipment and staff by tenured faculty for personal financial gain (Hudkins)............... 178
Urban Affairs Committee: review matters within the jurisdiction of the committee (Hartnett).. 237
Utility facility expansions: examine the differential fee system being implemented for financing (Hartnett, Preister, Lynch, Withem).......... 265
Victim notification laws (Wesely)...................................... 277
Villages: investigate the level of interest in village dissolution, as a result of property tax levies (Hartnett, Elmer)..................... 216
Vocational education at the secondary level (Stuhr).................... 149
Volunteer firefighters and rescue squad personnel: review use of sirens by municipalities to summon personnel (Hartnett, Dw. Pedersen, Abboud)... 236
Volunteer Firefighters and Rescue Squad Personnel Recruitment and Retention Incentive Act (Urban Affairs Committee)..................... 197

LR
Wages: examine reasons behind Nebraska's low wages (Wesely)............ 281
Water conflicts, interstate: examine methods of resolving (Beutler)..... 240
Water issues in connection with the state's natural resources districts (Beutler, Elmer).. 243
Water: examine implications of allowing transfer of surface water appropriations (Beutler, Preister).................................. 244
Water: study of incentive programs to encourage use of vegetative filter strips to enhance water quality (Stuhr, Dierks)................. 249
Women: address various issues including sexual harassment, domestic violence, welfare reform, child care and wages (Wesely, Schimek, Brown, Hillman, McKenzie, Beutler, Stuhr, Wehrbein, Bohlke, Suttle, Raikes, Crosby, Robak, Landis, Janssen, Chambers, Dw. Pedersen)................ 282
Workers' compensation: review effectiveness of LB 757, 1993 (Abboud, Dierks, Hilgert, Schrock, Preister, Schimek).......................... 141
911 telephone service (Kristensen)...................................... 261

JAILS
Capital punishment: interim study (Judiciary Committee)................ 275
Law enforcement costs: interim study (Urban Affairs Committee)......... 196
Post-conviction petitions filed by prisoners: interim study (Judiciary Committee).. 272
State prisoners in county jails: interim study to examine reimbursement to counties by the state for feeding and boarding (Wehrbein)........... 171
Victim notification laws: interim study (Wesely)...................... 277

JUDGES
County courts and county court judges: eliminate certain references (Kristensen, Warner).. 24CA
Disciplinary actions: provide (Beutler)............................ 59CA
Judges Retirement System: interim study (Nebraska Retirement Systems Committee).. 147

JUVENILES
Juvenile justice system: interim study (Suttle, Witek, Jensen, Wesely, C. Peterson, Matzke, Brashear, Dierks)............................... 142
Juvenile offenders: interim study whether county attorneys should be given dispositional option of victim-offender mediation (Wesely)........ 280

KEARNEY
Kearney High School boys' track team for Class A state championship: congratulate (Kristensen)... 292

LABOR
Protecting a former and current employer from civil liability if such employer provides certain information: interim study (Judiciary Committee).. 231
Sub-minimum wage: interim study of the issues surrounding recognition of the federal sub-minimum wage in Nebraska (Business and Labor Committee).. 288
Unemployment Trust Fund: interim study to examine reducing employer contributions to the fund (Business and Labor Committee, Brasheaer)..... 132
Wages: interim study to examine reasons behind Nebraska's low wages (Wesely)... 281
Workers' compensation: interim study to review effectiveness of LB 757, 1993 (Abboud, Dierks, Hilgert, Schrock, Preister, Schimek)............. 141

LANDLORD AND TENANT ACT
Landlord's ability to evict tenants: interim study (Wesely)............ 278

LARSON, ADMIRAL CHARLES R.
Receipt of the Wagonmaster Award: congratulate (Withem)................ 78

LAW ENFORCEMENT
Citizen complaints: interim study to examine process used in handling citizen complaints (Preister).. 67
Cooperative arrangements between law enforcement agencies in responding to crime: interim study (Wesely).................................... 256

LR
Costs: interim study (Urban Affairs Committee) 196
State Patrol training and local law enforcement training at Grand Island: interim study to review costs for co-location (C. Peterson, Schmitt, Bohlke, Jones, McKenzie) 73
Summonses, subpoenas and other orders: interim study to examine fees charged by sheriffs for serving (Robinson) 145

LEGISLATIVE COMPENSATION, COMMISSION ON
Create (Warner, Kristensen, Withem) 14CA

LEGISLATURE
Arrest: eliminate the privilege from arrest granted to members (Kristensen, Warner, Withem) 16CA
Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad, Abboud, Beutler, Brashear, Bromm, Brown, Bruning, Coordsen, Crosby, Cudaback, Dierks, Elmer, Engel, Hilgert, Hudkins, Janssen, Jensen, Jones, Kristensen, Matzke, McKenzie, Dw. Pedersen, D. Pederson, Preister, Robak, Robinson, Schellpeper, Schimek, Schmitt, Schrock, Stuhr, Tyson, Vrtiska, Warner, Wehrbein, Witek, C. Peterson)... 3
Balanced budget amendment: ratify the proposed amendment to the U.S. Constitution (Maurstad) 108
Bills and resolutions passed by the Legislature: provide the presiding officer shall sign (Kristensen, Warner, Withem) 25CA
Committee structure: provide the Rules Committee conduct a thorough review (Withem) 294
Compensation Review Commission: create and change provisions for compensation for members of the Legislature and employees (Beutler)... 57CA
Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem) 12CA
Contempt powers: eliminate certain provisions (Withem, Kristensen, Warner) 36CA
Court of Appeals: encourage the Supreme Court to recognize the precedential value of the opinions of the Court of Appeals (Beutler, Hilgert, D. Pederson, Abboud, Bruning, Bromm, Wickersham, Kristensen, Matzke, Will, Brashear) 88
Debate on legislative bills, amendments, resolutions and constitutional amendments: interim study of methods of structuring (Will) 163
Education, State Board of: require the Legislature to prescribe qualifications for members (Robinson, Bohlke) 6CA
Foster, Stanley E.: extend sympathy to family (Stuhr) 66
Gift of land from the City of Peru to the Game and Parks Commission: provide approval by Legislature (Vrtiska) 286
Gift of land from the Friends of the White River Trail to the Game and Parks Commission: provide approval by the Legislature (Wickersham)..... 287
Gift of land from the SAC Museum Memorial Society, Inc. to the Game and Parks Commission: provide approval by the Legislature (Wehrbein)....... 50
Gift of land from the Todd Valley Wetland Foundation to the Game and Parks Commission: provide approval by the Legislature (Robak) 110
Gubernatorial appointments to vacated executive state offices: require legislative approval (Crosby) 58CA
Gubernatorial appointments: change provisions relating to legislative confirmation (Warner, Kristensen, Withem) 43CA
Gubernatorial appointments: interim study of the process of legislative confirmation (Natural Resources Committee, Abboud, Brashear, Coordsen, Dierks, Hartnett, Kristensen, Robinson, Schellpeper, Wehrbein, Wickersham, Will, Withem) 301
Hall, Bernard: extend sympathy to family of former State Senator Tim Hall (Hilgert) 72
Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem) 39CA
Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler) 56CA
Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek) 32CA

LR

Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem).................... 41CA

Legislative committees: require open meetings and recording and publishing of certain votes by members (Warner, Kristensen, Withem)... 10CA

Legislative powers: provide for and eliminate during enemy attack, terrorist attack or natural disaster (Warner, Kristensen, Withem)..... 13CA

Legislative Compensation, Commission on: create and provide for establishment of salary & expenses of members of the Legislature (Warner, Kristensen, Withem).. 14CA

Lieutenant Governor: eliminate references to the Lieutenant Governor as the presiding officer (Withem, Kristensen, Warner)................... 47CA

Mediation, arbitration agreements and dispute resolution: authorize the Legislature to provide for enforcement (Landis)...................... 61CA

Millenium Observance: encourage the Governor and Legislature to begin planning and funding for Nebraska's role (Stuhr)....................... 113

Recall of members: provide (Kristensen)............................. 60CA

Redistricting: interim study (Robinson, Bromm).......................... 251

Retirement: interim study to examine cost projections for a supplemental retirement plan (Chambers)................................ 283

Rules: interim study (Will).. 138

Rules: interim study of the germaneness rule (Will).................... 139

Salaries: change provisions (Withem)................................ 23CA

Session laws: eliminate a provision relating to the form in which session laws are published (Kristensen, Warner, Withem)............... 17CA

Sessions: change provisions for the convening date, the length, and the date on which terms of members begin and end (Robinson, Bromm, Janssen, Jones, Vrtiska, Bruning, Stuhr).................................. 21CA

Sessions: change provisions relating to the convening date, the length and the date on which terms of members begin and end (Stuhr, Janssen, Robinson, Schrock, Vrtiska, Witek).................................. 5CA

Special legislation: prohibit and eliminate references to certain categories of special legislation (Kristensen, Warner, Withem)........ 18CA

Syas, Senator George D.: extend sympathy to family (Lynch)............. 79

Tax rates within and outside municipalities: authorize the Legislature to provide for differences (Maurstad, Brown)......................... 63CA

Taxation: permit the Legislature to classify property for purposes of taxation (Will)... 64CA

Unfunded mandates: require the Legislature to appropriate funds to political subdivisions (Coordsen).................................. 2CA

Urban Affairs Committee: interim study to review matters within the jurisdiction of the committee (Hartnett).............................. 237

LIABILITY

Damages caused by negligent conduct of another: provide a person's right to recover is not barred by restriction on use of fine (Will)... 22CA

Protecting a former and current employer from civil liability if such employer provides certain information: interim study (Judiciary Committee).. 231

LIBRARIES

National Library Week: declare for the week of April 13 to April 19, 1997 (Maurstad)... 107

Services: interim study of the impact of levy limits on providing public library services (General Affairs Committee).................... 164

LICENSES AND PERMITS

License plates: interim study relating to manufacture, issuance and administration (Kristensen)....................................... 263

Passenger carriers, licensing and regulation of: interim study (Withem)... 133

Plumbers: interim study of legislation which would license plumbers through the Dept. of Health and Human Services (Hudkins, Hartnett, Lynch, Withem)... 266

Proof of financial responsibility: interim study relating to suspension of driver's licenses for failure to maintain (Maurstad)................ 155

LR

Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad)........................... 62CA
Tobacco products: interim study of the tobacco retail license system and sale of products (Preister, Jensen)................................ 271

LIENS
Filing system for the perfecting of liens and security interests: interim study to review statutes (Landis).............................. 209

LIEUTENANT GOVERNOR
Legislature: eliminate references to the Lieutenant Governor as the presiding officer (Withem, Kristensen, Warner)....................... 47CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)............................ 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA

LINCOLN
Antelope Creek Valley study: interim study to examine the potential state impacts of proposals (Wesely).................................... 253
Kahoa Elementary School: commend students for showing support for restoration of the State Capitol (Brown, Jensen, Wesely)................ 68
Lincoln Northeast High School boys' basketball team and Coach Rick Collura for Class A state championship: congratulate (Wesely, Landis).. 99
Lincoln Southeast High School girls' basketball team and Coach John Larsen for Class A state championship: congratulate (Crosby, Schimek, Beutler)... 91
Lincoln Stars hockey team and Coach Steve Johnson: congratulate on their successful season (Wesely, Landis, Beutler, Schimek, Crosby)...... 126
Lincoln Symphony Orchestra on its seventieth anniversary: congratulate (Crosby).. 71
South and east beltway: interim study to examine the city's plans from a state perspective (Wesely)...................................... 254

LIQUOR CONTROL COMMISSION
Interim study (General Affairs Committee).............................. 291

LIQUORS
Consumption of by persons under the legal age: interim study (General Affairs Committee)... 128
Liquor Control Commission: interim study (General Affairs Committee).... 291

LITCHFIELD
Litchfield High School girls' basketball team and Coach Joan Reznicek for Class D-2 state championship: congratulate (Cudaback)............. 97

LIVESTOCK
Brand law: interim study (Agriculture Committee and Jones)............. 161
Livestock operations: interim study to examine ways to encourage development considering environmental concerns (Bohlke)................ 123
Sellers: interim study relating to protecting sellers when the buyer's financial creditors foreclose before payment is made (Dierks, Schrock).. 195

MARRIAGE
Adoption: interim study to review state's laws on access to records and information (Suttle, Bromm, Schimek, Wesely, Matzke, Coordsen).......... 136

MEDIATION
Juvenile offenders: interim study whether county attorneys should be given dispositional option of victim-offender mediation (Wesely)........ 280
Mediation, arbitration agreements and dispute resolution: authorize the Legislature to provide for enforcement (Landis)...................... 61CA

MEDICAL ASSISTANCE

LR

Medicaid: interim study to conduct an actuarial study of the program (Wickersham, Hillman) 169

MEDICINE AND SURGERY

Mergers: interim study of the role of the state in oversight and regulation of hospital and health care related mergers (Wesely, Matzke, Elmer) 188

MENTAL HEALTH

Behavioral Mental Health Redesign: interim study (Health and Human Services Committee, Tyson, Bohlke, Schimek) 219

Services: interim study to examine costs to the state and lack of coverage or lower coverage by insurance providers (Brown) 284

MILITARY

Armed Services Vocational Aptitude Battery (ASVAB) 18/19 Career Exploration Program Week: declare for March 24-30, 1997 (Hilgert) 95

MINERALS, OIL, AND NATURAL GAS

Natural gas rates, regulation of: interim study (Urban Affairs Committee) 199

MORMON TRAIL

"Mormon Pioneer Heritage Days": proclaim for April 17 through June 3, 1997 (Lynch) 86

MOSEL, JUSTIN

National Geography Bee in Washington, D.C.: congratulate for third place (Dierks) 299

MOTOR VEHICLE FUELS

Ethanol: interim study (Beutler, Preister) 226

MOTOR VEHICLES

Auto theft: interim study to review laws (Lynch) 104

Handicapped parking statutes: interim study (Urban Affairs Committee) 198

Insurance: interim study to examine rating practices of the automobile insurance industry (Preister, Hilgert) 215

Insurance: interim study to examine rating practices of the automobile insurance industry (Hilgert, Preister) 250

License plates: interim study relating to manufacture, issuance and administration (Kristensen) 263

Motor vehicles taxes: change provisions (Revenue Committee, Maurstad) 45CA

Passenger carriers, licensing and regulation of: interim study (Withem) 133

Proof of financial responsibility: interim study of ways to encourage owners to maintain during the entire registration period (Landis) 214

Proof of financial responsibility: interim study relating to suspension of driver's licenses for failure to maintain (Maurstad) 155

State and political subdivision vehicles: interim study to review cost (Cudaback, Robinson, Coordsen) 204

Tax and fee schedules: interim study of the impact of LB 271, 1997 (Kristensen) 258

Traffic diversion programs: interim study to examine the general philosophy and policies (Schmitt) 203

MUNICIPALITIES

Income tax, local option: interim study relating to permitting municipalities to impose (Schimek) 191

Tax rates within and outside municipalities: authorize the Legislature to provide for differences (Maurstad, Brown) 63CA

Tax rates: change provisions (Revenue Committee, Maurstad) 45CA

Volunteer firefighters and rescue squad personnel: interim study to review use of sirens by municipalities to summon personnel (Hartnett, Dw. Pedersen, Abboud) 236

MUSIC
Lincoln Symphony Orchestra on its seventieth anniversary: congratulate (Crosby)........ 71

NATURAL RESOURCES
Congress: propose an amendment to the U.S. Constitution relating to protection of natural resources (Preister)........ 54

NATURAL RESOURCES DISTRICTS
Antelope Creek Valley study: interim study to examine the potential state impacts of proposals (Wesely)........ 253
Cloud seeding: interim study of possibility of sharing responsibility of seeding with natural resources districts and others (Schrock, Elmer, Beutler)........ 247
Disputes between landowners: interim study to examine districts becoming involved in settling minor disputes (Janssen)........ 179
Interim study (Tyson, Beutler)........ 172
Water issues in connection with the state's natural resources districts: interim study (Beutler, Elmer)........ 243

NEGLIGENCE
Damages caused by negligent conduct of another: provide a person's right to recover is not barred by restriction on use of fine (Will)... 22CA

OAKLAND
Oakland-Craig High School wrestling team and coaches for Class C state championship: congratulate (Robinson)........ 84

OMAHA
Omaha North High School girls' swim team and coach Allison Terry for Class A state championship: congratulate (Lynch)........ 85
Omaha Northwest High School: applaud Cox Communications for support (Suttle)........ 51
University of Nebraska at Omaha volleyball team: congratulate on success (Brown, Jensen, Preister, Lynch, Bruning, Hilgert, Suttle, Brashear)........ 69
Westgate Elementary School: commend students for showing support for support for restoration of the State Capitol (Brown, Jensen, Wesely).... 68

ORCHARD
Mosel, Justin: congratulate for placing third in the National Geography Bee in Washington, D.C. (Dierks)........ 299

PARDONS, BOARD OF
Eliminate provisions (Withem, Kristensen, Warner)........ 27CA

PAROLE, BOARD OF
Constitutional provisions establishing the board: eliminate provisions (Withem, Kristensen, Warner)........ 27CA

PARTNERSHIP ACT, NEBRASKA UNIFORM LIMITED
Interim study (Landis)........ 210

PAWNBROKERS
Junk dealers and pawnbrokers: interim study to consider inconsistencies within the statutes (Judiciary Committee)........ 273

PETROLEUM PRODUCTS
Leaking Underground Storage Tank program: interim study (Beutler, Engel, Kiel, Preister, Bohlke, Bromm)........ 225

PHYSICIANS AND SURGEONS
Mergers: interim study of the role of the state in oversight and regulation of hospital and health care related mergers (Wesely, Matzke, Elmer)........ 188

LR

PLUMBING

Licenses: interim study of legislation which would license plumbers through the Dept. of Health and Human Services (Hudkins, Hartnett, Lynch, Withem) 266

POLICE OFFICERS

Citizen complaints: interim study to examine process used in handling citizen complaints (Preister) 67
Cooperative arrangements between law enforcement agencies in responding to crime: interim study (Wesely) 256
Law enforcement costs: interim study (Urban Affairs Committee) 196
State Patrol training and local law enforcement training at Grand Island: interim study to review costs for co-location (C. Peterson, Schmitt, Bohlke, Jones, McKenzie) 73

POLITICAL SUBDIVISIONS

Bidding requirements for purchases by state, local governments and other political subdivisions: interim study (Jensen) 140
Counties: interim study to examine authorizing counties to sell tax certificates (C. Peterson) 167
Libraries: interim study of the impact of levy limits on providing public library services (General Affairs Committee) 164
Property tax base: interim study relating to expansion and granting local governments other tax bases (Revenue Committee) 144
Services: interim study to encourage cooperative efforts between subdivisions to provide necessary services (Withem) 201
Unfunded mandates: require the Legislature to appropriate funds to political subdivisions (Coordsen) 2CA
Vehicles: interim study to review cost of state and political subdivision vehicles (Cudaback, Robinson, Coordsen) 204

POLLUTION

Emission fee collected from major sources of air pollution: interim study (Beutler, Bohlke) 241

POSTSECONDARY EDUCATION

Electronics, Nebr. Center for Excellence in: interim study to examine development of in the University of Nebr. Technology Park (Maurstad) 181
Loans: interim study relating to procedures to reduce cohort default loan rates for loan programs (Bohlke) 234
Prepaid tuition program: interim study to determine how best to develop and implement (Kristensen) 135
State buildings: recognize the continuing deterioration and appropriate funds for completion of major construction projects (Lynch) 300
University of Nebr.: interim study of the use of facilities, equipment and staff by tenured faculty for personal financial gain (Hudkins) 178
University of Nebraska at Omaha volleyball team: congratulate on success (Brown, Jensen, Preister, Lynch, Bruning, Hilgert, Suttle, Brashear) 69
University of Nebraska women's soccer team for their outstanding season: congratulate (Withem) 75
University of Nebraska: interim study to review costs of vehicles (Cudaback, Robinson, Coordsen) 204
Wesleyan University men's basketball team and Coach Todd Raridon: commend on their performance in the NCAA Div. III tournament (Wesely, Schrock) 114

PRISONERS AND PRISONS

Capital punishment: interim study (Judiciary Committee) 275
Law enforcement costs: interim study (Urban Affairs Committee) 196
Post-conviction petitions filed by prisoners: interim study (Judiciary Committee) 272
State prisoners in county jails: interim study to examine reimbursement to counties by the state for feeding and boarding (Wehrbein) 171
Victim notification laws: interim study (Wesely) 277

PROPANE

LR

Propane consumers and propane industry personnel: interim study to analyze safety awareness (Beutler, Elmer)........ 246

PROPERTY TAX

Delinquent payment of taxes: interim study (McKenzie)........ 257
Interim study (Revenue Committee)........ 173
Interim study (Revenue Committee)........ 174
Local governments: interim study relating to expansion of the property tax base and granting other tax bases (Revenue Committee)........ 144
Reduction and merger and consolidation of public bodies: interim study (Hartnett)........ 218
Villages: interim study to investigate the level of interest in village dissolution, as a result of limiting property tax levies (Hartnett, Elmer)........ 216

PUBLIC ASSISTANCE

Medicaid: interim study to conduct an actuarial study of the program (Wickersham, Hillman)........ 169

PUBLIC EMPLOYEES, RETIREMENT BOARD

Benefit adequacy: interim study to create a uniform set of criteria to be used in determination of benefit adequacy (Nebraska Retirement Systems Committee)........ 148

PUBLIC HEALTH AND WELFARE

Acupuncture: interim study (C. Peterson)........ 166
Behavioral Mental Health Redesign: interim study (Health and Human Services Committee, Tyson, Bohlke, Schimek)........ 219
Diabetes: interim study relating to ensuring persons have third-party reimbursement for equipment and medications (Schimek, Suttle, Wesely, Stuhr)........ 192
Health and human services issues: interim study (Health and Human Services Committee)........ 221
Health insurance, sickness and accident losses: interim study if losses should be included under Intergovernmental Risk Mgmt. Act (Maurstad)........ 154
Hydrogen sulfide gas and other airborne sulfide compounds: interim study of health and environmental effects (Beutler, Preister)........ 270
Managed care arrangements: interim study of Nebraska's regulatory authority (Landis, Wesely, Elmer)........ 205
Meat and poultry inspection program: interim study to examine whether resumption of the program is feasible (Agriculture Committee)........ 157
Medicaid: interim study to conduct an actuarial study of the program (Wickersham, Hillman)........ 169
Medical and health risk bearing entities: interim study to examine possible legislation to provide for regulation (Landis, Elmer)........ 206
Mental health services: interim study to examine costs to the state and lack of coverage or lower coverage by insurance providers (Brown)........ 284
Mergers: interim study of the role of the state in oversight and regulation of hospital and health care related mergers (Wesely, Matzke, Elmer)........ 188
Metabolic and other disorders: interim study relating to the screening of newborn infants (Wesely)........ 248
Osteoporosis: interim study to review Nebraska's responsibility to reduce disabilities due to osteoporosis (Schimek, Suttle, Wesely)........ 193
Partnership Project, Nebraska: interim study (Health and Human Services Committee)........ 220
Schools: interim study relating to purchase of group medical insurance coverage for employees by school districts (Bromm, Robinson, Vrtiska, Dierks)........ 175
Schools: interim study to provide all students be ensured of access to school nurses delivering quality health services (Crosby)........ 183
Uninsured children: interim study to examine health care availability (Wesely, Beutler)........ 186

PUBLIC LANDS, BUILDINGS AND FUNDS

State buildings: recognize the continuing deterioration and appropriate funds for completion of major construction projects (Lynch)........ 300

LR

PUBLIC POWER
Electric utility service areas (Beutler)............................... 268

PUBLIC SERVICE COMMISSION
Eliminate provisions (Warner)...................................... 44CA
Eliminate references (Brown, Engel, Warner)........................... 31CA
Passenger carriers, licensing and regulation of: interim study (Withem).. 133

RADIOACTIVE WASTE
Low level radioactive waste repository proposed in Boyd County: interim study (Dierks, Schrock, Schellpeper, Preister, Bromm).................. 202

RAILWAY COMMISSION
Eliminate references (Brown, Engel, Warner)........................... 31CA

RANCHING
Brand law: interim study (Agriculture Committee and Jones)............. 161
Disputes between landowners: interim study to examine natural resources districts becoming involved in settling minor disputes (Janssen)........ 179
Easterly, Scott and Jane: recognize for receiving national and state recognition in the Outstanding Young Farmer program (Matzke)............ 112
Economic development programs which can be targeted toward activities which enhance farm income: interim study (Agriculture Committee)....... 159
Host Farm and Ranch Act, Nebraska: interim study (Agriculture Committee).. 162
Livestock operations: interim study to examine ways to encourage development considering environmental concerns (Bohlke)................ 123
Livestock: interim study relating to protecting sellers when the buyer's financial creditors foreclose before payment is made (Dierks, Schrock).. 195
Natural resources districts: interim study (Tyson, Beutler)............ 172
Right to Farm Act, Neb.: interim study of relationship with proposed air quality standards which impact ag. production facilities (Agriculture Committee).. 160
Tractor Testing Laboratory, Nebr.: interim study of the future viability (Agriculture Committee).................................. 158

REAL PROPERTY
Taxation: require property not exempt from taxation to be taxed either uniformly or based upon a three year average value (Warner, at the request of the Governor)... 65CA

RECREATION
Niobrara National Scenic River and Miss./Niobrara/Verdigre Creek National Recreational Rivers: interim study to review progress (Beutler)... 269
Recreational trails: interim study to review development of current sources of funding (Beutler, Preister)............................... 223
Sonnenfeld, Jeremy: congratulate for bowling three consecutive 300 games for a perfect 900 series (Robinson)............................. 80

RECYCLING
Plastic containers: interim study to examine policies relating to solid waste and recycling (Beutler, Preister).............................. 242
Tires: interim study to consider uses for scrap tires (Beutler)......... 245

REDISTRICTING
Legislative and congressional districts: interim study (Robinson, Bromm)... 251

RETIREMENT
Benefit adequacy: interim study to create a uniform set of criteria to be used in determination of benefit adequacy (Nebraska Retirement Systems Committee).. 148

Judges Retirement System: interim study (Nebraska Retirement Systems Committee)........ 147
Legislature and other constitutional officers: interim study to examine cost projections for a supplemental retirement plan (Chambers)........ 283
Retirement records kept by public entities and means by which the information is conveyed to the Retirement Board: interim study (Nebraska Retirement Systems Committee)........ 146
School Employees Retirement System: interim study to examine adopting the "Rule of Eighty-five" (Robinson)........ 190
State Patrol: interim study to examine providing cost of living adjustments for retirees (Hartnett, Brashear)........ 194

RETIREMENT BOARD, PUBLIC EMPLOYEES
Retirement records kept by public entities and means by which the information is conveyed: interim study (Nebraska Retirement Systems Committee)........ 146
School Employees Retirement System: interim study to examine adopting the "Rule of Eighty-five" (Robinson)........ 190
State Patrol: interim study to examine providing cost of living adjustments for retirees (Hartnett, Brashear)........ 194

REVENUE AND TAXATION
Agricultural and horticultural land valuation boards and the Tax Equalization Review Comm.: interim study of the relationship (Stuhr)... 176
Counties: interim study to examine authorizing counties to sell tax certificates (C. Peterson)........ 167
Governmental property taxation: change provisions (Revenue Committee, Maurstad)........ 45CA
Income tax, local option: interim study relating to permitting municipalities to impose (Schimek)........ 191
Motor vehicles taxes: change provisions (Revenue Committee, Maurstad)........ 45CA
Motor vehicles: interim study of the impact of LB 271, 1997, which provides tax and fee schedules (Kristensen)........ 258
Municipal tax rates: change provisions (Revenue Committee, Maurstad)........ 45CA
Property tax base: interim study relating to expansion and granting local governments other tax bases (Revenue Committee)........ 144
Property tax reduction and merger and consolidation of public bodies: interim study (Hartnett)........ 218
Property tax: interim study (Revenue Committee)........ 173
Property tax: interim study (Revenue Committee)........ 174
Property tax: interim study to examine issues of delinquent payment of taxes (McKenzie)........ 257
Real property: require property not exempt from taxation to be taxed either uniformly or based upon a three year average value (Warner, at the request of the Governor)........ 65CA
Tax rates within and outside municipalities: authorize the Legislature to provide for differences (Maurstad, Brown)........ 63CA
Tax Equalization and Review Commission: interim study to review operations of and statutory frame work (Kristensen)........ 153
Taxation: permit the Legislature to classify property for purposes of taxation (Will)........ 64CA
Telecommunications technologies: interim study to examine effect of changes and services relating to state and local tax policy (Kristensen)........ 259
Telecommunications, wireless: interim study to review current sales and use tax statutes which apply to sales and service (Hartnett, Withem, Lynch, Brown, Suttle, Coordsen, Abboud, Landis, Bruning, Brashear, Will)....... 117

RIGHT TO FARM ACT, NEBRASKA
Agricultural production facilities: interim study of relationship of the act with the impact of proposed air quality standards (Agriculture Committee)........ 160

ROADS
Highway trust funds: interim study (Maurstad)........ 180

LR

Lincoln: interim study to examine the city's plans for a south and east beltway from a state perspective (Wesely)........ 254

Roads, highways and bridges: require revenue from certain taxes and fees to be used for maintenance (Maurstad)........ 62CA

SAFE DRINKING WATER ACT, FEDERAL

Administration of the act by Nebraska: interim study (Beutler, Wesely, Preister)........ 224

SAFETY

Propane consumers and propane industry personnel: interim study to analyze safety awareness (Beutler, Elmer)........ 246

SALES AND INCOME TAX

Income tax, local option: interim study relating to permitting municipalities to impose (Schimek)........ 191

SALES AND USE TAX

Telecommunications, wireless: interim study to review current sales and use tax statutes which apply to sales and service (Hartnett, Withem, Lynch, Brown, Suttle, Coordsen, Abboud, Landis, Bruning, Brashear, Will)........ 117

SCHELLER, DR. WILLIAM A.

Extend sympathy to family (Beutler)........ 4

SCHOOL DISTRICTS

Budgeting process: interim study (Bohlke)........ 235

Core curriculum issues and quality education: interim study (Bohlke, Wickersham, Suttle, McKenzie, Bromm, Stuhr, Beutler)........ 264

DARE Program: interim study to examine alternatives to the program and potential federal funding (Hillman, Wehrbein, Brown, Brashear)........ 184

Finance: interim study to design and implement statewide assessment of school spending (Bohlke, Wickersham)........ 233

Governmental and community services: interim study to examine how local schools can be utilized for services (Wesely)........ 252

High ability students: interim study of development and need for services and programs in public schools (McKenzie, Schimek, Bruning, Bohlke, Bromm, Suttle, Beutler, Brown)........ 267

Liability for payment of preexisting bond debt of territory moving from one school district to another: interim study (Raikes)........ 170

Medical insurance for employees: interim study relating to purchase of group coverage by school districts (Bromm, Robinson, Vrtiska, Dierks)... 175

Option enrollment program: interim study of issues regarding students with disabilities and special education students (Hartnett)........ 238

Public, private, denominational and parochial schools: eliminate a reference (Warner, Kristensen, Withem)........ 42CA

Requiring districts to admit pupils who are in the actual physical custody of a resident of the district: study of legal issues (Hartnett)........ 239

School Employees Retirement System: interim study to examine adopting the "Rule of Eighty-five" (Robinson)........ 190

Special education: interim study to assist the Dept. of Education in adopting rules to define educational benefit (McKenzie)........ 285

State aid: request the Attorney General review LB 806 and LB 710to determine constitutionality of certain provisions (Coordsen, Dierks, Schellpeper, Bromm)........ 295

Student dropout rate in Nebraska: interim study (Suttle, Bohlke)........ 137

Students: interim study to provide all students be ensured of access to school nurses delivering quality health services (Crosby)........ 183

SCHOOLS

Budgeting process: interim study (Bohlke)........ 235

Core curriculum issues and quality education: interim study (Bohlke, Wickersham, Suttle, McKenzie, Bromm, Stuhr, Beutler)........ 264

DARE Program: interim study to examine alternatives to the program and potential federal funding (Hillman, Wehrbein, Brown, Brashear)........ 184

LR
Finance: interim study to design and implement statewide assessment of school spending (Bohlke, Wickersham)................................ 233
Governmental and community services: interim study to examine how local schools can be utilized for services (Wesely).......................... 252
High ability students: interim study of development and need for services and programs in public schools (McKenzie, Schimek, Bruning, Bohlke, Bromm, Suttle, Beutler, Brown)................................ 267
Kahoa Elementary School: commend students for showing support for restoration of the State Capitol (Brown, Jensen, Wesely)............... 68
Liability for payment of preexisting bond debt of territory moving from one school district to another: interim study (Raikes)................ 170
Medical insurance for employees: interim study relating to purchase of group coverage by school districts (Bromm, Robinson, Vrtiska, Dierks)... 175
Option enrollment program: interim study of issues regarding students with disabilities and special education students (Hartnett)............ 238
Public, private, denominational and parochial schools: eliminate a reference (Warner, Kristensen, Withem).............................. 42CA
Requiring districts to admit pupils who are in the actual physical custody of a resident of the district: study of legal issues (Hartnett)... 239
School Employees Retirement System: interim study to examine adopting the "Rule of Eighty-five" (Robinson)................................ 190
Special education: interim study to assist the Dept. of Education in adopting rules to define educational benefit (McKenzie)................ 285
State aid: request the Attorney General review LB 806 and LB 710to determine constitutionality of certain provisions (Coordsen, Dierks, Schellpeper, Bromm).. 295
Student dropout rate in Nebraska: interim study (Suttle, Bohlke)........ 137
Students: interim study to provide all students be ensured of access to school nurses delivering quality health services (Crosby).............. 183
Westgate Elementary School: commend students for showing support for restoration of the State Capitol (Brown, Jensen, Wesely)............... 68

SECRETARY OF STATE
Administrative Code, Nebraska, and the Nebraska Register: interim study relating to implementation (Coordsen).................................. 156
Appointment or election: provide (Warner, Kristensen, Withem)......... 11CA
Candidates: require certain candidates for public office to resign their current public position (Brashear)............................ 40CA
Constitution: repeal requirements that the Constitution be enrolled and deposited in the Secretary of State's office (Withem, Kristensen, Warner).. 29CA
Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem)......... 12CA
Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem).. 38CA
Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner)............... 7CA
Initiative and referendum measures: identify the powers of and remove obsolete language (Withem, Kristensen, Warner)...................... 55CA
Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem)................ 39CA
Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler).. 56CA
Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek)......... 32CA
Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem).................... 41CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)............................ 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA

SECURED TRANSACTIONS

LR

Filing system for the perfecting of liens and security interests: interim study to review statutes (Landis).............................. 209

SEWARD
Seward High School wrestling team and coaches for the Class B state championship: congratulate (Stuhr).................................. 83

SEXUAL PREDATOR ACT
Interim study (Judiciary Committee).................................. 274

SHERIFFS
Citizen complaints: interim study to examine process used in handling citizen complaints (Preister).. 67
Cooperative arrangements between law enforcement agencies in responding to crime: interim study (Wesely).................................. 256
State Patrol training and local law enforcement training at Grand Island: interim study to review costs for co-location (C. Peterson, Schmitt, Bohlke, Jones, McKenzie).................................... 73
Summonses, subpoenas and other orders: interim study to examine fees charged by sheriffs for serving (Robinson)........................... 145

SHICKLEY
Shickley High School boys' basketball team and Coach Dan Sorge for Class D-2 state championship: congratulate (Coordsen)....................... 98

SMAGACZ, FRANK
Extend sympathy to family (Robinson, Janssen, Bromm, Kiel).............. 298

SOLID WASTE
Plastic containers: interim study to examine policies relating to solid waste and recycling (Beutler, Preister)............................... 242
Tires: interim study to consider uses for scrap tires (Beutler)......... 245

SONNENFELD, JEREMY
Congratulate for bowling three consecutive 300 games for a perfect 900 series (Robinson)... 80

SOUTH SIOUX CITY
South Sioux City High School girls' basketball team and coach Kelly Flynn for Class B state championship: congratulate (Engel)............ 93

STATE CAPITOL
Westgate Elementary School and Kahoa Elementary School: commend students for showing support for restoration (Brown, Jensen, Wesely).... 68

STATE OFFICERS
Auditor of Public Accounts: eliminate from the list of executive officers (Warner, Kristensen, Withem).............................. 11CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)........................... 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA
Retirement: interim study to examine cost projections for a supplemental retirement plan (Chambers)................................ 283
State Treasurer: eliminate from the list of executive officers (Warner, Kristensen, Withem).. 11CA

STATE PATROL
Citizen complaints: interim study to examine process used in handling citizen complaints (Preister).. 67
Cooperative arrangements between law enforcement agencies in responding to crime: interim study (Wesely).................................. 256
DARE Program: interim study to examine alternatives to the program and potential federal funding (Hillman, Wehrbein, Brown, Brashear).......... 184
Retirement: interim study to examine providing cost of living adjustments for retirees (Hartnett, Brashear)......................... 194

LR

State Patrol training and local law enforcement training at Grand Island: interim study to review costs for co-location (C. Peterson, Schmitt, Bohlke, Jones, McKenzie)........ 73

STATE TREASURER
Executive officer: eliminate provisions (Warner, Kristensen, Withem)........ 11CA
Residency requirements for executive officers of the state: change provisions (Cudaback, Robinson, Schrock)........ 8CA
Residency requirements for executive officers of the state: change provisions relating to restrictions (Warner, Kristensen, Withem)...... 9CA

SYAS, SENATOR GEORGE D.
Extend sympathy to family (Lynch)........ 79

TAX EQUALIZATION AND REVIEW COMMISSION
Operation and statutory framework: interim study (Kristensen)........ 153

TAX EQUALIZATION REVIEW COMMISSION
Agricultural and horticultural land valuation boards and the Tax Equalization Review Comm.: interim study of the relationship (Stuhr)... 176

TECHNOLOGY
Court automation: interim study to review plans, progress and costs (Hillman, Wehrbein, Brashear)........ 185
Digital signatures, use of: interim study (Kristensen)........ 262
Electronics, Nebr. Center for Excellence in: interim study to examine development of in the University of Nebr. Technology Park (Maurstad).... 181
Telecommunications technologies: interim study to examine effect of changes and services relating to state and local tax policy (Kristensen)........ 259

TECUMSEH
Hartman, Dalton: congratulate for winning the "You Know Contest" (Vrtiska)........ 82
Tecumseh High School boys' basketball team and coach Chris Hutt for district championship: congratulate (Vrtiska)........ 94
Tecumseh High School boys' basketball team and Coach Chris Hutt for Class C-2 state championship: congratulate (Vrtiska)........ 101

TELECOMMUNICATIONS
Digital signatures, use of: interim study (Kristensen)........ 262
Sales and use tax statutes which apply to sales and service involving wireless telecommunications: interim study (Hartnett, Withem, Lynch, Brown, Suttle, Coordsen, Abboud, Landis, Bruning, Brashear, Will)....... 117
Telecommunications technologies: interim study to examine effect of changes and services relating to state and local tax policy (Kristensen)........ 259
Telecommunications Act of 1996, Federal: interim study of Nebraska's implementation and administration (Kristensen)........ 260
Television: interim study relating to the ruling by the FCC that television franchises convert to digital television (Bohlke, Wehrbein)........ 143
911 telephone service: interim study (Kristensen)........ 261

TELEPHONES
911 telephone service: interim study (Kristensen)........ 261

TELEVISION
Digital television: interim study relating to the ruling by the FCC that franchises convert to digital television (Bohlke, Wehrbein)........ 143

TOBACCO
Products: interim study of the tobacco retail license system and sale of products (Preister, Jensen)........ 271

TOWNSHIPS

LR
Change provisions (Revenue Committee, Maurstad)........................ 45CA
County and township officers: eliminate provisions (Hillman, Brown, Engel, Maurstad, Robinson).. 52CA

TRANSPORTATION
Handicapped parking statutes: interim study (Urban Affairs Committee).. 198
Lincoln: interim study to examine the city's plans for a south and east beltway from a state perspective (Wesely)............................ 254
Passenger carriers, licensing and regulation of: interim study (Withem).. 133

UNIVERSITIES AND COLLEGES
Electronics, Nebr. Center for Excellence in: interim study to examine development of in the University of Nebr. Technology Park (Maurstad).... 181
Loans: interim study relating to procedures to reduce cohort default loan rates for loan programs (Bohlke)................................ 234
Prepaid tuition program: interim study to determine how best to develop and implement (Kristensen)... 135
State buildings: recognize the continuing deterioration and appropriate funds for completion of major construction projects (Lynch)............ 300
University of Nebr.:interim study of the use of facilities, equipment and staff by tenured faculty for personal financial gain (Hudkins)...... 178
University of Nebraska at Omaha volleyball team: congratulate on success (Brown, Jensen, Preister, Lynch, Bruning, Hilgert, Suttle, Brashear).. 69
University of Nebraska women's soccer team for their outstanding season: congratulate (Withem).. 75
University of Nebraska: interim study to review costs of vehicles (Cudaback, Robinson, Coordsen).. 204
Wesleyan University men's basketball team and Coach Todd Raridon: commend on their performance in the NCAA Div. III tournament (Wesely, Schrock).. 114

UTILITIES
Electric utility service areas: interim study (Beutler)................ 268
Utility facility expansions: interim study of the differential fee system being implemented for financing (Hartnett, Preister, Lynch, Withem).. 265

VETERINARY MEDICINE
Vrbka, Dr. Donald H.: congratulate for being named Veterinarian of the Year (Robak).. 74

VICTIMS OF CRIME
Crime Victims' Rights Week: declare for the week of April 13-19, 1997 (Wesely).. 111
Victim notification laws: interim study (Wesely)...................... 277

VOLUNTEER FIREFIGHTERS & RESCUE SQUAD PERSONNEL RECRUIT. ACT
Interim study (Urban Affairs Committee)............................... 197

VOTERS AND VOTING
Candidates: require certain candidates for public office to resign their current public position (Brashear)........................... 40CA
Constitutional amendments: change election procedures to require two separate votes by the electorate (Warner, Kristensen, Withem)......... 12CA
Initiative and referendum measures: change requirements for signing, the number of signatures required and filing requirements (Kristensen, Warner, Withem).. 38CA
Initiative and referendum measures: change the method of calculating the number of signatures (Schimek, Kristensen, Warner)............... 7CA
Initiative and referendum measures: identify the powers of and remove obsolete language (Withem, Kristensen, Warner)....................... 55CA
Initiative and referendum measures: limit initiative and referendum petitions to one subject (Kristensen, Warner, Withem)................ 39CA

LR

Initiative and referendum measures: provide for legislative consideration of measures proposed by initiative petitions (Beutler)........ 56CA
Initiative and referendum measures: require measures to contain or refer to only one subject or act of the Legislature (Schimek)......... 32CA
Initiative and referendum measures: require they contain or refer to only one subject or act of the Legislature (Robinson, Coordsen, Dierks, Kristensen, Schellpeper, Schimek, Warner, Withem).................... 41CA
Term limits on Congress: apply to Congress to convene a constitutional convention for purposes of proposing an amendment (Witek)............... 35
Term limits: apply to Congress to convene a Constitutional Convention as a result of Initiative 409 (Withem)................................ 1

VRBKA, DR. DONALD H.
Veterinarian of the Year: congratulate (Robak).......................... 74

WAHOO
Bishop Neumann Central Catholic High School High School boys' track team for Class C state championship: congratulate (Bromm).................. 297

WASTE
Plastic containers: interim study to examine policies relating to solid waste and recycling (Beutler, Preister)................................ 242
Tires: interim study to consider uses for scrap tires (Beutler)......... 245

WATER
Safe Drinking Water Act, Federal: interim study to examine Nebraska's administration of the act (Beutler, Wesely, Preister).................. 224
Surface water appropriations: interim study of implications of allowing transfer (Beutler, Preister).. 244
Vegetative filter strips: interim study of incentive programs to encourage use of strips to enhance water quality (Stuhr, Dierks)........ 249
Water conflicts, interstate: interim study to examine methods of resolving (Beutler).. 240
Water issues in connection with the state's natural resources districts: interim study (Beutler, Elmer)................................... 243

WOMEN
Issues including sexual harassment, domestic violence, welfare reform, child care and wages: interim study (Wesely, Schimek, Brown, Hillman, McKenzie, Beutler, Stuhr, Wehrbein, Bohlke, Suttle, Raikes, Crosby, Robak, Landis, Janssen, Chambers, Dw. Pedersen).............................. 282

WORKERS' COMPENSATION
Cost benefit analysis and a review of LB 757, 1993: interim study (Abboud, Dierks, Hilgert, Schrock, Preister, Schimek).................. 141

WRIGHT, STEPHEN
Nebraska Spelling Bee Champion: congratulate (Robak).................... 106

ZABKA, CRYSTAL
American Drug Free Powerlifting Association Women's Nationals: congratulate for winning national championship in her division (Robak).. 122